



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Utah Fact Sheet

Interference with Public Servant

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Utah's relevant law.


Utah Code Annotated, § 76-8-301, Interference with Public Servant

(1) An individual is guilty of interference with a public servant if the individual:

- (a) uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function;
- (b) obstructs, hinders, conceals, or prevents the lawful service of any legal process, civil or criminal, by any sheriff, constable, deputy sheriff, deputy constable, peace officer, private investigator, or any other person authorized to serve legal process; or
- (c) on property that is owned, operated, or controlled by the state or a political subdivision of the state, willfully denies to a public servant lawful:
 - (i) freedom of movement;
 - (ii) use of the property or facilities; or
 - (iii) entry into or exit from the facilities.

(2) Interference with a public servant:

- (a) under Subsection (1)(a) or (b) is a class B misdemeanor; and
- (b) under Subsection (1)(c) is a class C misdemeanor.



(3) For purposes of this section, “public servant” does not include jurors.

Penalties

Utah Code Annotated, §76-3-204 and §76-3-301

Depending on the facts, a person may be convicted of a Class B misdemeanor, which carries with it up to 6 months imprisonment and/or up to \$1,000 fine OR a Class C misdemeanor: up to 90 days imprisonment and/or up to \$750 fine.

Summary

A person may be guilty of interfering with a public servant if he/she uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function. Depending on the facts, a person may be convicted of a Class B misdemeanor, which carries with it up to 6 months imprisonment and/or up to \$1,000 fine OR a Class C misdemeanor: up to 90 days imprisonment and/or up to \$750 fine.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Utah Code Annotated, § 76-8-301 prohibits interfering with a public servant. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email threatening harm to the Utah Secretary of Health attempting to influence the decision of implementing a mask mandate.] *This may constitute a violation of § 76-8-301. If convicted, you face imprisonment of up to 6 months and/or a fine up to \$750.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*