

1 **ASSAULT ON A PEACE OFFICER AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: A. Cory Maloy**

5 Senate Sponsor: Ann Millner

7 **LONG TITLE**

8 **General Description:**

9 This bill adds more peace officer classifications to the assault against a peace officer
10 statute.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ adds the following to the assault against a peace officer statute:

- 14 • correctional officers;
- 15 • special function officers; and
- 16 • federal officers.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **76-5-102.4**, as last amended by Laws of Utah 2014, Chapter 189

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

26 Section 1. Section **76-5-102.4** is amended to read:

27 **76-5-102.4. Assault against peace officer or a military servicemember in uniform**

28 -- **Penalties.**

- 29 (1) As used in this section:
- 30 (a) "Military servicemember in uniform" means:
- 31 (i) a member of any branch of the United States military who is wearing a uniform as
- 32 authorized by the member's branch of service; or
- 33 (ii) a member of the National Guard serving as provided in Section [39-1-5](#) or [39-1-9](#).
- 34 (b) "Peace officer" means:
- 35 (i) a law enforcement officer certified under Section [53-13-103](#)[-];
- 36 (ii) a correctional officer under Section [53-13-104](#);
- 37 (iii) a special function officer under Section [53-13-105](#); or
- 38 (iv) a federal officer under Section [53-13-106](#).
- 39 (2) A person is guilty of a class A misdemeanor, except as provided in Subsections (3)
- 40 and (4), who:
- 41 (a) assaults a peace officer, with knowledge that the person is a peace officer, and when
- 42 the peace officer is acting within the scope of authority as a peace officer; or
- 43 (b) assaults a military servicemember in uniform when that servicemember is on orders
- 44 and acting within the scope of authority granted to the military servicemember in uniform.
- 45 (3) A person who violates Subsection (2) is guilty of a third degree felony if the
- 46 person:
- 47 (a) has been previously convicted of a class A misdemeanor or a felony violation of
- 48 this section; or
- 49 (b) the person causes substantial bodily injury.
- 50 (4) A person who violates Subsection (2) is guilty of a second degree felony if the
- 51 person uses:
- 52 (a) a dangerous weapon as defined in Section [76-1-601](#); or
- 53 (b) other means or force likely to produce death or serious bodily injury.
- 54 (5) A person who violates this section shall serve, in jail or another correctional
- 55 facility, a minimum of:

56 (a) 90 consecutive days for a second offense; and

57 (b) 180 consecutive days for each subsequent offense.

58 (6) The court may suspend the imposition or execution of the sentence required under
59 Subsection (5) if the court finds that the interests of justice would be best served by the
60 suspension and the court makes specific findings concerning the disposition on the record.

61 (7) This section does not affect or limit any individual's constitutional right to the
62 lawful expression of free speech, the right of assembly, or any other recognized rights secured
63 by the Constitution or laws of Utah or by the Constitution or laws of the United States.