

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

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution:

► provides that a criminal defendant's expressions or associations are not admissible as evidence of the defendant's selection of a victim for purposes of a victim selection penalty enhancement, except when the evidence:

- specifically relates to the crime charged; or
- is introduced for impeachment.

Special Clauses:

This resolution provides a special effective date.

Utah Rules of Evidence Affected:

ENACTS:

Rule 417, Utah Rules of Evidence

Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each 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 Selection 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 crime 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.