

UTAH

STATISTICAL INFORMATION

Current Governor: Jon Huntsman, Jr.
Term of Office: Jan. 2005-Jan. 2009

Legislative Term: Jan. - Mar.

Total Inmate Pop.

(As of 6/29/05): 6,058 **White: 67.9%** **Black: 7.5%** **Latino/a: 17.3%** **Other: 7.3%**

Death Row Pop.

(As of 4/1/05): 10 **White: 6** **Black: 2** **Latino/a: 1** **Other: 1**

EXECUTIONS:

Since 1976: 6 **White: 4** **Black: 2** **Latino/a: 0** **Other: 0**
(As of 6/28/05)

Carried out in 2003: 0

Carried out in 2004: 0

Carried out in 2005: 0 Scheduled for 2000
(As of 6/28/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2005

(does not include those executed by the state or those who died of natural causes) :

Total Number: 9

Sentence/Conviction

overturned (minus
exoneration): 8

Sentence reduced: 1

Exoneration: 0

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: yes

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: no

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study: Current: None.

Previous Sessions: None.

**Capital Offenses and
Procedures:**

Current: None.

Previous Years: None.

**Aggravating and
Mitigating
Circumstances:**

regarding the elements of aggravated murder, a capital felony, to include cases when the defendant abuses or desecrates the body of the murder victim. The bill provides that a murder is aggravated murder if the defendant has previously committed murder or attempted murder. The bill also amends the definition of abuse or desecration of a dead human body (HB297).

Previous Years: None.

**DNA Testing and
Preservation of
Material Evidence:**

Current: None.

Previous Years: None.

**Crime Labs and
Medical Examiner
Offices:**

Current: None.

Previous Years: None.

**Counsel
Qualifications,
Training, and
Competency:**

Current: None

Previous Sessions: *2004*: The governor signed into effect a bill which establishes procedures regarding addressing issues of incompetence that may arise after a defendant has been sentenced to death (SB49).

**Counsel
Compensation:**

Current: None.

Previous Sessions: *1997*: One bill signed into law provides for post conviction remedies in death penalty cases and for the appointment and payment of counsel.

Judges and Juries: Current: None.

Previous Years: None.

**Racial and Ethnic
Minorities:**

Current: None.

Previous Sessions: None.

Juvenile Offenders:

Current: 2005: One bill signed into action by the Governor clarifies the appeal process in certain criminal and juvenile cases (HB54).

Previous Sessions: None.

**Mental Retardation,
Mental Disability
and Mental
Competency:**

Current: 2005: One bill failed that would modify the Criminal Code by providing that persons found by the court to be mentally retarded are not subject to the death penalty. This act defines mental retardation as applicable to death penalty cases. This act specifies procedures for the examination of defendants alleging mental retardation and procedures for the judicial hearing to determine mental retardation. This act is in response to the recent U.S. Supreme Court case Atkins v. Virginia which prohibits execution of the mentally retarded. This act also provides that defendants with specified subaverage functioning are not subject to the death penalty if the defendant's confession is not substantially corroborated. This act has an immediate effective date (SB8).

Previous Sessions: 2004 : One bill signed into effect by the governor establishes procedures regarding addressing issues of incompetence that may arise after a defendant has been sentenced to death (SB49).2003: One bill signed into law by the Governor would bar the execution of mentally retarded offenders (SB8). 2002 : One bill died that would have modified the Criminal Code by including mental retardation as a mitigating factor to be considered when determining whether the death penalty should be imposed for a capital felony offense (HB77).

**Special Notes-Stay of
Execution while
seeking Post-
Conviction Relief:**

Current: None

Previous Years: 2004: One bill signed into effect by the governor amends the Code of Criminal Procedure by providing for a temporary stay of execution if the petitioner files for postconviction relief, representation of counsel, or if counsel enters an appearance to represent the petitioner under the Post-Conviction Remedies Act (SB62).

Special Notes:

Current: None

Previous Years: 2004 : One bill signed by the Governor repeals the use of a firing squad as a means of carrying out the death penalty (HB180, SB25). Another billed signed by the governor provides that an execution may not take place on a Sunday, Monday, or a legal holiday (SB80).

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS THAT
HAVE PASSED MORATORIUM RESOLUTIONS**

none

****Last Updated on June 28, 2005**