

HB0032S01 compared with HB0032

~~{deleted text}~~ shows text that was in HB0032 but was deleted in HB0032S01.

inserted text shows text that was not in HB0032 but was inserted into HB0032S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

LONG TITLE

~~{Committee Note:~~

~~_____ The Health and Human Services Interim Committee recommended this bill.~~

~~_____ Legislative Vote: 14 voting for 0 voting against _____ 4 absent~~

~~{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;~~{and}~~
- ▶ creates an automatic sunset date for the provisions in this bill~~{.}~~; and
- ▶ makes technical corresponding changes.

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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

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

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

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

(1) Subsection 76-5-102.7(1)(b), regarding assault or threat of violence against an owner, employee, or contractor of a health facility, is repealed January 1, 2027.

~~[(1)] (2)~~ (2) If Section 76-7-302.4 is not in effect before January 1, 2029, Section 76-7-302.4 is repealed January 1, 2029.

~~[(2)] (3)~~ (3) Section 76-7-305.7 is repealed January 1, 2023.

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

**76-5-102.7. Assault or threat of violence against health care provider~~{ and }~~,
emergency medical service worker~~{ -- Penalty.~~**

~~———— (1) (a) A person who commits an assault or threat of violence against a health care provider or emergency medical service worker is guilty of a class A misdemeanor if:~~

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

~~———— [(b)] (ii) the person knew that the victim was a health care provider or emergency medical service worker; and~~

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

~~———— (b) A person who commits an assault or threat of violence against an owner, employee, or contractor of a~~, or ~~health facility {is guilty of a class A misdemeanor if:~~

~~———— (i) the person is not a prisoner or a person detained under Section 77-7-15;~~

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~~(ii) the person knew that the victim was an owner, }employee,} or contractor of a health facility; and~~

~~(iii) the owner, employee, or contractor of a health facility was acting within the scope of his or her duties for the health facility.~~

~~(2) A person who violates Subsection (1) is guilty of a [third-degree] third-degree felony if the person:~~

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

~~(b) acts intentionally or knowingly.~~

~~(3) -- Penalty.~~

(1) As used in this section:

(a) "Assault" means ~~{the same as that term is defined in}~~ an offense under Section 76-5-102.

(b) "Emergency medical service worker" means ~~{a person}~~ an individual licensed under Section 26-8a-302.

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

(d) "Health facility" means:

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

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

~~{{(d)} (e)}~~ "Health facility employee" means an employee, owner, or contractor of a health facility.

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

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

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

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

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

~~[(b) the person] (iii) the actor knew that the victim was a health care provider or emergency medical service worker; and~~

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

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

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

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

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

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

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

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

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

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

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

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

~~[(a) "Assault" means the same as that term is defined in Section ~~{76-5-107} 76-5-102.~~]~~

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

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

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