

INTERFERING WITH A PEACE OFFICER

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Adam Gardiner

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

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
25a knows, or
26 by the exercise of reasonable care should have [~~knowledge~~] known, that a peace officer is
27 seeking to effect a lawful arrest or detention of that person or another person and interferes



28 with the arrest or detention by:

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

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

30a lawful order:

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

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

33 ~~Ŝ~~→ [(3)] (c) ←~~Ŝ~~ [~~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 ~~Ŝ~~→ **(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.** ←~~Ŝ~~

Legislative Review Note
Office of Legislative Research and General Counsel