

Representative Andrew Stoddard proposes the following substitute bill:

**SENTENCING MODIFICATIONS FOR CERTAIN DUI
OFFENSES**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill modifies provisions related to negligently operating a vehicle resulting in death.

Highlighted Provisions:

This bill:

- ▶ renames the offense of negligently operating a vehicle resulting in death;
- ▶ creates a sentencing guideline for automobile homicide;
- ▶ adds automobile homicide to the list of crimes for which probation, suspension of sentence, a lower category of offense, or hospitalization may not be granted; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-501, as last amended by Laws of Utah 2023, Chapters 328, 415



- 26 **41-6a-1901**, as last amended by Laws of Utah 2022, Chapter 116
 - 27 **53-3-220**, as last amended by Laws of Utah 2023, Chapter 415
 - 28 **53-3-414**, as last amended by Laws of Utah 2022, Chapters 46, 116
 - 29 **53-10-403**, as last amended by Laws of Utah 2023, Chapters 328, 457
 - 30 **75-2-803**, as last amended by Laws of Utah 2022, Chapters 116, 157 and 430 and last
 - 31 amended by Coordination Clause, Laws of Utah 2022, Chapter 157
 - 32 **76-3-406**, as last amended by Laws of Utah 2023, Chapter 184
 - 33 **76-5-201**, as last amended by Laws of Utah 2022, Chapters 116, 181 and last amended
 - 34 by Coordination Clause, Laws of Utah 2022, Chapters 116, 181
 - 35 **76-5-207**, as last amended by Laws of Utah 2023, Chapter 415
 - 36 **78B-9-402**, as last amended by Laws of Utah 2022, Chapters 116, 430
 - 37 **80-6-712**, as last amended by Laws of Utah 2022, Chapters 116, 155, 426, and 430
 - 38 **80-6-804**, as last amended by Laws of Utah 2023, Chapter 236
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40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **41-6a-501** is amended to read:

42 **41-6a-501. Definitions.**

43 (1) As used in this part:

44 (a) "Actual physical control" is determined by a consideration of the totality of the
45 circumstances, but does not include a circumstance in which:

- 46 (i) the person is asleep inside the vehicle;
- 47 (ii) the person is not in the driver's seat of the vehicle;
- 48 (iii) the engine of the vehicle is not running;
- 49 (iv) the vehicle is lawfully parked; and

50 (v) under the facts presented, it is evident that the person did not drive the vehicle to
51 the location while under the influence of alcohol, a drug, or the combined influence of alcohol
52 and any drug.

53 (b) "Assessment" means an in-depth clinical interview with a licensed mental health
54 therapist:

55 (i) used to determine if a person is in need of:

56 (A) substance abuse treatment that is obtained at a substance abuse program;

- 57 (B) an educational series; or
- 58 (C) a combination of Subsections (1)(b)(i)(A) and (B); and
- 59 (ii) that is approved by the Division of Integrated Healthcare in accordance with
- 60 Section [26B-5-104](#).
- 61 (c) "Driving under the influence court" means a court that is approved as a driving
- 62 under the influence court by the Judicial Council according to standards established by the
- 63 Judicial Council.
- 64 (d) "Drug" or "drugs" means:
- 65 (i) a controlled substance as defined in Section [58-37-2](#);
- 66 (ii) a drug as defined in Section [58-17b-102](#); or
- 67 (iii) a substance that, when knowingly, intentionally, or recklessly taken into the human
- 68 body, can impair the ability of a person to safely operate a motor vehicle.
- 69 (e) "Educational series" means an educational series obtained at a substance abuse
- 70 program that is approved by the Division of Integrated Healthcare in accordance with Section
- 71 [26B-5-104](#).
- 72 (f) "Negligence" means simple negligence, the failure to exercise that degree of care
- 73 that an ordinarily reasonable and prudent person exercises under like or similar circumstances.
- 74 (g) "Novice learner driver" means an individual who:
- 75 (i) has applied for a Utah driver license;
- 76 (ii) has not previously held a driver license in this state or another state; and
- 77 (iii) has not completed the requirements for issuance of a Utah driver license.
- 78 (h) "Screening" means a preliminary appraisal of a person:
- 79 (i) used to determine if the person is in need of:
- 80 (A) an assessment; or
- 81 (B) an educational series; and
- 82 (ii) that is approved by the Division of Integrated Healthcare in accordance with
- 83 Section [26B-5-104](#).
- 84 (i) "Serious bodily injury" means bodily injury that creates or causes:
- 85 (i) serious permanent disfigurement;
- 86 (ii) protracted loss or impairment of the function of any bodily member or organ; or
- 87 (iii) a substantial risk of death.

88 (j) "Substance abuse treatment" means treatment obtained at a substance abuse
89 program that is approved by the Division of Integrated Healthcare in accordance with Section
90 [26B-5-104](#).

91 (k) "Substance abuse treatment program" means a state licensed substance abuse
92 program.

93 (l) (i) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in
94 Section [41-6a-102](#); and

95 (ii) "Vehicle" or "motor vehicle" includes:

96 (A) an off-highway vehicle as defined under Section [41-22-2](#); and

97 (B) a motorboat as defined in Section [73-18-2](#).

98 (2) As used in Sections [41-6a-502](#) and [41-6a-520.1](#):

99 (a) "Conviction" means any conviction arising from a separate episode of driving for a
100 violation of:

101 (i) driving under the influence under Section [41-6a-502](#);

102 (ii) (A) for an offense committed before July 1, 2008, alcohol, any drug, or a
103 combination of both-related reckless driving under Sections [41-6a-512](#) and [41-6a-528](#); or

104 (B) for an offense committed on or after July 1, 2008, impaired driving under Section
105 [41-6a-502.5](#);

106 (iii) driving with any measurable controlled substance that is taken illegally in the body
107 under Section [41-6a-517](#);

108 (iv) local ordinances similar to Section [41-6a-502](#), alcohol, any drug, or a combination
109 of both-related reckless driving, or impaired driving under Section [41-6a-502.5](#) adopted in
110 compliance with Section [41-6a-510](#);

111 (v) Section [76-5-207](#);

112 (vi) operating a motor vehicle with any amount of a controlled substance in an
113 individual's body and causing serious bodily injury or death, as codified before May 4, 2022,
114 Laws of Utah 2021, Chapter 236, Section 1, Subsection [58-37-8\(2\)\(g\)](#);

115 (vii) negligently operating a vehicle resulting in injury under Section [76-5-102.1](#);

116 (viii) a violation described in Subsections (2)(a)(i) through (vii), which judgment of
117 conviction is reduced under Section [76-3-402](#);

118 (ix) refusal of a chemical test under Subsection [41-6a-520.1\(1\)](#); or

119 (x) statutes or ordinances previously in effect in this state or in effect in any other state,
120 the United States, or any district, possession, or territory of the United States which would
121 constitute a violation of Section 41-6a-502 or alcohol, any drug, or a combination of
122 both-related reckless driving if committed in this state, including punishments administered
123 under 10 U.S.C. Sec. 815.

124 (b) A plea of guilty or no contest to a violation described in Subsections (2)(a)(i)
125 through (x) which plea was held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance,
126 prior to July 1, 2008, is the equivalent of a conviction, even if the charge has been subsequently
127 reduced or dismissed in accordance with the plea in abeyance agreement, for purposes of:

128 (i) enhancement of penalties under this part; and

129 (ii) expungement under Title 77, Chapter 40a, Expungement.

130 (c) An admission to a violation of Section 41-6a-502 in juvenile court is the equivalent
131 of a conviction even if the charge has been subsequently dismissed in accordance with the Utah
132 Rules of Juvenile Procedure for the purposes of enhancement of penalties under:

133 (i) this part;

134 (ii) negligently operating a vehicle resulting in injury under Section 76-5-102.1; and

135 (iii) [~~negligently operating a vehicle resulting in death~~] automobile homicide under
136 Section 76-5-207.

137 (3) As used in Section 41-6a-505, "controlled substance" does not include an inactive
138 metabolite of a controlled substance.

139 Section 2. Section 41-6a-1901 is amended to read:

140 **41-6a-1901. Applicability -- Law enforcement officer duties -- Documents and**
141 **records -- Notice to Department of State.**

142 (1) As used in this section, "diplomat" means an individual who:

143 (a) has a driver license issued by the United States Department of State; or

144 (b) claims immunities or privileges under 22 U.S.C. [~~Sections~~] Secs. 254a through
145 258a with respect to:

146 (i) a moving traffic violation under this title or a moving traffic violation of an
147 ordinance of a local authority; or

148 (ii) operating a motor vehicle while committing any of the following offenses:

149 (A) [~~negligently operating a vehicle resulting in death~~] automobile homicide under

150 Section 76-5-207;

151 (B) manslaughter under Section 76-5-205;

152 (C) negligent homicide under Section 76-5-206;

153 (D) aggravated assault under Section 76-5-103; or

154 (E) reckless endangerment under Section 76-5-112.

