

59 Utah Constitution, Article I, Section 22, for the recovery of compensation from the  
 60 governmental entity when the governmental entity has taken or damaged private property for  
 61 public uses without just compensation;

62 (e) subject to Subsection 63G-7-302(2), as to any action brought to recover attorney  
 63 fees under Sections 63G-2-405 and 63G-2-802;

64 (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees  
 65 Act;

66 (g) as to any action brought to obtain relief from a land use regulation that imposes a  
 67 substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah Religious  
 68 Land Use Act;

69 (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:

70 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,  
 71 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or

72 (ii) any defective or dangerous condition of a public building, structure, dam, reservoir,  
 73 or other public improvement;

74 (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury  
 75 proximately caused by a negligent act or omission of an employee committed within the scope  
 76 of employment; [~~and~~]

77 (j) notwithstanding Subsection 63G-7-101(4), as to a claim for an injury resulting from  
 78 a sexual battery, as provided in Section 76-9-702.1, committed:

79 (i) against a student of a public elementary or secondary school, including a charter  
 80 school; and

81 (ii) by an employee of a public elementary or secondary school or charter school who:

82 (A) at the time of the sexual battery, held a position of special trust, as defined in  
 83 Section 76-5-404.1, with respect to the student;

84 (B) is criminally charged in connection with the sexual battery; and

85 (C) the public elementary or secondary school or charter school knew or in the exercise  
 86 of reasonable care should have known, at the time of the employee's hiring, to be a sex  
 87 offender, as defined in Section 77-41-102, required to register under Title 77, Chapter 41, Sex  
 88 and Kidnap Offender Registry, whose status as a sex offender would have been revealed in a  
 89 background check under Section 53G-11-402 ~~§→ . ←§ [∴] §→ [∴and⊕~~

90 ~~● (k) for grossly negligent conduct in which an employee acting within the scope of~~  
91 ~~employment fails to protect private property or individuals during a riot or violent assembly.]~~ ←§

92 (3) (a) As used in this Subsection (3):

93 (i) "Code of conduct" means a code of conduct that:

94 (A) is not less stringent than a model code of conduct, created by the State Board of  
95 Education, establishing a professional standard of care for preventing the conduct described in  
96 Subsection (3)(a)(i)(D);

97 (B) is adopted by the applicable local education governing body;

98 (C) regulates behavior of a school employee toward a student; and

99 (D) includes a prohibition against any sexual conduct between an employee and a  
100 student and against the employee and student sharing any sexually explicit or lewd  
101 communication, image, or photograph.

102 (ii) "Local education agency" means:

103 (A) a school district;

104 (B) a charter school; or

105 (C) the Utah Schools for the Deaf and the Blind.

106 (iii) "Local education governing board" means:

107 (A) for a school district, the local school board;

108 (B) for a charter school, the charter school governing board; or

109 (C) for the Utah Schools for the Deaf and the Blind, the state board.

110 (iv) "Public school" means a public elementary or secondary school.

111 (v) "Sexual abuse" means the offense described in Subsection 76-5-404.1(2).

112 (vi) "Sexual battery" means the offense described in Section 76-9-702.1, considering  
113 the term "child" in that section to include an individual under age 18.

114 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a  
115 claim against a local education agency for an injury resulting from a sexual battery or sexual  
116 abuse committed against a student of a public school by a paid employee of the public school  
117 who is criminally charged in connection with the sexual battery or sexual abuse, unless:

118 (i) at the time of the sexual battery or sexual abuse, the public school was subject to a  
119 code of conduct; and

120 (ii) before the sexual battery or sexual abuse occurred, the public school had:

245 individual supposes to be guilty of a violation of law, believing that two or more other  
 246 [~~persons~~] individuals in the assembly have the same purpose.

247 (2) Any [~~person~~] individual who refuses to comply with a lawful order to withdraw  
 248 [~~given to him immediately~~] prior to, during, or immediately following a violation of Subsection  
 249 (1) is guilty of riot. It is no defense to a prosecution under this Subsection (2) that withdrawal  
 250 must take place over private property; provided, however, that [~~no persons so withdrawing~~  
 251 ~~shall~~] an individual who withdraws may not incur criminal or civil liability by virtue of [~~acts~~]  
 252 actions reasonably necessary to accomplish the withdrawal.

253 (3) Except as provided in Subsection (4), riot is a class B misdemeanor.

254 [~~(3)~~] (4) Riot is a felony of the third degree if, in the course of and as a result of the  
 255 conduct[;]:

256 (a) any [~~person~~] individual suffers bodily injury[; ~~or~~];

257 (b) substantial property damage[;] or arson occurs;

258 (c) [~~or~~] the defendant was armed with a dangerous weapon, as defined in Section

259 ~~76-1-601~~ ~~§~~ → . ← ~~§~~ [; otherwise it is a class B misdemeanor.] ~~§~~ → [; ~~or~~

260 ~~— (d) the defendant intentionally obstructed traffic.] ← ~~§~~~~

261 (5) A motor vehicle operator who unintentionally causes injury or death to an  
 262 individual is not criminally or civilly liable for the injury or death, if:

263 (a) the injury or death occurs while the motor vehicle operator is fleeing from a riot,  
 264 under a reasonable belief that fleeing is necessary to protect the motor vehicle operator or  
 265 occupants from serious injury or death; and

266 (b) the motor vehicle driver exercises due care at the time of the death or injury.

267 (6) An individual convicted of a felony violation of this section may not, for a period  
 268 of five years after the date of sentencing on the conviction ~~§~~ → [;:

269 ~~— (a)~~ ← ~~§~~ be employed by, or hold any position with, the state or any political subdivision of  
 270 the state ~~§~~ → [; ~~and~~] . ← ~~§~~

271 ~~§~~ → [~~(b) collect or receive any assistance or benefits provided by or managed through the~~  
 272 ~~state Department of Workforce Services.] ← ~~§~~~~

273 Section 6. Section 77-20-1 is amended to read:

274 77-20-1. **Right to bail -- Pretrial status order -- Denial of bail -- Detention hearing**  
 275 **-- Motion to modify.**