

HB0181S01 compared with HB0181

~~deleted text~~ shows text that was in HB0181 but was deleted in HB0181S01.

inserted text shows text that was not in HB0181 but was inserted into HB0181S01.

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Representative Matthew H. Gwynn proposes the following substitute bill:

CRIMINAL OFFENSES AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the imposition of an indeterminate prison term for certain criminal offenses.

Highlighted Provisions:

This bill:

- ▶ requires an indeterminate prison term to be imposed for certain attempt convictions;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

AMENDS:

76-3-406, as last amended by Laws of Utah 2023, Chapter 184

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

Section 1. Section 76-3-406 is amended to read:

76-3-406. Crimes for which probation, suspension of sentence, lower category of offense, or hospitalization may not be granted.

(1) Notwithstanding Sections 76-3-201 and 77-18-105 and Title 77, Chapter 16a, Commitment and Treatment of Individuals with a Mental Condition, and except as provided in Section 76-5-406.5 or Subsection 77-16a-103(6) or (7), a court may not grant probation [~~may not be granted~~], suspend the execution or imposition of a sentence ~~{;}~~ [~~may not be suspended, the court may not~~], enter a judgment for a lower category of offense, [~~and~~] or order hospitalization [~~may not be ordered~~], if the effect of which would in any way shorten the prison sentence for an [~~individual~~] actor who commits ~~{, or attempts to commit, }~~ [~~a capital felony or a first degree felony involving~~], or attempts to commit:

(a) [~~Section 76-5-202;~~] aggravated murder~~;~~

~~— (b) }~~ as described in Section 76-5-202;

~~(b) [Section 76-5-203;]~~ murder as described in Section 76-5-203~~{, murder};~~

(c) [~~Section 76-5-301.1, child kidnaping~~] child kidnaping as described in Section 76-5-301.1;

(d) [~~Section 76-5-302, aggravated kidnaping~~] aggravated kidnaping as described in Subsection 76-5-302(3)(b);

(e) [~~Section 76-5-402, rape, if the individual is sentenced under~~] rape as described in Subsection 76-5-402(3)(b), (3)(c), or (4);

(f) [~~Section 76-5-402.1;~~] rape of a child as described in Section 76-5-402.1;

(g) [~~Section 76-5-402.2, object rape, if the individual is sentenced under~~] object rape as described in Subsection 76-5-402.2(3)(b), (3)(c), or (4);

(h) [~~Section 76-5-402.3;~~] object rape of a child as described in Section 76-5-402.3;

(i) [~~Section 76-5-403, forcible sodomy, if the individual is sentenced under~~] forcible sodomy as described in Subsection 76-5-403(3)(b), (3)(c), or (4);

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(j) ~~[Section 76-5-403.1,]~~ sodomy on a child as described in Section 76-5-403.1;

(k) ~~[Section 76-5-404, forcible sexual abuse, if the individual is sentenced under]~~
forcible sexual abuse as described in Subsection 76-5-404(3)(b)(i) or (ii);

(l) ~~[Section 76-5-404.3,]~~ aggravated sexual abuse of a child as described in Section 76-5-404.3; or

(m) ~~[Section 76-5-405,]~~ aggravated sexual assault~~[-or]~~ as described in Section 76-5-405.

~~[(n) any attempt to commit a felony listed in Subsection (1)(f), (h), or (j):]~~

(2) Except for an offense before the district court in accordance with Section 80-6-502 or 80-6-504, the provisions of this section do not apply if the sentencing court finds that the ~~[defendant]~~ actor:

(a) was under 18 years old at the time of the offense; and

(b) could have been adjudicated in the juvenile court but for the delayed reporting or delayed filing of the information.

Section 2. **Effective date.**

This bill takes effect on May 1, 2024.