

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

OFFENSE AGAINST PEACE OFFICERS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Jon J. Greiner

Cosponsor: Keith Grover

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding the offense of propelling an item at a peace officer or correctional officer.

Highlighted Provisions:

This bill:

- ▶ amends the offense of propelling substances at peace and correctional officers to include persons other than prisoners; and
- ▶ provides that the offense of propelling a bodily substance at an officer when the actor is infected with HIV, hepatitis B, or hepatitis C includes the requirement that the actor know that he or she is infected.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102.6, as last amended by Chapter 230, Laws of Utah 2005

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 --

30 **Penalties.**

31 (1) Any prisoner or person detained pursuant to Section 77-7-15 who throws or
32 otherwise propels any substance or object at a peace or correctional officer is guilty of a class A
33 misdemeanor, except as provided under Subsection (2).

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

35 (a) the object or substance is:

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

37 (ii) the prisoner's or detained person's saliva, and the prisoner or detained person knows
38 he or she is infected with HIV, hepatitis B, or hepatitis C; and

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

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