

1 **PRISONER ESCAPE AMENDMENT**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Karen W. Morgan**

5 **This act modifies the Criminal Code to clarify that the criminal offense of a prisoner leaving**
6 **official custody without authorization includes those situations where a prisoner obtains**
7 **authorization by means of fraud or deceit.**

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

9 AMENDS:

10 **76-8-309**, as last amended by Chapters 289 and 311, Laws of Utah 1997

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

12 Section 1. Section **76-8-309** is amended to read:

13 **76-8-309. Escape and aggravated escape -- Consecutive sentences -- Definitions.**

14 (1) (a) A prisoner is guilty of escape if he leaves official custody without lawful
15 authorization.

16 (b) If a prisoner obtains authorization to leave official custody by means of deceit, fraud,
17 or other artifice, the prisoner has not received lawful authorization.

18 (2) A prisoner is guilty of aggravated escape if in the commission of an escape he uses a
19 dangerous weapon, as defined in Section 76-1-601, or causes serious bodily injury to another.

20 (3) Aggravated escape is a first degree felony.

21 (4) Escape from a state prison is a second degree felony.

22 (5) Any other escape is a third degree felony.

23 (6) Any prison term imposed upon a prisoner for escape under this section shall run
24 consecutively with any other sentence.

25 (7) For the purposes of this part:

26 (a) "Confinement" means the prisoner is:

27 (i) housed in a state prison or any other facility pursuant to a contract with the Utah



28 Department of Corrections after being sentenced and committed and the sentence has not been
29 terminated or voided or the prisoner is not on parole;

30 (ii) lawfully detained in a county jail prior to trial or sentencing or housed in a county jail
31 after sentencing and commitment and the sentence has not been terminated or voided or the
32 prisoner is not on parole; or

33 (iii) lawfully detained following arrest.

34 (b) "Official custody" means arrest, whether with or without warrant, or confinement in
35 a state prison, jail, institution for secure confinement of juvenile offenders, or any confinement
36 pursuant to an order of the court or sentenced and committed and the sentence has not been
37 terminated or voided or the prisoner is not on parole. A person is considered confined in the state
38 prison if he:

39 (i) without authority fails to return to his place of confinement from work release or home
40 visit by the time designated for return;

41 (ii) is in prehearing custody after arrest for parole violation;

42 (iii) is being housed in a county jail, after felony commitment, pursuant to a contract with
43 the Department of Corrections; or

44 (iv) is being transported as a prisoner in the state prison by correctional officers.

45 (c) "Prisoner" means any person who is in official custody and includes persons under
46 trustee status.

Legislative Review Note
as of 11-16-01 11:06 AM

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

Office of Legislative Research and General Counsel

Committee Note

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.