155 (2) A law enforcement officer who stops a motor vehicle and has probable cause to

156 believe that the driver is a diplomat that has committed a violation described under Subsection

157 (1)(b)(i) or (ii) shall:

158 (a) as soon as practicable, contact the United States Department of State in order to

159 verify the driver's status and immunity, if any;

160 (b) record all relevant information from any driver license or identification card,

161 including a driver license or identification card issued by the United States Department of

162 State; and

163 (c) within five working days after the date the officer stops the driver, forward all of

164 the following to the Department of Public Safety:

165 (i) if the driver is involved in a vehicle accident, the vehicle accident report;

166 (ii) if a citation or other charging document was issued to the driver, a copy of the

167 citation or other charging document; and

168 (iii) if a citation or other charging document was not issued to the driver, a written

169 report of the incident.

170 (3) The Department of Public Safety shall:

171 (a) file each vehicle accident report, citation or other charging document, and incident

172 report that the Department of Public Safety receives under this section;

173 (b) keep convenient records or make suitable notations showing each:

174 (i) conviction;

175 (ii) finding of responsibility; and

176 (iii) vehicle accident; and

177 (c) within five working days after receipt, send a copy of each document and record

178 described in Subsection (3) to the Bureau of Diplomatic Security, Office of Foreign Missions,

179 of the United States Department of State.

180 (4) This section does not prohibit or limit the application of any law to a criminal or

181 motor vehicle violation committed by a diplomat.

182 Section 3. Section **53-3-220** is amended to read:

183 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
184 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
185 **Limited driving privileges.**

186 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
187 6a, Traffic Code, or Section **76-5-303**, specifically provides for denial, suspension, or
188 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
189 receiving a record of the person's conviction for:

190 (i) manslaughter or negligent homicide resulting from driving a motor vehicle,
191 [~~negligently operating a vehicle resulting in death~~] automobile homicide under Section
192 **76-5-207**, or automobile homicide involving using a handheld wireless communication device
193 while driving under Section **76-5-207.5**;

194 (ii) driving or being in actual physical control of a motor vehicle while under the
195 influence of alcohol, any drug, or combination of them to a degree that renders the person
196 incapable of safely driving a motor vehicle as prohibited in Section **41-6a-502** or as prohibited
197 in an ordinance that complies with the requirements of Subsection **41-6a-510(1)**;

198 (iii) driving or being in actual physical control of a motor vehicle while having a blood
199 or breath alcohol content as prohibited in Section **41-6a-502** or as prohibited in an ordinance
200 that complies with the requirements of Subsection **41-6a-510(1)**;

201 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
202 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
203 regulating driving on highways;

204 (v) any felony under the motor vehicle laws of this state;

205 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

206 (vii) failure to stop and render aid as required under the laws of this state if a motor
207 vehicle accident results in the death or personal injury of another;

208 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
209 driving and impaired driving committed within a period of 12 months; but if upon a first
210 conviction of reckless driving or impaired driving the judge or justice recommends suspension
211 of the convicted person's license, the division may after a hearing suspend the license for a

212 period of three months;

213 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement
214 officer as required in Section 41-6a-210;

215 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
216 requires disqualification;

217 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
218 allowing the discharge of a firearm from a vehicle;

219 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
220 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

221 (xiii) operating or being in actual physical control of a motor vehicle while having any
222 measurable controlled substance or metabolite of a controlled substance in the person's body in
223 violation of Section 41-6a-517;

224 (xiv) operating or being in actual physical control of a motor vehicle while having any
225 measurable or detectable amount of alcohol in the person's body in violation of Section
226 41-6a-530;

227 (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
228 violation of Section 41-6a-606;

229 (xvi) operating or being in actual physical control of a motor vehicle in this state
230 without an ignition interlock system in violation of Section 41-6a-518.2; or

231 (xvii) refusal of a chemical test under Subsection 41-6a-520.1(1).

232 (b) The division shall immediately revoke the license of a person upon receiving a
233 record of an adjudication under Section 80-6-701 for:

234 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
235 allowing the discharge of a firearm from a vehicle; or

236 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
237 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

238 (c) (i) Except when action is taken under Section 53-3-219 for the same offense, upon
239 receiving a record of conviction, the division shall immediately suspend for six months the
240 license of the convicted person if the person was convicted of violating any one of the
241 following offenses while the person was an operator of a motor vehicle, and the court finds that
242 a driver license suspension is likely to reduce recidivism and is in the interest of public safety:

- 243 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 244 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 245 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;
- 246 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- 247 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or
- 248 (F) any criminal offense that prohibits possession, distribution, manufacture,
- 249 cultivation, sale, or transfer of any substance that is prohibited under the acts described in
- 250 Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy to possess, distribute,
- 251 manufacture, cultivate, sell, or transfer any substance that is prohibited under the acts described
- 252 in Subsections (1)(c)(i)(A) through (E).
- 253 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate a
- 254 person's driving privilege before completion of the suspension period imposed under
- 255 Subsection (1)(c)(i) if the reporting court notifies the Driver License Division, in a manner
- 256 specified by the division, that the defendant is participating in or has successfully completed a
- 257 drug court program as defined in Section [78A-5-201](#).
- 258 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person is
- 259 required to pay the license reinstatement fees under Subsection [53-3-105\(26\)](#).
- 260 (iv) The court shall notify the division, in a manner specified by the division, if a
- 261 person fails to complete all requirements of the drug court program.
- 262 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division shall
- 263 suspend the person's driving privilege for a period of six months from the date of the notice,
- 264 and no days shall be subtracted from the six-month suspension period for which a driving
- 265 privilege was previously suspended under Subsection (1)(c)(i).
- 266 (d) (i) The division shall immediately suspend a person's driver license for conviction
- 267 of the offense of theft of motor vehicle fuel under Section [76-6-404.7](#) if the division receives:
- 268 (A) an order from the sentencing court requiring that the person's driver license be
- 269 suspended; and
- 270 (B) a record of the conviction.
- 271 (ii) An order of suspension under this section is at the discretion of the sentencing
- 272 court, and may not be for more than 90 days for each offense.
- 273 (e) (i) The division shall immediately suspend for one year the license of a person upon

274 receiving a record of:

275 (A) conviction for the first time for a violation under Section 32B-4-411; or

276 (B) an adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

277 (ii) The division shall immediately suspend for a period of two years the license of a

278 person upon receiving a record of:

279 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

280 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior

281 conviction for a violation under Section 32B-4-411; or

282 (B) (I) a second or subsequent adjudication under Section 80-6-701 for a violation

283 under Section 32B-4-411; and

284 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior

285 adjudication under Section 80-6-701 for a violation under Section 32B-4-411.

286 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

287 (A) for a conviction or adjudication described in Subsection (1)(e)(i):

288 (I) impose a suspension for one year beginning on the date of conviction; or

289 (II) if the person is under the age of eligibility for a driver license, impose a suspension

290 that begins on the date of conviction and continues for one year beginning on the date of

291 eligibility for a driver license; or

292 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):

293 (I) impose a suspension for a period of two years; or

294 (II) if the person is under the age of eligibility for a driver license, impose a suspension

295 that begins on the date of conviction and continues for two years beginning on the date of

296 eligibility for a driver license.

297 (iv) Upon receipt of the first order suspending a person's driving privileges under

298 Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if

299 ordered by the court in accordance with Subsection 32B-4-411(3)(a).

300 (v) Upon receipt of the second or subsequent order suspending a person's driving

301 privileges under Section 32B-4-411, the division shall reduce the suspension period under

302 Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).

303 (2) The division shall extend the period of the first denial, suspension, revocation, or

304 disqualification for an additional like period, to a maximum of one year for each subsequent

305 occurrence, upon receiving:

306 (a) a record of the conviction of any person on a charge of driving a motor vehicle
307 while the person's license is denied, suspended, revoked, or disqualified;

308 (b) a record of a conviction of the person for any violation of the motor vehicle law in
309 which the person was involved as a driver;

310 (c) a report of an arrest of the person for any violation of the motor vehicle law in
311 which the person was involved as a driver; or

312 (d) a report of an accident in which the person was involved as a driver.

313 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
314 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
315 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
316 or revocation originally imposed under Section [53-3-221](#).

