

**DISARMING A PEACE OFFICER AMENDMENT**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David P. Hinkins**

House Sponsor: Curtis Oda

---

---

**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding disarming a peace officer.

**Highlighted Provisions:**

This bill:

► provides that taking, or attempting to take, ~~§~~ **[an electroshock weapon] a conductive energy device** ~~←§~~ from a peace officer is a third degree felony.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-5-102.8**, as enacted by Laws of Utah 1999, Chapter 274

---

---

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

Section 1. Section **76-5-102.8** is amended to read:

**76-5-102.8. Disarming a peace officer -- Penalties.**

(1) As used in this section:

(a) " ~~§~~ **[Electroshock weapon] Conductive energy device** ~~←§~~ " means a weapon that uses electrical current to disrupt voluntary control of muscles.



28           (b) "Firearm" has the same meaning as in Section 76-10-501.

29           [~~A person~~] (2) An actor is guilty of [~~a first degree felony~~] an offense under Subsection

30 (3) who intentionally takes or removes, or attempts to take or remove[;] a firearm or ~~§~~ → **[an**

31 **electroshock weapon] a conductive energy device ←§** from the person or immediate presence of a

31a person [~~he~~] the actor knows

32 is a peace officer:

33           [~~(1)~~] (a) without the consent of the peace officer; and

34           [~~(2)~~] (b) while the peace officer is acting within the scope of his authority as a peace

35 officer.

36           (3) (a) Conduct under Subsection (2) regarding a firearm is a first degree felony.

37           (b) Conduct under Subsection (2) regarding ~~§~~ → **[an electroshock weapon] a conductive**

37a **energy device ←§** is a third degree

38 felony.

**Legislative Review Note**  
as of 1-28-10 10:34 AM

**Office of Legislative Research and General Counsel**

---

---

**S.B. 120 - Disarming a Peace Officer Amendment**

**Fiscal Note**

2010 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 or businesses. Local governments may incur additional costs.

---