

**ROBBERY AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Craig A. Frank**

---

---

**LONG TITLE**

**General Description:**

This bill specifies that one of the elements of the offense of robbery is the intent to deprive the victim of personal property.

**Highlighted Provisions:**

This bill:

- ▶ is in response to a recent Utah Supreme Court case stating that proof of a robbery offense requires proof of an intent to deprive, although this element is not stated in the current robbery statute; and
- ▶ amends the robbery statute to reflect this Utah Supreme Court case.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-301**, as last amended by Chapter 222, Laws of Utah 1995

---

---

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

Section 1. Section **76-6-301** is amended to read:

**76-6-301. Robbery.**

- (1) A person commits robbery if:
  - (a) the person unlawfully and intentionally takes or attempts to take personal property in the possession of another from his person, or immediate presence, against his will, by means

of force or fear, and with a purpose or intent to deprive the person permanently or temporarily of the personal property; or

(b) the person intentionally or knowingly uses force or fear of immediate force against another in the course of committing a theft or wrongful appropriation.

(2) An act [~~shall be~~] is considered to be "in the course of committing a theft or wrongful appropriation" if it occurs:

(a) in the course of an attempt to commit theft[;] or wrongful appropriation;

(b) in the commission of theft[;] or wrongful appropriation; or

(c) in the immediate flight after the attempt or commission.

(3) Robbery is a felony of the second degree.