

# H.B. 258

## CRIMINAL SENTENCING AMENDMENTS

Representative **Daniels** proposes the following amendments:

1. Page 1, Line 8: Delete "**repealing**" and insert "**amending**"
2. Page 1, Line 19: After Line 19 insert:  
"**76-5-103.5**, as last amended by Chapter 207, Laws of Utah 1997"
3. Page 2, Line 33: Delete Lines 33 and 34.
4. Page 14, Line 409: After Line 409 insert:  
"Section 8. Section **76-5-103.5** is amended to read:  
**76-5-103.5. Aggravated assault by prisoner.**  
(1) Any prisoner, not serving a sentence for a capital felony or a felony of the first degree, who commits aggravated assault is guilty of:  
(a) a felony of the second degree if no serious bodily injury was intentionally caused; or  
(b) a felony of the first degree if serious bodily injury was intentionally caused.  
~~[(2) Any prisoner serving a sentence for a capital felony or a felony of the first degree who commits aggravated assault is guilty of:]~~  
~~[(a) a felony of the first degree if no serious bodily injury was intentionally caused; or]~~  
~~[(b) a capital felony if serious bodily injury was intentionally caused:]~~  
~~[(3)]~~ (2) For the purpose of this section, "serving a sentence" means sentenced and committed to the custody of the Department of Corrections, the sentence has not been terminated or voided, and the prisoner is:  
(a) not on parole; or  
(b) in custody after arrest for a parole violation."
5. Page 25, Line 764: Delete Lines 764, 765, and 766.

**Renumber remaining sections accordingly.**