

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: Don L. Ipson

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

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 [person] individual knew that the victim was a ~~[health care provider or~~
45 ~~emergency medical service worker]~~ medical service worker; and

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

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

51 ~~[(2)]~~ (3) [A person] An individual who violates Subsection ~~[(1)]~~ (2) is guilty of a third
52 degree felony if the ~~[person]~~ individual:

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

54 (b) acts intentionally or knowingly.

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

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

57 [~~(b) "Emergency medical service worker" means a person licensed under Section~~
58 ~~26-8a-302.~~]

59 [~~(c) "Health care provider" means the same as that term is defined in Section~~
60 ~~78B-3-403.~~]

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