

1 **AGGRAVATED ASSAULT BY PRISONERS**

2 **AMENDMENT**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Scott L Wyatt**

6 Senate Sponsor: Darin G. Peterson

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Criminal Code regarding the offense of aggravated assault by a
11 prisoner.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends the offense of aggravated assault by a prisoner so that it is not limited to
- 15 prisoners in the custody of the Department of Corrections; and
- 16 ▶ removes an exemption for prisoners convicted of first degree and capital felonies.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **76-5-103.5**, as last amended by Chapter 209, Laws of Utah 2001

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

26 Section 1. Section **76-5-103.5** is amended to read:

27 **76-5-103.5. Aggravated assault by prisoner.**



28 ~~[(1)]~~ Any prisoner ~~[, not serving a sentence for a capital felony or a felony of the first~~
29 ~~degree,]~~ who commits aggravated assault not amounting to a violation of Section 76-3-203.6 is
30 guilty of:

31 ~~[(a)]~~ (1) a second degree felony ~~[of the second degree]~~ if no serious bodily injury was
32 intentionally caused; or

33 ~~[(b)]~~ (2) a first degree felony ~~[of the first degree]~~ if serious bodily injury was
34 intentionally caused.

35 ~~[(2)]~~ For the purpose of this section, "serving a sentence" means ~~sentenced and~~
36 ~~committed to the custody of the Department of Corrections, the sentence has not been~~
37 ~~terminated or voided, and the prisoner is:]~~

38 ~~[(a)]~~ not on parole; or]

39 ~~[(b)]~~ in custody after arrest for a parole violation.]

Legislative Review Note
as of 1-6-06 8:14 AM

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