

Effective 5/14/2019

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76-5-102.6 Propelling object or substance at a correctional or peace officer -- Penalties.

- (1) It is unlawful for a prisoner or individual detained pursuant to Section 77-7-15 to throw or otherwise propel any object or substance at a peace officer, a correctional officer, or an employee or volunteer, including a health care provider.
- (2) Except as provided in Subsection (3), a violation of Subsection (1) is a class A misdemeanor.
- (3) A violation of Subsection (1) is a third degree felony if:
 - (a) the object or substance causes substantial bodily injury to the peace officer, the correctional officer, or the employee or volunteer, including a health care provider; or
 - (b)
 - (i) the object or substance is:
 - (A) blood, urine, or fecal material;
 - (B) an infectious agent as defined in Section 26-6-2 or a material that carries an infectious agent;
 - (C) vomit or a material that carries vomit; or
 - (D) the prisoner's or detained individual's saliva, and the prisoner or detained individual knows he or she is infected with HIV, hepatitis B, or hepatitis C; and
 - (ii) the object or substance comes into contact with any portion of the officer's or health care provider's face, including the eyes or mouth, or comes into contact with any open wound on the officer's or health care provider's body.
- (4) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law than under this section, this section does not prohibit prosecution and sentencing for the more serious offense.