

**Representative Andrew Stoddard** proposes the following substitute bill:

**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:*



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

27 **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 therapist.

36 (e) "Mental health therapist" means the same as that term is defined in Section  
37 58-60-102.

38 ~~[(1)]~~ (2) [A person] An individual who commits an assault ~~[or threat of violence]~~  
39 against a ~~[health care provider or emergency medical service worker]~~ medical service worker is  
40 guilty of a class A misdemeanor if:

41 (a) the [person] individual is not a prisoner or a person detained under Section 77-7-15;  
42 and

43 (b) at the time of the assault:

44 (i) the medical service worker was performing a duty within the scope of the medical  
45 service worker's authority; and

46 (ii) the [person] individual knew that the victim was a ~~[health care provider or~~  
47 ~~emergency medical service worker; and]~~ medical service worker attempting to perform a duty  
48 within the scope of the medical service workers authority.

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

52 ~~[(2)]~~ (3) [A person] An individual who violates Subsection ~~[(1)]~~ (2) is guilty of a third  
53 degree felony if the ~~[person]~~ individual:

54 (a) causes substantial bodily injury, as defined in Section 76-1-601; and

55 (b) acts intentionally or knowingly.

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

- 57            [~~(a) "Assault" means the same as that term is defined in Section 76-5-102.~~]
- 58            [~~(b) "Emergency medical service worker" means a person licensed under Section~~
- 59 ~~26-8a-302.~~]
- 60            [~~(c) "Health care provider" means the same as that term is defined in Section~~
- 61 ~~78B-3-403.~~]
- 62            [~~(d) "Threat of violence" means the same as that term is defined in Section 76-5-107.~~]