

1 **AGGRAVATED ASSAULT BY PRISONERS**

2 **AMENDMENT**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Scott L Wyatt**

6 Senate Sponsor: Darin G. Peterson

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Criminal Code regarding the offense of aggravated assault by a
11 prisoner.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends the offense of aggravated assault by a prisoner so that it is not limited to
- 15 prisoners in the custody of the Department of Corrections; and
- 16 ▶ removes an exemption for prisoners convicted of first degree and capital felonies.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **76-5-103.5**, as last amended by Chapter 209, Laws of Utah 2001

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

26 Section 1. Section **76-5-103.5** is amended to read:

27 **76-5-103.5. Aggravated assault by prisoner.**

28 [(+) Any prisoner~~[-not serving a sentence for a capital felony or a felony of the first~~
29 ~~degree,]~~ who commits aggravated assault not amounting to a violation of Section 76-3-203.6 is

30 guilty of:

31 [~~(a)~~] (1) a second degree felony [~~of the second degree~~] if no serious bodily injury was
32 intentionally caused; or

33 [~~(b)~~] (2) a first degree felony [~~of the first degree~~] if serious bodily injury was
34 intentionally caused.

35 [~~(2) For the purpose of this section, "serving a sentence" means sentenced and~~
36 ~~committed to the custody of the Department of Corrections, the sentence has not been~~
37 ~~terminated or voided, and the prisoner is:]~~

38 [~~(a) not on parole; or]~~

39 [~~(b) in custody after arrest for a parole violation.]~~