

**ASSAULT ON A PEACE OFFICER -
PENALTY AMENDMENT**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies the Criminal Code by increasing the penalty for ~~H~~→ a second offense of ~~H~~ assault on a peace officer.

Highlighted Provisions:

This bill:

▶ increases the penalty for committing ~~H~~→ [an] a second or subsequent ~~H~~ assault against a peace officer from a class

A misdemeanor to a third degree felony ~~S~~→ ;

▶ provides that the section amended in this bill does not affect the exercise of constitutional rights, including the right of free speech and the right of assembly ~~S~~ ; and

▶ provides a definition of "peace officer."

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102.4, as last amended by Chapter 172, Laws of Utah 1998

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 -- Penalty.

H.B. 70



28 (1) As used in this section, "peace officer" means a law enforcement officer certified
29 under Section 53-13-103.

30 [~~(1)~~] ~~(2)~~ ~~H→~~ ~~(a)~~ ~~←H~~ Any person who assaults a peace officer, with knowledge that
30a he is a peace
31 officer, and when the peace officer is acting within the scope of his authority as a peace officer,
32 is guilty of a ~~H→~~ [~~f~~] ~~class A misdemeanor~~ [~~f~~] [~~third degree felony~~] except as provided in
32a Subsection (2)(b) ←H .

32b ~~H→~~ (b) A person who violates this section after having been previously convicted of a
32c violation of this section is guilty of a third degree felony. ←H

33 [~~(2)~~] ~~(3)~~ A person who violates this section shall serve, in jail or another correctional
34 facility, a minimum of:

- 35 (a) 90 consecutive days for a second offense; and
- 36 (b) 180 consecutive days for each subsequent offense.

37 [~~(3)~~] ~~(4)~~ The court may suspend the imposition or execution of the sentence required
38 under Subsection [~~(2)~~] ~~(3)~~ if the court finds that the interests of justice would be best served
39 and makes specific findings concerning the disposition in writing or on the record.

39a ~~S→~~ (5) This section does not affect or limit any individual's constitutional right to the
39b lawful expression of free speech, the right of assembly, or any other recognized rights secured
39c by the Constitution or laws of the state or by the Constitution or laws of the United States. ←S

Legislative Review Note
as of 11-29-06 5:04 PM

Office of Legislative Research and General Counsel

H.B. 70 - Assault on a Peace Officer - Penalty Amendment - As Amended

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will require additional appropriations for increased Judicial Branch and Department of Corrections workload cost increases. The Courts would receive an additional \$7,400 in both FY 2008 and FY 2009. The Department of Corrections would require \$23,600 in FY 2008 and \$47,200 in FY 2009. Costs are expected to stabilize at the FY 2009 level.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund	\$0	\$31,000	\$54,600	\$0	\$0	\$0
Total	\$0	\$31,000	\$54,600	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.