

2nd Sub. H.B. 68 DRUG SENTENCING MODIFICATIONS

Representative **Andrew Stoddard** proposes 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:

12 This bill:

13 ▶ ~~{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
individual convicted of distributing drugs to an indeterminate prison term if the individual, while
distributing the drugs, intentionally or knowingly:

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

• distributed a firearm or attempted to distribute a 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
72 degree felony or a second degree felony if the trier of fact finds beyond a reasonable doubt that,
73 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 ~~{-}~~ ; or

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

3. *Page 13, Lines 377 through 384:*

377 (ii) The court shall impose and may not suspend an indeterminate prison term for a
378 person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first

379 degree felony or a second degree felony if the trier of fact finds beyond a reasonable doubt that,
380 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 76-10-501, 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 attempted to distribute
a firearm.