

Senator R. Mont Evans proposes to substitute the following bill:

ASSAULTING A PEACE OFFICER

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: R. Mont Evans

AN ACT RELATING TO THE CRIMINAL CODE; CREATING MANDATORY TERMS OF CONFINEMENT FOR ASSAULTING A PEACE OFFICER AND PROVIDING FOR SUSPENSION OR EXECUTION OF THE SENTENCE; REPEALING SIMILAR PROVISION IN ANOTHER SECTION OF CODE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-5-102.4, as last amended by Chapter 23, Laws of Utah 1987

REPEALS:

23-20-26, as last amended by Chapter 60, Laws of Utah 1975

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

Section 1. Section **76-5-102.4** is amended to read:

76-5-102.4. Assault against peace officer.

(1) Any person who assaults a peace officer, with knowledge that he is a peace officer, and when the peace officer is acting within the scope of his authority as a peace officer, is guilty of a class A misdemeanor.

(2) 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.

(3) The court may suspend the imposition or execution of the sentence required under Subsection (2) if the court finds that the interests of justice would be best served and makes

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1 specific findings concerning the disposition in writing or on the record.

2 Section 2. **Repealer.**

3 This act repeals:

4 Section **23-20-26, Assault or battery upon officer a class A misdemeanor.**