

Effective 5/1/2024

Superseded 7/1/2024

76-5-103 Aggravated assault -- Penalties.

- (1)
 - (a) As used in this section, "targeting a law enforcement officer" means the same as that term is defined in Section 76-5-202.
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits aggravated assault if the actor:
 - (a)
 - (i) attempts, with unlawful force or violence, to do bodily injury to another;
 - (ii) makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or
 - (iii) commits an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another; and
 - (b) includes in the actor's conduct under Subsection (2)(a) the use of:
 - (i) a dangerous weapon;
 - (ii) any act that intentionally or knowingly impedes the breathing or the circulation of blood of another individual by the actor's use of unlawful force or violence by:
 - (A) applying pressure to the neck or throat of an individual; or
 - (B) obstructing the nose, mouth, or airway of an individual; or
 - (iii) other means or force likely to produce death or serious bodily injury.
- (3)
 - (a) A violation of Subsection (2) is a third degree felony.
 - (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree felony if:
 - (i) the act results in serious bodily injury; or
 - (ii) an act under Subsection (2)(b)(ii) produces a loss of consciousness.
 - (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first degree felony if the conduct constitutes targeting a law enforcement officer and results in serious bodily injury.