

**CAPITAL FELONY AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

Senate Sponsor: Mark B. Madsen

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding the penalties for a capital felony.

**Highlighted Provisions:**

This bill:

► increases the indeterminate sentence provision regarding a capital felony from 20 years to 25 years.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-3-206**, as last amended by Laws of Utah 2001, Chapter 209

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

Section 1. Section **76-3-206** is amended to read:

**76-3-206. Capital felony -- Penalties.**

(1) A person who has pled guilty to or been convicted of a capital felony shall be sentenced in accordance with Section 76-3-207. That sentence shall be death, an indeterminate prison term of not less than [20] 25 years and which may be for life, or, on or after April 27,



28 1992, life in prison without parole.

29           (2) (a) The judgment of conviction and sentence of death is subject to automatic review  
30 by the Utah State Supreme Court within 60 days after certification by the sentencing court of  
31 the entire record unless time is extended an additional period not to exceed 30 days by the Utah  
32 State Supreme Court for good cause shown.

33           (b) The review by the Utah State Supreme Court has priority over all other cases and  
34 shall be heard in accordance with rules promulgated by the Utah State Supreme Court.

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**Legislative Review Note**  
**as of 1-13-09 11:27 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 317 - Capital Felony Amendments**

**Fiscal Note**

2009 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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