

1                   **PROPELLING A BODILY SUBSTANCE REVISIONS**

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 amends the Criminal Code to create the offense of propelling a bodily  
10 substance at another person and provides penalties.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ creates the class B offense of propelling a bodily substance at another person;
- 14           ▶ creates the class A offense of propelling a bodily substance, including saliva if the  
15 offender knows he or she is infected with HIV, hepatitis B, or hepatitis C and the  
16 substance or material comes in contact with another person's face or open wound;
- 17 and
- 18           ▶ provides definitions.

19 **Money Appropriated in this Bill:**

20           None

21 **Other Special Clauses:**

22           None

23 **Utah Code Sections Affected:**

24 ENACTS:

25           **76-5-102.9**, Utah Code Annotated 1953

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

28           Section 1. Section **76-5-102.9** is enacted to read:

29           **76-5-102.9. Propelling a bodily substance -- Penalties.**

- 30           (1) As used in this section, a listed substance or material is:  
31           (a) saliva, blood, urine, or fecal material;  
32           (b) an infectious agent as defined in Section 26-6-2 of a material that carries an  
33 infectious agent; or  
34           (c) vomit or a material that carries vomit.  
35           (2) Any person who knowingly or intentionally throws or otherwise propels any bodily  
36 substance or material listed under Subsection (1) at another person is guilty of a class B  
37 misdemeanor, except as provided in Subsection (3).  
38           (3) A violation of this section is a class A misdemeanor if the substance or material  
39 propelled is listed in Subsection (1), and:  
40           (a) if the substance is the person's saliva, the person knows he or she is infected with  
41 HIV, hepatitis B, or hepatitis C; or  
42           (b) the substance or material comes into contact with any portion of the other person's  
43 face, including the eyes or mouth, or comes into contact with any open wound on the other  
44 person's body.  
45           (4) If an offense committed under this section amounts to an offense subject to a  
46 greater penalty under another provision of state law than under this section, this section does  
47 not prohibit prosecution and sentencing for the more serious offense.