317 (4) (a) The division may extend to a person the limited privilege of driving a motor
318 vehicle to and from the person's place of employment or within other specified limits on
319 recommendation of the judge in any case where a person is convicted of any of the offenses
320 referred to in Subsections (1) and (2) except:

321 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b),
322 and (1)(c)(i); and

323 (ii) those offenses referred to in Subsection (2) when the original denial, suspension,
324 revocation, or disqualification was imposed because of a violation of Section [41-6a-502](#),
325 [41-6a-517](#), a local ordinance that complies with the requirements of Subsection [41-6a-510\(1\)](#),
326 Section [41-6a-520](#), [41-6a-520.1](#), [76-5-102.1](#), or [76-5-207](#), or a criminal prohibition that the
327 person was charged with violating as a result of a plea bargain after having been originally
328 charged with violating one or more of these sections or ordinances, unless:

329 (A) the person has had the period of the first denial, suspension, revocation, or
330 disqualification extended for a period of at least three years;

331 (B) the division receives written verification from the person's primary care physician
332 that:

333 (I) to the physician's knowledge the person has not used any narcotic drug or other
334 controlled substance except as prescribed by a licensed medical practitioner within the last
335 three years; and

336 (II) the physician is not aware of any physical, emotional, or mental impairment that
337 would affect the person's ability to operate a motor vehicle safely; and

338 (C) for a period of one year prior to the date of the request for a limited driving
339 privilege:

340 (I) the person has not been convicted of a violation of any motor vehicle law in which
341 the person was involved as the operator of the vehicle;

342 (II) the division has not received a report of an arrest for a violation of any motor
343 vehicle law in which the person was involved as the operator of the vehicle; and

344 (III) the division has not received a report of an accident in which the person was
345 involved as an operator of a vehicle.

346 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
347 authorized in this Subsection (4):

348 (A) is limited to when undue hardship would result from a failure to grant the
349 privilege; and

350 (B) may be granted only once to any person during any single period of denial,
351 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
352 or disqualification.

353 (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):

354 (A) is limited to when the limited privilege is necessary for the person to commute to
355 school or work; and

356 (B) may be granted only once to any person during any single period of denial,
357 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
358 or disqualification.

359 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
360 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
361 denied under this chapter.

362 Section 4. Section **53-3-414** is amended to read:

363 **53-3-414. CDL disqualification or suspension -- Grounds and duration --**

364 **Procedure.**

365 (1) (a) An individual who holds or is required to hold a CDL is disqualified from
366 driving a commercial motor vehicle for a period of not less than one year effective seven days

367 from the date of notice to the driver if convicted of a first offense of:

368 (i) driving a motor vehicle while under the influence of alcohol, drugs, a controlled
369 substance, or more than one of these;

370 (ii) driving a commercial motor vehicle while the concentration of alcohol in the
371 person's blood, breath, or urine is .04 grams or more;

372 (iii) leaving the scene of an accident involving a motor vehicle the person was driving;

373 (iv) failing to provide reasonable assistance or identification when involved in an
374 accident resulting in:

375 (A) personal injury in accordance with Section [41-6a-401.3](#);

376 (B) death in accordance with Section [41-6a-401.5](#); or

377 (v) using a motor vehicle in the commission of a felony;

378 (vi) refusal to submit to a test to determine the concentration of alcohol in the person's
379 blood, breath, or urine;

380 (vii) driving a commercial motor vehicle while the person's commercial driver license
381 is disqualified in accordance with the provisions of this section for violating an offense
382 described in this section; or

383 (viii) operating a commercial motor vehicle in a negligent manner causing the death of
384 another including the offenses of manslaughter under Section [76-5-205](#), negligent homicide
385 under Section [76-5-206](#), or [~~negligently operating a vehicle resulting in death~~] automobile
386 homicide under Section [76-5-207](#).

387 (b) The division shall subtract from any disqualification period under Subsection
388 (1)(a)(i) the number of days for which a license was previously disqualified under Subsection
389 (1)(a)(ii) or (14) if the previous disqualification was based on the same occurrence upon which
390 the record of conviction is based.

391 (2) If any of the violations under Subsection (1) occur while the driver is transporting a
392 hazardous material required to be placarded, the driver is disqualified for not less than three
393 years.

394 (3) (a) Except as provided under Subsection (4), a driver of a motor vehicle who holds
395 or is required to hold a CDL is disqualified for life from driving a commercial motor vehicle if
396 convicted of or administrative action is taken for two or more of any of the offenses under
397 Subsection (1), (5), or (14) arising from two or more separate incidents.

398 (b) Subsection (3)(a) applies only to those offenses committed after July 1, 1989.

399 (4) (a) Any driver disqualified for life from driving a commercial motor vehicle under
400 this section may apply to the division for reinstatement of the driver's CDL if the driver:

401 (i) has both voluntarily enrolled in and successfully completed an appropriate
402 rehabilitation program that:

403 (A) meets the standards of the division; and

404 (B) complies with 49 C.F.R. Sec. 383.51;

405 (ii) has served a minimum disqualification period of 10 years; and

406 (iii) has fully met the standards for reinstatement of commercial motor vehicle driving
407 privileges established by rule of the division.

408 (b) If a reinstated driver is subsequently convicted of another disqualifying offense
409 under this section, the driver is permanently disqualified for life and is ineligible to again apply
410 for a reduction of the lifetime disqualification.

411 (5) A driver of a motor vehicle who holds or is required to hold a CDL is disqualified
412 for life from driving a commercial motor vehicle if the driver uses a motor vehicle in the
413 commission of any felony involving:

414 (a) the manufacturing, distributing, or dispensing of a controlled substance, or
415 possession with intent to manufacture, distribute, or dispense a controlled substance and is
416 ineligible to apply for a reduction of the lifetime disqualification under Subsection (4); or

417 (b) an act or practice of severe forms of trafficking in persons as defined and described
418 in 22 U.S.C. Sec. 7102(11).

419 (6) (a) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds
420 or is required to hold a CDL is disqualified for not less than:

421 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
422 serious traffic violations; and

423 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

424 (b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic
425 violations:

426 (i) occur within three years of each other;

427 (ii) arise from separate incidents; and

428 (iii) involve the use or operation of a commercial motor vehicle.

429 (c) If a driver of a commercial motor vehicle who holds or is required to hold a CDL is
430 disqualified from driving a commercial motor vehicle and the division receives notice of a
431 subsequent conviction for a serious traffic violation that results in an additional disqualification
432 period under this Subsection (6), the subsequent disqualification period is effective beginning
433 on the ending date of the current serious traffic violation disqualification period.

434 (7) (a) A driver of a commercial motor vehicle who is convicted of violating an
435 out-of-service order while driving a commercial motor vehicle is disqualified from driving a
436 commercial motor vehicle for a period not less than:

437 (i) 180 days if the driver is convicted of a first violation;

438 (ii) two years if, during any 10 year period, the driver is convicted of two violations of
439 out-of-service orders in separate incidents;

440 (iii) three years but not more than five years if, during any 10 year period, the driver is
441 convicted of three or more violations of out-of-service orders in separate incidents;

442 (iv) 180 days but not more than two years if the driver is convicted of a first violation
443 of an out-of-service order while transporting hazardous materials required to be placarded or
444 while operating a motor vehicle designed to transport 16 or more passengers, including the
445 driver; or

446 (v) three years but not more than five years if, during any 10 year period, the driver is
447 convicted of two or more violations, in separate incidents, of an out-of-service order while
448 transporting hazardous materials required to be placarded or while operating a motor vehicle
449 designed to transport 16 or more passengers, including the driver.

450 (b) A driver of a commercial motor vehicle who is convicted of a first violation of an
451 out-of-service order is subject to a civil penalty of not less than \$2,500.

452 (c) A driver of a commercial motor vehicle who is convicted of a second or subsequent
453 violation of an out-of-service order is subject to a civil penalty of not less than \$5,000.

454 (8) A driver of a commercial motor vehicle who holds or is required to hold a CDL is
455 disqualified for not less than 60 days if the division determines, in its check of the driver's
456 driver license status, application, and record prior to issuing a CDL or at any time after the
457 CDL is issued, that the driver has falsified information required to apply for a CDL in this
458 state.

459 (9) A driver of a commercial motor vehicle who is convicted of violating a

460 railroad-highway grade crossing provision under Section [41-6a-1205](#), while driving a
461 commercial motor vehicle is disqualified from driving a commercial motor vehicle for a period
462 not less than:

- 463 (a) 60 days if the driver is convicted of a first violation;
- 464 (b) 120 days if, during any three-year period, the driver is convicted of a second
465 violation in separate incidents; or
- 466 (c) one year if, during any three-year period, the driver is convicted of three or more
467 violations in separate incidents.

