

Representative Duane E. Bourdeaux proposes to substitute the following bill:

**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.

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

ENACTS:

76-3-203.7, 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 in Section 76-3-203, but if the trier of fact finds beyond a reasonable doubt that the defendant used, carried, or possessed a dangerous weapon and also used or wore body armor, with the intent to facilitate the commission of the violent felony, and the violent felony is:

(a) a first degree felony, the court shall sentence the person convicted for a term of not less

26 than six years, and which may be for life;

27 (b) a second degree felony, the court shall sentence the person convicted for a term of not
28 less than two years nor more than 15 years, and the court may sentence the person convicted for
29 a term of not less than two years nor more than 20 years; and

30 (c) a third degree felony, the court shall sentence the person convicted for a term of not
31 less than one year nor more than five years, and the court may sentence the person convicted for
32 a term of not less than one year nor more than ten years.