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**Effective 5/10/2016**

**77-23a-8. Court order to authorize or approve interception -- Procedure.**

- (1) The attorney general of the state, any assistant attorney general specially designated by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy district attorney specially designated by the county attorney or by the district attorney, may authorize an application to a judge of competent jurisdiction for an order for an interception of wire, electronic, or oral communications by any law enforcement agency of the state, the federal government or of any political subdivision of the state that is responsible for investigating the type of offense for which the application is made.
- (2) The judge may grant the order in conformity with the required procedures when the interception sought may provide or has provided evidence of the commission of:
- (a) any act:
    - (i) prohibited by the criminal provisions of:
      - (A) [Title 58, Chapter 37, Utah Controlled Substances Act](#);
      - (B) [Title 58, Chapter 37c, Utah Controlled Substance Precursor Act](#); or
      - (C) [Title 58, Chapter 37d, Clandestine Drug Lab Act](#); and
    - (ii) punishable by a term of imprisonment of more than one year;
  - (b) any act prohibited by the criminal provisions of [Title 61, Chapter 1, Utah Uniform Securities Act](#), and punishable by a term of imprisonment of more than one year;
  - (c) an offense:
    - (i) of:
      - (A) attempt, [Section 76-4-101](#);
      - (B) conspiracy, [Section 76-4-201](#);
      - (C) solicitation, [Section 76-4-203](#); and
    - (ii) punishable by a term of imprisonment of more than one year;
  - (d) a threat of terrorism offense punishable by a maximum term of imprisonment of more than one year, [Section 76-5-107.3](#);
  - (e)
    - (i) aggravated murder, [Section 76-5-202](#);
    - (ii) murder, [Section 76-5-203](#); or
    - (iii) manslaughter, [Section 76-5-205](#);
  - (f)
    - (i) kidnapping, [Section 76-5-301](#);

- (ii) child kidnapping, Section [76-5-301.1](#);
  - (iii) aggravated kidnapping, Section [76-5-302](#);
  - (iv) human trafficking or human smuggling, Section [76-5-308](#); or
  - (v) aggravated human trafficking or aggravated human smuggling, Section [76-5-310](#);
- (g) (i) arson, Section [76-6-102](#); or
- (ii) aggravated arson, Section [76-6-103](#);
- (h) (i) burglary, Section [76-6-202](#); or
- (ii) aggravated burglary, Section [76-6-203](#);
- (i) (i) robbery, Section [76-6-301](#); or
- (ii) aggravated robbery, Section [76-6-302](#);
- (j) an offense:
- (i) of:
    - (A) theft, Section [76-6-404](#);
    - (B) theft by deception, Section [76-6-405](#); or
    - (C) theft by extortion, Section [76-6-406](#); and
  - (ii) punishable by a maximum term of imprisonment of more than one year;
- (k) an offense of receiving stolen property that is punishable by a maximum term of imprisonment of more than one year, Section [76-6-408](#);
- (l) a financial card transaction offense punishable by a maximum term of imprisonment of more than one year, Section [76-6-506.2](#), [76-6-506.3](#), [76-6-506.5](#), or [76-6-506.6](#);
- (m) bribery of a labor official, Section [76-6-509](#);
- (n) bribery or threat to influence a publicly exhibited contest, Section [76-6-514](#);
- (o) a criminal simulation offense punishable by a maximum term of imprisonment of more than one year, Section [76-6-518](#);
- (p) criminal usury, Section [76-6-520](#);
- (q) a fraudulent insurance act offense punishable by a maximum term of imprisonment of more than one year, Section [76-6-521](#);
- (r) a violation of [Title 76, Chapter 6, Part 7, Utah Computer Crimes Act](#), punishable by a maximum term of imprisonment of more than one year, Section [76-6-703](#);
- (s) bribery to influence official or political actions, Section [76-8-103](#);
- (t) misusing public money, Section [76-8-402](#);
- (u) tampering with a witness or soliciting or receiving a bribe, Section [76-8-508](#);
- (v) retaliation against a witness, victim, or informant, Section [76-8-508.3](#);
- (w) tampering with a juror, retaliation against a juror, Section [76-8-508.5](#);
- (x) extortion or bribery to dismiss criminal proceeding, Section [76-8-509](#);
- (y) obstruction of justice, Section [76-8-306](#);
- (z) destruction of property to interfere with preparation for defense or war, Section [76-8-802](#);
- (aa) an attempt to commit crimes of sabotage, Section [76-8-804](#);
- (bb) conspiracy to commit crimes of sabotage, Section [76-8-805](#);
- (cc) advocating criminal syndicalism or sabotage, Section [76-8-902](#);
- (dd) assembly for advocating criminal syndicalism or sabotage, Section [76-8-903](#);
- (ee) riot punishable by a maximum term of imprisonment of more than one year, Section [76-9-101](#);
- (ff) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a maximum term of imprisonment of more than one year, Section [76-9-301.1](#);
- (gg) possession, use, or removal of an explosive, chemical, or incendiary device and parts, Section [76-10-306](#);
- (hh) delivery to a common carrier or mailing of an explosive, chemical, or incendiary device, Section [76-10-307](#);

- (ii) exploiting prostitution, Section [76-10-1305](#);
- (jj) aggravated exploitation of prostitution, Section [76-10-1306](#);
- (kk) bus hijacking or assault with intent to commit hijacking, Section [76-10-1504](#);
- (ll) discharging firearms and hurling missiles, Section [76-10-1505](#);
- (mm) violations of [Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act](#), and the offenses listed under the definition of unlawful activity in the act, including the offenses not punishable by a maximum term of imprisonment of more than one year when those offenses are investigated as predicates for the offenses prohibited by the act, Section [76-10-1602](#);
- (nn) communications fraud, Section [76-10-1801](#);
- (oo) money laundering, Sections [76-10-1903](#) and [76-10-1904](#); or
- (pp) reporting by a person engaged in a trade or business when the offense is punishable by a maximum term of imprisonment of more than one year, Section [76-10-1906](#).

Amended by Chapter [399](#), 2016 General Session

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