468 (10) (a) The division shall update its records and notify the CDLIS within 10 days of
469 suspending, revoking, disqualifying, denying, or cancelling a CDL to reflect the action taken.

470 (b) When the division suspends, revokes, cancels, or disqualifies a nonresident CDL,
471 the division shall notify the licensing authority of the issuing state or other jurisdiction and the
472 CDLIS within 10 days after the action is taken.

473 (c) When the division suspends, revokes, cancels, or disqualifies a CDL issued by this
474 state, the division shall notify the CDLIS within 10 days after the action is taken.

475 (11) (a) The division may immediately suspend or disqualify the CDL of a driver
476 without a hearing or receiving a record of the driver's conviction when the division has reason
477 to believe that the:

- 478 (i) CDL was issued by the division through error or fraud;
- 479 (ii) applicant provided incorrect or incomplete information to the division;
- 480 (iii) applicant cheated on any part of a CDL examination;
- 481 (iv) driver no longer meets the fitness standards required to obtain a CDL; or
- 482 (v) driver poses an imminent hazard.

483 (b) Suspension of a CDL under this Subsection (11) shall be in accordance with
484 Section [53-3-221](#).

485 (c) If a hearing is held under Section [53-3-221](#), the division shall then rescind the
486 suspension order or cancel the CDL.

487 (12) (a) Subject to Subsection (12)(b), a driver of a motor vehicle who holds or is
488 required to hold a CDL is disqualified for not less than:

- 489 (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two
490 serious traffic violations; and

491 (ii) 120 days if the driver is convicted of three or more serious traffic violations.

492 (b) The disqualifications under Subsection (12)(a) are effective only if the serious
493 traffic violations:

494 (i) occur within three years of each other;

495 (ii) arise from separate incidents; and

496 (iii) result in a denial, suspension, cancellation, or revocation of the non-CDL driving
497 privilege from at least one of the violations.

498 (c) If a driver of a motor vehicle who holds or is required to hold a CDL is disqualified
499 from driving a commercial motor vehicle and the division receives notice of a subsequent
500 conviction for a serious traffic violation that results in an additional disqualification period
501 under this Subsection (12), the subsequent disqualification period is effective beginning on the
502 ending date of the current serious traffic violation disqualification period.

503 (13) (a) Upon receiving a notice that a person has entered into a plea of guilty or no
504 contest to a violation of a disqualifying offense described in this section which plea is held in
505 abeyance pursuant to a plea in abeyance agreement, the division shall disqualify, suspend,
506 cancel, or revoke the person's CDL for the period required under this section for a conviction of
507 that disqualifying offense, even if the charge has been subsequently reduced or dismissed in
508 accordance with the plea in abeyance agreement.

509 (b) The division shall report the plea in abeyance to the CDLIS within 10 days of
510 taking the action under Subsection (13)(a).

511 (c) A plea which is held in abeyance may not be removed from a person's driving
512 record for 10 years from the date of the plea in abeyance agreement, even if the charge is:

513 (i) reduced or dismissed in accordance with the plea in abeyance agreement; or

514 (ii) expunged under Title 77, Chapter 40a, Expungement.

515 (14) The division shall disqualify the CDL of a driver for an arrest of a violation of
516 Section 41-6a-502 when administrative action is taken against the operator's driving privilege
517 pursuant to Section 53-3-223 for a period of:

518 (a) one year; or

519 (b) three years if the violation occurred while transporting hazardous materials.

520 (15) The division may concurrently impose any disqualification periods that arise
521 under this section while a driver is disqualified by the Secretary of the United States

522 Department of Transportation under 49 C.F.R. Sec. 383.52 for posing an imminent hazard.

523 Section 5. Section **53-10-403** is amended to read:

524 **53-10-403. DNA specimen analysis -- Application to offenders, including minors.**

525 (1) Sections [53-10-403.6](#), [53-10-404](#), [53-10-404.5](#), [53-10-405](#), and [53-10-406](#) apply to
526 any person who:

527 (a) has pled guilty to or has been convicted of any of the offenses under Subsection
528 (2)(a) or (b) on or after July 1, 2002;

529 (b) has pled guilty to or has been convicted by any other state or by the United States
530 government of an offense which if committed in this state would be punishable as one or more
531 of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;

532 (c) has been booked on or after January 1, 2011, through December 31, 2014, for any
533 offense under Subsection (2)(c);

534 (d) has been booked:

535 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13,
536 2014, through December 31, 2014, under Subsection [53-10-404\(4\)\(b\)](#) for any felony offense; or

537 (ii) on or after January 1, 2015, for any felony offense; or

538 (e) is a minor under Subsection (3).

539 (2) Offenses referred to in Subsection (1) are:

540 (a) any felony or class A misdemeanor under the Utah Code;

541 (b) any offense under Subsection (2)(a):

542 (i) for which the court enters a judgment for conviction to a lower degree of offense
543 under Section [76-3-402](#); or

544 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
545 defined in Section [77-2a-1](#); or

546 (c) (i) any violent felony as defined in Section [53-10-403.5](#);

547 (ii) sale or use of body parts, Section [26B-8-315](#);

548 (iii) failure to stop at an accident that resulted in death, Section [41-6a-401.5](#);

549 (iv) operating a motor vehicle with any amount of a controlled substance in an
550 individual's body and causing serious bodily injury or death, as codified before May 4, 2022,
551 Laws of Utah 2021, Chapter 236, Section 1, Subsection [58-37-8\(2\)\(g\)](#);

552 (v) a felony violation of enticing a minor, Section [76-4-401](#);

- 553 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 554 (vii) a felony violation of propelling a substance or object at a correctional officer, a
555 peace officer, or an employee or a volunteer, including health care providers, Section
556 76-5-102.6;
- 557 (viii) [~~negligently operating a vehicle resulting in death~~] automobile homicide,
558 Subsection 76-5-207(2)(b);
- 559 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human
560 smuggling, Section 76-5-310.1;
- 561 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 562 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 563 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 564 (xiii) sale of a child, Section 76-7-203;
- 565 (xiv) aggravated escape, Subsection 76-8-309(2);
- 566 (xv) a felony violation of assault on an elected official, Section 76-8-315;
- 567 (xvi) influencing, impeding, or retaliating against a judge or member of the Board of
568 Pardons and Parole, Section 76-8-316;
- 569 (xvii) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 570 (xviii) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 571 (xix) a felony violation of sexual battery, Section 76-9-702.1;
- 572 (xx) a felony violation of lewdness involving a child, Section 76-9-702.5;
- 573 (xxi) a felony violation of abuse or desecration of a dead human body, Section
574 76-9-704;
- 575 (xxii) manufacture, possession, sale, or use of a weapon of mass destruction, Section
576 76-10-402;
- 577 (xxiii) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
578 Section 76-10-403;
- 579 (xxiv) possession of a concealed firearm in the commission of a violent felony,
580 Subsection 76-10-504(4);
- 581 (xxv) assault with the intent to commit bus hijacking with a dangerous weapon,
582 Subsection 76-10-1504(3);
- 583 (xxvi) commercial obstruction, Subsection 76-10-2402(2);

584 (xxvii) a felony violation of failure to register as a sex or kidnap offender, Section
585 77-41-107;

586 (xxviii) repeat violation of a protective order, Subsection 77-36-1.1(4); or

587 (xxix) violation of condition for release after arrest under Section 78B-7-802.

588 (3) A minor under Subsection (1) is a minor 14 years old or older who is adjudicated
589 by the juvenile court due to the commission of any offense described in Subsection (2), and
590 who:

591 (a) committed an offense under Subsection (2) within the jurisdiction of the juvenile
592 court on or after July 1, 2002; or

593 (b) is in the legal custody of the Division of Juvenile Justice and Youth Services on or
594 after July 1, 2002, for an offense under Subsection (2).

595 Section 6. Section 75-2-803 is amended to read:

596 **75-2-803. Definitions -- Effect of homicide on intestate succession, wills, trusts,**
597 **joint assets, life insurance, and beneficiary designations -- Petition -- Forfeiture --**
598 **Revocation.**

599 (1) As used in this section:

600 (a) "Conviction" means the same as that term is defined in Section 77-38b-102.

601 (b) "Decedent" means a deceased individual.

602 (c) "Disposition or appointment of property" includes a transfer of an item of property
603 or any other benefit to a beneficiary designated in a governing instrument.

604 (d) (i) Except as provided in Subsection (1)(d)(ii), "disqualifying homicide" means any
605 felony homicide offense described in Title 76, Chapter 5, Offenses Against the Individual, for
606 which the elements are established by a preponderance of the evidence and by applying the
607 same principles of culpability and defenses described in Title 76, Utah Criminal Code.

