

Effective 5/9/2017

Superseded 5/4/2022

76-5-102.4 Assault against peace officer or a military servicemember in uniform -- Penalties.

- (1) As used in this section:
 - (a) "Assault" means the same as that term is defined in Section 76-5-102.
 - (b) "Military servicemember in uniform" means:
 - (i) 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
 - (ii) a member of the National Guard serving as provided in Section 39-1-5 or 39-1-9.
 - (c) "Peace officer" means:
 - (i) a law enforcement officer certified under Section 53-13-103;
 - (ii) a correctional officer under Section 53-13-104;
 - (iii) a special function officer under Section 53-13-105; or
 - (iv) a federal officer under Section 53-13-106.
 - (d) "Threat of violence" means the same as that term is defined in Section 76-5-107.
- (2) A person is guilty of a class A misdemeanor, except as provided in Subsections (3) and (4), who:
 - (a) commits an assault or threat of violence against a peace officer, with knowledge that the person is a peace officer, and when the peace officer is acting within the scope of authority as a peace officer; or
 - (b) commits an assault or threat of violence against a military servicemember in uniform when that servicemember is on orders and acting within the scope of authority granted to the military servicemember in uniform.
- (3) A person who violates Subsection (2) is guilty of a third degree felony if the person:
 - (a) has been previously convicted of a class A misdemeanor or a felony violation of this section; or
 - (b) the person causes substantial bodily injury.
- (4) A person who violates Subsection (2) is guilty of a second degree felony if the person uses:
 - (a) a dangerous weapon as defined in Section 76-1-601; or
 - (b) other means or force likely to produce death or serious bodily injury.
- (5) A person 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.
- (7) 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 Constitution or laws of Utah or by the Constitution or laws of the United States.