

Don L. Ipson proposes the following substitute bill:

Assault or Threat of Violence Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor: Matthew H. Gwynn

LONG TITLE

General Description:

This bill addresses the offense of assault or threat of violence against a peace officer or military service member.

Highlighted Provisions:

This bill:

- separates into two statutes the offenses of assault or threat of violence against a peace officer and assault or threat of violence against a military service member in uniform;
- amends the offense of assault or threat of violence against a peace officer to include:
 - assaults or threats of violence against off-duty peace officers if the actor committed the offense because of the peace officer's status as a peace officer; and
 - assaults or threats of violence against family members of a peace officer if the actor committed the offense because of the peace officer's status as a peace officer;
- amends the offense of assault or threat of violence against a military service member in uniform by:
 - renaming the offense to assault or threat of violence against a military service member;
 - including assaults or threats of violence against off-duty military service members and military service members not in uniform during the assault or threat of violence if the actor committed the offense because of the military service member's status as a military service member; and
 - including assaults or threats of violence against family members of a military service member if the actor committed the offense because of the military service member's status as a peace officer; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **76-3-203.3**, as last amended by Laws of Utah 2025, Chapters 173, 208

34 **76-5-102.4**, as last amended by Laws of Utah 2023, Chapter 44

35 **76-5-203**, as last amended by Laws of Utah 2025, Chapters 173, 204, 208, and 284

36 ENACTS:

37 **76-5-102.10**, Utah Code Annotated 1953

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

40 Section 1. Section **76-3-203.3** is amended to read:

41 **76-3-203.3 . Penalty for hate crimes -- Civil rights violation.**

42 As used in this section:

43 (1) "Primary offense" means those offenses provided in Subsection (4).

44 (2)(a) A person who commits any primary offense with the intent to intimidate or
45 terrorize another person or with reason to believe that his action would intimidate or
46 terrorize that person is subject to Subsection (2)(b).

47 (b)(i) A class C misdemeanor primary offense is a class B misdemeanor; and
48 (ii) a class B misdemeanor primary offense is a class A misdemeanor.

49 (3) "Intimidate or terrorize" means an act which causes the person to fear for his physical
50 safety or damages the property of that person or another. The act must be accompanied
51 with the intent to cause or has the effect of causing a person to reasonably fear to freely
52 exercise or enjoy any right secured by the Constitution or laws of the state or by the
53 Constitution or laws of the United States.

54 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:

55 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-102.10,
56 76-5-106, 76-5-107, and 76-5-108;
57 (b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104,
58 and Subsection 76-6-106(2)(a);
59 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
60 (d) any misdemeanor theft offense under Chapter 6, Offenses Against Property;
61 (e) any offense of obstructing government operations under Sections 76-8-301,
62 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, 76-8-308, 76-8-309.2, and

76-8-313;

- (f) any offense of interfering or intending to interfere with activities of colleges and universities under Chapter 8, Part 7, Colleges and Universities;
- (g) any misdemeanor offense against public order and decency as defined in Chapter 9, Part 1, Breaches of the Peace and Related Offenses, other than Section 76-9-105.5, 76-9-105.6, 76-9-110, 76-9-111, 76-9-112, 76-9-113, or 76-9-114;
- (h) any telephone abuse offense under Sections 76-12-202, 76-12-203, 76-12-204, and 76-12-206;
- (i) any cruelty to animals offense under Sections 76-13-202, 76-13-203, and 76-13-204;
- (j) any weapons offense under Section 76-11-207; or
- (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.

This section does not affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

Section 2. Section **76-5-102.4** is amended to read:

76-5-102.4 . Assault or threat of violence against a peace officer or a family

member of a peace officer.

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

(i) "Assault" means an offense under Section 76-5-102.

[**(ii)** "Military service member in uniform" means:]

[(A) a member of any branch of the United States military who is wearing a uniform as authorized by the member's branch of service; or]

[(B) a member of the National Guard serving as provided in Section 39A-3-103.]

(ii) "Family member" means an individual's spouse, surviving spouse, parent, grandparent, sibling, child, or any other individual related to the individual by consanguinity or affinity to the second degree.

(iii) "Peace officer" means:

(A) a law enforcement officer certified under Section 53-13-103;

(B) a correctional officer under Section 53-13-104;

(C) a special function officer under Section 53-13-105; or

(D) a federal officer under Section 53-13-106.

(iv) "Threat of violence" means an offense under Section 76-5-107.

