



28 **76-5-103**, as last amended by Laws of Utah 2010, Chapter 193

29 **76-5-107**, as last amended by Laws of Utah 2010, Chapter 334



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

32 Section 1. Section **76-5-102** is amended to read:

33 **76-5-102. Assault -- Penalties.**

34 (1) Assault is:

35 (a) an attempt, with unlawful force or violence, to do bodily injury to another; or

36 ~~[(b) a threat, accompanied by a show of immediate force or violence, to do bodily~~  
37 ~~injury to another; or]~~

38 ~~[(c)]~~ (b) an act, committed with unlawful force or violence, that causes bodily injury to  
39 another or creates a substantial risk of bodily injury to another.

40 (2) Assault is a class B misdemeanor.

41 (3) Assault is a class A misdemeanor if:

42 (a) the person causes substantial bodily injury to another; or

43 (b) the victim is pregnant and the person has knowledge of the pregnancy.

44 (4) It is not a defense against assault, that the accused caused serious bodily injury to  
45 another.

46 Section 2. Section **76-5-103** is amended to read:

47 **76-5-103. Aggravated assault -- Penalties.**

48 ~~[(1) A person commits aggravated assault if the person commits assault as defined in~~  
49 ~~Section **76-5-102** and uses:]~~

50 (1) Aggravated assault is an actor's conduct:

51 (a) that is:

52 (i) an attempt, with unlawful force or violence, to do bodily injury to another;

53 (ii) a threat, accompanied by a show of immediate force or violence, to do bodily injury  
54 to another; or

55 (iii) an act, committed with unlawful force or violence, that causes bodily injury to  
56 another or creates a substantial risk of bodily injury to another; and

57 (b) that includes the use of:

58 ~~[(a)]~~ (i) a dangerous weapon as defined in Section **76-1-601**; or

59            ~~[(b)]~~ (ii) other means or force likely to produce death or serious bodily injury.  
60            (2) (a) A violation of Subsection (1) is a third degree felony, except under Subsection  
61 (2)(b).  
62            (b) A violation of Subsection (1) that results in serious bodily injury is a second degree  
63 felony.  
64            Section 3. Section **76-5-107** is amended to read:  
65            **76-5-107. Threat of violence -- Penalty.**  
66            (1) A person commits a threat of violence if:  
67            (a) the person threatens to commit any offense involving bodily injury, death, or  
68 substantial property damage, and acts with intent to place a person in fear of imminent serious  
69 bodily injury, substantial bodily injury, or death[-]; or  
70            (b) the person makes a threat, accompanied by a show of immediate force or violence,  
71 to do bodily injury to another.  
72            (2) A violation of this section is a class B misdemeanor.  
73            (3) It is not a defense under this section that the person did not attempt to or was  
74 incapable of carrying out the threat.  
75            (4) A threat under this section may be express or implied.  
76            (5) A person who commits an offense under this section is subject to punishment for  
77 that offense, in addition to any other offense committed, including the carrying out of the  
78 threatened act.  
79            (6) In addition to any other penalty authorized by law, a court shall order any person  
80 convicted of any violation of this section to reimburse any federal, state, or local unit of  
81 government, or any private business, organization, individual, or entity for all expenses and  
82 losses incurred in responding to the violation, unless the court states on the record the reasons  
83 why the reimbursement would be inappropriate.

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**Legislative Review Note**  
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**Office of Legislative Research and General Counsel**