

1 **INTERFERING WITH A PEACE OFFICER**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd Weiler**

5 House Sponsor: Adam Gardiner

7 **LONG TITLE**

8 **General Description:**

9 This bill makes clarifying changes to the interference with a peace officer statute.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ clarifies that interfering with a peace officer applies to any person who interferes,
13 not just the person being detained.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **76-8-305**, as last amended by Laws of Utah 1990, Chapter 274

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

23 Section 1. Section **76-8-305** is amended to read:

24 **76-8-305. Interference with peace officer.**

25 (1) A person is guilty of a class B misdemeanor if ~~he has knowledge~~ the person
26 knows, or by the exercise of reasonable care should have ~~knowledge~~ known, that a peace
27 officer is seeking to effect a lawful arrest or detention of that person or another person and
28 interferes with the arrest or detention by:

29 ~~(+)~~ (a) use of force or any weapon;

30 ~~[(2)]~~ (b) ~~[the arrested person's refusal]~~ refusing to perform any act required by lawful
31 order:

32 ~~[(a)]~~ (i) necessary to effect the arrest or detention; and

33 ~~[(b)]~~ (ii) made by a peace officer involved in the arrest or detention; or

34 ~~[(3)]~~ (c) ~~[the arrested person's or another person's refusal]~~ refusing to refrain from
35 performing any act that would impede the arrest or detention.

36 (2) Recording the actions of a law enforcement officer with a camera, mobile phone, or
37 other photographic device, while the officer is performing official duties in plain view, does
38 not by itself constitute:

39 (a) interference with the officer;

40 (b) willful resistance;

41 (c) disorderly conduct; or

42 (d) obstruction of justice.