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

(2)[(a)] An actor commits assault or threat of violence against a peace officer or a family

97 member of a peace officer if:

98 (i) (a) the actor commits an assault or threat of violence against a peace officer[,] or a
99 family member of a peace officer;

100 (b) [with knowledge] the actor knows that the [peace officer] individual described in
101 Subsection (2)(a) is a peace officer or a family member of a peace officer; and

102 (c) the assault or threat of violence described in Subsection (2)(a) is intentionally
103 committed:

104 (i) against a peace officer at the time the officer is acting within the scope of the
105 peace officer's authority as a peace officer;

106 (ii) against a peace officer because of the peace officer's status as a peace officer; or

107 (iii) against a family member of a peace officer because of the peace officer's status
108 as a peace officer.

109 [(ii) at the time of the assault or threat of violence, the peace officer was acting within
110 the scope of authority as a peace officer.]

111 [(b) An actor commits an assault or threat of violence against a military service member
112 in uniform if:]

113 (i) the actor commits an assault or threat of violence against a military service
114 member in uniform; and]

115 [(ii) at the time of the assault or threat of violence, the service member was on orders
116 and acting within the scope of authority granted to the military service member in
117 uniform.]

118 (3)(a) [A] Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is
119 a class A misdemeanor.

120 (b) [Notwithstanding Subsection (3)(a)] Except as provided in Subsection (3)(c), a
121 violation of Subsection (2) is a third degree felony if the actor:

122 (i) has been previously convicted of a class A misdemeanor or a felony violation of:
123 (A) [-]this section; or
124 (B) assault or threat of violence against a military service member as described in
125 Section 76-5-102.10; or

126 (ii) causes substantial bodily injury.

127 (c) [Notwithstanding Subsection (3)(a) or (b), a] A violation of Subsection (2) is a
128 second degree felony if the actor uses:

129 (i) a dangerous weapon; or
130 (ii) other means or force likely to produce death or serious bodily injury.

131 (4) This section does not affect or limit any individual's constitutional right to the lawful
132 expression of free speech, the right of assembly, or any other recognized rights secured
133 by the Utah Constitution or [laws] state law, or by the United States Constitution or
134 federal law.

135 (5) An actor who violates this section shall serve, in jail or another correctional facility, a
136 minimum of:

- 137 (a) 90 consecutive days for a second offense; and
- 138 (b) 180 consecutive days for each subsequent offense.

139 (6) The court may suspend the imposition or execution of the sentence required under
140 Subsection (5) if the court finds that the interests of justice would be best served by the
141 suspension and the court makes specific findings concerning the disposition on the
142 record.

143 Section 3. Section **76-5-102.10** is enacted to read:

144 **76-5-102.10 . Assault or threat of violence against a military service member or a**
145 **family member of a military service member.**

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

147 (i) "Assault" means an offense under Section 76-5-102.

148 (ii) "Military service member" means:

- 149 (A) a member of any branch of the United States armed forces; or
- 150 (B) a member of the National Guard or State Defense Force.

151 (iii) "Threat of violence" means an offense under Section 76-5-107.

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

153 (2) An actor commits assault or threat of violence against a military service member if:

154 (a) the actor commits an assault or threat of violence against a military service member
155 or a family member of a military service member;

156 (b) the actor knows that the individual described in Subsection (2)(a) is a military
157 service member or a family member of a military service member; and

158 (c) the assault or threat of violence described in Subsection (2)(a) is intentionally
159 committed:

160 (i) against a military service member at the time the military service member is acting
161 within the scope of the military service member's authority as a military service
162 member;

163 (ii) against a military service member because of the military service member's status
164 as a military service member; or

(iii) against a family member of a military service member because of the military service member's status as a military service member.

(3)(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class A misdemeanor.

(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if the actor:

(i) has been previously convicted of a class A misdemeanor or a felony violation of:
(A) this section; or

(B) assault or threat of violence against a peace officer as described in Section 76-5-102 4: or

(ii) causes substantial bodily injury.

(c) A violation of Subsection (2) is a second degree felony if the actor uses:

(i) a dangerous weapon; or

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

(4) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech, the right of assembly, or any other recognized rights secured by the Utah Constitution or state law, or by the United States Constitution or federal law.

(5) An actor who violates this section shall serve, in jail or another correctional facility, a minimum of:

- (a) 90 consecutive days for a second offense; and
- (b) 180 consecutive days for each subsequent offense

(6) The court may suspend the imposition or execution of the sentence required under Subsection (5) if the court finds that the interests of justice would be best served by the suspension and the court makes specific findings concerning the disposition on the record.

Section 4. Section **76-5-203** is amended to read:

76-5-203 . Murder -- Penalties-- Affirmative defense and special mitigation --

Separate offenses. -- Affirmative defense and special mitigation -- Separate offenses.

