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Assault Modifications
 2025 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Brady Brammer
 House Sponsor:

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3 **LONG TITLE**4 **General Description:**

5 This bill amends the offenses of assault and aggravated assault concerning a chokehold.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ provides that a chokehold under certain circumstances does not constitute a violation of

10 assault or aggravated assault; and

11 ▶ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **76-5-102**, as last amended by Laws of Utah 2022, Chapter 18119 **76-5-103**, as last amended by Laws of Utah 2024, Chapter 319

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21 *Be it enacted by the Legislature of the state of Utah:*22 Section 1. Section **76-5-102** is amended to read:23 **76-5-102 . Assault -- Penalties.**24 (1)(a) As used in this section, "chokehold" means a restraining hold in which one
 25 individual encircles the neck of another individual in a viselike grip using an arm.

26 (b) Terms defined in Section 76-1-101.5 apply to this section.

27 (2) An actor commits assault if the actor:

28 (a) attempts, with unlawful force or violence, to inflict bodily injury on an individual; or

29 (b) commits an act, with unlawful force or violence, that:

30 (i) causes bodily injury to an individual; or

- 31 (ii) creates a substantial risk of bodily injury to an individual.
- 32 (3)(a) A violation of Subsection (2) is a class B misdemeanor.
- 33 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a class A
34 misdemeanor if:
- 35 (i) the actor causes substantial bodily injury to an individual; or
- 36 (ii) the individual is pregnant and the actor has knowledge of the pregnancy.
- 37 (4) The fact that the actor caused serious bodily injury to an individual is not a defense to a
38 violation of this section.
- 39 (5) This section does not apply to an actor's use of a chokehold on another individual if:
- 40 (a) the chokehold is done as part of training for, or participating in, a practice or sport in
41 which a chokehold is a known and acceptable practice, including martial arts,
42 wrestling, or mixed martial arts; and
- 43 (b) the other individual is also training for, or participating in, the same practice or sport
44 in which a chokehold is a known and acceptable practice.
- 45 Section 2. Section **76-5-103** is amended to read:
- 46 **76-5-103 . Aggravated assault -- Penalties.**
- 47 (1)(a) As used in this section[~~,"targeting"~~] :
- 48 (i) "Chokehold" means the same as that term is defined in Section 76-5-102.
- 49 (ii) "Targeting a law enforcement officer" means the same as that term is defined in
50 Section 76-5-202.
- 51 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 52 (2) An actor commits aggravated assault if:
- 53 (a)(i) the actor attempts, with unlawful force or violence, to do bodily injury to
54 another;
- 55 (ii) the actor makes a threat, accompanied by a show of immediate force or violence,
56 to do bodily injury to another; or
- 57 (iii) the actor commits an act, committed with unlawful force or violence, that causes
58 bodily injury to another or creates a substantial risk of bodily injury to another; and
- 59 (b) the actor's conduct described in Subsection (2)(a) includes:
- 60 (i) the use of:
- 61 (A) a dangerous weapon; or
- 62 (B) a motor vehicle;
- 63 (ii) any act that intentionally or knowingly impedes the breathing or the circulation of
64 blood of another individual by the actor's use of unlawful force or violence by:

- 65 (A) applying pressure to the neck or throat of an individual; or
66 (B) obstructing the nose, mouth, or airway of an individual; or
67 (iii) other means or force likely to produce death or serious bodily injury.
- 68 (3)(a) A violation of Subsection (2) is a third degree felony.
- 69 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
70 felony if:
- 71 (i) the act results in serious bodily injury; or
72 (ii) an act under Subsection (2)(b)(ii) produces a loss of consciousness.
- 73 (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first
74 degree felony if the conduct constitutes targeting a law enforcement officer and
75 results in serious bodily injury.
- 76 (4) This section does not apply to an actor's use of a chokehold on another individual if:
- 77 (a) the chokehold is done as part of training for, or participating in, a practice or sport in
78 which a chokehold is a known and acceptable practice, including martial arts,
79 wrestling, or mixed martial arts; and
- 80 (b) the other individual is also training for, or participating in, the same practice or sport
81 in which a chokehold is a known and acceptable practice.
- 82 Section 3. **Effective Date.**
- 83 This bill takes effect on May 7, 2025.