

CORRECTIONAL AND PEACE OFFICER AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill modifies the penalty for assault committed by a prisoner.

Highlighted Provisions:

This bill:

- increases the penalty for assault committed by a prisoner against an officer, or an employee or volunteer, including a health care provider, when the prisoner propels a substance or object at the officer, employee, or volunteer and causes substantial bodily injury; and

- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102.6, as last amended by Laws of Utah 2015, Chapter 386

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

Section 1. Section **76-5-102.6** is amended to read:

76-5-102.6. Propelling object or substance at a correctional or peace officer --



28 **Penalties.**

29 (1) ~~[Any]~~ It is unlawful for a prisoner or ~~[person]~~ individual detained pursuant to
30 Section ~~77-7-15~~ ~~[who throws]~~ to throw or otherwise ~~[propels any substance or object]~~ propel
31 any object or substance at a peace officer, a correctional officer, or an employee or volunteer,
32 including a health care provider~~[, is guilty of a class A misdemeanor, except as provided under~~
33 Subsection (2)].

34 (2) Except as provided in Subsection (3), a violation of Subsection (1) is a class A
35 misdemeanor.

36 ~~[(2)]~~ (3) A violation of Subsection (1) is a third degree felony if:

37 (a) the object or substance causes substantial bodily injury to the peace officer, the
38 correctional officer, or the employee or volunteer, including a health care provider; or

39 ~~[(a)]~~ (b) (i) the object or substance is:

40 ~~[(i)]~~ (A) blood, urine, or fecal material;

41 ~~[(ii)]~~ (B) an infectious agent as defined in Section 26-6-2 or a material that carries an
42 infectious agent;

43 ~~[(iii)]~~ (C) vomit or a material that carries vomit; or

44 ~~[(iv)]~~ (D) the prisoner's or detained [person's] individual's saliva, and the prisoner or
45 detained [person] individual knows he or she is infected with HIV, hepatitis B, or hepatitis C;
46 and

47 ~~[(b)]~~ (ii) the object or substance comes into contact with any portion of the officer's or
48 health care provider's face, including the eyes or mouth, or comes into contact with any open
49 wound on the officer's or health care provider's body.

50 ~~[(3)]~~ (4) If an offense committed under this section amounts to an offense subject to a
51 greater penalty under another provision of state law than under this section, this section does
52 not prohibit prosecution and sentencing for the more serious offense.