

1 **Child Welfare Worker Protections**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Tyler Clancy

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses certain crimes committed against child welfare workers.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ separates the crime of assault or threat of violence against a child welfare worker into two
9 sections;

10 ▶ amends the elements required to commit the offense of assault against a child welfare
11 worker and includes committing an assault against a family member of a child welfare
12 worker as part of the offense;

13 ▶ amends the current statutory requirements for the offense of threatening a child welfare
14 worker to include threatening a family member of a child welfare worker as part of the
15 offense; and

16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **76-8-318**, as last amended by Laws of Utah 2024, Chapter 96

24 ENACTS:

25 **76-8-318.5**, Utah Code Annotated 1953

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

28 Section 1. Section **76-8-318** is amended to read:

29 **76-8-318 . Assault against a child welfare worker or a family member of a child**
30 **welfare worker.**

- 31 (1)(a) As used in this section:
- 32 (i) "Assault" means an offense under Section 76-5-102.
- 33 (ii) "Child welfare worker" means an employee of the Division of Child and Family
34 Services created in Section 80-2-201.
- 35 ~~[(iii) "Threat of violence" means an offense under Section 76-5-107.]~~
- 36 (iii) "Family member" means an individual's spouse, surviving spouse, parent,
37 grandparent, sibling, child, or any other individual related to the individual by
38 consanguinity or affinity to the second degree.
- 39 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 40 (2) An actor commits assault ~~[or threat of violence]~~ against a child welfare worker or a
41 family member of a child welfare worker if:
- 42 ~~[(a) the actor is not:]~~
- 43 ~~[(i) a prisoner or an individual detained under Section 77-7-15; or]~~
- 44 ~~[(ii) a minor in the custody of or receiving services from a division within the~~
45 ~~Department of Health and Human Services;]~~
- 46 (a) the actor commits, or attempts to commit, an assault against a child welfare worker
47 or a family member of a child welfare worker;
- 48 (b) the actor ~~[knew]~~ knows that the ~~[victim was-]~~ individual described in Subsection
49 (2)(a) is a child welfare worker or a family member of a child welfare worker; and
- 50 ~~[(c) the child welfare worker was acting within the scope of the child welfare worker's~~
51 ~~authority at the time of the assault or threat of violence.]~~
- 52 (c) the assault, or attempted assault, described in Subsection (2)(a) is committed:
- 53 (i) against a child welfare worker at the time the child welfare worker is acting within
54 the scope of the child welfare worker's authority; or
- 55 (ii) against a child welfare worker or a family member of the child welfare worker
56 with the intent to:
- 57 (A) impede, intimidate, or interfere with the performance of the child welfare
58 worker's official duties; or
- 59 (B) retaliate against the child welfare worker because of the performance of the
60 child welfare worker's official duties.
- 61 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
62 misdemeanor.
- 63 (b) A violation of Subsection (2) is a third degree felony if the actor:
- 64 (i) causes substantial bodily injury; and

65 (ii) acts intentionally or knowingly.

66 (4) This section does not apply to an actor who is a minor in the custody of, or receiving
 67 services from, a division within the Department of Health and Human Services.

68 Section 2. Section **76-8-318.5** is enacted to read:

69 **76-8-318.5 . Threat of violence against a child welfare worker or a family**
 70 **member of a child welfare worker.**

71 (1)(a) As used in this section:

72 (i) "Child welfare worker" means the same as that term is defined in Section 76-8-318.

73 (ii) "Family member" means the same as that term is defined in Section 76-8-318.

74 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

75 (2) An actor commits a threat of violence against a child welfare worker if:

76 (a) the actor ~~is~~ **knowingly or intentionally** ~~is~~ threatens to commit an offense against a child
 76a welfare worker or a family

77 member of a child welfare worker:

78 (i) described in Title 76, Chapter 5, Part 4, Sexual Offenses; or

79 (ii) involving bodily injury, death, or substantial property damage;

80 (b) the actor knows ~~is~~ , or reasonably should know, ~~is~~ that the individual described in
 80a Subsection (2)(a) is a child welfare

81 worker or a family member of a child welfare worker;

82 (c) the threat described in Subsection (2)(a) would cause a reasonable person:

83 (i) to fear the infliction of harm or violence; or

84 (ii) to suffer emotional distress;

85 (d) the actor knows ~~is~~ [~~is~~ **or is reckless as to whether,**] , or reasonably should know, ~~is~~ the
 85a threat

85a described in Subsection (2)(a)

86 would cause a reasonable person to:

87 (i) fear the infliction of harm or violence; or

88 (ii) suffer emotional distress; and

89 (e) the threat described in Subsection (2)(a) is threatened:

90 (i) against a child welfare worker at the time the child welfare worker is acting within
 91 the scope of the child welfare worker's authority; or

92 (ii) against a child welfare worker or a family member of the child welfare worker
 93 with the intent to:

94 (A) impede, intimidate, or interfere with the performance of the child welfare

95 worker's official duties; or
96 (B) retaliate against the child welfare worker because of the performance of the
97 child welfare worker's official duties.

98 (3) A violation of Subsection (2) is a class A misdemeanor.

99 (4) It is not a defense to Subsection (2) that the actor did not attempt to carry out the threat
100 or was incapable of carrying out the threat.

101 (5)(a) Subject to Subsection (5)(b), in addition to another penalty authorized by law, a
102 court shall order an actor convicted under Subsection (2) to pay restitution to any
103 entity or individual for expenses or losses incurred as a result of responding to the
104 threat, unless the court states on the record the reasons why the reimbursement would
105 be inappropriate.

106 (b) Any restitution ordered in the case of a minor adjudicated for a violation of
107 Subsection (2) shall be determined in accordance with Section 80-6-710.

108 (6) An actor who commits an offense under Subsection (2) is subject to punishment for that
109 offense described in Subsection (3), in addition to any other offense committed,
110 including the carrying out of the threatened act.

111 (7) A threat described in Subsection (2):

112 (a) may be express or implied; and

113 (b) does not need to be communicated directly to the threatened individual.

114 Section 3. **Effective Date.**

115 This bill takes effect on May 7, 2025.