

ATTEMPTED MURDER AMENDMENTS

2002 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 kidnapping, 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 kidnapping, 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;

(5) a class A misdemeanor is a class B misdemeanor;

(6) a class B misdemeanor is a class C misdemeanor; and

(7) a class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.