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**ATTEMPTED MURDER AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

**This act modifies the Criminal Code to provide that the offense of attempting to commit certain listed first degree felonies is also a first degree felony, and that the indeterminate term for these attempted first degree felonies is not less than three years, but may be for life.**

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

AMENDS:

**76-4-102**, as last amended by Chapter 40, Laws of Utah 1996

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

Section 1. Section **76-4-102** is amended to read:

**76-4-102. Attempt -- Classification of offenses.**

Criminal attempt to commit:

(1) a capital felony is a first degree felony;

(2) a first degree felony is a second degree felony[;], ~~except that an attempt to commit [child kidnaping, in violation of Section 76-5-301.1 or to commit any of those felonies described in Title 76, Chapter 5, Part 4, which are first degree felonies;]~~ any of the following offenses is a first degree felony punishable by imprisonment for an indeterminate term of not [less] fewer than three years and which may be for life[;]:

(a) murder, a violation of Subsection 76-5-203(2)(a), if the victim or another suffers serious bodily injury in the course of the actor's commission of the offense;

(b) child kidnaping, a violation of Section 76-5-301.1; or

(c) any of the felonies described in Title 76, Chapter 5, Part 4, Sexual Offenses, that are first degree felonies;

(3) a second degree felony is a third degree felony;

(4) a third degree felony is a class A misdemeanor;

- 28 (5) a class A misdemeanor is a class B misdemeanor;  
29 (6) a class B misdemeanor is a class C misdemeanor; and  
30 (7) a class C misdemeanor is punishable by a penalty not exceeding one half the penalty  
31 for a class C misdemeanor.

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**Legislative Review Note**  
**as of 1-9-01 10:59 AM**

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

**Office of Legislative Research and General Counsel**