

1st Sub. H.B. 80
PENALTY FOR HARBORING A FUGITIVE

Representative **King** proposes the following amendments:

1. Page 1, Line 6: After "OFFENDER" insert "; AND AMENDING THE DEFINITION OF ABSCONDING"
2. Page 1, Line 10: After Line 10 insert:
"76-8-309.5, as last amended by Chapter 311, Laws of Utah 1997"
3. Page 2, Line 29: After "defined in" delete "Section" and insert "Subsections"
After "76-8-309.5" insert "(1) and (2)"
4. Page 2, Line 30: After "(ii)" delete "from"
5. Page 3, Line 75: After Line 75 insert:
"Section 3. Section **76-8-309.5** is amended to read:
76-8-309.5. Absconding.
 - (1) An offender absconds from a facility when he:
 - (a) leaves the facility without permission; or
 - (b) fails to return at a prescribed time.
 - (2) An offender absconds from supervision when he [willfully]:
 - (a) changes his residence from the residence that he reported as his correct address to another residence, without notifying his parole officer or obtaining permission[-]; or
 - (b) for the purpose of avoiding supervision:
 - (i) hides at a different location from his reported residence; or
 - (ii) leaves his reported residence.
 - (3) Absconding is a third degree felony.
 - (4) For the purposes of this section:
 - (a) "Facility" means a residential facility owned, operated, leased, or contracted by the Department of Corrections or a county to provide housing, programming, or treatment of individuals who have been placed on parole.
 - (b) "Offender" means a person who has been convicted of a crime and has been:
 - (i) sent to a facility;

(ii) placed on parole under condition that he report to a parole officer on a regular basis or that he serve periods of confinement during his parole period or that he attend classes or treatment as a condition of parole; or

(iii) released for a period during confinement for work, school, treatment, or other temporary nonconfinement purposes."