

Senator Brian E. Shiozawa proposes the following substitute bill:

ASSAULT OFFENSE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian E. Shiozawa

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill modifies penalties for assault against health care providers.

Highlighted Provisions:

This bill:

- ▶ increases the penalty for assault against health care providers or emergency medical workers when the assault causes substantial bodily injury; and
- ▶ clarifies the culpable mental state required for the offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102.7, as last amended by Laws of Utah 2015, Chapter 386

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

Section 1. Section **76-5-102.7** is amended to read:

76-5-102.7. Assault against health care provider and emergency medical service



26 **worker -- Penalty.**

27 (1) A person who assaults a health care provider or emergency medical service worker
28 is guilty of a class A misdemeanor if:

29 (a) the person is not a prisoner or a person detained under Section [77-7-15](#);

30 (b) the person knew that the victim was a health care provider or emergency medical
31 service worker; and

32 (c) the health care provider or emergency medical service worker was performing
33 emergency or life saving duties within the scope of his or her authority at the time of the
34 assault.

35 (2) A person who violates Subsection (1) is guilty of a third degree felony if the
36 person:

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

38 (b) acts intentionally ~~with~~ ~~the~~ ~~purpose~~ ~~of~~ ~~causing~~ ~~substantial~~ ~~bodily~~ ~~injury~~, or ~~with~~ ~~recklessness~~ ~~and~~ ~~the~~ ~~purpose~~ ~~of~~ ~~causing~~ ~~substantial~~ ~~bodily~~ ~~injury~~.

39 ~~(2)~~ (3) As used in this section:

40 (a) "Emergency medical service worker" means a person certified under Section
41 [26-8a-302](#).

42 (b) "Health care provider" means the same as that term is defined in Section
43 [78B-3-403](#).