## CRIMINAL PENALTY FOR COMMITTING
## OFFENSE WHEN USING BODY ARMOR

2001 GENERAL SESSION

STATE OF UTAH

### Sponsor:  Duane E. Bourdeaux

**This act modifies the Criminal Code to provide an increased sentence for a person convicted of a violent felony if the person used a dangerous weapon and body armor in commission of the felony.**

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

   **76-3-203.7**, Utah Code Annotated 1953

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

   Section 1.  Section **76-3-203.7** is enacted to read:

   **76-3-203.7.  Increase of sentence for violent felony if body armor used.**

   (1)  As used in this section:

   (a)  "Body armor" means any material designed or intended to provide bullet penetration resistance or protection from bodily injury caused by a dangerous weapon.

   (b)  "Dangerous weapon" has the same definition as in Section 76-1-601.

   (c)  "Violent felony" has the same definition as in Section 76-3-203.5.

   (2)  A person convicted of a violent felony may be sentenced to imprisonment for an indeterminate term, as provided in Section 76-3-203, but if the trier of fact finds beyond a reasonable doubt that the defendant used, carried, or possessed a dangerous weapon and also used or wore body armor, with the intent to facilitate the commission of the violent felony, and the violent felony is:

   (a)  a first degree felony, the court shall sentence the person convicted for a term of not less than six years, and which may be for life;

   (b)  a second degree felony, the court shall sentence the person convicted for a term of not less than two years nor more than 15 years, and the court may sentence the person convicted for a term of not less than two years nor more than 20 years; and

(c)  a third degree felony, the court shall sentence the person convicted for a term of not less than one year nor more than five years, and the court may sentence the person convicted for a term of not less than one year nor more than ten years.