

**OFFENSES COMMITTED AGAINST
CORRECTIONAL AND PEACE OFFICERS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Curtis Oda

LONG TITLE

General Description:

This bill amends the Criminal Code regarding offenses committed by prisoners to include the offense of propelling any object or substance at a correctional or law enforcement officer. This bill also provides increased penalties if the substance is a bodily substance that contacts the officer's face.

Highlighted Provisions:

This bill:

- ▶ clarifies that law enforcement officers are included in the provisions of the section, in addition to correctional officers; and
- ▶ provides that a prisoner's act of propelling any object or substance at an officer is a class A misdemeanor, except that the offense is a third degree felony if the substance comes into contact with any portion of the officer's face or an open wound; and
 - the substance is blood, urine, or fecal material; or
 - the substance is saliva and the prisoner is infected with HIV ~~§~~→ [~~AIDS~~,] ←~~§~~ or hepatitis.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 76-5-102.6, as last amended by Chapter 37, Laws of Utah 1994

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

32 Section 1. Section 76-5-102.6 is amended to read:

33 76-5-102.6. Propelling substance or object at a correctional or peace officer --

34 Penalties.

35 (1) Any prisoner who throws or otherwise propels [~~fecal material or~~] any [~~other~~]
36 substance or object at a peace or correctional officer is guilty of a class A misdemeanor[-],
37 except as provided under Subsection (2).

38 (2) A violation of Subsection (1) is a third degree felony if:

39 (a) the object or substance is:

40 (i) blood, urine, or fecal material; or

41 (ii) saliva, and the prisoner is infected with ~~§~~→ [AIDS,] ←~~§~~ HIV, hepatitis B, or hepatitis

41a C; and

42 (b) the object or substance comes into contact with any portion of the officer's face,
43 including the eyes or mouth, or comes into contact with any open wound on the officer's body.

44 (3) If an offense committed under this section amounts to an offense subject to a
45 greater penalty under another provision of state law than under this section, this section does
46 not prohibit prosecution and sentencing for the more serious offense.

Legislative Review Note
as of 1-17-05 2:43 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0098

Offenses Committed Against Correctional and Peace Officers

28-Jan-05

12:30 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst