

Utah Code § 76-17-401 — Pattern of Unlawful Activity Act

Source: Utah State Legislature (le.utah.gov), official current text, retrieved 2026-06-02. (Pattern of Unlawful Activity Act — Utah's civil/criminal RICO, recodified to Title 76 Ch. 17.)

76-17-401. Definitions.

As used in this part:

- (1)
- (a) "Enterprise" means an individual, sole proprietorship, partnership, corporation, business trust,
 - ↪ association, or other legal entity, and a union or group of individuals associated in fact
 - ↪ although not a legal entity.
- (b) "Enterprise" includes illicit as well as licit entities.
- (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the commission of at
 - ↪ least three episodes of unlawful activity, which episodes are not isolated, but have the same
 - ↪ or similar purposes, results, participants, victims, or methods of commission, or otherwise
 - ↪ are interrelated by distinguishing characteristics. Taken together, the episodes shall
 - ↪ demonstrate continuing unlawful conduct and be related either to each other or to the
 - ↪ enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have
 - ↪ occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful
 - ↪ activity as defined by this part shall have occurred within five years of the commission of
 - ↪ the next preceding act alleged as part of the pattern.
- (3) "Person" includes an individual or entity capable of holding a legal or beneficial interest in
 - ↪ property, including state, county, and local governmental entities.
- (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,
 - ↪ encourage, or intentionally aid another person to engage in conduct that would constitute an
 - ↪ offense described by the following crimes or categories of crimes, or to attempt or conspire
 - ↪ to engage in an act that would constitute any of those offenses, regardless of whether the
 - ↪ act is in fact charged or indicted by an authority or is classified as a misdemeanor or a
 - ↪ felony:
- (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized Recording Practices Act;
- (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality Code, Sections
 - ↪ 19-1-102 through 19-7-109;
- (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale,
 - ↪ trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or Section 23A-5-311;
- (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B, Chapter 3,
 - ↪ Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal Offenses and
 - ↪ Procedure Act;
- (f) unlawful marking of a handgun under Section 53-5a-105;
- (g) alteration of number or mark on a handgun under Section 53-5a-106;
- (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah Uniform Land Sales
 - ↪ Practices Act;
- (i) an act prohibited by the criminal provisions under Chapter 18, Part 2, Offenses Concerning
 - ↪ Controlled Substances, Part 4, Offenses Concerning Imitation Controlled Substances, Part 5,
 - ↪ Clandestine Drug Labs, Title 58, Chapter 37, Controlled Substances, or Title 58, Chapter 37c,
 - ↪ Controlled Substance Precursors;
- (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities
 - ↪ Act;
- (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah Procurement Code;
- (l) assault under Section 76-5-102;
- (m) aggravated assault under Section 76-5-103;
- (n) terrorism under Section 76-5-107.3;
- (o) a criminal homicide offense under Section 76-5-201;
- (p) kidnapping under Section 76-5-301;
- (q) aggravated kidnapping under Section 76-5-302;
- (r) human trafficking for labor under Section 76-5-308;
- (s) human trafficking for commercial sexual exploitation under Section 76-5-308.1;
- (t) human trafficking of a child for labor under Section 76-5-308.5;
- (u) human trafficking of a child for commercial sexual exploitation under Section 76-5-308.6;

