

1 **ROBBERY AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Craig A. Frank**

5

LONG TITLE

6 **General Description:**

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

9 **Highlighted Provisions:**

10 This bill:

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

14 ▶ amends the robbery statute to reflect this Utah Supreme Court case.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **76-6-301**, as last amended by Chapter 222, Laws of Utah 1995

22

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

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

24 **76-6-301. Robbery.**

25 (1) A person commits robbery if:
26
27



28 (a) the person unlawfully and intentionally takes or attempts to take personal property
29 in the possession of another from his person, or immediate presence, against his will, by means
30 of force or fear, and with a purpose or intent to deprive the person permanently or temporarily
31 of the personal property; or

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

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

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

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

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

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

Legislative Review Note

as of 1-19-04 1:02 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0222

Robbery Amendments

28-Jan-04

9:40 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst