

3rd Sub. H.B. 0273

PENALTY MODIFICATIONS FOR CERTAIN DUI-RELATED OFFENSES

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 28, 2024 7:11 PM

Senator **Todd D. Weiler** proposes the following amendments:

1. *Page 34, Lines 1030 through 1047:*

- 1030 ~~[(b)]~~ (ii) Section 76-5-203, murder; =
- (iii) Section 76-5-207, automobile homicide:**
- 1031 ~~[(e)]~~ ~~{(iii)}~~ (iv) Section 76-5-301.1, child kidnaping;
- 1032 ~~[(d)]~~ ~~{(iv)}~~ (v) Section 76-5-302, aggravated kidnaping;
- 1033 ~~[(e)]~~ ~~{(v)}~~ (vi) Section 76-5-402, rape, if the individual is sentenced under Subsection
- 1034 76-5-402(3)(b), (3)(c), or (4);
- 1035 ~~[(f)]~~ ~~{(vi)}~~ (vii) Section 76-5-402.1, rape of a child;
- 1036 ~~[(g)]~~ ~~{(vii)}~~ (viii) Section 76-5-402.2, object rape, if the individual is sentenced under
- 1037 Subsection 76-5-402.2(3)(b), (3)(c), or (4);
- 1038 ~~[(h)]~~ ~~{(viii)}~~ (ix) Section 76-5-402.3, object rape of a child;
- 1039 ~~[(i)]~~ ~~{(ix)}~~ (x) Section 76-5-403, forcible sodomy, if the individual is sentenced under
- 1040 Subsection 76-5-403(3)(b), (3)(c), or (4);
- 1041 ~~[(j)]~~ ~~{(x)}~~ (xi) Section 76-5-403.1, sodomy on a child;
- 1042 ~~[(k)]~~ ~~{(xi)}~~ (xii) Section 76-5-404, forcible sexual abuse, if the individual is sentenced under
- 1043 Subsection 76-5-404(3)(b)(i) or (ii);
- 1044 ~~[(l)]~~ ~~{(xii)}~~ (xiii) Section 76-5-404.3, aggravated sexual abuse of a child;
- 1045 ~~[(m)]~~ ~~{(xiii)}~~ (xiv) Section 76-5-405, aggravated sexual assault; or
- 1046 ~~[(n)]~~ ~~{(xiv)}~~ (xv) any attempt to commit a felony listed in Subsection ~~[(1)(f), (h), or (j)]~~;
- 1047 ~~{(1)(a)(vi), (viii), or (x)}~~ **(1)(a)(vii), (ix), or (xi)** ; or

2. *Page 37, Lines 1112 through 1118:*

- 1112 (3) (a) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty
- 1113 of:
- 1114 ~~{(a)}~~ (i) a second degree felony, punishable by a term of imprisonment of not less than five
- 1115 years nor more than 15 years; and
- 1116 ~~{(b)}~~ (ii) a separate offense for each victim suffering death as a result of the actor's violation
- 1117 of this section, regardless of whether the deaths arise from the same episode of driving. =
- (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a first degree felony if the actor:**
- (i) has two or more previous convictions of Subsection (2) within the past 10 years of:**
- (A) the current conviction of a violation of Subsection (2); or**
- (B) the commission of the offense upon which the current conviction of a violation of Subsection (2) is**

based;

(ii) has a previous conviction of:

(A) a felony violation of this section, Section 76-5-102.1, 41-6a-520.1, or a statute previously in effect that would constitute a violation of this section; or

(B) an offense described in Subsection (3)(b)(ii)(A) that was reduced under Section 76-3-402;

(iii) had a blood or breath alcohol level of .16 or higher, had a blood or breath alcohol level of .05 or higher in addition to any measurable controlled substance, or had a combination of two or more controlled substances in the actor's body;

(iv) violated Sections 41-6a-712 or 41-6a-714 at the time the actor violated Subsection (2); or

(v) had a passenger younger than 16 years old in the vehicle at the time the actor violated Subsection (2).

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(4) An actor is not guilty of a violation of [~~negligently operating a vehicle resulting in~~