

CAPITAL FELONY AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: Mark B. Madsen

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding the penalties for a capital felony.

Highlighted Provisions:

This bill:

► increases the indeterminate sentence provision regarding a capital felony from 20 years to 25 years.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-3-206, as last amended by Laws of Utah 2001, Chapter 209

§→ 76-3-207.7, as enacted by Laws of Utah 2007, Chapter 275 ←**§**

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

Section 1. Section **76-3-206** is amended to read:

76-3-206. Capital felony -- Penalties.

(1) A person who has pled guilty to or been convicted of a capital felony shall be sentenced in accordance with Section 76-3-207. That sentence shall be death, an indeterminate prison term of not less than [20] 25 years and which may be for life, or, on or after April 27,



28 1992, life in prison without parole.

29 (2) (a) The judgment of conviction and sentence of death is subject to automatic review
30 by the Utah State Supreme Court within 60 days after certification by the sentencing court of
31 the entire record unless time is extended an additional period not to exceed 30 days by the Utah
32 State Supreme Court for good cause shown.

33 (b) The review by the Utah State Supreme Court has priority over all other cases and
34 shall be heard in accordance with rules promulgated by the Utah State Supreme Court.

34a **§→ Section 2. Section 76-3-207.7 is amended to read:**

34b **76-3-207.7. First degree felony aggravated murder -- Noncapital felony -- Penalties --**
34c **Sentenced by court.**

34d **(1) A person who has pled guilty to or been convicted of first degree felony aggravated**
34e **murder under Section 76-5-202 shall be sentenced by the court.**

34f **(2) The sentence under this section shall be life in prison without parole or an**
34g **indeterminate prison term of not less than {~~20~~} 25 years and which may be for life. ←§**

Legislative Review Note
as of 1-13-09 11:27 AM

Office of Legislative Research and General Counsel

H.B. 317 - Capital Felony Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
