

1 (3) In the case of a felony of the third degree, for a term not to exceed five years but if the
2 trier of fact finds a dangerous weapon, as defined in Section 76-1-601, was used in the commission
3 or furtherance of the felony, the court may additionally sentence the person convicted for an
4 indeterminate term not to exceed five years to run consecutively and not concurrently.

5 (4) [~~Any person who has been sentenced to a term of imprisonment for a felony in which
6 a dangerous weapon, as defined in Section 76-1-601, was used or involved in the accomplishment
7 of the felony and is convicted of another felony when a dangerous weapon was used or involved
8 in the accomplishment of the felony shall, in addition to any other sentence imposed, be sentenced
9 for an indeterminate term to be not less than five nor more than ten years to run consecutively and
10 not concurrently.] A sentence for an indeterminate term to be not less than five nor more than ten
11 years to run consecutively and not concurrently, in addition to any other sentence imposed, shall
12 be imposed on any person who has been sentenced to a term of imprisonment for a felony in which
13 a dangerous weapon, as defined in Section 76-1-601, was used or involved in the accomplishment
14 of the felony and:~~

15 (a) the person is convicted of another felony when a dangerous weapon was used or
16 involved in the accomplishment of the felony; or

17 (b) the victim was a peace officer, as defined in Section 77-1a-1, or an elected official, as
18 defined in Section 76-8-314.

Legislative Review Note
as of 12-22-97 3:59 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel