

HB0124S02 compared with HB0124S01

~~{deleted text}~~ shows text that was in HB0124S01 but was deleted in HB0124S02.

Inserted text shows text that was not in HB0124S01 but was inserted into HB0124S02.

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}~~ more peace officer classifications to the assault against a peace officer statute.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

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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.

(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 certified under Section 53-13-103[-]; ~~or~~

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

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

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

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

(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

(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

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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 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.