1	PENALTY IN USING A WEAPON
2	1998 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Gerry A. Adair
5	AN ACT RELATING TO CRIMINAL CODE; AUTHORIZING THE WEAPON
6	ENHANCEMENT WHEN THE VICTIM IS A PEACE OFFICER OR ELECTED OFFICIAL.
7	This act affects sections of Utah Code Annotated 1953 as follows:
8	AMENDS:
9	76-3-203, as last amended by Chapter 289, Laws of Utah 1997
10	Be it enacted by the Legislature of the state of Utah:
11	Section 1. Section 76-3-203 is amended to read:
12	76-3-203. Felony conviction Indeterminate term of imprisonment Increase of
13	sentence if dangerous weapon used.
14	A person who has been convicted of a felony may be sentenced to imprisonment for an
15	indeterminate term as follows:
16	(1) In the case of a felony of the first degree, for a term at not less than five years, unless
17	otherwise specifically provided by law, and which may be for life but if the trier of fact finds a
18	dangerous weapon, as defined in Section 76-1-601, was used in the commission or furtherance of
19	the felony, the court shall additionally sentence the person convicted for a term of one year to rur
20	consecutively and not concurrently; and the court may additionally sentence the person convicted
21	for an indeterminate term not to exceed five years to run consecutively and not concurrently.
22	(2) In the case of a felony of the second degree, for a term at not less than one year nor
23	more than 15 years but if the trier of fact finds a dangerous weapon, as defined in Section
24	76-1-601, was used in the commission or furtherance of the felony, the court shall additionally
25	sentence the person convicted for a term of one year to run consecutively and not concurrently;
26	and the court may additionally sentence the person convicted for an indeterminate term not to
27	exceed five years to run consecutively and not concurrently.

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(3) In the case of a felony of the third degree, for a term not to exceed five years but if the	
trier of fact finds a dangerous weapon, as defined in Section 76-1-601, was used in the commission	
or furtherance of the felony, the court may additionally sentence the person convicted for an	
indeterminate term not to exceed five years to run consecutively and not concurrently.	
(4) [Any person who has been sentenced to a term of imprisonment for a felony in which	
a dangerous weapon, as defined in Section 76-1-601, was used or involved in the accomplishment	
of the felony and is convicted of another felony when a dangerous weapon was used or involved	
in the accomplishment of the felony shall, in addition to any other sentence imposed, be sentenced	
for an indeterminate term to be not less than five nor more than ten years to run consecutively and	
not concurrently.] A sentence for an indeterminate term to be not less than five nor more than ten	
years to run consecutively and not concurrently, in addition to any other sentence imposed, shall	
be imposed on any person who has been sentenced to a term of imprisonment for a felony in which	
a dangerous weapon, as defined in Section 76-1-601, was used or involved in the accomplishment	
of the felony and:	

- (a) the person is convicted of another felony when a dangerous weapon was used or involved in the accomplishment of the felony; or
- (b) the victim was a peace officer, as defined in Section 77-1a-1, or an elected official, as 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