

ASSAULT AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Thompson

This act modifies the Criminal Code by clarifying that the elements of the offense of assault may include an unlawful or violent act that creates a substantial risk of bodily injury or an act that does cause bodily injury.

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

AMENDS:

76-5-102, as last amended by Chapter 170, Laws of Utah 2000

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

Section 1. Section **76-5-102** is amended to read:

76-5-102. Assault.

(1) Assault is:

- (a) an attempt, with unlawful force or violence, to do bodily injury to another;
- (b) a threat, accompanied by a show of immediate force or violence, to do bodily injury

to another; or

(c) an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another.

(2) Assault is a class B misdemeanor.

(3) Assault is a class A misdemeanor if:

- (a) the person causes substantial bodily injury to another; or
- (b) the victim is pregnant and the person has knowledge of the pregnancy.

(4) It is not a defense against assault, that the accused caused serious bodily injury to another.