- (v) aggravated human trafficking for labor under Section 76-5-310;
- (w) aggravated human trafficking for commercial sexual exploitation under Section 76-5-310.2;
- (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- (y) human trafficking of a vulnerable adult for commercial sexual exploitation under Section 76-5-312;
- (z) human smuggling under Section 76-5-316;
- (aa) aggravated human smuggling under Section 76-5-317;
- (bb) sexual exploitation of a minor under Section 76-5b-201;
- (cc) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- (dd) sexual extortion under Section 76-5b-204;
- (ee) aggravated sexual extortion under Section 76-5b-204.1;
- (ff) possession of apparent child sexual abuse material under Section 76-5b-207;
- (gg) distribution of apparent child sexual abuse material under Section 76-5b-208;
- (hh) unlawful activity regarding obscene material depicting the sexual abuse of a minor under
↪ Section 76-5b-209;
- (ii) arson under Section 76-6-102;
- (jj) aggravated arson under Section 76-6-103;
- (kk) causing a catastrophe under Section 76-6-105;
- (ll) burglary under Section 76-6-202;
- (mm) aggravated burglary under Section 76-6-203;
- (nn) burglary of a vehicle under Section 76-6-204;
- (oo) manufacture or possession of an instrument for burglary or theft under Section 76-6-205;
- (pp) robbery under Section 76-6-301;
- (qq) aggravated robbery under Section 76-6-302;
- (rr) theft under Section 76-6-404;
- (ss) theft by deception under Section 76-6-405;
- (tt) theft by extortion under Section 76-6-406;
- (uu) theft by receiving stolen property under Section 76-6-408;
- (vv) theft of service under Section 76-6-409;
- (ww) forgery under Section 76-6-501;
- (xx) unlawful use of financial transaction card under Section 76-6-506.2;
- (yy) unlawful acquisition, possession, or transfer of financial transaction card under Section
↪ 76-6-506.3;
- (zz) financial transaction card offenses under Section 76-6-506.6;
- (aaa) deceptive business practices under Section 76-6-507;
- (bbb) bribery or receiving bribe by person in the business of selection, appraisal, or criticism of
↪ goods or services under Section 76-6-508;
- (ccc) bribery of a labor official under Section 76-6-509;
- (ddd) defrauding of creditors under Section 76-6-511;
- (eee) acceptance of deposit by insolvent financial institution under Section 76-6-512;
- (fff) unlawful dealing of property by fiduciary under Section 76-6-513;
- (ggg) unlawful influence of a contest under Section 76-6-514;
- (hhh) making a false credit report under Section 76-6-517;
- (iii) criminal simulation under Section 76-6-518;
- (jjj) criminal usury under Section 76-6-520;
- (kkk) insurance fraud under Section 76-6-521;
- (lll) retail theft under Section 76-6-602;
- (mmm) unlawful computer technology access or action or denial of service attack under Section
↪ 76-6-703;
- (nnn) identity fraud under Section 76-6-1102;
- (ooo) mortgage fraud under Section 76-6-1203;
- (ppp) sale of child under Section 76-7-203;
- (qqq) bribery or offering a bribe under Section 76-8-103;
- (rrr) threat to influence official or political action under Section 76-8-104;
- (sss) receiving or soliciting bribe or bribery by public servant under Section 76-8-105;
- (ttt) receiving bribe for endorsement of person as a public servant under Section 76-8-106;
- (uuu) bribery for endorsement of person as public servant under Section 76-8-106.1;
- (vvv) official misconduct based on unauthorized acts or failure of duty under Section 76-8-201;
- (www) official misconduct concerning inside information under Section 76-8-202;
- (xxx) obstruction of justice in a criminal investigation or proceeding under Section 76-8-306;
- (yyy) acceptance of bribe or bribery to prevent criminal prosecution under Section 76-8-308;

(zzz) harboring or concealing an offender who has escaped from official custody under Section
↳ 76-8-309.2;

(aaaa) unlawfully advancing foreign organizations and governments under Section 76-8-321;

(bbbb) making a false or inconsistent material statement under Section 76-8-502;

(cccc) making a false or inconsistent statement under Section 76-8-503;

(dddd) making a written false statement under Section 76-8-504;

(eeee) tampering with a witness under Section 76-8-508;

(ffff) retaliation against a witness, victim, or informant under Section 76-8-508.3;

(gggg) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

(hhhh) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;

(iiii) tampering with evidence under Section 76-8-510.5;

(jjjj) falsification or alteration of a government record under Section 76-8-511, if the record is a
↳ record described in Title 20A, Election Code, or Title 36, Chapter 11, Lobbyist Disclosure
↳ and Regulation Act;

(kkkk) public assistance fraud by an applicant for public assistance under Section 76-8-1203.1;

(llll) public assistance fraud relating to obtaining or using public assistance under Section
↳ 76-8-1203.3;

(mmmm) public assistance fraud by a provider under Section 76-8-1203.5;

