

PENALTY FOR FALSE STATEMENT DURING ARREST

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a penalty enhancement for certain false statements made during an arrest.

Highlighted Provisions:

This bill:

- ▶ creates a penalty enhancement for certain false statements made during an arrest;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-3-210, Utah Code Annotated 1953

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

Section 1. Section **76-3-210** is enacted to read:

76-3-210. Enhanced penalty for false statement about ingesting drugs during arrest.



28 (1) An actor convicted of an offense may be subject to an enhanced penalty if, at the
29 time of the actor's arrest for the offense:

30 (a) the actor states to a law enforcement officer that the actor ingested drugs before the
31 actor's arrest;

32 (b) the law enforcement officer, based on the actor's statement described in Subsection
33 (1)(a), takes the actor to a health care facility for medical treatment; and

34 (c) a medical examination of the actor demonstrates that the actor's statement described
35 in Subsection (1)(a) was false.

36 (2) (a) Except as provided in Subsection (2)(b), if a trier of fact finds beyond a
37 reasonable doubt that an actor committed an offense and, upon arrest for the offense, made a
38 statement found to be false under Subsection (1), the actor is subject to an enhanced penalty of
39 one classification higher than the offense for which the actor is convicted.

40 (b) A first degree felony may not be enhanced under this section.

41 (3) This section does not affect or limit an actor's constitutional right to the lawful
42 expression of free speech or other recognized rights secured by the Utah Constitution or the
43 laws of the state, or by the United States Constitution or the laws of the United States.