

1 **JOINT RESOLUTION AMENDING RULES OF EVIDENCE -**
2 **VICTIM SELECTION**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Daniel W. Thatcher**

6 House Sponsor: Lee B. Perry

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution amends the Utah Rules of Evidence by enacting a rule that
11 prohibits the admissibility of evidence regarding a defendant's selection of a victim,
12 except as specified.

13 **Highlighted Provisions:**

14 This resolution:

15 ▶ provides that a defendant's expressions or associations are not admissible as
16 evidence of the defendant's selection of a victim for purposes of a victim targeting
17 penalty enhancement, except when the evidence:

- 18 • specifically relates to the criminal offense charged; or
- 19 • is introduced for impeachment.

20 **Special Clauses:**

21 This resolution provides a special effective date.

22 **Utah Rules of Evidence Affected:**

23 ENACTS:

24 **Rule 417**, Utah Rules of Evidence

26 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
27 *of the two houses voting in favor thereof:*

28 As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend

29 rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of
30 all members of both houses of the Legislature:

31 Section 1. **Rule 417**, Utah Rules of Evidence is enacted to read:

32 **Rule 417. Admissibility of Evidence of the Actor's Expression or Association in**
33 **Victim Targeting Criminal Penalty Enhancements.**

34 Evidence of a criminal defendant's expressions or associations is not admissible to
35 establish a penalty enhancement for a defendant's selection of a victim unless the evidence is
36 otherwise admissible under these rules and specifically relates to the defendant's selection of
37 the victim of the offense charged or is introduced for impeachment.

38 Section 2. **Effective date.**

39 This resolution takes effect upon approval by a constitutional two-thirds vote of all
40 members elected to each house.