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OVERDOSE REPORTING AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine A. Johnson

Senate Sponsor: Benjamin M. McAdams

LONG TITLE

General Description:

This bill provides a mitigating circumstance for certain alcohol offenses when reporting an alcohol consumption-related emergency.

Highlighted Provisions:

This bill:

▶ provides that a person ~~H→ [21 years of age or]~~ ←H younger

~~H→~~ than 21 years of age ←H who is in violation of an alcohol possession or consumption law, and who in the same incident reports to law enforcement a person who is physically endangered by the consumption of alcohol, may be considered by the sentencing court for a mitigation of the sentence due to having reported the endangered person.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

32A-13-110, Utah Code Annotated 1953

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

Section 1. Section **32A-13-110** is enacted to read:



H.B. 277

28 32A-13-110. Sentencing considerations.

29 (1) In sentencing an actor for a misdemeanor violation of Section 32A-12-203 or
30 Subsection 32A-12-209(1), the court ~~H~~→ [may] shall ←~~H~~ consider the elements under Subsection
30a (2) as a
31 mitigating factor.

32 (2) The mitigating factor referred to in Subsection (1) is:

33 (a) the actor committed an offense under Subsection (1) in the course of the same event
34 regarding which the actor contacted a law enforcement agency for emergency assistance for a
35 person whom the actor reasonably believed was, at the time the call was made, in need of
36 medical care due to having apparently consumed an excessive amount of alcohol;

37 (b) the actor was ~~H~~→ younger than ←~~H~~ 21 years of age ~~H~~→ [or younger] ←~~H~~ at the time
37a of the offense;

38 (c) the actor was present during the incident of alcohol consumption that resulted in the
39 actor's call to law enforcement under this section, but the actor was not involved in coercing or
40 encouraging the endangered person to consume alcohol; and

41 (d) the actor was not charged with any other criminal conduct during the incident when
42 the actor committed the offense listed under Subsection (1).



Legislative Review Note
as of 1-27-10 3:27 PM

Office of Legislative Research and General Counsel

H.B. 277 - Overdose Reporting Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
