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OFFENSE AGAINST PEACE OFFICERS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Criminal Code and the Code of Criminal Procedure regarding peace officers, including an officer's authority to stop a person and the offense of propelling an item at a peace officer or correctional officer.

Highlighted Provisions:

This bill:

- ▶ authorizes a law enforcement officer to stop a person and demand the person's name, address, and an explanation of the person's actions if the officer has lawfully detained the person but has not placed the person under arrest; and
- ▶ amends the offense of propelling substances at peace and correctional officers to include persons other than prisoners.

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

77-7-15, as enacted by Chapter 15, Laws of Utah 1980



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

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

30 **76-5-102.6. Propelling substance or object at a correctional or peace officer --**
31 **Penalties.**

32 (1) (a) Any prisoner who throws or otherwise propels any substance or object at a
33 peace or correctional officer is guilty of a class A misdemeanor, except as provided under
34 Subsection (2).

35 (b) Any person who throws or otherwise propels any substance or object at a peace
36 officer is guilty of a class A misdemeanor, except as provided under Subsection (2).

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

38 (a) the object or substance is:

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

40 (ii) the prisoner's or person's saliva, and the prisoner or person is infected with HIV,
41 hepatitis B, or hepatitis 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.

47 Section 2. Section **77-7-15** is amended to read:

48 **77-7-15. Authority of peace officer to stop and question suspect -- Grounds.**

49 A peace officer may stop any person in a public place and may demand the person's
50 name, address, and an explanation of the person's actions when [~~he~~] the peace officer:

51 (1) has a reasonable suspicion to believe [~~he~~] the person has committed or is in the act
52 of committing or is attempting to commit a public offense [~~and may demand his name, address~~
53 ~~and an explanation of his actions.]; or~~

54 (2) has lawfully detained the person but has not placed the person under arrest.

Legislative Review Note
as of 1-15-07 3:30 PM

Office of Legislative Research and General Counsel

H.B. 275 - Offense Against Peace Officers

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.

1/22/2007, 2:31:16 PM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst