

**PROHIBITED ACTIVITIES OF GANG**

**OFFENDERS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon J. Greiner**

House Sponsor: Carl Wimmer

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**LONG TITLE**

**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

**General Description:**

This bill modifies the Criminal Code regarding prohibitions imposed on persons convicted of a criminal gang-related offense.

**Highlighted Provisions:**

This bill:

- ▶ provides that a person convicted of a crime for which the sentence is enhanced due to the offense being gang-related may not possess a dangerous weapon, ammunition, or a facsimile of a firearm for five years and that a violation is a class A misdemeanor; and

- ▶ provides that any greater penalty under another section of the Criminal Code that restricts the possession of a dangerous weapon to a greater degree supersedes the restrictions of this provision.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 ENACTS:

29 **76-9-804**, Utah Code Annotated 1953

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

32 Section 1. Section **76-9-804** is enacted to read:

33 **76-9-804. Convicted criminal gang offender -- Prohibition.**

34 (1) A person who has been convicted of a crime for which the penalty was enhanced  
35 under Section 76-3-203.1 may not, except where a greater penalty is applicable under this title,  
36 possess a dangerous weapon as defined in either Section 76-1-601 or 76-10-501, ammunition,  
37 or a facsimile of a firearm within five years after the conviction.

38 (2) A violation of Subsection (1) is a class A misdemeanor.

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**Legislative Review Note**  
**as of 11-12-08 3:59 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 28 - Prohibited Activities of Gang Offenders**

**Revised  
Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require \$25,000 in ongoing General Funds to the Courts. This bill will also generate approximately \$17,500 in General Funds for a net General fund cost of \$7,500 to the State.

	<u>2009 Approp.</u>	<u>2010 Approp.</u>	<u>2011 Approp.</u>	<u>2009 Revenue</u>	<u>2010 Revenue</u>	<u>2011 Revenue</u>
General Fund	\$0	\$25,000	\$25,000	\$0	\$17,500	\$17,500
<b>Total</b>	<b>\$0</b>	<b>\$25,000</b>	<b>\$25,000</b>	<b>\$0</b>	<b>\$17,500</b>	<b>\$17,500</b>

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

Enactment of this bill may impact local law enforcement agencies, however the impact is unquantifiable at this time.