

1 **Assault or Threat of Violence Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor:

2 **LONG TITLE**

3 **Committee Note:**

4 The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

5 Legislative Vote: 9 voting for 0 voting against 7 absent

6 **General Description:**

7 This bill addresses the offense of assault or threat of violence against a peace officer or
8 military service member.

9 **Highlighted Provisions:**

10 This bill:

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- 12 ▶ separates into two statutes the offenses of assault or threat of violence against a peace
13 officer and assault or threat of violence against a military service member in uniform;
 - 14 ▶ amends the offense of assault or threat of violence against a peace officer to include:
 - 15 • assaults or threats of violence against off-duty peace officers if the actor committed the
16 offense because of the peace officer's status as a peace officer; or
 - 17 • assaults or threats of violence against family members of a peace officer if the actor
18 committed the offense because of the peace officer's status as a peace officer; and
 - 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **76-3-203.3**, as last amended by Laws of Utah 2025, Chapters 173, 208

27 **76-5-102.4**, as last amended by Laws of Utah 2023, Chapter 44

28 **76-5-203**, as last amended by Laws of Utah 2025, Chapters 173, 204, 208, and 284

29 ENACTS:

30 **76-5-102.10**, Utah Code Annotated 1953

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

Section 1. Section **76-3-203.3** is amended to read:

76-3-203.3 . Penalty for hate crimes -- Civil rights violation.

As used in this section:

- (1) "Primary offense" means those offenses provided in Subsection (4).
- (2)(a) A person who commits any primary offense with the intent to intimidate or terrorize another person or with reason to believe that his action would intimidate or terrorize that person is subject to Subsection (2)(b).
 - (b)(i) A class C misdemeanor primary offense is a class B misdemeanor; and
 - (ii) a class B misdemeanor primary offense is a class A misdemeanor.
- (3) "Intimidate or terrorize" means an act which causes the person to fear for his physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States.
- (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:
 - (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-102.10, 76-5-106, 76-5-107, and 76-5-108;
 - (b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104, and Subsection 76-6-106(2)(a);
 - (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
 - (d) any misdemeanor theft offense under Chapter 6, Offenses Against Property;
 - (e) any offense of obstructing government operations under Sections 76-8-301, 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, 76-8-308, 76-8-309.2, and 76-8-313;
 - (f) any offense of interfering or intending to interfere with activities of colleges and universities under Chapter 8, Part 7, Colleges and Universities;
 - (g) any misdemeanor offense against public order and decency as defined in Chapter 9, Part 1, Breaches of the Peace and Related Offenses, other than Section 76-9-105.5, 76-9-105.6, 76-9-110, 76-9-111, 76-9-112, 76-9-113, or 76-9-114;
 - (h) any telephone abuse offense under Sections 76-12-202, 76-12-203, 76-12-204, and 76-12-206;
 - (i) any cruelty to animals offense under Sections 76-13-202, 76-13-203, and 76-13-204;

- 65 (j) any weapons offense under Section 76-11-207; or
 66 (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.
 67 (5) This section does not affect or limit any individual's constitutional right to the lawful
 68 expression of free speech or other recognized rights secured by the Constitution or laws
 69 of the state or by the Constitution or laws of the United States.

70 Section 2. Section **76-5-102.4** is amended to read:

71 **76-5-102.4 . Assault or threat of violence against a peace officer or a family**
 72 **member of a peace officer.**

73 (1)(a) As used in this section:

74 (i) "Assault" means an offense under Section 76-5-102.

75 [(ii) "Military service member in uniform" means:]

76 [(A) a member of any branch of the United States military who is wearing a
 77 uniform as authorized by the member's branch of service; or]

78 [(B) a member of the National Guard serving as provided in Section 39A-3-103.]

79 (ii) "Family member" means an individual's spouse, surviving spouse, parent,
 80 grandparent, sibling, child, or any other individual related to the individual by
 81 consanguinity or affinity to the second degree.

82 (iii) "Peace officer" means:

83 (A) a law enforcement officer certified under Section 53-13-103;

84 (B) a correctional officer under Section 53-13-104;

85 (C) a special function officer under Section 53-13-105; or

86 (D) a federal officer under Section 53-13-106.

87 (iv) "Threat of violence" means an offense under Section 76-5-107.

