

1 **OVERDOSE REPORTING AMENDMENTS**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Christine A. Johnson**

5 Senate Sponsor: Benjamin M. McAdams

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

13 ► provides that a person younger than 21 years of age who is in violation of an
14 alcohol possession or consumption law, and who in the same incident reports to
15 law enforcement a person who is physically endangered by the consumption of
16 alcohol, may be considered by the sentencing court for a mitigation of the sentence
17 due to having reported the endangered person.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **32A-13-110**, Utah Code Annotated 1953

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

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

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 shall consider the elements under Subsection (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
34 event regarding which the actor contacted a law enforcement agency for emergency assistance
35 for a 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 younger than 21 years of age at the time of the offense;

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

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