

AGGRAVATED ASSAULT MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael S. Kennedy

House Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill amends the crime of aggravated assault.

Highlighted Provisions:

This bill:

► amends the crime of aggravated assault when an individual is impeding the breathing or circulation of blood of another individual.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-103, as last amended by Laws of Utah 2022, Chapter 181

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

Section 1. Section **76-5-103** is amended to read:

76-5-103. Aggravated assault -- Penalties.

(1) (a) As used in this section, "targeting a law enforcement officer" means the same as that term is defined in Section **76-5-202**.

(b) Terms defined in Section **76-1-101.5** apply to this section.



- 28 (2) An actor commits aggravated assault if the actor:
- 29 (a) (i) attempts, with unlawful force or violence, to do bodily injury to another;
- 30 (ii) makes a threat, accompanied by a show of immediate force or violence, to do
- 31 bodily injury to another; or
- 32 (iii) commits an act, committed with unlawful force or violence, that causes bodily
- 33 injury to another or creates a substantial risk of bodily injury to another; and
- 34 (b) includes in the actor's conduct under Subsection (2)(a) the use of:
- 35 (i) a dangerous weapon;
- 36 (ii) any act that impedes the breathing or the circulation of blood of another individual
- 37 by the actor's use of unlawful force or violence [~~that is likely to produce a loss of~~
- 38 ~~consciousness~~] by:
 - 39 (A) applying pressure to the neck or throat of an individual; or
 - 40 (B) obstructing the nose, mouth, or airway of an individual; or
 - 41 (iii) other means or force likely to produce death or serious bodily injury.
- 42 (3) (a) A violation of Subsection (2) is a third degree felony.
- 43 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree
- 44 felony if:
 - 45 (i) the act results in serious bodily injury; or
 - 46 (ii) an act under Subsection (2)(b)(ii) produces a loss of consciousness.
 - 47 (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first
 - 48 degree felony if the conduct constitutes targeting a law enforcement officer and results in
 - 49 serious bodily injury.

50 Section 2. **Effective date.**
51 This bill takes effect on May 1, 2024.