

UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

February 12, 2024

Mr. President,

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **H.B. 68**, FIREARM MODIFICATIONS, by Representative A. Stoddard, be replaced and reports a favorable recommendation on **2nd Sub. H.B. 68**, DRUG SENTENCING MODIFICATIONS with the following amendments:

- 1. Page 1, Lines 7 through 16:
 - 7 LONG TITLE
 - 8 General Description:
 - 9 This bill addresses the sentencing for an individual { who uses or has a dangerous}
 - 10 weapon readily accessible for immediate use while convicted of distributing illegal drugs in certain circumstances.
 - 11 Highlighted Provisions:
 - This bill:
 - 13 \rightarrow \{ \text{requires a court in certain circumstances to sentence an individual who uses or has a}
 - 14 dangerous weapon readily accessible for immediate use while distributing illegal
 - 15 drugs to an indeterminate prison term } requires a court, with certain exceptions, to sentence an

<u>individual convicted of distributing drugs to an indeterminate prison term if the individual, while</u>

distributing the drugs, intentionally or knowingly:

• had a dangerous weapon readily accessible for immediate use; or

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• distributed a firearm or possessed a firearm with intent to distribute the

firearm ; and

16 • makes technical and conforming changes.

2. *Page 3, Lines 70 through 77:*

- 70 (ii) The court shall impose and may not suspend an indeterminate prison term for a
- 71 person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first
- degree felony or a second degree felony if the trier of fact finds beyond a reasonable doubt that,
- during the commission or furtherance of the violation, the person intentionally or knowingly:
- 74 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in Section
- 75 76-10-501, that is not a firearm, in an angry, threatening, intimidating, or coercive manner; {-or-}
- 76 (B) used a firearm or had a firearm readily accessible for immediate use, as those terms
- 77 are defined in Section 76-10-501 $\{ \underline{\cdot} \}$ $\underline{; or}$
 - (C) distributed a firearm, as that term is defined in Section 76-10-501, or possessed a firearm with intent to distribute the firearm.

3. Page 13, Lines 377 through 384:

- 377 (ii) The court shall impose and may not suspend an indeterminate prison term for a
- person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first
- degree felony or a second degree felony if the trier of fact finds beyond a reasonable doubt that,
- during the commission or furtherance of the violation, the person intentionally or knowingly:
- 381 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in Section
- 382 <u>76-10-501</u>, that is not a firearm, in an angry, threatening, intimidating, or coercive manner; {-or-}
- 383 (B) used a firearm or had a firearm readily accessible for immediate use, as those terms
- 384 are defined in Section 76-10-501 { ; or

(C) distributed a firearm, as that term is defined in Section 76-10-501, or possessed a firearm with intent to distribute the firearm.

Respectfully,

Todd Weiler Chair

Voting: 3-0-3 5 HB0068.SC1.wpd 2/12/24 8:49 am ljohnson/LJ3 SL/LJ3