

CRIMINAL PENALTY AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code penalty provisions regarding restraint of trade.

Highlighted Provisions:

This bill:

modifies penalty language regarding illegal anticompetitive activities to clarify that the penalty is a third degree felony.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-920, as last amended by Laws of Utah 2010, Chapter 324

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 76-10-920 is amended to read:

76-10-920. Fine and imprisonment for violation -- Certain vertical agreements excluded -- Nolo contendere.

(1) (a) Any person who violates Section 76-10-914 by price fixing, bid rigging, agreeing among competitors to divide customers or territories, or by engaging in a group boycott with specific intent of eliminating competition [shall be punished] is guilty of a third

30 degree felony and, notwithstanding Sections 76-3-301 and 76-3-302, is subject to:

31 (i) if an individual, ~~[by] a fine not to exceed \$100,000 [or by imprisonment for an~~
32 ~~indeterminate time not to exceed three years, or both];~~ or

33 (ii) if by a person other than an individual, a fine not to exceed \$500,000.

34 (b) Subsection (1)(a) may not be construed to include vertical agreements between a
35 manufacturer, its distributors, or their subdistributors dividing customers and territories solely
36 involving the manufacturer's commodity or service where the manufacturer distributes its
37 commodity or service both directly and through distributors or subdistributors in competition
38 with itself.

39 (2) A defendant may plead nolo contendere to a charge brought under this title but only
40 with the consent of the court. ~~[Such a plea shall be accepted by the]~~ The court may accept the
41 plea only after due consideration of the views of the parties and the interest of the public in the
42 effective administration of justice.