(1)(a) As used in this section, "predicate offense" means:

(i) a clandestine drug lab violation under Section 58-37d-4 or 58-37d-5;

(ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused individual is younger than 18 years old;

(iii) child torture under Section 76-5-109.4;

(iv) kidnapping under Section 76-5-301;

199 (v) child kidnapping under Section 76-5-301.1;
200 (vi) aggravated kidnapping under Section 76-5-302;
201 (vii) rape under Section 76-5-402;
202 (viii) rape of a child under Section 76-5-402.1;
203 (ix) object rape under Section 76-5-402.2;
204 (x) object rape of a child under Section 76-5-402.3;
205 (xi) forcible sodomy under Section 76-5-403;
206 (xii) sodomy upon a child under Section 76-5-403.1;
207 (xiii) forcible sexual abuse under Section 76-5-404;
208 (xiv) sexual abuse of a child under Section 76-5-404.1;
209 (xv) aggravated sexual abuse of a child under Section 76-5-404.3;
210 (xvi) aggravated sexual assault under Section 76-5-405;
211 (xvii) arson under Section 76-6-102;
212 (xviii) aggravated arson under Section 76-6-103;
213 (xix) burglary under Section 76-6-202;
214 (xx) aggravated burglary under Section 76-6-203;
215 (xxi) robbery under Section 76-6-301;
216 (xxii) aggravated robbery under Section 76-6-302;
217 (xxiii) escape under Section 76-8-309;
218 (xxiv) aggravated escape under Section 76-8-309.3; or
219 (xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm
220 or dangerous weapon.

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

222 (2) An actor commits murder if:

- 223 (a) the actor intentionally or knowingly causes the death of another individual;
- 224 (b) intending to cause serious bodily injury to another individual, the actor commits an
225 act clearly dangerous to human life that causes the death of the other individual;
- 226 (c) acting under circumstances evidencing a depraved indifference to human life, the
227 actor knowingly engages in conduct that creates a grave risk of death to another
228 individual and thereby causes the death of the other individual;
- 229 (d)(i) the actor is engaged in the commission, attempted commission, or immediate
230 flight from the commission or attempted commission of any predicate offense, or
231 is a party to the predicate offense;
- 232 (ii) an individual other than a party described in Section 76-2-202 is killed in the

233 course of the commission, attempted commission, or immediate flight from the
234 commission or attempted commission of any predicate offense; and

235 (iii) the actor acted with the intent required as an element of the predicate offense;

236 (e) the actor recklessly causes the death of a peace officer or military service member [~~in~~
237 ~~uniform~~] while in the commission or attempted commission of:

238 (i) an assault against a peace officer under Section 76-5-102.4;

239 (ii) interference with a peace officer while making a lawful arrest under Section
240 76-8-305 if the actor uses force against the peace officer; or

241 (iii) an assault against a military service member [~~in uniform~~] under Section [
242 76-5-102.4] 76-5-102.10; or

243 (f) the actor commits a homicide that would be aggravated murder, but the offense is
244 reduced in accordance with Subsection 76-5-202(4).

245 (3)(a)(i) A violation of Subsection (2) is a first degree felony.

246 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for
247 an indeterminate term of not less than 15 years and which may be for life.

248 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,
249 or alternatively, attempted murder, as described in this section are proved beyond a
250 reasonable doubt, and also finds that the existence of special mitigation is established
251 by a preponderance of the evidence and in accordance with Section 76-5-205.5, the
252 court shall enter a judgment of conviction as follows:

253 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
254 judgment of conviction for manslaughter; or

255 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,
256 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c), enter a judgment of
257 conviction for attempted manslaughter.

258 (4)(a) It is an affirmative defense to a charge of murder or attempted murder that the
259 defendant caused the death of another individual or attempted to cause the death of
260 another individual under a reasonable belief that the circumstances provided a legal
261 justification or excuse for the conduct although the conduct was not legally justifiable
262 or excusable under the existing circumstances.

263 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from
264 the viewpoint of a reasonable person under the then existing circumstances.

265 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or
266 alternatively, attempted murder, as described in this section are proved beyond a

267 reasonable doubt, and also finds the affirmative defense described in this Subsection
268 (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of
269 conviction as follows:

270 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
271 judgment of conviction for manslaughter; or
272 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall
273 enter a judgment of conviction for attempted manslaughter.

274 (5)(a) Any predicate offense that constitutes a separate offense does not merge with the
275 crime of murder.

276 (b) An actor who is convicted of murder, based on a predicate offense that constitutes a
277 separate offense, may also be convicted of, and punished for, the separate offense.

278 **Section 5. Effective Date.**

279 This bill takes effect on May 6, 2026.