

Utah Code § 76-17-407 — 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.)

76-17-407. Prohibited conduct concerning a pattern of unlawful activity.

(1)

(a) As used in this section, "net proceeds" of a violation of this section means property acquired as
↳ a result of the violation minus the direct costs of acquiring the property.

(b) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-401 apply to this section.

(2) An actor commits prohibited conduct concerning a pattern of unlawful activity if the actor:

(a)

(i) has received proceeds derived, whether directly or indirectly, from a pattern of unlawful activity
↳ in which the actor has participated as a principal; and

(ii) uses or invests, directly or indirectly, any part of the income described in Subsection
↳ (2)(a)(i), or the proceeds of the income, or the proceeds derived from the investment or use
↳ of those proceeds, in the acquisition of an interest in, or the establishment or operation
↳ of, an enterprise;

(b) acquires or maintains, directly or indirectly, through a pattern of unlawful activity, an interest
↳ in or control of an enterprise;

(c)

(i) is employed by or associated with an enterprise; and

(ii) conducts or participates, whether directly or indirectly, in the conduct of the enterprise's
↳ affairs through a pattern of unlawful activity; or

(d) conspires to violate Subsection (2)(a), (b), or (c).

(3) A violation of Subsection (2) is a second degree felony.

(4) In addition to penalties prescribed by law, the court may order an actor to pay to the state, if
↳ the attorney general brought the action, or to the county, if the county attorney or district
↳ attorney brought the action, the costs of investigating and prosecuting the offense and the
↳ costs of securing the forfeitures provided for in this section.

(5) In lieu of a fine otherwise authorized by law for a violation of this section, an actor who
↳ derives net proceeds from a conduct prohibited by this section may be fined not more than
↳ twice the amount of the net proceeds.

(6) Upon a conviction for a violation of this section, and in addition to a penalty prescribed by law,
↳ the court may do any or all of the following:

(a) order restitution to any victim or rightful owner of property obtained, directly or indirectly,
↳ from:

(i) the conduct constituting the pattern of unlawful activity; or

(ii) any act or conduct constituting the pattern of unlawful activity that is proven as part of the
↳ violation of this section;

(b) order the actor to divest the actor of any interest in or any control, direct or indirect, of an
↳ enterprise;

(c) impose reasonable restrictions on the future activities or investments of any person, including
↳ prohibiting the person from engaging in the same type of endeavor as the enterprise engaged
↳ in, to the extent the Utah Constitution and the Constitution of the United States permit; or

(d) order the dissolution or reorganization of an enterprise.

(7) If a violation of this section is based on a pattern of unlawful activity consisting of acts or
↳ conduct in violation of Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or
↳ 76-5c-305, the court may not enter an order that would amount to a prior restraint on the
↳ exercise of an affected party's rights under the First Amendment to the Constitution of the
↳ United States or Utah Constitution, Article I, Section 15.

Renumbered and Amended by Chapter 173, 2025 General Session

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