

57 this section; [or]

58 (b) the person causes substantial bodily injury; or

59 (c) during the course of a riot, the person causes bodily injury to another individual or
60 damages the property of another person.

61 (4) A person who violates Subsection (2) is guilty of a second degree felony if the
62 person uses:

63 (a) a dangerous weapon as defined in Section 76-1-601; or

64 (b) other means or force likely to produce death or serious bodily injury.

65 (5) A person who violates this section shall serve, in jail or another correctional
66 facility, a minimum of:

67 (a) [90] 180 consecutive days for a first or second offense; and

68 (b) [180] 270 consecutive days for each subsequent offense.

69 (6) The court may suspend the imposition or execution of the sentence required under
70 Subsection (5) if the court finds that the interests of justice would be best served by the
71 suspension and the court makes specific findings concerning the disposition on the record.

72 (7) This section does not affect or limit any individual's constitutional right to the
73 lawful expression of free speech, the right of assembly, or any other recognized rights secured
74 by the Constitution or laws of Utah or by the Constitution or laws of the United States.

75 Section 2. Section 76-5-102.9 is amended to read:

76 **76-5-102.9. Propelling an object or bodily substance -- Penalties.**

77 (1) As used in this section, a listed substance [or], material, or object is:

78 (a) saliva, blood, urine, or fecal material;

79 (b) an infectious agent as defined in Section 26-6-2 [of] or a material that carries an
80 infectious agent; [or]

81 (c) vomit or a material that carries vomit; ~~§~~ → [or]

82 ~~— (d) a dangerous weapon as defined in Section 76-1-601; ← §~~

83 (2) Any [person] individual who knowingly or intentionally uses, throws, or otherwise
84 propels any bodily substance [or], material, or object listed under Subsection (1) at another
85 [person] individual is guilty of a class B misdemeanor, except as provided in Subsection (3).

86 (3) A violation of this section is a class A misdemeanor if:

87 (a) the substance or material propelled is listed in Subsection (1)(a), (b), or (c), and:

88 [~~(a)~~] (i) if the substance is the [~~person's~~] individual's saliva, the [~~person~~] individual
89 knows he or she is infected with HIV, hepatitis B, or hepatitis C; or

90 [~~(b)~~] (ii) the substance or material comes into contact with any portion of the other
91 [~~person's~~] individual's face, including the eyes or mouth, or comes into contact with any open
92 wound on the other [~~person's~~] individual's body; ~~§~~→ [or

93 ~~— (b) a dangerous weapon is used, propelled, or thrown and causes bodily injury.] ←§~~

94 (4) A second or subsequent violation of Subsection (3) is a third degree felony.

95 [~~(4)~~] (5) If an offense committed under this section amounts to an offense subject to a
96 greater penalty under another provision of state law than under this section, this section does
97 not prohibit prosecution and sentencing for the more serious offense.

98 Section 3. Section **76-5-106** is amended to read:

99 **76-5-106. Harassment.**

100 (1) [~~A person~~] An individual is guilty of harassment if, with intent to frighten or
101 [~~harass~~] intimidate another, the individual:

102 (a) [~~he~~] communicates a written or recorded threat to commit any violent felony; or

103 (b) communicates, either verbally or through overt action, the immediate or present
104 ability to inflict bodily injury upon an individual or damage the property of another person.

105 (2) Harassment is a class B misdemeanor.

106 (3) If the trier of fact finds beyond a reasonable doubt that the defendant was a
107 participant in a riot and the harassment was committed against an individual who was not a
108 participant in the riot, the penalty shall be enhanced one degree to a class A misdemeanor.

109 (4) The prosecuting attorney, or grand jury if an indictment is returned, shall provide
110 notice in the information or indictment notice that the defendant is subject to the enhanced
111 penalty provided under this section.

112 Section 4. Section **76-9-101** is amended to read:

113 **76-9-101. Riot -- Penalties -- Collateral consequences.**

114 (1) [~~A person~~] An individual is guilty of riot if the individual:

115 (a) simultaneously with two or more other [~~persons-he~~] individuals engages in
116 [~~tumultuous or~~] violent conduct [~~and thereby~~], knowingly or recklessly [~~creates~~] creating a
117 substantial risk of causing public alarm; [~~or~~]

118 (b) [~~he~~] assembles with two or more other [~~persons~~] individuals with the purpose of