

1 **LIMITATION OF ACTIONS - CRIMINAL OFFENSES**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad R. Wilson**

5 Senate Sponsor: J. Stuart Adams

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the criminal code regarding offenses for which prosecution may be
10 initiated at any time.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines predicate offenses committed incident to a homicide; and
14 ▶ provides that predicate offenses to murder and aggravating offenses to aggravated
15 murder may be prosecuted at any time.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **76-1-301**, as last amended by Laws of Utah 2009, Chapter 280

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

25 Section 1. Section **76-1-301** is amended to read:

26 **76-1-301. Offenses for which prosecution may be commenced at any time.**

27 (1) As used in this section:



28 (a) "Aggravating offense" means any offense incident to which a homicide was
29 committed as described in Subsection 76-5-202(1)(d) or (e) or Subsection 76-5-202(2).

30 (b) "Predicate offense" means an offense described in Section 76-5-203(1) if a person
31 other than a party as defined in Section 76-2-202 was killed in the course of the commission,
32 attempted commission, or immediate flight from the commission or attempted commission of
33 the offense.

34 (2) Notwithstanding any other provisions of this code, prosecution for the following
35 offenses may be commenced at any time:

- 36 [~~1~~] (a) capital felony;
- 37 [~~2~~] (b) aggravated murder;
- 38 [~~3~~] (c) murder;
- 39 [~~4~~] (d) manslaughter;
- 40 [~~5~~] (e) child abuse homicide;
- 41 [~~6~~] (f) aggravated kidnapping;
- 42 [~~7~~] (g) child kidnapping;
- 43 [~~8~~] (h) rape;
- 44 [~~9~~] (i) rape of a child;
- 45 [~~10~~] (j) object rape;
- 46 [~~11~~] (k) object rape of a child;
- 47 [~~12~~] (l) forcible sodomy;
- 48 [~~13~~] (m) sodomy on a child;
- 49 [~~14~~] (n) sexual abuse of a child;
- 50 [~~15~~] (o) aggravated sexual abuse of a child; [or]
- 51 [~~16~~] (p) aggravated sexual assault[-]; or
- 52 (q) any predicate offense to a murder or aggravating offense to an aggravated murder.

Legislative Review Note
as of 12-27-10 2:37 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 52, 2011 General Session

SHORT TITLE: **Limitation of Actions - Criminal Offenses**

SPONSOR: **Wilson, B.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

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

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.