

Representative A. Cory Maloy proposes the following substitute bill:

ASSAULT ON A PEACE OFFICER AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill adds constables and deputy constables to the assault against a peace officer statute.

Highlighted Provisions:

This bill:

- adds constables and deputy constables to the assault against a peace officer statute.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102.4, as last amended by Laws of Utah 2014, Chapter 189

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

Section 1. Section **76-5-102.4** is amended to read:

76-5-102.4. Assault against peace officer or a military servicemember in uniform

-- Penalties.



26 (1) As used in this section:

27 (a) "Military servicemember in uniform" means:

28 (i) a member of any branch of the United States military who is wearing a uniform as
29 authorized by the member's branch of service; or

30 (ii) a member of the National Guard serving as provided in Section 39-1-5 or 39-1-9.

31 (b) "Peace officer" means:

32 (i) a law enforcement officer certified under Section 53-13-103[:]; or

33 (ii) a constable or deputy constable appointed in accordance with Title 17, Chapter 25a,
34 Appointment and Authority of Constables.

35 (2) A person is guilty of a class A misdemeanor, except as provided in Subsections (3)
36 and (4), who:

37 (a) assaults a peace officer, with knowledge that the person is a peace officer, and when
38 the peace officer is acting within the scope of authority as a peace officer; or

39 (b) assaults a military servicemember in uniform when that servicemember is on orders
40 and acting within the scope of authority granted to the military servicemember in uniform.

41 (3) A person who violates Subsection (2) is guilty of a third degree felony if the
42 person:

43 (a) has been previously convicted of a class A misdemeanor or a felony violation of
44 this section; or

45 (b) the person causes substantial bodily injury.

46 (4) A person who violates Subsection (2) is guilty of a second degree felony if the
47 person uses:

48 (a) a dangerous weapon as defined in Section 76-1-601; or

49 (b) other means or force likely to produce death or serious bodily injury.

50 (5) A person who violates this section shall serve, in jail or another correctional
51 facility, a minimum of:

52 (a) 90 consecutive days for a second offense; and

53 (b) 180 consecutive days for each subsequent offense.

54 (6) The court may suspend the imposition or execution of the sentence required under
55 Subsection (5) if the court finds that the interests of justice would be best served by the
56 suspension and the court makes specific findings concerning the disposition on the record.

57 (7) This section does not affect or limit any individual's constitutional right to the
58 lawful expression of free speech, the right of assembly, or any other recognized rights secured
59 by the Constitution or laws of Utah or by the Constitution or laws of the United States.