

1                   **ATTEMPTED AGGRAVATED MURDER AMENDMENTS**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Lee B. Perry**

5                                   Senate Sponsor: Peter C. Knudson

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7 **LONG TITLE**

8 **General Description:**

9                   This bill modifies the Criminal Code regarding attempted aggravated murder.

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ provides that an attempt to commit aggravated murder that results in serious bodily  
13 injury is punishable by imprisonment for an indeterminate term of not fewer than 15  
14 years and up to life; and

15                   ▶ provides that the court may impose a lesser penalty if it finds a lesser sentence to be  
16 in the interests of justice and states its reasons on the record.

17 **Money Appropriated in this Bill:**

18                   None

19 **Other Special Clauses:**

20                   None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23                   **76-4-102**, as last amended by Laws of Utah 2008, Chapters 12 and 179

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

26                   Section 1. Section **76-4-102** is amended to read:

27                   **76-4-102. Attempt -- Classification of offenses.**

28                   (1) Criminal attempt to commit:

29                   (a) (i) a capital felony, or a felony punishable by imprisonment for life without parole,

30 is a first degree felony;

31 (ii) except as provided in Subsection (2), an attempt to commit aggravated murder,  
32 Section 76-5-202, which results in serious bodily injury, is punishable by imprisonment for an  
33 indeterminate term of not fewer than 15 years and which may be for life;

34 (b) except as provided in Subsection (1)(c) or (d), a first degree felony is a second  
35 degree felony;

36 (c) any of the following offenses is a first degree felony punishable by imprisonment  
37 for an indeterminate term of not fewer than three years and which may be for life:

38 (i) murder, Subsection 76-5-203(2)(a);

39 (ii) child kidnapping, Section 76-5-301.1; or

40 (iii) except as provided in Subsection (1)(d), any of the felonies described in Title 76,  
41 Chapter 5, Part 4, Sexual Offenses, that are first degree felonies;

42 (d) except as provided in Subsection [~~(2)~~] (3), any of the following offenses is a first  
43 degree felony, punishable by a term of imprisonment of not less than 15 years and which may  
44 be for life:

45 (i) rape of a child, Section 76-5-402.1;

46 (ii) object rape of a child, Section 76-5-402.3; or

47 (iii) sodomy on a child, Section 76-5-403.1;

48 (e) a second degree felony is a third degree felony;

49 (f) a third degree felony is a class A misdemeanor;

50 (g) a class A misdemeanor is a class B misdemeanor;

51 (h) a class B misdemeanor is a class C misdemeanor; and

52 (i) a class C misdemeanor is punishable by a penalty not exceeding one half the penalty  
53 for a class C misdemeanor.

54 (2) If, when imposing a sentence under Subsection (1)(a)(ii), a court finds that a lesser  
55 term than the term described in Subsection (1)(a)(ii) is in the interests of justice and the court  
56 states the reasons for this finding on the record, the court may impose a term of imprisonment  
57 of not less than:

58           (a) 10 years and which may be for life; or

59           (b) six years and which may be for life.

60           ~~(2)~~ (3) If, when imposing a sentence under Subsection (1)(d), a court finds that a  
61 lesser term than the term described in Subsection (1)(d) is in the interests of justice and states  
62 the reasons for this finding on the record, the court may impose a term of imprisonment of not  
63 less than:

64           (a) 10 years and which may be for life;

65           (b) six years and which may be for life; or

66           (c) three years and which may be for life.