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

89 (2)[(a)] An actor commits assault or threat of violence against a peace officer or a family
 90 member of a peace officer if:

91 [(i)] (a) the actor commits an assault or threat of violence against a peace officer[;] or a
 92 family member of a peace officer;

93 (b) [~~with knowledge~~] the actor knows that the [~~peace officer~~] individual described in
 94 Subsection (2)(a) is a peace officer or a family member of a peace officer; and

95 (c) the assault or threat of violence described in Subsection (2)(a) is intentionally
 96 committed:

97 (i) against a peace officer at the time the officer is acting within the scope of the
 98 peace officer's authority as a peace officer;

- 99 (ii) against a peace officer because of the peace officer's status as a peace officer; or
 100 (iii) against a family member of a peace officer because of the family member's
 101 relation to the peace officer due to the peace officer's status as a peace officer.
 102 [~~(ii) at the time of the assault or threat of violence, the peace officer was acting within~~
 103 ~~the scope of authority as a peace officer.]~~
 104 [~~(b) An actor commits an assault or threat of violence against a military service member~~
 105 ~~in uniform if:~~]
 106 [~~(i) the actor commits an assault or threat of violence against a military service~~
 107 ~~member in uniform; and]~~
 108 [~~(ii) at the time of the assault or threat of violence, the service member was on orders~~
 109 ~~and acting within the scope of authority granted to the military service member in~~
 110 ~~uniform.]~~
 111 (3)(a) [A] Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is
 112 a class A misdemeanor.
 113 (b) [~~Notwithstanding Subsection (3)(a)~~] Except as provided in Subsection (3)(c), a
 114 violation of Subsection (2) is a third degree felony if the actor:
 115 (i) has been previously convicted of a class A misdemeanor or a felony violation of:
 116 (A) [-]this section; or
 117 (B) assault or threat of violence against a military service member in uniform as
 118 described in Section 76-5-102.10; or
 119 (ii) causes substantial bodily injury.
 120 (c) [~~Notwithstanding Subsection (3)(a) or (b), a~~] A violation of Subsection (2) is a
 121 second degree felony if the actor uses:
 122 (i) a dangerous weapon; or
 123 (ii) other means or force likely to produce death or serious bodily injury.
 124 (4) This section does not affect or limit any individual's constitutional right to the lawful
 125 expression of free speech, the right of assembly, or any other recognized rights secured
 126 by the Utah Constitution or [~~laws~~] state law, or by the United States Constitution or
 127 federal law.
 128 (5) An actor who violates this section shall serve, in jail or another correctional facility, a
 129 minimum of:
 130 (a) 90 consecutive days for a second offense; and
 131 (b) 180 consecutive days for each subsequent offense.
 132 (6) The court may suspend the imposition or execution of the sentence required under

133 Subsection (5) if the court finds that the interests of justice would be best served by the
134 suspension and the court makes specific findings concerning the disposition on the
135 record.

136 Section 3. Section **76-5-102.10** is enacted to read:

137 **76-5-102.10 . Assault or threat of violence against a military service member in**
138 **uniform.**

139 (1)(a) As used in this section:

140 (i) "Assault" means an offense under Section 76-5-102.

141 (ii) "Military service member in uniform" means:

142 (A) a member of any branch of the United States military who is wearing a
143 uniform as authorized by the member's branch of service; or

144 (B) a member of the National Guard serving as provided in Section 39A-3-103.

145 (iii) "Threat of violence" means an offense under Section 76-5-107.

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

147 (2) An actor commits assault or threat of violence against a military service member in
148 uniform if:

149 (a) the actor commits an assault or threat of violence against a military service member
150 in uniform; and

151 (b) at the time of the assault or threat of violence, the service member was on orders and
152 acting within the scope of authority granted to the military service member in
153 uniform.

154 (3)(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a
155 class A misdemeanor.

156 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third
157 degree felony if the actor:

158 (i) has been previously convicted of a class A misdemeanor or a felony violation of:

159 (A) this section; or

160 (B) assault or threat of violence against a peace officer as described in Section
161 76-5-102.4; or

162 (ii) causes substantial bodily injury.

163 (c) A violation of Subsection (2) is a second degree felony if the actor uses:

164 (i) a dangerous weapon; or

165 (ii) other means or force likely to produce death or serious bodily injury.

166 (4) This section does not affect or limit any individual's constitutional right to the lawful

167 expression of free speech, the right of assembly, or any other recognized rights secured
168 by the Utah Constitution or state law, or by the United States Constitution or federal law.

169 (5) An actor who violates this section shall serve, in jail or another correctional facility, a
170 minimum of:

171 (a) 90 consecutive days for a second offense; and

172 (b) 180 consecutive days for each subsequent offense.

173 (6) The court may suspend the imposition or execution of the sentence required under
174 Subsection (5) if the court finds that the interests of justice would be best served by the
175 suspension and the court makes specific findings concerning the disposition on the
176 record.

