



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 8, 2012

Madam Speaker:

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 129**, DEFENSE OF PROPERTY AND PERSON, by Representative P. Painter, with the following amendments:

1. *Page 2, Lines 28 through 43:*

- 28 (1) A person may not recover from the victim of a crime for personal injury or
property
29 damage if ~~[the person]~~:
- 30 (a) the person entered the property of the victim or the victim's family with criminal
31 intent and the injury or damage was inflicted by the victim or occurred while the person
was on
32 the victim's property; ~~{+}~~ or ~~{+}~~
- 33 (b) the person committed a crime against the victim or the victim's family, during
34 which the damage or injury occurred ~~{+}~~ . ~~{+}~~ ~~{-or}~~
- 35 ~~{+}~~ (2) **The provisions of Subsection (1) do not apply if the person can prove
by clear and
36 convincing evidence that ~~{+}~~**
- 37 ~~—{(a)}~~ **the person's actions did not constitute a ~~{+}~~ crime.** ~~[felony; and]~~
38 ~~[(b) the person's culpability was less than the person from whom recovery is sought.]~~
39 ~~[(3) Subsections (1) and (2) apply]~~
- 40 ~~{-}~~ **(c) the victim is cleared of any wrongdoing under the provisions of Title 76,
Chapter
41 2, Part 4, Justification Excluding Criminal Responsibility.**
- 42 (2) Subsection (1) applies to any next-of-kin, heirs, or personal representatives of the
43 person if the person acquires a disability or is killed.

Respectfully,

Curtis Oda
Committee Chair

Voting: 11-0-2

3 HB0129.HC1.WPD 2/8/12 4:54 pm /NWB ECM/JDH

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Action Class



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Action Code



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