



30 -- Penalties.

31 (1) As used in this section:

32 (a) "Military [~~service member~~] servicemember in uniform" means:

33 (i) a member of any branch of the United States military who is wearing a uniform as  
34 authorized by the member's branch of service; or

35 (ii) a member of the National Guard serving as provided in Section 39-1-5 or 39-1-9.

36 (b) "Peace officer" means a law enforcement officer certified under Section 53-13-103.

37 (2) [~~(a)~~] A person is guilty of a class A misdemeanor, except as provided in

38 [~~Subsection (2)(b)~~] Subsections (3) and (4), who:

39 [(i)] (a) assaults a peace officer, with knowledge that [~~he~~] the person is a peace officer,  
40 and when the peace officer is acting within the scope of [~~his~~] authority as a peace officer; or

41 [(ii)] (b) assaults a military [~~service member~~] servicemember in uniform when that  
42 service member is on orders and acting within the scope of authority granted to the military  
43 [~~service member~~] servicemember in uniform.

44 [(b)] (3) A person who violates [~~this section and~~] Subsection (2) is guilty of a third  
45 degree felony if the person:

46 (a) has been previously convicted of a violation of [~~this section is guilty of a third~~  
47 ~~degree felony.~~] a class A or a felony violation of this section; or

48 (b) the person causes substantial bodily injury.

49 (4) A person who violates Subsection (2) is guilty of a second degree felony if the  
50 person uses:

51 (a) a dangerous weapon as defined in Section 76-1-601; or

52 (b) other means or force likely to produce death or serious bodily injury.

53 [(3)] (5) A person who violates this section shall serve, in jail or another correctional  
54 facility, a minimum of:

55 (a) 90 consecutive days for a second offense; and

56 (b) 180 consecutive days for each subsequent offense.

57 [(4)] (6) The court may suspend the imposition or execution of the sentence required

58 under Subsection [~~(3)~~] (5) if the court finds that the interests of justice would be best served by  
59 the suspension and the court makes specific findings concerning the disposition [~~in writing or~~]  
60 on the record.

61 [~~(5)~~] (7) This section does not affect or limit any individual's constitutional right to the  
62 lawful expression of free speech, the right of assembly, or any other recognized rights secured  
63 by the Constitution or laws of Utah or by the Constitution or laws of the United States.