

**OFFENSES COMMITTED AGAINST
CORRECTIONAL AND PEACE OFFICERS**

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Allen M. Christensen

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 or hepatitis.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

Penalties.

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

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

(a) the object or substance is:

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

(ii) saliva, and the prisoner is infected with HIV, hepatitis B, or hepatitis C; and

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

(3) 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.