

**Senator Brian E. Shiozawa** proposes the following substitute bill:

**ASSAULT OFFENSE AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian E. Shiozawa**

House Sponsor: Paul Ray

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**LONG TITLE**

**General Description:**

This bill modifies penalties for assault against health care providers.

**Highlighted Provisions:**

This bill:

- ▶ increases the penalty for assault against health care providers or emergency medical workers when the assault causes substantial bodily injury; and
- ▶ clarifies the culpable mental state required for the offense.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-5-102.7**, as last amended by Laws of Utah 2015, Chapter 386

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

Section 1. Section **76-5-102.7** is amended to read:

**76-5-102.7. Assault against health care provider and emergency medical service**



26 **worker -- Penalty.**

27 (1) A person who assaults a health care provider or emergency medical service worker  
28 is guilty of a class A misdemeanor if:

29 (a) the person is not a prisoner or a person detained under Section [77-7-15](#);

30 (b) the person knew that the victim was a health care provider or emergency medical  
31 service worker; and

32 (c) the health care provider or emergency medical service worker was performing  
33 emergency or life saving duties within the scope of his or her authority at the time of the  
34 assault.

35 (2) A person who violates Subsection (1) is guilty of a third degree felony if the  
36 person:

37 (a) causes substantial bodily injury, as defined in Section [76-1-601](#); and

38 (b) acts intentionally ~~with~~ ~~the~~ ~~purpose~~ ~~of~~ ~~causing~~ ~~substantial~~ ~~bodily~~ ~~injury~~, or ~~with~~ ~~recklessness~~ ~~as~~ ~~to~~ ~~causing~~ ~~substantial~~ ~~bodily~~ ~~injury~~.

39 ~~(2)~~ (3) As used in this section:

40 (a) "Emergency medical service worker" means a person certified under Section  
41 [26-8a-302](#).

42 (b) "Health care provider" means the same as that term is defined in Section  
43 [78B-3-403](#).