177 Section 4. Section **76-5-203** is amended to read:

178 **76-5-203 . Murder -- Penalties-- Affirmative defense and special mitigation --**
179 **Separate offenses. -- Affirmative defense and special mitigation -- Separate offenses.**

180 (1)(a) As used in this section, "predicate offense" means:

181 (i) a clandestine drug lab violation under Section 58-37d-4 or 58-37d-5;

182 (ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused
183 individual is younger than 18 years old;

184 (iii) child torture under Section 76-5-109.4;

185 (iv) kidnapping under Section 76-5-301;

186 (v) child kidnapping under Section 76-5-301.1;

187 (vi) aggravated kidnapping under Section 76-5-302;

188 (vii) rape under Section 76-5-402;

189 (viii) rape of a child under Section 76-5-402.1;

190 (ix) object rape under Section 76-5-402.2;

191 (x) object rape of a child under Section 76-5-402.3;

192 (xi) forcible sodomy under Section 76-5-403;

193 (xii) sodomy upon a child under Section 76-5-403.1;

194 (xiii) forcible sexual abuse under Section 76-5-404;

195 (xiv) sexual abuse of a child under Section 76-5-404.1;

196 (xv) aggravated sexual abuse of a child under Section 76-5-404.3;

197 (xvi) aggravated sexual assault under Section 76-5-405;

198 (xvii) arson under Section 76-6-102;

199 (xviii) aggravated arson under Section 76-6-103;

200 (xix) burglary under Section 76-6-202;

- 201 (xx) aggravated burglary under Section 76-6-203;
202 (xxi) robbery under Section 76-6-301;
203 (xxii) aggravated robbery under Section 76-6-302;
204 (xxiii) escape under Section 76-8-309;
205 (xxiv) aggravated escape under Section 76-8-309.3; or
206 (xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm
207 or dangerous weapon.
- 208 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 209 (2) An actor commits murder if:
- 210 (a) the actor intentionally or knowingly causes the death of another individual;
211 (b) intending to cause serious bodily injury to another individual, the actor commits an
212 act clearly dangerous to human life that causes the death of the other individual;
213 (c) acting under circumstances evidencing a depraved indifference to human life, the
214 actor knowingly engages in conduct that creates a grave risk of death to another
215 individual and thereby causes the death of the other individual;
- 216 (d)(i) the actor is engaged in the commission, attempted commission, or immediate
217 flight from the commission or attempted commission of any predicate offense, or
218 is a party to the predicate offense;
- 219 (ii) an individual other than a party described in Section 76-2-202 is killed in the
220 course of the commission, attempted commission, or immediate flight from the
221 commission or attempted commission of any predicate offense; and
- 222 (iii) the actor acted with the intent required as an element of the predicate offense;
- 223 (e) the actor recklessly causes the death of a peace officer or military service member in
224 uniform while in the commission or attempted commission of:
- 225 (i) an assault against a peace officer under Section 76-5-102.4;
226 (ii) interference with a peace officer while making a lawful arrest under Section
227 76-8-305 if the actor uses force against the peace officer; or
228 (iii) an assault against a military service member in uniform under Section [
229 ~~76-5-102.4~~] 76-5-102.10; or
- 230 (f) the actor commits a homicide that would be aggravated murder, but the offense is
231 reduced in accordance with Subsection 76-5-202(4).
- 232 (3)(a)(i) A violation of Subsection (2) is a first degree felony.
233 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for
234 an indeterminate term of not less than 15 years and which may be for life.

- 235 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,
236 or alternatively, attempted murder, as described in this section are proved beyond a
237 reasonable doubt, and also finds that the existence of special mitigation is established
238 by a preponderance of the evidence and in accordance with Section 76-5-205.5, the
239 court shall enter a judgment of conviction as follows:
- 240 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
241 judgment of conviction for manslaughter; or
242 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,
243 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c), enter a judgment of
244 conviction for attempted manslaughter.
- 245 (4)(a) It is an affirmative defense to a charge of murder or attempted murder that the
246 defendant caused the death of another individual or attempted to cause the death of
247 another individual under a reasonable belief that the circumstances provided a legal
248 justification or excuse for the conduct although the conduct was not legally justifiable
249 or excusable under the existing circumstances.
- 250 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from
251 the viewpoint of a reasonable person under the then existing circumstances.
- 252 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or
253 alternatively, attempted murder, as described in this section are proved beyond a
254 reasonable doubt, and also finds the affirmative defense described in this Subsection
255 (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of
256 conviction as follows:
- 257 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
258 judgment of conviction for manslaughter; or
259 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall
260 enter a judgment of conviction for attempted manslaughter.
- 261 (5)(a) Any predicate offense that constitutes a separate offense does not merge with the
262 crime of murder.
- 263 (b) An actor who is convicted of murder, based on a predicate offense that constitutes a
264 separate offense, may also be convicted of, and punished for, the separate offense.

265 **Section 5. Effective Date.**

266 This bill takes effect on May 6, 2026.