

BOARD OF PARDONS AND PAROLE REVISIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding influencing a judge or a member of the Board of Pardons and Parole.

Highlighted Provisions:

This bill:

▶ provides that the offense of a threat or assault against a member of the Board of Pardons and Parole includes a threat or assault against a member of the immediate family of the board member; and

▶ includes ~~§~~ **§**→ [the existing] a ~~←~~ **←** ~~§~~ definition of ~~§~~ **§**→ [immediate] ~~←~~ **←** ~~§~~ family

§→ member ~~←~~ **←** ~~§~~ .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-8-316, as last amended by Laws of Utah 2008, Chapter 12

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

Section 1. Section **76-8-316** is amended to read:

76-8-316. Influencing, impeding, or retaliating against a judge or member of the

S.B. 105



28 **Board of Pardons and Parole ~~§~~ or acting against a family member of a judge or a member**
 28a **of the Board of Pardons and Parole ~~←§~~ .**

29 (1) As used in this section:

30 (a) "Board member" means an appointed member of the Board of Pardons and Parole.

31 (b) " ~~§~~ [Immediate family] Family member ~~←§~~ " means parents, spouse, surviving
 31a spouse, children, and siblings
 32 of a judge or board member.

33 (c) "Judge" means judges of all courts of record and courts not of record and court
 34 commissioners.

35 ~~[(1)]~~ (2) A person is guilty of a third degree felony if the person threatens to assault,
 36 kidnap, or murder a judge ~~[or a member of the Board of Pardons and Parole]~~, a family member
 37 of a judge, a board member, or a family member of a board member with the intent to impede,
 38 intimidate, or interfere with the judge or board member ~~[of the board]~~ while engaged in the
 39 performance of the judge's or board member's official duties or with the intent to retaliate
 40 against the judge or board member on account of the performance of those official duties.

41 ~~[(2)]~~ (3) A person is guilty of a second degree felony if the person commits an assault
 42 on a judge ~~[or a member of the Board of Pardons and Parole]~~, a family member of a judge, a
 43 board member, or a family member of a board member with the intent to impede, intimidate, or
 44 interfere with the judge or board member ~~[of the board]~~ while engaged in the performance of
 45 the judge's or board member's official duties, or with the intent to retaliate against the judge or
 46 board member on account of the performance of those official duties.

47 ~~[(3)]~~ (4) A person is guilty of a first degree felony if the person commits aggravated
 48 assault ~~§~~ [or attempted murder] ~~←§~~ on a judge ~~[or a member of the Board of Pardons and~~
 48a ~~Parole]~~, a

49 family member of a judge, a board member, or a family member of a board member with the
 50 ~~[purpose]~~ intent to impede, intimidate, or interfere with the judge or board member ~~[of the~~
 51 ~~board]~~ while engaged in the performance of the judge's or board member's official duties or
 52 with the ~~[purpose]~~ intent to retaliate against the judge or board member on account of the
 53 performance of those official duties.

54 ~~[(4)]~~ As used in this section:

55 ~~[(a) "Immediate family" means parents, spouse, surviving spouse, children, and~~
 56 ~~siblings of the officer.]~~

57 ~~[(b) "Judge" means judges of all courts of record and courts not of record and court~~
 58 ~~commissioners.]~~

59 ~~[(c) "Judge or member" includes the members of the judge's or member's immediate~~
60 ~~family:]~~

61 ~~[(d) "Member of the Board of Pardons and Parole" means appointed members of the~~
62 ~~board:]~~

63 (5) A person is guilty of a first degree felony if the person commits attempted murder
64 on a family member of a judge or a family member of a board member with the intent to
65 impede, intimidate, or interfere with the judge or board member while engaged in the
66 performance of the judge's or board member's official duties or with the intent to retaliate
67 against the judge or board member on account of the performance of those official duties.

68 ~~[(5)]~~ (6) A member of the Board of Pardons and Parole is an executive officer for
69 purposes of Subsection 76-5-202(1)(m).

Legislative Review Note
as of 2-4-13 12:35 PM

Office of Legislative Research and General Counsel