

PROPELLING A BODILY SUBSTANCE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Derek E. Brown

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

Penalties.

(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 [~~iii~~] (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.

Legislative Review Note
as of 1-30-13 10:53 AM

Office of Legislative Research and General Counsel