

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: Ann Millner

LONG TITLE

General Description:

This bill adds more peace officer classifications to the assault against a peace officer statute.

Highlighted Provisions:

This bill:

- ▶ adds the following to the assault against a peace officer statute:
 - correctional officers;
 - special function officers; and
 - federal officers.

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:



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

27 **76-5-102.4. Assault against peace officer or a military servicemember in uniform**

28 **-- Penalties.**

29 (1) As used in this section:

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

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

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

34 (b) "Peace officer" means:

35 (i) a law enforcement officer certified under Section 53-13-103[?];

36 (ii) a correctional officer under Section 53-13-104;

37 (iii) a special function officer under Section 53-13-105; or

38 (iv) a federal officer under Section 53-13-106.

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

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

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

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

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

49 (b) the person causes substantial bodily injury.

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

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

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

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

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

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

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

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