

HB0254S01 compared with HB0254

~~{deleted text}~~ shows text that was in HB0254 but was deleted in HB0254S01.

inserted text shows text that was not in HB0254 but was inserted into HB0254S01.

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 Ken Ivory proposes the following substitute bill:

PENALTY FOR FALSE STATEMENT DURING DRUG

ARREST

2023 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. }~~modifies offenses related to giving false information to law enforcement officers.

Highlighted Provisions:

This bill:

- ▶ ~~{creates a penalty enhancement for certain false statements made during an}~~makes it a crime for an actor arrested for a crime to falsely claim the actor ingested drugs before the arrest; and
- ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

~~{ENACTS}~~ AMENDS:

~~{76-3-210}~~ 76-8-506, as last amended by Laws of Utah ~~{Code Annotated 1953}~~ 2005,
Chapter 92

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.~~

~~———— (1) An actor convicted of an offense may be subject to an enhanced penalty if,}~~ 76-8-506 is amended to read:

76-8-506. Providing false information to law enforcement officers, government agencies, or specified professionals.

[A person] An actor is guilty of a class B misdemeanor if [he]:

(1) the actor knowingly gives or causes to be given false information to [any] a peace officer or [any] a state or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another person has committed an offense;

(2) the actor knowingly gives or causes to be given to [any] a peace officer, [any] a state or local government agency or personnel, or to [any person] an individual licensed in this state to practice social work, psychology, or marriage and family therapy, information concerning the commission of an offense, knowing that the offense did not occur or knowing that [he] the actor has no information relating to the offense or danger; [or]

(3) the actor knowingly gives or causes to be given false information to [any] a state or local government agency or personnel with a purpose of inducing a change in the [person's] actor's licensing or certification status or the licensing or certification status of another individual; or

(4) (a) at the time of the actor's arrest for ~~{the}~~ an offense{;

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~~_____ (a) };~~ the actor states to a law enforcement officer that the actor ingested drugs before the actor's arrest;

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

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

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

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

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

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