

Superseded 3/31/2015

76-5-102.6 Propelling substance or object at a correctional or peace officer -- Penalties.

- (1) Any prisoner or person detained pursuant to Section 77-7-15 who throws or otherwise propels any substance or object at a peace or correctional officer is guilty of a class A misdemeanor, except as provided under Subsection (2).
- (2) A violation of Subsection (1) is a third degree felony if:
 - (a) the object or substance is:
 - (i) blood, urine, or fecal material;
 - (ii) an infectious agent as defined in Section 26-6-2 or a material that carries an infectious agent;
 - (iii) vomit or a material that carries vomit; or
 - (iv) the prisoner's or detained person's saliva, and the prisoner or detained person knows he or she is infected with HIV, hepatitis B, or hepatitis C; and
 - (b) the object or substance comes into contact with any portion of the officer's face, including the eyes or mouth, or comes into contact with any open wound on the officer's body.
- (3) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law than under this section, this section does not prohibit prosecution and sentencing for the more serious offense.