

1                   **PROPELLING A BODILY SUBSTANCE AMENDMENTS**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Jerry W. Stevenson**

5                                   House Sponsor: Derek E. Brown

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7   **LONG TITLE**

8   **General Description:**

9                   This bill modifies the Criminal Code regarding the offense of propelling a substance or  
10 object at a peace or correctional officer.

11 **Highlighted Provisions:**

12                   This bill:

13                   ▶ amends the offense of propelling an object or substance at a peace officer or a  
14 correctional officer to include an infectious agent or vomit.

15 **Money Appropriated in this Bill:**

16                   None

17 **Other Special Clauses:**

18                   None

19 **Utah Code Sections Affected:**

20 AMENDS:

21                   **76-5-102.6**, as last amended by Laws of Utah 2007, Chapter 157

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

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

25                   **76-5-102.6. Propelling substance or object at a correctional or peace officer --**

26 **Penalties.**

27                   (1) Any prisoner or person detained pursuant to Section 77-7-15 who throws or  
28 otherwise propels any substance or object at a peace or correctional officer is guilty of a class A  
29 misdemeanor, except as provided under Subsection (2).

30 (2) A violation of Subsection (1) is a third degree felony if:  
31 (a) the object or substance is:  
32 (i) blood, urine, or fecal material; [or]  
33 (ii) an infectious agent as defined in Section 26-6-2 or a material that carries an  
34 infectious agent;  
35 (iii) vomit or a material that carries vomit; or  
36 [~~(ii)~~] (iv) the prisoner's or detained person's saliva, and the prisoner or detained person  
37 knows he or she is infected with HIV, hepatitis B, or hepatitis C; and  
38 (b) the object or substance comes into contact with any portion of the officer's face,  
39 including the eyes or mouth, or comes into contact with any open wound on the officer's body.  
40 (3) If an offense committed under this section amounts to an offense subject to a  
41 greater penalty under another provision of state law than under this section, this section does  
42 not prohibit prosecution and sentencing for the more serious offense.