608 (ii) "Disqualifying homicide" does not include an offense for:

609 (A) [~~negligently operating a vehicle resulting in death~~] automobile homicide, as
610 described in Section 76-5-207; and

611 (B) automobile homicide involving using a handheld wireless communication device
612 while driving, as described in Section 76-5-207.5.

613 (e) "Governing instrument" means a governing instrument executed by the decedent.

614 (f) "Killer" means an individual who commits a disqualifying homicide.

615 (g) "Revocable" means a disposition, appointment, provision, or nomination under
616 which the decedent, at the time of or immediately before death, was alone empowered, by law
617 or under the governing instrument, to cancel the designation in favor of the killer regardless of
618 whether at the time or immediately before death:

619 (i) the decedent was empowered to designate the decedent in place of the decedent's
620 killer; or

621 (ii) the decedent had the capacity to exercise the power.

622 (2) (a) An individual who commits a disqualifying homicide of the decedent forfeits all
623 benefits under this chapter with respect to the decedent's estate, including an intestate share, an
624 elective share, an omitted spouse's or child's share, a homestead allowance, exempt property,
625 and a family allowance.

626 (b) If the decedent died intestate, the decedent's intestate estate passes as if the killer
627 disclaimed the killer's intestate share.

628 (3) The killing of the decedent by means of a disqualifying homicide:

629 (a) revokes any revocable:

630 (i) disposition or appointment of property made by the decedent to the killer in a
631 governing instrument;

632 (ii) provision in a governing instrument conferring a general or nongeneral power of
633 appointment on the killer; and

634 (iii) nomination of the killer in a governing instrument, nominating or appointing the
635 killer to serve in any fiduciary or representative capacity, including a personal representative,
636 executor, trustee, or agent; and

637 (b) severs the interests of the decedent and killer in property held by them at the time of
638 the killing as joint tenants with the right of survivorship, transforming the interests of the
639 decedent and killer into tenancies in common.

640 (4) A severance under Subsection (3)(b) does not affect any third-party interest in
641 property acquired for value and in good faith reliance on an apparent title by survivorship in the
642 killer unless a writing declaring the severance has been noted, registered, filed, or recorded in
643 records appropriate to the kind and location of the property which are relied upon, in the
644 ordinary course of transactions involving such property, as evidence of ownership.

645 (5) Provisions of a governing instrument are given effect as if the killer disclaimed all

646 provisions revoked by this section or, in the case of a revoked nomination in a fiduciary or
647 representative capacity, as if the killer predeceased the decedent.

648 (6) A wrongful acquisition of property or interest by one who kills another under
649 circumstances not covered by this section shall be treated in accordance with the principle that
650 a killer cannot profit from the killer's wrong.

651 (7) (a) An interested person may petition the court to determine whether an individual
652 has committed a disqualifying homicide of the decedent.

653 (b) An individual has committed a disqualifying homicide of the decedent for purposes
654 of this section if:

655 (i) unless the court finds that disinheritance would create a manifest injustice, the court
656 finds that, by a preponderance of the evidence, the individual has committed a disqualifying
657 homicide of the decedent; or

658 (ii) the court finds that a judgment of conviction has been entered against the
659 individual for a disqualifying homicide of the decedent and all direct appeals for the judgment
660 have been exhausted.

661 (8) (a) Before a court determines whether an individual committed a disqualifying
662 homicide of the decedent under Subsection (7), the decedent's estate may petition the court to:

663 (i) enter a temporary restraining order, an injunction, or a temporary restraining order
664 and an injunction, to preserve the property or assets of the killer or the killer's estate;

665 (ii) require the execution of a trustee's bond under Section [75-7-702](#) for the killer's
666 estate;

667 (iii) establish a constructive trust on any property or assets of the killer or the killer's
668 estate that is effective from the time the killer's act caused the death of the decedent; or

669 (iv) take any other action necessary to preserve the property or assets of the killer or the
670 killer's estate:

671 (A) until a court makes a determination under Subsection (7); or

672 (B) for the payment of all damages and judgments for conduct resulting in the
673 disqualifying homicide of the decedent.

674 (b) Upon a petition for a temporary restraining order or an injunction under Subsection
675 (8)(a)(i), a court may enter a temporary restraining order against an owner's property in
676 accordance with Rule 65A of the Utah Rules of Civil Procedure, without notice or opportunity

677 of a hearing, if the court determines that:

678 (i) there is a substantial likelihood that the property is, or will be, necessary to satisfy a
679 judgment or damages owed by the killer for conduct resulting in the disqualifying homicide of
680 the decedent; and

681 (ii) notice of the hearing would likely result in the property being:

682 (A) sold, distributed, destroyed, or removed; and

683 (B) unavailable to satisfy a judgment or damages owed by the killer for conduct
684 resulting in the disqualifying homicide of the decedent.

685 (9) (a) (i) A payor or other third party is not liable for having made a payment or
686 transferred an item of property or any other benefit to a beneficiary designated in a governing
687 instrument affected by a disqualifying homicide, or for having taken any other action in good
688 faith reliance on the validity of the governing instrument, upon request and satisfactory proof of
689 the decedent's death, before the payor or other third party received written notice of a claimed
690 forfeiture or revocation under this section.

691 (ii) A payor or other third party is liable for a payment made or other action taken after
692 the payor or other third party received written notice of a claimed forfeiture or revocation under
693 this section.

694 (b) (i) Written notice of a claimed forfeiture or revocation under Subsection (9)(a) shall
695 be mailed to the payor's or other third party's main office or home by registered or certified
696 mail, return receipt requested, or served upon the payor or other third party in the same manner
697 as a summons in a civil action.

698 (ii) Upon receipt of written notice of a claimed forfeiture or revocation under this
699 section, a payor or other third party may pay any amount owed or transfer or deposit any item
700 of property held by the payor or third party to or with:

701 (A) the court having jurisdiction of the probate proceedings relating to the decedent's
702 estate; or

703 (B) if no proceedings have been commenced, the court having jurisdiction of probate
704 proceedings relating to the decedent's estates located in the county of the decedent's residence.

705 (iii) The court shall hold the funds or item of property and, upon the court's
706 determination under this section, shall order disbursement in accordance with the
707 determination.

708 (iv) Payments, transfers, or deposits made to or with the court discharge the payor or
709 other third party from all claims for the value of amounts paid to or items of property
710 transferred to or deposited with the court.

711 (10) (a) A person who purchases property for value and without notice, or who receives
712 a payment or other item of property in partial or full satisfaction of a legally enforceable
713 obligation, is:

714 (i) not obligated under this section to return the payment, item of property, or benefit;
715 and

716 (ii) not liable under this section for the amount of the payment or the value of the item
717 of property or benefit.

718 (b) Notwithstanding Subsection (10)(a), a person who, not for value, receives a
719 payment, item of property, or any other benefit to which the person is not entitled under this
720 section is:

721 (i) obligated to return the payment, item of property, or benefit to the person who is
722 entitled to the payment, property, or benefit under this section; and

723 (ii) personally liable for the amount of the payment or the value of the item of property
724 or benefit to the person who is entitled to the payment, property, or benefit under this section.

725 (c) If this section or any part of this section is preempted by federal law with respect to
726 a payment, an item of property, or any other benefit covered by this section, a person who, not
727 for value, receives the payment, item of property, or any other benefit to which the person is
728 not entitled under this section is:

729 (i) obligated to return the payment, item of property, or benefit to the person who
730 would have been entitled to the payment, property, or benefit if this section or part were not
731 preempted; and

732 (ii) personally liable for the amount of the payment or the value of the item of property
733 or benefit, to the person who would have been entitled to the payment, property, or benefit if
734 this section or part were not preempted.

