

26 ENACTS:

27 36-29-103, Utah Code Annotated 1953

28

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

30 Section 1. Section **36-29-103** is enacted to read:

31 **36-29-103. Criminal Code Evaluation Task Force.**

32 (1) As used in this section, "task force" means the Criminal Code Evaluation Task
 33 Force created in this section.

34 (2) There is created the Criminal Code Evaluation Task Force consisting of the
 35 following 15 members:

36 (a) three members of the Senate appointed by the president of the Senate, no more than
 37 two of whom may be from the same political party;

38 (b) three members of the House of Representatives appointed by the speaker of the
 39 House of Representatives, no more than two of whom may be from the same political party;

40 (c) the executive director of the Commission on Criminal ~~H→~~ [&] and ~~←H~~ Juvenile
 40a Justice or the
 41 executive director's designee;

42 (d) the director Utah Sentencing Commission or the director's designee;

43 (e) one member ~~H→~~ [of the Utah Judicial Council] ~~←H~~ appointed by the ~~H→~~ [chair]
 43a presiding officer ~~←H~~ of the Utah
 44 Judicial Council;

45 (f) one member of the Utah Prosecution Council appointed by the chair of the Utah
 46 Prosecution Council;

47 ~~H→~~ [(f)] (g) ~~←H~~ the executive director of the Utah Department of Corrections or the
 47a executive
 48 director's designee;

49 ~~H→~~ [(g)] (h) ~~←H~~ the commissioner of the Utah Department of Public Safety or the
 49a commissioner's
 50 designee;

51 ~~H→~~ [(h)] (i) ~~←H~~ the director of the Utah Office for Victims of Crime or the director's
 51a designee;

52 ~~H→~~ [(i)] (j) ~~←H~~ an individual who represents an association of criminal defense attorneys,
 52a appointed
 53 by the president of the Senate; and

54 ~~H~~→ [(j)] (k) ←~~H~~ an individual who represents an association of victim advocates, appointed
54a by the
55 speaker of the House of Representatives.
56 (3) (a) The president of the Senate shall designate a member of the Senate appointed

212 the existing circumstances.

213 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from
214 the viewpoint of a reasonable person under the then existing circumstances.

215 (c) This affirmative defense reduces charges only as follows:

216 (i) aggravated murder to murder; and

217 (ii) attempted aggravated murder to attempted murder.

218 (5) (a) Any aggravating circumstance described in Subsection (1) or (2) that constitutes
219 a separate offense does not merge with the crime of aggravated murder.

220 (b) A person who is convicted of aggravated murder, based on an aggravating
221 circumstance described in Subsection (1) or (2) that constitutes a separate offense, may also be
222 convicted of, and punished for, the separate offense.

223 Section 3. **Effective date.**

224 ~~Ĥ~~→ **This bill takes effect on May 8, 2018, except that the amendments to** ←~~Ĥ~~ Section
224a 76-5-202 ~~Ĥ~~→ **[takes] in this bill take** ←~~Ĥ~~ effect on July 1 ~~Ĥ~~→ [] , ←~~Ĥ~~ 2019.