

1 **BOARD OF PARDONS AND PAROLE REVISIONS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Daniel W. Thatcher**

5 House Sponsor: Stephen G. Handy

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Utah Criminal Code regarding influencing a judge or a member
10 of the Board of Pardons and Parole.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that the offense of a threat or assault against a member of the Board of
14 Pardons and Parole includes a threat or assault against a member of the immediate
15 family of the board member; and

16 ▶ includes a definition of family member.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **76-8-316**, as last amended by Laws of Utah 2008, Chapter 12

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

26 Section 1. Section **76-8-316** is amended to read:

27 **76-8-316. Influencing, impeding, or retaliating against a judge or member of the**
28 **Board of Pardons and Parole or acting against a family member of a judge or a member**
29 **of the Board of Pardons and Parole.**

30 (1) As used in this section:

31 (a) "Board member" means an appointed member of the Board of Pardons and Parole.

32 (b) "Family member" means parents, spouse, surviving spouse, children, and siblings
33 of a judge or board member.

34 (c) "Judge" means judges of all courts of record and courts not of record and court
35 commissioners.

36 ~~[(1)]~~ (2) A person is guilty of a third degree felony if the person threatens to assault,
37 kidnap, or murder a judge ~~[or a member of the Board of Pardons and Parole]~~, a family member
38 of a judge, a board member, or a family member of a board member with the intent to impede,
39 intimidate, or interfere with the judge or board member ~~[of the board]~~ while engaged in the
40 performance of the judge's or board member's official duties or with the intent to retaliate
41 against the judge or board member on account of the performance of those official duties.

42 ~~[(2)]~~ (3) A person is guilty of a second degree felony if the person commits an assault
43 on a judge ~~[or a member of the Board of Pardons and Parole]~~, a family member of a judge, a
44 board member, or a family member of a board member with the intent to impede, intimidate, or
45 interfere with the judge or board member ~~[of the board]~~ while engaged in the performance of
46 the judge's or board member's official duties, or with the intent to retaliate against the judge or
47 board member on account of the performance of those official duties.

48 ~~[(3)]~~ (4) A person is guilty of a first degree felony if the person commits aggravated
49 assault ~~[or attempted murder]~~ on a judge ~~[or a member of the Board of Pardons and Parole]~~, a
50 family member of a judge, a board member, or a family member of a board member with the
51 ~~[purpose]~~ intent to impede, intimidate, or interfere with the judge or board member ~~[of the~~
52 ~~board]~~ while engaged in the performance of the judge's or board member's official duties or
53 with the ~~[purpose]~~ intent to retaliate against the judge or board member on account of the
54 performance of those official duties.

55 ~~[(4) As used in this section:]~~

56 ~~[(a) "Immediate family" means parents, spouse, surviving spouse, children, and~~
57 ~~siblings of the officer.]~~

58 ~~[(b) "Judge" means judges of all courts of record and courts not of record and court~~
59 ~~commissioners.]~~

60 ~~[(c) "Judge or member" includes the members of the judge's or member's immediate~~
61 ~~family.]~~

62 ~~[(d) "Member of the Board of Pardons and Parole" means appointed members of the~~
63 ~~board.]~~

64 (5) A person is guilty of a first degree felony if the person commits attempted murder
65 on a family member of a judge or a family member of a board member with the intent to
66 impede, intimidate, or interfere with the judge or board member while engaged in the
67 performance of the judge's or board member's official duties or with the intent to retaliate
68 against the judge or board member on account of the performance of those official duties.

69 ~~[(5)]~~ (6) A member of the Board of Pardons and Parole is an executive officer for
70 purposes of Subsection 76-5-202(1)(m).