735 Section 7. Section **76-3-406** is amended to read:

736 **76-3-406. Crimes for which probation, suspension of sentence, lower category of**
737 **offense, or hospitalization may not be granted.**

738 (1) Notwithstanding Sections [76-3-201](#) and [77-18-105](#) and Title 77, Chapter 16a,

739 Commitment and Treatment of Individuals with a Mental Condition, except as provided in
 740 Section 76-5-406.5 or Subsection 77-16a-103(6) or (7), probation may not be granted, the
 741 execution or imposition of sentence may not be suspended, the court may not enter a judgment
 742 for a lower category of offense, and hospitalization may not be ordered, the effect of which
 743 would in any way shorten the prison sentence for an individual who commits:

744 (a) a capital felony or a first degree felony involving:

745 ~~(a)~~ (i) Section 76-5-202, aggravated murder;

746 ~~(b)~~ (ii) Section 76-5-203, murder;

747 ~~(c)~~ (iii) Section 76-5-301.1, child kidnaping;

748 ~~(d)~~ (iv) Section 76-5-302, aggravated kidnaping;

749 ~~(e)~~ (v) Section 76-5-402, rape, if the individual is sentenced under Subsection
 750 76-5-402(3)(b), (3)(c), or (4);

751 ~~(f)~~ (vi) Section 76-5-402.1, rape of a child;

752 ~~(g)~~ (vii) Section 76-5-402.2, object rape, if the individual is sentenced under
 753 Subsection 76-5-402.2(3)(b), (3)(c), or (4);

754 ~~(h)~~ (viii) Section 76-5-402.3, object rape of a child;

755 ~~(i)~~ (ix) Section 76-5-403, forcible sodomy, if the individual is sentenced under
 756 Subsection 76-5-403(3)(b), (3)(c), or (4);

757 ~~(j)~~ (x) Section 76-5-403.1, sodomy on a child;

758 ~~(k)~~ (xi) Section 76-5-404, forcible sexual abuse, if the individual is sentenced under
 759 Subsection 76-5-404(3)(b)(i) or (ii);

760 ~~(l)~~ (xii) Section 76-5-404.3, aggravated sexual abuse of a child;

761 ~~(m)~~ (xiii) Section 76-5-405, aggravated sexual assault; or

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

763 (1)(a)(vi), (viii), or (x); or

764 (b) automobile homicide, as described in Section 76-5-207.

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

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

769 (b) could have been adjudicated in the juvenile court but for the delayed reporting or

770 delayed filing of the information.

771 Section 8. Section 76-5-201 is amended to read:

772 **76-5-201. Criminal homicide -- Designations of offenses -- Exceptions --**

773 **Application of consensual altercation defense.**

774 (1) (a) As used in this section:

775 (i) "Abortion" means the same as that term is defined in Section 76-7-301.

776 (ii) "Criminal homicide" means an act causing the death of another human being,
777 including an unborn child at any stage of the unborn child's development.

778 (b) The terms defined in Section 76-1-101.5 apply to this section.

779 (2) The following are criminal homicide:

780 (a) aggravated murder;

781 (b) murder;

782 (c) manslaughter;

783 (d) child abuse homicide;

784 (e) homicide by assault;

785 (f) negligent homicide; and

786 (g) [~~negligently operating a vehicle resulting in death~~] automobile homicide.

787 (3) Notwithstanding Subsection (2), an actor is not guilty of criminal homicide if:

788 (a) the death of an unborn child is caused by an abortion;

789 (b) the sole reason for the death of an unborn child is that the actor:

790 (i) refused to consent to:

791 (A) medical treatment; or

792 (B) a cesarean section; or

793 (ii) failed to follow medical advice; or

794 (c) a woman causes the death of her own unborn child, and the death:

795 (i) is caused by a criminally negligent act or reckless act of the woman; and

796 (ii) is not caused by an intentional or knowing act of the woman.

797 (4) The provisions governing a defense of a consensual altercation as described in

798 Section 76-5-104 apply to this part.

799 Section 9. Section 76-5-207 is amended to read:

800 **76-5-207. Automobile homicide -- Penalties -- Evidence.**

801 (1) (a) As used in this section:

802 (i) "Controlled substance" means the same as that term is defined in Section 58-37-2.

803 (ii) "Criminally negligent" means the same as that term is described in Subsection
804 76-2-103(4).

805 (iii) "Drug" means:

806 (A) a controlled substance;

807 (B) a drug as defined in Section 58-37-2; or

808 (C) a substance that, when knowingly, intentionally, or recklessly taken into the human
809 body, can impair the ability of an individual to safely operate a vehicle.

810 (iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that
811 degree of care that reasonable and prudent persons exercise under like or similar circumstances.

812 (v) "Vehicle" means the same as that term is defined in Section 41-6a-501.

813 (b) Terms defined in Section 76-1-101.5 apply to this section.

814 (2) An actor commits [~~negligently operating a vehicle resulting in death~~] automobile
815 homicide if the actor:

816 (a) (i) operates a vehicle in a negligent or criminally negligent manner causing the
817 death of another individual;

818 (ii) (A) has sufficient alcohol in the actor's body such that a subsequent chemical test
819 shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the
820 time of the test;

821 (B) is under the influence of alcohol, any drug, or the combined influence of alcohol
822 and any drug to a degree that renders the actor incapable of safely operating a vehicle; or

823 (C) has a blood or breath alcohol concentration of .05 grams or greater at the time of
824 operation; or

825 (b) (i) operates a vehicle in a criminally negligent manner causing death to another; and

826 (ii) has in the actor's body any measurable amount of a controlled substance.

827 (3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty
828 of:

829 (a) a second degree felony, punishable by a term of imprisonment of not less than five
830 years nor more than 15 years; and

831 (b) a separate offense for each victim suffering death as a result of the actor's violation

832 of this section, regardless of whether the deaths arise from the same episode of driving.

833 (4) An actor is not guilty of a violation of [~~negligently operating a vehicle resulting in~~
834 ~~death~~] automobile homicide under Subsection (2)(b) if:

835 (a) the controlled substance was obtained under a valid prescription or order, directly
836 from a practitioner while acting in the course of the practitioner's professional practice, or as
837 otherwise authorized by Title 58, Occupations and Professions;

838 (b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

839 (c) the actor possessed, in the actor's body, a controlled substance listed in Section

840 [58-37-4.2](#) if:

841 (i) the actor is the subject of medical research conducted by a holder of a valid license
842 to possess controlled substances under Section [58-37-6](#); and

843 (ii) the substance was administered to the actor by the medical researcher.

844 (5) (a) A judge imposing a sentence under this section may consider:

845 (i) the sentencing guidelines developed in accordance with Section [63M-7-404](#);

846 (ii) the defendant's history;

847 (iii) the facts of the case;

848 (iv) aggravating and mitigating factors; or

849 (v) any other relevant fact.

850 (b) The judge may not impose a lesser sentence than would be required for a conviction
851 based on the defendant's history under Section [41-6a-505](#).

852 (c) The standards for chemical breath analysis as provided by Section [41-6a-515](#) and
853 the provisions for the admissibility of chemical test results as provided by Section [41-6a-516](#)
854 apply to determination and proof of blood alcohol content under this section.

855 (d) A calculation of blood or breath alcohol concentration under this section shall be
856 made in accordance with Subsection [41-6a-502\(3\)](#).

857 (e) Except as provided in Subsection (4), the fact that an actor charged with violating
858 this section is or has been legally entitled to use alcohol or a drug is not a defense.

859 (f) Evidence of a defendant's blood or breath alcohol content or drug content is
860 admissible except when prohibited by the Utah Rules of Evidence, the United States
861 Constitution, or the Utah Constitution.

862 (g) In accordance with Subsection [77-2a-3\(8\)](#), a guilty or no contest plea to an offense

863 described in this section may not be held in abeyance.

864 (6) Imprisonment under this section is mandatory in accordance with Section [76-3-406](#).

865 Section 10. Section **78B-9-402** is amended to read:

866 **78B-9-402. Petition for determination of factual innocence -- Sufficient**
867 **allegations -- Notification of victim -- Payment to surviving spouse.**

868 (1) A person who has been convicted of a felony offense may petition the district court
869 in the county in which the person was convicted for a hearing to establish that the person is
870 factually innocent of the crime or crimes of which the person was convicted.

871 (2) (a) The petition shall contain an assertion of factual innocence under oath by the
872 petitioner and shall aver, with supporting affidavits or other credible documents, that:

873 (i) newly discovered material evidence exists that, if credible, establishes that the
874 petitioner is factually innocent;

875 (ii) the specific evidence identified by the petitioner in the petition establishes
876 innocence;

877 (iii) the material evidence is not merely cumulative of evidence that was known;

878 (iv) the material evidence is not merely impeachment evidence; and

879 (v) viewed with all the other evidence, the newly discovered evidence demonstrates
880 that the petitioner is factually innocent.

881 (b) (i) The court shall review the petition in accordance with the procedures in
882 Subsection (9)(b), and make a finding that the petition has satisfied the requirements of
883 Subsection (2)(a).

884 (ii) If the court finds the petition does not meet all the requirements of Subsection
885 (2)(a), the court shall dismiss the petition without prejudice and send notice of the dismissal to
886 the petitioner and the attorney general.

887 (3) (a) The petition shall also contain an averment that:

888 (i) neither the petitioner nor the petitioner's counsel knew of the evidence at the time of
889 trial or sentencing or in time to include the evidence in any previously filed post-trial motion or
890 postconviction motion, and the evidence could not have been discovered by the petitioner or
891 the petitioner's counsel through the exercise of reasonable diligence; or

892 (ii) a court has found ineffective assistance of counsel for failing to exercise reasonable
893 diligence in uncovering the evidence.

