

**VIOLENT CRIME IN PRESENCE OF A  
CHILD**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Janice M. Fisher**

Senate Sponsor: Ross I. Romero

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding aggravating factors to be considered by the judge or the Board of Pardons and Parole.

**Highlighted Provisions:**

This bill:

- ▶ provides that the sentencing judge or the Board of Pardons and Parole shall consider the defendant's commission of a violent offense in the presence of a child 14 years of age or younger as an aggravating factor; and

- ▶ provides definitions.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-3-203.9**, Utah Code Annotated 1953

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

Section 1. Section **76-3-203.9** is enacted to read:



28 76-3-203.9. Violent offense committed in presence of a child -- Aggravating factor.

29 (1) As used in this section:

30 (a) "In the presence of a child" means:

31 (i) in the physical presence of a child; or

32 (ii) having knowledge that a child younger than 14 years of age is present and may see  
33 or hear a violent criminal offense.

34 (b) "Violent criminal offense" means any criminal offense involving violence or  
35 physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation  
36 to commit a criminal offense involving violence or physical harm.

37 (2) The sentencing judge or the Board of Pardons and Parole shall consider as an  
38 aggravating factor in their deliberations that the defendant committed the violent criminal  
39 offense in the presence of a child.

40 (3) The sentencing judge or the Board of Pardons and Parole shall also consider  
41 whether the penalty for the offense is already increased by other existing provisions of law.

42 (4) This section does not affect or limit any individual's constitutional right to the  
43 lawful expression of free speech or other recognized rights secured by the Constitution or laws  
44 of Utah or by the Constitution or laws of the United States.

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**Legislative Review Note**  
**as of 12-29-06 9:18 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 274 - Violent Crime in Presence of a Child**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/22/2007, 2:39:48 PM, Lead Analyst: Byrne, D.*

**Office of the Legislative Fiscal Analyst**