(nnnn) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;

(oooo) public assistance fraud by a person facilitating an inaccurate public assistance application
↳ under Section 76-8-1203.9;

(pppp) false statement to obtain or increase unemployment compensation under Section 76-8-1301;

(qqqq) false statement to prevent or reduce unemployment compensation or liability under Section
↳ 76-8-1302;

(rrrr) unlawful failure to comply with the Employment Security Act requirement under Section
↳ 76-8-1303;

(ssss) unlawful use or disclosure of employment information under Section 76-8-1304;

(tttt) intentionally or knowingly causing one animal to fight with another under Subsection
↳ 76-13-202(2)(d) or (e), or Section 76-13-205 or 76-13-206 concerning dog fighting;

(uuuu) aggravated disorderly conduct on a street or highway under Section 76-9-102.1;

(vvvv) soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang under
↳ Section 76-9-803;

(www) aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal street
↳ gang under Section 76-9-803.1;

(xxxx) intimidating a minor to remain in a criminal street gang under Section 76-9-803.2;

(yyyy) aggravated intimidating a minor to remain in a criminal street gang under Section 76-9-803.3;

(zzzz) unlawful conduct involving an explosive, chemical, or incendiary device under Section
↳ 76-15-210;

(aaaaa) unlawful conduct involving an explosive, chemical, or incendiary part under Section 76-15-211;

(bbbbb) unlawful delivery or mailing of an explosive, chemical, or incendiary device under Section
↳ 76-15-209;

(ccccc) forging or counterfeiting a trademark, trade name, or trade device under Section 76-16-302;

(dddd) selling goods under a counterfeited trademark, trade name, or trade device under Section
↳ 76-16-303;

(eeee) sale in a container bearing a registered trademark of a substituted article under Section
↳ 76-16-304;

(ffff) selling, trafficking, or withholding an article bearing a registered trademark or service mark
↳ with intent to defraud under Section 76-16-306;

(ggggg) participating in gambling under Section 76-9-1402;

(hhhhh) permitting gambling under Section 76-9-1403;

(iiii) online gambling promotion under Section 76-9-1404;

(jjjjj) general gambling promotion under Section 76-9-1405;

(kkkkk) gambling fraud under Section 76-9-1406;

(lllll) possessing a gambling device or record under Section 76-9-1407;

(mmmmm) obtaining a benefit from a confidence game under Section 76-9-1410;

(nnnnn) distributing pornographic material under Section 76-5c-202;

(oooo) aiding or abetting a minor in distributing pornographic material under Section 76-5c-203;

(ppppp) inducing acceptance of pornographic material under Section 76-5c-204;

(qqqqq) distributing material harmful to minors under Section 76-5c-205;

(rrrrr) aiding or abetting a minor in distributing material harmful to minors under Section 76-5c-206;

(sssss) distributing obscene animal abuse material under Section 76-5c-215;
(ttttt) distribution of a pornographic film for exhibition under Section 76-5c-305;
(uuuuu) indecent public display in the presence of a minor under Section 76-5c-207;
(vvvvv) engaging in prostitution under Section 76-5d-202;
(wwwww) aiding prostitution under Section 76-5d-206;
(xxxxx) exploitation of prostitution under Section 76-5d-207;
(yyyyy) aggravated exploitation of prostitution under Section 76-5d-208;
(zzzzz) communications fraud under Section 76-6-525;
(aaaaaa) possession of a dangerous weapon with criminal intent under Section 76-11-208;
(bbbbbb) an act prohibited by the criminal provisions of Chapter 9, Part 16, Money Laundering and
↳ Currency Transaction Reporting;
(ccccc) vehicle compartment for contraband under Section 76-9-1902;
(ddddd) unlawful creation, installation, or attachment of a contraband compartment under Section
↳ 76-9-1903;
(eeeeee) an act prohibited by the criminal provisions of the laws governing taxation in this state;
↳ or
(ffffff) an act illegal under the laws of the United States and enumerated in 18 U.S.C. Secs.
↳ 1961(1)(B), (C), and (D).

Amended by Chapter 330, 2026 General Session

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