

**CRIMINAL OFFENSE ATTEMPT AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

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**LONG TITLE**

**General Description:**

This bill clarifies the elements of an attempt to commit an offense.

**Highlighted Provisions:**

This bill:

- ▶ clarifies that an attempt to commit a crime includes situations where the defendant is aware that his actions are reasonably certain to cause a result that is an element of the offense; and
- ▶ clarifies that a defendant's conduct constitutes a substantial step toward committing a crime if the conduct strongly corroborates the defendant's awareness of his actions as described above.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-4-101**, as enacted by Chapter 196, Laws of Utah 1973

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

Section 1. Section **76-4-101** is amended to read:

**76-4-101. Attempt -- Elements of offense.**

(1) For purposes of this part, a person is guilty of an attempt to commit a crime if[; acting with the kind of culpability otherwise required for the commission of the offense,] he;

**S.B. 143**

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(a) engages in conduct constituting a substantial step toward commission of [the offense:]  
the crime; and

(b) (i) intends to commit the crime; or

(ii) when causing a particular result is an element of the crime, he acts with an awareness  
that his conduct is reasonably certain to cause that result.

(2) For purposes of this part, conduct [~~does not constitute~~] constitutes a substantial step  
[~~unless it is strongly corroborative of~~] if it strongly corroborates the actor's [~~intent to commit the~~  
~~offense~~] mental state as defined in Subsection (1)(b).

(3) [~~No~~] A defense to the offense of attempt [~~shall~~] does not arise:

(a) because the offense attempted was actually committed; or

(b) due to factual or legal impossibility if the offense could have been committed [~~had~~] if  
the attendant circumstances had been as the actor believed them to be.