894 (b) (i) Upon entry of a finding that the petition is sufficient under Subsection (2)(a), the
895 court shall then review the petition to determine if Subsection (3)(a) has been satisfied.

896 (ii) If the court finds that the requirements of Subsection (3)(a) have not been satisfied,
897 the court may dismiss the petition without prejudice and give notice to the petitioner and the
898 attorney general of the dismissal, or the court may waive the requirements of Subsection (3)(a)
899 if the court finds the petition should proceed to hearing based upon the strength of the petition,
900 and that there is other evidence that could have been discovered through the exercise of
901 reasonable diligence by the petitioner or the petitioner's counsel at trial, and the other evidence:

902 (A) was not discovered by the petitioner or the petitioner's counsel;

903 (B) is material upon the issue of factual innocence; and

904 (C) has never been presented to a court.

905 (4) (a) If the conviction for which the petitioner asserts factual innocence was based
906 upon a plea of guilty, the petition shall contain the specific nature and content of the evidence
907 that establishes factual innocence.

908 (b) The court shall review the evidence and may dismiss the petition at any time in the
909 course of the proceedings, if the court finds that the evidence of factual innocence relies solely
910 upon the recantation of testimony or prior statements made by a witness against the petitioner,
911 and the recantation appears to the court to be equivocal or self serving.

912 (5) A person who has already obtained postconviction relief that vacated or reversed
913 the person's conviction or sentence may also file a petition under this part in the same manner
914 and form as described above, if no retrial or appeal regarding this offense is pending.

915 (6) If some or all of the evidence alleged to be exonerating is biological evidence
916 subject to DNA testing, the petitioner shall seek DNA testing in accordance with Section
917 [78B-9-301](#).

918 (7) Except as provided in Subsection (9), the petition and all subsequent proceedings
919 shall be in compliance with and governed by Utah Rules of Civil Procedure, Rule 65C and
920 shall include the underlying criminal case number.

921 (8) After a petition is filed under this section, prosecutors, law enforcement officers,
922 and crime laboratory personnel shall cooperate in preserving evidence and in determining the
923 sufficiency of the chain of custody of the evidence which is the subject of the petition.

924 (9) (a) A person who files a petition under this section shall serve notice of the petition

925 and a copy of the petition upon the office of the prosecutor who obtained the conviction and
926 upon the Utah attorney general.

927 (b) (i) The assigned judge shall conduct an initial review of the petition.

928 (ii) If it is apparent to the court that the petitioner is either merely relitigating facts,
929 issues, or evidence presented in previous proceedings or presenting issues that appear frivolous
930 or speculative on their face, the court shall dismiss the petition, state the basis for the dismissal,
931 and serve notice of dismissal upon the petitioner and the attorney general.

932 (iii) If, upon completion of the initial review, the court does not dismiss the petition,
933 the court shall order the attorney general to file a response to the petition.

934 (iv) The attorney general shall, within 30 days after the day on which the attorney
935 general receives the court's order, or within any additional period of time the court allows,
936 answer or otherwise respond to all proceedings initiated under this part.

937 (c) (i) After the time for response by the attorney general under Subsection (9)(b) has
938 passed, the court shall order a hearing if the court finds the petition meets the requirements of
939 Subsections (2) and (3) and finds there is a bona fide and compelling issue of factual innocence
940 regarding the charges of which the petitioner was convicted.

941 (ii) No bona fide and compelling issue of factual innocence exists if the petitioner is
942 merely relitigating facts, issues, or evidence presented in a previous proceeding or if the
943 petitioner is unable to identify with sufficient specificity the nature and reliability of the newly
944 discovered evidence that establishes the petitioner's factual innocence.

945 (d) (i) If the parties stipulate that the evidence establishes that the petitioner is factually
946 innocent, the court may find the petitioner is factually innocent without holding a hearing.

947 (ii) If the state will not stipulate that the evidence establishes that the petitioner is
948 factually innocent, no determination of factual innocence may be made by the court without
949 first holding a hearing under this part.

950 (10) The court may not grant a petition for a hearing under this part during the period
951 in which criminal proceedings in the matter are pending before any trial or appellate court,
952 unless stipulated to by the parties.

953 (11) Any victim of a crime that is the subject of a petition under this part, and who has
954 elected to receive notice under Section [77-38-3](#), shall be notified by the state's attorney of any
955 hearing regarding the petition.

956 (12) (a) A petition to determine factual innocence under this part, or Part 3,
957 Postconviction Testing of DNA, shall be filed separately from any petition for postconviction
958 relief under Part 1, General Provisions.

959 (b) Separate petitions may be filed simultaneously in the same court.

960 (13) The procedures governing the filing and adjudication of a petition to determine
961 factual innocence apply to all petitions currently filed or pending in the district court and any
962 new petitions filed on or after June 1, 2012.

963 (14) (a) As used in this Subsection (14) and in Subsection (15):

964 (i) "Married" means the legal marital relationship established between two individuals
965 and as recognized by the law; and

966 (ii) "Spouse" means an individual married to the petitioner at the time the petitioner
967 was found guilty of the offense regarding which a petition is filed and who has since then been
968 continuously married to the petitioner until the petitioner's death.

969 (b) A claim for determination of factual innocence under this part is not extinguished
970 upon the death of the petitioner.

971 (c) (i) If any payments are already being made to the petitioner under this part at the
972 time of the death of the petitioner, or if the finding of factual innocence occurs after the death
973 of the petitioner, the payments due under Section 78B-9-405 shall be paid in accordance with
974 Section 78B-9-405 to the petitioner's surviving spouse.

975 (ii) Payments cease upon the death of the spouse.

976 (15) The spouse under Subsection (14) forfeits all rights to receive any payment under
977 this part if the spouse is charged with a homicide established by a preponderance of the
978 evidence that meets the elements of any felony homicide offense in Title 76, Chapter 5,
979 Offenses Against the Individual, except [~~negligently operating a vehicle resulting in death~~]
980 automobile homicide under Section 76-5-207, applying the same principles of culpability and
981 defenses as in Title 76, Utah Criminal Code, including Title 76, Chapter 2, Principles of
982 Criminal Responsibility.

983 Section 11. Section 80-6-712 is amended to read:

984 **80-6-712. Time periods for supervision of probation or placement -- Termination**
985 **of continuing jurisdiction.**

986 (1) If the juvenile court places a minor on probation under Section 80-6-702, the

987 juvenile court shall establish a period of time for supervision for the minor that is:

988 (a) if the minor is placed on intake probation, no more than three months; or

989 (b) if the minor is placed on formal probation, from four to six months, but may not
990 exceed six months.

991 (2) (a) If the juvenile court commits a minor to the division under Section 80-6-703,
992 and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:

993 (i) for a minor placed out of the home, a period of custody from three to six months,
994 but may not exceed six months; and

995 (ii) for aftercare services if the minor was placed out of the home, a period of
996 supervision from three to four months, but may not exceed four months.

997 (b) A minor may be supervised for aftercare services under Subsection (2)(a)(ii):

998 (i) in the home of a qualifying relative or guardian;

999 (ii) at an independent living program contracted or operated by the division; or

1000 (iii) in a family-based setting with approval by the director or the director's designee if
1001 the minor does not qualify for an independent living program due to age, disability, or another
1002 reason or the minor cannot be placed with a qualifying relative or guardian.

1003 (3) If the juvenile court orders a minor to secure care, the authority shall:

1004 (a) have jurisdiction over the minor's case; and

1005 (b) apply the provisions of Part 8, Commitment and Parole.

1006 (4) (a) The juvenile court shall terminate continuing jurisdiction over a minor's case at
1007 the end of the time period described in Subsection (1) for probation or Subsection (2) for
1008 commitment to the division, unless:

1009 (i) termination would interrupt the completion of the treatment program determined to
1010 be necessary by the results of a validated risk and needs assessment under Section 80-6-606;

1011 (ii) the minor commits a new misdemeanor or felony offense;

1012 (iii) the minor has not completed community or compensatory service hours;

1013 (iv) there is an outstanding fine; or

1014 (v) the minor has not paid restitution in full.

