

HB0124S01 compared with HB0124

~~{deleted text}~~ shows text that was in HB0124 but was deleted in HB0124S01.

Inserted text shows text that was not in HB0124 but was inserted into HB0124S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 ~~{list of persons designated as a law enforcement}~~ assault against a peace officer statute.

Highlighted Provisions:

This bill:

- ▶ adds constables and deputy constables to the ~~{list of persons designated as law enforcement officers}~~ assault against a peace officer statute.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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AMENDS:

~~{53-13-103}~~76-5-102.4, as last amended by Laws of Utah ~~{2015}~~2014, Chapter ~~{436}~~189

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

Section 1. Section ~~{53-13-103}~~76-5-102.4 is amended to read:

~~{53-13-103. Law}~~76-5-102.4. Assault against peace officer or a military servicemember in uniform -- Penalties.

(1) As used in this section:

(a) "Military servicemember in uniform" means:

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

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

(b) "Peace officer" means:

(i) a law enforcement officer~~{~~

~~—— (1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions;~~

~~—— (b) "Law enforcement officer" includes the following:~~

~~—— (i) any sheriff or deputy sheriff, chief of police, police officer, } certified under Section 53-13-103[-]; or~~

~~—— (ii) a constable or deputy constable {, or marshal of any county, city, or town;~~

~~—— (ii) the commissioner of public safety and any member of the Department of Public Safety certified} appointed in accordance with Title 17, Chapter 25a, Appointment and Authority of Constables.~~

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

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

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- ~~(iii) all persons specified in Sections 23-20-1.5 and 79-4-501;~~
- ~~(iv) any police officer employed by any college or university;~~
- ~~(v) investigators for the Motor Vehicle Enforcement Division;~~
- ~~(vi) investigators for the Department of Insurance, Fraud Division;~~
- ~~(vii) special agents or investigators employed by the attorney general, district attorneys, and county attorneys;~~
- ~~(viii) employees of the Department of Natural Resources designated as peace officers by law;~~
- ~~(ix) school district police officers as designated by the board of education for the school district;~~
- ~~(x) the executive director of the Department of Corrections and any correctional enforcement or investigative officer designated by the executive director and approved by the commissioner of public safety and certified by the division;~~
- ~~(xi) correctional enforcement, investigative, or adult probation and parole officers employed by the Department of Corrections serving on or before July 1, 1993;~~
- ~~(xii) members of a law enforcement agency established by a private college or university provided that the college or university has been certified by the commissioner of public safety according to rules of the Department of Public Safety;~~
- ~~(xiii) airport police officers of any airport owned or operated by the state or any of its political subdivisions; and~~
- ~~(xiv) transit police officers designated under Section 17B-2a-822.~~
- ~~(2) Law enforcement officers may serve criminal process and arrest violators of any law of this state and have the right to require aid in executing their lawful duties.~~
- ~~(3) (a) A law enforcement officer has statewide full-spectrum peace officer authority, but the authority extends to other counties, cities, or towns only when the officer is acting under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is employed by the state.~~
- ~~(b) (i) A local law enforcement agency may limit the jurisdiction in which its law enforcement officers may exercise their peace officer authority to a certain geographic area.~~
- ~~(ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act~~

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~~on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the limited geographic area:~~

~~—— (c) The authority of law enforcement officers employed by the Department of Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.~~

~~—— (4) A law enforcement officer shall, prior to exercising peace officer authority:~~

~~—— (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or~~

~~—— (ii) have met the waiver requirements in Section 53-6-206; and~~

~~—— (b) have satisfactorily completed annual certified training of at least 40 hours per year as directed by the director of the division, with the advice and consent of the council.~~

Legislative Review Note

~~Office of Legislative Research and General Counsel;~~ b) assaults a military servicemember in uniform when that servicemember is on orders and acting within the scope of authority granted to the military servicemember in uniform.

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

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

(b) the person causes substantial bodily injury.

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

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

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

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

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

(b) 180 consecutive days for each subsequent offense.

(6) The court may suspend the imposition or execution of the sentence required under

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Subsection (5) if the court finds that the interests of justice would be best served by the suspension and the court makes specific findings concerning the disposition on the record.

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