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**OVERDOSE REPORTING AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christine A. Johnson**

Senate Sponsor: Benjamin M. McAdams

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**LONG TITLE**

**General Description:**

This bill provides a mitigating circumstance for certain alcohol offenses when reporting an alcohol consumption-related emergency.

**Highlighted Provisions:**

This bill:

► provides that a person 21 years of age or younger who is in violation of an alcohol possession or consumption law, and who in the same incident reports to law enforcement a person who is physically endangered by the consumption of alcohol, may be considered by the sentencing court for a mitigation of the sentence due to having reported the endangered person.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**32A-13-110**, Utah Code Annotated 1953

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

Section 1. Section **32A-13-110** is enacted to read:



28 32A-13-110. Sentencing considerations.

29 (1) In sentencing an actor for a misdemeanor violation of Section 32A-12-203 or  
30 Subsection 32A-12-209(1), the court may consider the elements under Subsection (2) as a  
31 mitigating factor.

32 (2) The mitigating factor referred to in Subsection (1) is:

33 (a) the actor committed an offense under Subsection (1) in the course of the same event  
34 regarding which the actor contacted a law enforcement agency for emergency assistance for a  
35 person whom the actor reasonably believed was, at the time the call was made, in need of  
36 medical care due to having apparently consumed an excessive amount of alcohol;

37 (b) the actor was 21 years of age or younger at the time of the offense;

38 (c) the actor was present during the incident of alcohol consumption that resulted in the  
39 actor's call to law enforcement under this section, but the actor was not involved in coercing or  
40 encouraging the endangered person to consume alcohol; and

41 (d) the actor was not charged with any other criminal conduct during the incident when  
42 the actor committed the offense listed under Subsection (1).

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Legislative Review Note  
as of 1-27-10 3:27 PM

Office of Legislative Research and General Counsel

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**H.B. 277 - Overdose Reporting Amendments**

**Fiscal Note**

2010 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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