

Representative Robert M. Spendlove proposes the following substitute bill:

HEALTH CARE WORKER PROTECTION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill enacts provisions relating to the assault of an owner, employee, or contractor of a health facility.

Highlighted Provisions:

This bill:

- ▶ enacts enhanced penalties for assault or threat of violence against an owner, employee, or contractor of a health facility;
- ▶ creates an automatic sunset date for the provisions in this bill; and
- ▶ makes technical corresponding changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-276, as last amended by Laws of Utah 2019, Chapter 124

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



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

27 Section 1. Section **63I-2-276** is amended to read:

28 **63I-2-276. Repeal dates -- Title 76.**

29 (1) Subsection [76-5-102.7](#) ~~is~~ ~~repealed~~ ~~on~~ ~~January~~ ~~1,~~ ~~2027.~~ ~~and~~ ~~Section~~ ~~76-7-302.4~~ ~~is~~ ~~repealed~~ ~~on~~ ~~January~~ ~~1,~~ ~~2029.~~
 29a against an
 30 owner, employee, or contractor of a health facility, is repealed January 1, 2027.

31 ~~[(1)]~~ (2) If Section [76-7-302.4](#) is not in effect before January 1, 2029, Section
 32 [76-7-302.4](#) is repealed January 1, 2029.

33 ~~[(2)]~~ (3) Section [76-7-305.7](#) is repealed January 1, 2023.

34 Section 2. Section **76-5-102.7** is amended to read:

35 **76-5-102.7. Assault or threat of violence against health care provider, emergency**
 36 **medical service worker, or health facility employee -- Penalty.**

37 (1) As used in this section:

38 (a) "Assault" means an offense under Section [76-5-102](#).

39 (b) "Emergency medical service worker" means an individual licensed under Section
 40 [26-8a-302](#).

41 (c) "Health care provider" means the same as that term is defined in Section
 42 [78B-3-403](#).

43 (d) "Health facility" means:

44 (i) a health care facility as defined in Section [26-21-2](#); and

45 (ii) the office of a private health care provider, whether for individual or group
 46 practice.

47 (e) "Health facility employee" means an employee, owner, or contractor of a health
 48 facility.

49 (f) "Threat of violence" means an offense under Section [76-5-107](#).

50 ~~[(1) A person who]~~

51 (2) (a) An actor commits ~~an~~ assault or threat of violence against a health care
 52 provider or emergency medical service worker ~~[is guilty of a class A misdemeanor] if:~~

53 ~~[(a) the person]~~ (i) the actor is not a prisoner or a ~~[person detained under Section~~
 54 ~~77-7-15]~~ ~~detained detail;~~

55 (ii) the actor commits an assault or threat of violence;

56 ~~[(b) the person]~~ (iii) the actor knew that the victim was a health care provider or

57 emergency medical service worker; and

58 ~~[(c)]~~ (iv) the health care provider or emergency medical service worker was performing
59 emergency or life saving duties within the scope of his or her authority at the time of the assault
60 or threat of violence.

61 (b) An actor commits assault or threat of violence against a health facility employee if:

62 (i) the actor is not a prisoner or a detained individual;

63 (ii) the actor commits an assault or threat of violence;

64 (iii) the actor knew that the victim was a health facility employee; and

65 (iv) the health facility employee was acting within the scope of the health facility
66 employee's duties for the health facility.

67 (3) (a) A violation of Subsection (2) is a class A misdemeanor.

68 ~~[(2) A person who violates Subsection (1) is guilty of]~~

69 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree
70 felony if the [person] actor:

71 ~~[(a)]~~ (i) causes substantial bodily injury~~[-as defined in Section 76-1-601];~~ and

72 ~~[(b)]~~ (ii) acts intentionally or knowingly.

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

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

75 ~~[(b) "Emergency medical service worker" means a person licensed under Section~~
76 ~~26-8a-302:]~~

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

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