



House of Representatives *State of Utah*

W030 STATE CAPITOL COMPLEX • P.O. BOX 145030
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January 29, 2007

Mr. Speaker:

The Law Enforcement and Criminal Justice Committee recommends **H.B. 275**, OFFENSE AGAINST PEACE OFFICERS, by Representative C. Oda, be replaced and reports a favorable recommendation on **1st Sub. H.B. 275**, OFFENSE AGAINST PEACE OFFICERS with the following amendments:

1. *Page 1, Lines 15 through 16:*

15 { ~~→ provides that a person who assaults a peace officer after the person has~~
 ~~been stopped~~
16 ~~for questioning is guilty of a third degree felony; and }~~

2. *Page 1, Line 24 through Page 2, Line 26:*

24 AMENDS:
25 { ~~→ 76-5-101, as last amended by Chapter 171, Laws of Utah 2003~~
26 ~~→ 76-5-102.4, as last amended by Chapter 172, Laws of Utah 1998 }~~

3. *Page 2, Lines 30 through 54:*

30 { ~~Section 1. Section 76-5-101 is amended to read:~~
31 ~~→ 76-5-101. "Prisoner" defined.~~
32 ~~→ [For purposes of] As used in this part, "prisoner" means any person who is:~~
33 ~~→ (1) in custody of a peace officer pursuant to a lawful arrest [or who is];~~
34 ~~→ (2) lawfully detained pursuant to Section 77-7-15; or~~
35 ~~→ (3) confined in a jail or other penal institution or a facility used for confinement~~
36 ~~of~~
37 ~~delinquent juveniles and that is operated by the Division of Juvenile Justice Services;~~
38 ~~→ Section 2. Section 76-5-102.4 is amended to read:~~
39 ~~→ 76-5-102.4. Assault against peace officer -- Penalty:~~
40 ~~→ (1) Any person who assaults a peace officer, with knowledge that he is a peace~~
 ~~officer;~~

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41 ~~and when the peace officer;~~
42 ~~—(a) is acting within the scope of his authority as a peace officer, is guilty of a~~
43 ~~class A~~
44 ~~misdemeanor; and~~
45 ~~—(b) is acting within the scope of his authority as a peace officer to stop and~~
46 ~~question the~~
47 ~~person pursuant to Section 77-7-15, is guilty of a third degree felony.~~
48 ~~—(2) A person who violates this section shall serve, in jail or another correctional~~
49 ~~facility, a minimum of:~~
50 ~~—(a) 90 consecutive days for a second offense; and~~
51 ~~—(b) 180 consecutive days for each subsequent offense.~~
52 ~~—(3) The court may suspend the imposition or execution of the sentence required~~
53 ~~under~~
54 ~~Subsection (2) if the court;~~
55 ~~—(a) finds that the interests of justice would be best served; and~~
56 ~~—(b) makes specific findings concerning the disposition in writing or on the~~
57 ~~record.}~~
58 Section {~~3~~} 1 . Section 76-5-102.6 is amended to read:

4. Page 3, Line 57:

57 (1) Any prisoner or person detained pursuant to Section 77-7-15 who throws
or otherwise propels any substance or object at a peace or

Respectfully,

DeMar "Bud" Bowman
Committee Chair

Voting: 9-0-2

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