

1                                   **INCARCERATION AMENDMENTS**

2   2011 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Eric K. Hutchings**

5                                   Senate Sponsor: Daniel W. Thatcher

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7 **LONG TITLE**

8 **General Description:**

9           This bill modifies the Criminal Code regarding the disposition of a person convicted of  
10 a class A misdemeanor.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ provides that if a person is serving a felony commitment at the Utah State Prison at  
14 the commencement of a class A misdemeanor conviction, the class A misdemeanor  
15 commitment shall be to the Utah State Prison.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **76-3-208**, as last amended by Laws of Utah 1995, Chapter 249

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

25           Section 1. Section **76-3-208** is amended to read:

26           **76-3-208. Imprisonment -- Custodial authorities.**

27           (1) Persons sentenced to imprisonment shall be committed to the following custodial  
28 authorities:

29           (a) felony commitments shall be to the Utah State Prison;

30 (b) (i) class A misdemeanor commitments shall be to the jail, or other facility  
31 designated by the town, city, or county where the defendant was convicted, unless the  
32 defendant ~~[consents to commitment to the Utah State Prison]~~ is also serving a felony  
33 commitment at the Utah State Prison at the commencement of the class A misdemeanor  
34 conviction, in which case, the class A misdemeanor commitment shall be to the Utah State  
35 Prison for an indeterminate term not to exceed one year; and

36 (ii) ~~[if the defendant consents to commitment to the Utah State Prison for an~~  
37 ~~indeterminate term not to exceed one year, the court may impose the sentence. The]~~ the court  
38 may not order the imprisonment of a defendant to the Utah State Prison for a fixed term or  
39 other term that is inconsistent with this section and Section 77-18-4; and

40 (c) all other misdemeanor commitments shall be to the jail or other facility designated  
41 by the town, city or county where the defendant was convicted.

42 (2) Custodial authorities may place a prisoner in a facility other than the one to which  
43 ~~[he]~~ the prisoner was committed when:

44 (a) it does not have space to accommodate ~~[him]~~ the prisoner; or

45 (b) the security of the institution or inmate requires it.