

**INTERFERING WITH A PEACE OFFICER**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill makes clarifying changes to the interference with a peace officer statute.

**Highlighted Provisions:**

This bill:

► clarifies that interfering with a peace officer applies to any person who interferes, not just the person being detained.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-8-305**, as last amended by Laws of Utah 1990, Chapter 274

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

Section 1. Section **76-8-305** is amended to read:

**76-8-305. Interference with peace officer.**

**§→ (1) ←§** A person is guilty of a class B misdemeanor if [~~he has knowledge~~] the person knows, or by the exercise of reasonable care should have [~~knowledge~~] known, that a peace officer is seeking to effect a lawful arrest or detention of that person or another person and interferes

S.B. 239



28 with the arrest or detention by:

29           ~~§~~→ [(1)] (a) ←~~§~~ use of force or any weapon;

30           ~~§~~→ [(2)] (b) ←~~§~~ [~~the arrested person's refusal~~] refusing to perform any act required by

30a lawful order:

31           ~~§~~→ [(a)] (i) ←~~§~~ necessary to effect the arrest or detention; and

32           ~~§~~→ [(b)] (ii) ←~~§~~ made by a peace officer involved in the arrest or detention; or

33           ~~§~~→ [(3)] (c) ←~~§~~ [~~the arrested person's or another person's refusal~~] refusing to refrain from

34 performing any act that would impede the arrest or detention.

34a ~~§~~→ **(2) Recording the actions of a law enforcement officer with a camera, mobile phone, or**  
34b **other photographic device, while the officer is performing official duties in plain view, does not**  
34c **by itself constitute:**

34d           **(a) interference with the officer;**

34e           **(b) willful resistance;**

34f           **(c) disorderly conduct; or**

34g           **(d) obstruction of justice.** ←~~§~~

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**