

1                                   **DISARMING A PEACE OFFICER AMENDMENT**

2   2010 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: David P. Hinkins**

5                                   House Sponsor: Curtis Oda

---

---

7 **LONG TITLE**

8 **General Description:**

9                   This bill modifies the Criminal Code regarding disarming a peace officer.

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ provides that taking, or attempting to take, a conductive energy device from a  
13 peace officer is a third degree felony.

14 **Monies Appropriated in this Bill:**

15                   None

16 **Other Special Clauses:**

17                   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20                   **76-5-102.8**, as enacted by Laws of Utah 1999, Chapter 274

---

---

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

23                   Section 1. Section **76-5-102.8** is amended to read:

24                   **76-5-102.8. Disarming a peace officer -- Penalties.**

25                   (1) As used in this section:

26                   (a) "Conductive energy device" means a weapon that uses electrical current to disrupt  
27 voluntary control of muscles.

28                   (b) "Firearm" has the same meaning as in Section 76-10-501.

29                   ~~[A person]~~ (2) An actor is guilty of ~~[a first degree felony]~~ an offense under Subsection

30 (3) who intentionally takes or removes, or attempts to take or remove[;] a firearm or a  
31 conductive energy device from the person or immediate presence of a person [~~he~~] the actor  
32 knows is a peace officer:

33 [~~1~~] (a) without the consent of the peace officer; and

34 [~~2~~] (b) while the peace officer is acting within the scope of his authority as a peace  
35 officer.

36 (3) (a) Conduct under Subsection (2) regarding a firearm is a first degree felony.

37 (b) Conduct under Subsection (2) regarding a conductive energy device is a third  
38 degree felony.