

ASSAULT OFFENSES AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding assault and related offenses.

Highlighted Provisions:

This bill:

▶ removes the reference to a threat accompanied by force or violence from the current assault offense;

▶ modifies the offense of aggravated assault to include as an element:

- the reference to a threat accompanied by force or violence;
- an attempt, with unlawful force or violence, to do bodily injury; or
- an act committed with unlawful force or violence that causes injury or creates a

substantial risk of injury; and

▶ modifies the offense of a threat of violence to include the element of a threat accompanied by immediate force or violence to do bodily injury.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102, as last amended by Laws of Utah 2003, Chapter 109



28 **76-5-103**, as last amended by Laws of Utah 2010, Chapter 193

29 **76-5-107**, as last amended by Laws of Utah 2010, Chapter 334



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

32 Section 1. Section **76-5-102** is amended to read:

33 **76-5-102. Assault -- Penalties.**

34 (1) Assault is:

35 (a) an attempt, with unlawful force or violence, to do bodily injury to another; or

36 ~~[(b) a threat, accompanied by a show of immediate force or violence, to do bodily~~
37 ~~injury to another; or]~~

38 ~~[(c)]~~ (b) an act, committed with unlawful force or violence, that causes bodily injury to
39 another or creates a substantial risk of bodily injury to another.

40 (2) Assault is a class B misdemeanor.

41 (3) Assault is a class A misdemeanor if:

42 (a) the person causes substantial bodily injury to another; or

43 (b) the victim is pregnant and the person has knowledge of the pregnancy.

44 (4) It is not a defense against assault, that the accused caused serious bodily injury to
45 another.

46 Section 2. Section **76-5-103** is amended to read:

47 **76-5-103. Aggravated assault -- Penalties.**

48 ~~[(1) A person commits aggravated assault if the person commits assault as defined in~~
49 ~~Section **76-5-102** and uses:]~~

50 (1) Aggravated assault is an actor's conduct:

51 (a) that is:

52 (i) an attempt, with unlawful force or violence, to do bodily injury to another;

53 (ii) a threat, accompanied by a show of immediate force or violence, to do bodily injury
54 to another; or

55 (iii) an act, committed with unlawful force or violence, that causes bodily injury to
56 another or creates a substantial risk of bodily injury to another; and

57 (b) that includes the use of:

58 ~~[(a)]~~ (i) a dangerous weapon as defined in Section **76-1-601**; or

59 ~~[(b)]~~ (ii) other means or force likely to produce death or serious bodily injury.
60 (2) (a) A violation of Subsection (1) is a third degree felony, except under Subsection
61 (2)(b).
62 (b) A violation of Subsection (1) that results in serious bodily injury is a second degree
63 felony.
64 Section 3. Section **76-5-107** is amended to read:
65 **76-5-107. Threat of violence -- Penalty.**
66 (1) A person commits a threat of violence if:
67 (a) the person threatens to commit any offense involving bodily injury, death, or
68 substantial property damage, and acts with intent to place a person in fear of imminent serious
69 bodily injury, substantial bodily injury, or death[-]; or
70 (b) the person makes a threat, accompanied by a show of immediate force or violence,
71 to do bodily injury to another.
72 (2) A violation of this section is a class B misdemeanor.
73 (3) It is not a defense under this section that the person did not attempt to or was
74 incapable of carrying out the threat.
75 (4) A threat under this section may be express or implied.
76 (5) A person who commits an offense under this section is subject to punishment for
77 that offense, in addition to any other offense committed, including the carrying out of the
78 threatened act.
79 (6) In addition to any other penalty authorized by law, a court shall order any person
80 convicted of any violation of this section to reimburse any federal, state, or local unit of
81 government, or any private business, organization, individual, or entity for all expenses and
82 losses incurred in responding to the violation, unless the court states on the record the reasons
83 why the reimbursement would be inappropriate.

Legislative Review Note
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Office of Legislative Research and General Counsel