

**ASSAULT AGAINST HEALTH PROVIDERS AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Andrew Stoddard**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the crime of assaulting a medical service worker.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies the crime of assaulting a medical service worker;
- ▶ modifies who qualifies as a medical service worker for purposes of the crime of assaulting a medical service worker; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-5-102.7**, as last amended by Laws of Utah 2017, Chapters 123 and 326

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

Section 1. Section **76-5-102.7** is amended to read:

**76-5-102.7. Assault against medical service worker -- Penalty.**



28 (1) As used in this section:

29 (a) "Assault" means the same as that term is described in Section [76-5-102](#).

30 (b) "Emergency medical service worker" means a person licensed under Section  
31 [26-8a-302](#).

32 (c) "Health care provider" means the same as that term is defined in Section  
33 [78B-3-403](#).

34 (d) "Medical service worker" means an emergency medical service worker, a health  
35 care provider, or a mental health worker.

36 (e) "Mental health worker" means an individual who is not a health care provider, but,  
37 through experience and training, is qualified to participate in the psychological or psychiatric  
38 care of a patient.

39 (f) "Threat of violence" means the same as that term is defined in Section [76-5-107](#).

40 ~~[(1)]~~ (2) ~~[A person]~~ An individual who commits an assault or threat of violence against  
41 a ~~[health care provider or emergency medical service worker]~~ medical service worker is guilty  
42 of a class A misdemeanor if:

43 (a) the ~~[person]~~ individual is not a prisoner or a person detained under Section [77-7-15](#);  
44 and

45 (b) at the time of the assault:

46 (i) the ~~[person]~~ individual knew that the victim was a ~~[health care provider or~~  
47 ~~emergency medical service worker]~~ medical service worker; and

48 ~~[(c) the health care provider or emergency medical service worker was performing~~  
49 ~~emergency or life saving duties within the scope of his or her authority at the time of the~~  
50 ~~assault.]~~

51 (ii) the medical service worker was performing a duty within the scope of the medical  
52 service worker's authority.

53 ~~[(2)]~~ (3) ~~[A person]~~ An individual who violates Subsection ~~[(1)]~~ (2) is guilty of a third  
54 degree felony if the ~~[person]~~ individual:

55 (a) causes substantial bodily injury, as defined in Section [76-1-601](#); and

56 (b) acts intentionally or knowingly.

57 ~~[(3) As used in this section:]~~

58 ~~[(a) "Assault" means the same as that term is defined in Section [76-5-102](#).]~~

59            [~~(b) "Emergency medical service worker" means a person licensed under Section~~  
60            ~~26-8a-302.~~]

61            [~~(c) "Health care provider" means the same as that term is defined in Section~~  
62            ~~78B-3-403.~~]

63            [~~(d) "Threat of violence" means the same as that term is defined in Section 76-5-107.~~]