

WASHINGTON COUTNY JUSTICE COURT, WASHINGTON COUNTY, UTAH

NOTIFICATION OF ENHANCEMENT – CLASS-B-MISDEMEANOR ELECTRONIC COMMUNICATION HARASSMENT

Defendant: _____, Case No. _____

IF YOU ARE CONVICTED of the offense of Electronic Communication Harassment, this conviction may be used to make a later offense more serious by raising the classification of that offense. This form provides notification of the current provisions of Utah State Law regarding the enhancement and the minimum/maximum penalties applicable to the different classifications of offenses. It also describes the specific elements of your current charge. It does not notify you of other collateral consequences.

ELEMENTS

Class-B-Misdemeanor Electronic Communication Harassment 76-9-201: A person is guilty of electronic communication harassment and subject to prosecution in the jurisdiction where the communication originated or was received if with intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, or disrupt the electronic communications of another, the person:

- (a)(i) makes repeated contact by means of electronic communications, whether or not a conversation ensues; or (ii) after the recipient has requested or informed the person not to contact the recipient, and the person repeatedly or continuously: (A) contacts the electronic communication device of the recipient; or (B) causes an electronic communication device of the recipient to ring or to receive other notification of attempted contact by means of electronic communication.
- (b) makes contact by means of electronic communication and insults, taunts, or challenges the recipient of the communication or any person at the receiving location in a manner likely to provoke a violent or disorderly response;
- (c) makes contact by means of electronic communication and threatens to inflict injury, physical harm, or damage to any person or the property of any person; or
- (d) causes disruption, jamming or overload of an electronic communication system through excessive message traffic or other means utilizing an electronic communication device.

ENHANCEMENT

76-9-201(3)(a): Electronic communication harassment committed against an adult is a class B misdemeanor. A second or subsequent offense is a class A misdemeanor, if all prior violations were committed against adults. A second or subsequent offense is a third degree felony if any prior violation was committed against a minor.

Electronic Communication Harassment may also be filed as a **Domestic Violence Offense**, subjecting the defendant to alternative enhancement provisions. If your current charge is filed as a domestic violence offense, the defendant should review and sign BOTH enhancement forms.

PENALTIES

Minimum/Maximum Sentences

Class B Misdemeanor:	0 days to 6 months in jail	AND/OR	\$0 to \$1,950 in fines and surcharges (plus interest)
Class A Misdemeanor:	0 days to 1 year in jail	AND/OR	\$0 to \$4,793 in fines and surcharges (plus interest)
Third Degree Felony:	0 days to 5 years in prison	AND/OR	\$0 to \$9,543 in fines and surcharges (plus interest)

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant’s Signature)