

**CRIMINAL PENALTY FOR COMMITTING
OFFENSE WHEN USING BODY ARMOR**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Duane E. Bourdeaux

This act modifies the Criminal Code to provide an increased sentence for a person convicted of a violent felony if the person used a dangerous weapon and body armor in commission of the felony. The act also prohibits possession of body armor by persons who have been convicted of a violent felony.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

76-3-203.7, Utah Code Annotated 1953

76-10-2401, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-3-203.7** is enacted to read:

76-3-203.7. Increase of sentence for violent felony if body armor used.

(1) As used in this section:

(a) "Body armor" means any material designed or intended to provide bullet penetration resistance or protection from bodily injury caused by a dangerous weapon.

(b) "Dangerous weapon" has the same definition as in Section 76-1-601.

(c) "Violent felony" has the same definition as in Section 76-3-203.5.

(2) A person convicted of a violent felony may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier of fact finds beyond a reasonable doubt that the defendant used, carried, or possessed a dangerous weapon and used or wore body armor, with the intent to facilitate the commission of the violent felony, the court shall additionally sentence the person convicted for a term of imprisonment of three years, to run consecutively and not concurrently.

28 Section 2. Section **76-10-2401** is enacted to read:

29 **Part 24. Prohibitions on Use of Body Armor**

30 **76-10-2401. Person convicted of violent felony may not possess body armor.**

31 (1) As used in this section:

32 (a) "Body armor" means any material designed or intended to provide bullet penetration
33 resistance or protection from bodily injury caused by a dangerous weapon.

34 (b) "Violent felony" has the same definition as in Section 76-3-203.5.

35 (2) (a) A person who has been convicted of a violent felony may not possess or own body
36 armor.

37 (b) A violation of this Subsection (2) is a class A misdemeanor.

Legislative Review Note
as of 1-8-01 1:46 PM

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

Office of Legislative Research and General Counsel