

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 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" 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 from the person or immediate presence of a 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 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.