1015 (b) The juvenile court shall determine whether a minor has completed a treatment
1016 program under Subsection (4)(a)(i) by considering:

1017 (i) the recommendations of the licensed service provider for the treatment program;

- 1018 (ii) the minor's record in the treatment program; and
1019 (iii) the minor's completion of the goals of the treatment program.
- 1020 (5) Subject to Subsections (6) and (7), if one of the circumstances under Subsection (4)
1021 exists the juvenile court may extend supervision for the time needed to address the specific
1022 circumstance.
- 1023 (6) If the juvenile court extends supervision solely on the ground that the minor has not
1024 yet completed community or compensatory service hours under Subsection (4)(a)(iii), the
1025 juvenile court may only extend supervision:
- 1026 (a) one time for no more than three months; and
1027 (b) as intake probation.
- 1028 (7) (a) If the juvenile court extends jurisdiction solely on the ground that the minor has
1029 not paid restitution in full as described in Subsection (4)(a)(v):
- 1030 (i) the juvenile court may only:
- 1031 (A) extend jurisdiction up to four times for no more than three months at a time;
1032 (B) consider the efforts of the minor to pay restitution in full when determining
1033 whether to extend jurisdiction under Subsection (7)(a)(i); and
1034 (C) make orders concerning the payment of restitution during the period for which
1035 jurisdiction is extended;
- 1036 (ii) the juvenile court shall terminate any intake probation or formal probation of the
1037 minor; and
1038 (iii) a designated staff member of the juvenile court shall submit a report to the juvenile
1039 court every three months regarding the minor's efforts to pay restitution.
- 1040 (b) If the juvenile court finds that a minor is not making an effort to pay restitution, the
1041 juvenile court shall:
- 1042 (i) terminate jurisdiction over the minor's case; and
1043 (ii) record the amount of unpaid restitution as a civil judgment in accordance with
1044 Subsection [80-6-709](#)(8).
- 1045 (8) If the juvenile court extends supervision or jurisdiction under this section, the
1046 grounds for the extension and the length of any extension shall be recorded in the court records
1047 and tracked in the data system used by the Administrative Office of the Courts and the division.
- 1048 (9) If a minor leaves supervision without authorization for more than 24 hours, the

1049 supervision period for the minor shall toll until the minor returns.

1050 (10) This section does not apply to any minor adjudicated under this chapter for:

1051 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

1052 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

1053 (c) Section 76-5-203, murder or attempted murder;

1054 (d) Section 76-5-205, manslaughter;

1055 (e) Section 76-5-206, negligent homicide;

1056 (f) Section 76-5-207, [~~negligently operating a vehicle resulting in death~~] automobile

1057 homicide;

1058 (g) Section 76-5-207.5, automobile homicide involving using a wireless

1059 communication device while operating a motor vehicle;

1060 (h) Section 76-5-208, child abuse homicide;

1061 (i) Section 76-5-209, homicide by assault;

1062 (j) Section 76-5-302, aggravated kidnapping;

1063 (k) Section 76-5-405, aggravated sexual assault;

1064 (l) a felony violation of Section 76-6-103, aggravated arson;

1065 (m) Section 76-6-203, aggravated burglary;

1066 (n) Section 76-6-302, aggravated robbery;

1067 (o) Section 76-10-508.1, felony discharge of a firearm;

1068 (p) (i) an offense other than an offense listed in Subsections (10)(a) through (o)

1069 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is a felony; and

1070 (ii) the minor has been previously adjudicated or convicted of an offense involving the

1071 use of a dangerous weapon; or

1072 (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and

1073 the minor has been previously committed to the division for secure care.

1074 Section 12. Section 80-6-804 is amended to read:

1075 **80-6-804. Review and termination of secure care.**

1076 (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile

1077 offender shall appear before the authority within 45 days after the day on which the juvenile

1078 offender is ordered to secure care for review of a treatment plan and to establish parole release

1079 guidelines.

1080 (2) (a) Except as provided in Subsections (2)(b) and (2)(h), if a juvenile offender is
1081 ordered to secure care under Section 80-6-705, the authority shall set a presumptive term of
1082 secure care for the juvenile offender from three to six months, but the presumptive term may
1083 not exceed six months.

1084 (b) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
1085 authority may immediately release the juvenile offender on parole if there is a treatment
1086 program available for the juvenile offender in a community-based setting.

1087 (c) Except as provided in Subsection (2)(h), the authority shall release the juvenile
1088 offender on parole at the end of the presumptive term of secure care unless:

1089 (i) termination would interrupt the completion of a treatment program determined to be
1090 necessary by the results of a validated risk and needs assessment under Section 80-6-606; or

1091 (ii) the juvenile offender commits a new misdemeanor or felony offense.

1092 (d) The authority shall determine whether a juvenile offender has completed a
1093 treatment program under Subsection (2)(c)(i) by considering:

1094 (i) the recommendations of the licensed service provider for the treatment program;

1095 (ii) the juvenile offender's record in the treatment program; and

1096 (iii) the juvenile offender's completion of the goals of the treatment program.

1097 (e) Except as provided in Subsection (2)(h), the authority may extend the length of
1098 secure care and delay parole release for the time needed to address the specific circumstance if
1099 one of the circumstances under Subsection (2)(c) exists.

1100 (f) The authority shall:

1101 (i) record the length of the extension and the grounds for the extension; and

1102 (ii) report annually the length and grounds of extension to the commission.

1103 (g) Records under Subsection (2)(f) shall be tracked in the data system used by the
1104 juvenile court and the division.

1105 (h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
1106 authority may not:

1107 (i) set a juvenile offender's presumptive term of secure care under Subsection (2)(a)
1108 that would result in a term of secure care that exceeds a term of incarceration for an adult under
1109 Section 76-3-204 for the same misdemeanor offense; or

1110 (ii) extend the juvenile offender's term of secure care under Subsections (2)(c) and (e)

1111 if the extension would result in a term of secure care that exceeds the term of incarceration for
1112 an adult under Section 76-3-204 for the same misdemeanor offense.

1113 (3) (a) If a juvenile offender is ordered to secure care, the authority shall set a
1114 presumptive term of parole supervision, including aftercare services, from three to four months,
1115 but the presumptive term may not exceed four months.

1116 (b) If the authority determines that a juvenile offender is unable to return home
1117 immediately upon release, the juvenile offender may serve the term of parole:

1118 (i) in the home of a qualifying relative or guardian;

1119 (ii) at an independent living program contracted or operated by the division; or

1120 (iii) in a family-based setting with approval by the director or the director's designee if
1121 the minor does not qualify for an independent living program due to age, disability, or another
1122 reason or the minor cannot be placed with a qualifying relative or guardian.

1123 (c) The authority shall release a juvenile offender from parole and terminate the
1124 authority's jurisdiction at the end of the presumptive term of parole, unless:

1125 (i) termination would interrupt the completion of a treatment program that is
1126 determined to be necessary by the results of a validated risk and needs assessment under
1127 Section 80-6-606;

1128 (ii) the juvenile offender commits a new misdemeanor or felony offense; or

1129 (iii) restitution has not been completed.

1130 (d) The authority shall determine whether a juvenile offender has completed a
1131 treatment program under Subsection (3)(c)(i) by considering:

1132 (i) the recommendations of the licensed service provider;

1133 (ii) the juvenile offender's record in the treatment program; and

1134 (iii) the juvenile offender's completion of the goals of the treatment program.

1135 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay
1136 parole release only for the time needed to address the specific circumstance.

1137 (f) The authority shall:

1138 (i) record the grounds for extension of the presumptive length of parole and the length
1139 of the extension; and

1140 (ii) report annually the extension and the length of the extension to the commission.

1141 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the

1142 juvenile court and the division.

1143 (h) If a juvenile offender leaves parole supervision without authorization for more than
1144 24 hours, the term of parole shall toll until the juvenile offender returns.

1145 (4) Subsections (2) and (3) do not apply to a juvenile offender ordered to secure care
1146 for:

1147 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

1148 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

1149 (c) Section 76-5-203, murder or attempted murder;

1150 (d) Section 76-5-205, manslaughter;

1151 (e) Section 76-5-206, negligent homicide;

1152 (f) Section 76-5-207, [~~negligently operating a vehicle resulting in death~~] automobile
1153 homicide;

1154 (g) Section 76-5-207.5, automobile homicide involving using a wireless
1155 communication device while operating a motor vehicle;

1156 (h) Section 76-5-208, child abuse homicide;

1157 (i) Section 76-5-209, homicide by assault;

1158 (j) Section 76-5-302, aggravated kidnapping;

1159 (k) Section 76-5-405, aggravated sexual assault;

1160 (l) a felony violation of Section 76-6-103, aggravated arson;

1161 (m) Section 76-6-203, aggravated burglary;

1162 (n) Section 76-6-302, aggravated robbery;

1163 (o) Section 76-10-508.1, felony discharge of a firearm;

1164 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)
1165 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is a felony; and

1166 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
1167 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or

1168 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
1169 juvenile offender has been previously ordered to secure care.

1170 Section 13. **Effective date.**

1171 This bill takes effect on May 1, 2024.