

26 Section 1. Section **76-3-203.6** is amended to read:

27 **76-3-203.6. Enhanced penalty for certain offenses committed by prisoner.**

28 (1) As used in this section, "serving a sentence" means a prisoner is sentenced and  
 29 committed to the custody of the Department of Corrections, the sentence has not been  
 30 terminated or voided, and the prisoner:

- 31 (a) has not been paroled; or
- 32 (b) is in custody after arrest for a parole violation.

33 (2) If ~~Ĥ~~→ [f] **the trier of fact finds beyond a reasonable doubt that [f] ←Ĥ** a prisoner  
 33a serving a  
 34 sentence for a capital felony or a first degree felony commits any offense listed in Subsection  
 35 (5), the offense is a first degree felony and the court shall sentence the defendant to life in  
 36 prison without parole.

37 (3) Notwithstanding Subsection (2), the court may sentence the defendant to an  
 38 indeterminate prison term of not less than 20 years and that may be for life if the court finds  
 39 that the interests of justice would best be served and states the specific circumstances justifying  
 40 the disposition on the record.

41 (4) Subsection (2) does not apply if the prisoner is younger than 18 years of age at the  
 42 time the offense listed in Subsection (5) is committed and is sentenced on or after May 10,  
 43 2016.

44 (5) Offenses referred to in Subsection (2) are:

- 45 (a) ~~[aggravated assault, Section 76-5-103]~~ aggravated assault by a prisoner, Section  
 46 76-5-103.5;
- 47 (b) mayhem, Section 76-5-105;
- 48 (c) attempted murder, Section 76-5-203;
- 49 (d) kidnapping, Section 76-5-301;
- 50 (e) child kidnapping, Section 76-5-301.1;
- 51 (f) aggravated kidnapping, Section 76-5-302;
- 52 (g) rape, Section 76-5-402;
- 53 (h) rape of a child, Section 76-5-402.1;
- 54 (i) object rape, Section 76-5-402.2;
- 55 (j) object rape of a child, Section 76-5-402.3;
- 56 (k) forcible sodomy, Section 76-5-403;