SB32 1st Sub Prisoner Offense Amendments

WHAT TO DO WHEN SOMEBODY ALREADY IN PRISON COMMITS ANOTHER SERIOUS CRIME?

OR

HOW AGGRAVATED ASSAULT BECAME MORE SERIOUS THAN AGGRAVATED ASSAULT BY A PRISONER

76-3-203.6 Enhanced penalty for certain offenses committed by prisoners

Only applies to adult prisoners serving a sentence for a capital felony or a first degree felony.

76-3-203.6 Enhanced penalty for certain offenses committed by prisoners

If a prisoner commits a listed crime, the sentence is:

- Life Without the possibility of Parole (LWOP), or
- 20 years to life (only if the judge finds it would serve the interests of justice and states why on the record)

1. Aggravated assault
2. Mayhem
3. Attempted Murder
4. Kidnapping
5. Child Kidnapping
6. Aggravated Kidnapping
7. Rape
8. Rape of a Child
9. Object Rape
10. Object Rape of a Child
11. Forcible Sodomy
12. Sodomy on a Child
13. Agg. Sexual Abuse of Child
14. Aggravated Sexual Assault
15. Aggravated Arson
16. Aggravated Burglary
17. Aggravated Robbery

1. ***Aggravated assault***
2. Mayhem
3. Attempted Murder
4. Kidnapping
5. Child Kidnapping
6. Aggravated Kidnapping
7. Rape
8. Rape of a Child
9. Object Rape
10. Object Rape of a Child
11. Forcible Sodomy
12. Sodomy on a Child
13. Agg. Sexual Abuse of Child
14. Aggravated Sexual Assault
15. Aggravated Arson
16. Aggravated Burglary
17. Aggravated Robbery

Agg Assault & Agg Assault by a Prisoner

Aggravated Assault	Aggravated Assault by a Prisoner
At least Third Degree Felony	At least Second Degree Felony
Second Degree Felony if result is serious bodily injury/loss of consciousness	First Degree Felony if serious bodily injury was intentionally caused

Agg Assault & Agg Assault by a Prisoner

- At a glance, it appears that Aggravated Assault by a Prisoner is the more serious offense;
- But for prisoners serving on a first or capital felony, the severity flips because Aggravated Assault by a Prisoner does not have the mandatory enhanced sentence.

The Proposal to Amend Enhanced Penalties for Prisoners

- Amend the list of offenses by removing "Aggravated Assault" and inserting "Aggravated Assault by a Prisoner."

William J. Carlson
Chief Policy Advisor/Deputy District Attorney
Salt Lake County District Attorney's Office
Justice Division
WCarlson@slco.org