

- VEST FIRST RESPONDER -

HELP FOR HEROES

UTAH

Self-Defense Law Reference Guide

Stand Your Ground | Castle Doctrine (Habitation; Vehicle Added 2024) | EMS-Specific Assault Statute | First Responder Protections | Police Use of Force

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.

Utah's self-defense laws are codified in Title 76, Chapter 2 of the Utah Code. Utah is a Stand Your Ground state with no duty to retreat anywhere a person has lawfully entered or remained. Utah enacted a significant 2024 update (HB 189, effective May 1, 2024) expanding the Castle Doctrine presumption to include occupied vehicles - joining a growing number of states that explicitly cover vehicles in the Castle Doctrine. Utah also has a dedicated assault statute for emergency medical service workers (Utah Code S. 76-5-102.7) that covers both assault and threats of violence against EMS providers performing emergency or lifesaving duties.

STATUTE	SUBJECT MATTER
Utah Code S. 76-2-402	Defense of Person - Stand Your Ground; No Duty to Retreat
Utah Code S. 76-2-405	Defense of Habitation - Castle Doctrine
Utah Code S. 76-2-405	Vehicle Extension Added by HB 189 (2024)
Utah Code S. 76-2-404	Defense of Other Persons
Utah Code S. 76-5-102.4	Assault Against Peace Officer or Military Service Member - Enhanced Penalties
Utah Code S. 76-5-102.7	Assault or Threat of Violence Against EMS Worker or Health Care Provider - Specific Statute
Utah POST Standards	Police Use of Force - Neck Restraint Policy

PART I: THE UTAH SELF-DEFENSE FRAMEWORK

Utah Code S. 76-2-402 - Defense of Person (Stand Your Ground)

"A person is justified in threatening or using force against another when and to the extent that the person reasonably believes that force is necessary to defend the person or a third person against another person's imminent use of unlawful force. A person is justified in using force intended or likely to cause death or serious bodily injury only if the person reasonably believes that force is necessary to prevent death or serious bodily injury to the person or a third person as a result of another person's imminent use of unlawful force, or to prevent the commission of a forcible felony." - Utah Code S. 76-2-402(1)-(2)

Utah's Stand Your Ground provision is embedded within S. 76-2-402: a person generally does not have a duty to retreat in a place where they have lawfully entered or remained. The failure of a person to retreat is expressly stated to not be a relevant factor in determining whether the person acted reasonably.

"A person does not have a duty to retreat from the force or threatened force described in Subsection (1) in a place where that person has lawfully entered or remained. The failure of a person to retreat is not a relevant factor in determining whether the person who used force acted reasonably." - Utah Code S. 76-2-402(3)-(4)

THE 'NOT A RELEVANT FACTOR' PROVISION:

Utah Code S. 76-2-402(4)'s statement that failure to retreat 'is not a relevant factor in determining whether the person acted reasonably' is a strong protection. It prohibits courts, juries, and prosecutors from using the failure to retreat as evidence against the defender. This jury-instruction protection is similar to Ohio's S. 2901.09 and Mississippi's S. 97-3-15(4) - it eliminates the 'they should have run' argument entirely.

Utah Code S. 76-2-405 - Defense of Habitation (Castle Doctrine)

"A person is justified in using force against another when and to the extent that he reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry into or attack upon his habitation." - Utah Code S. 76-2-405(1)

Utah's Castle Doctrine applies to the habitation. Deadly force within a habitation is justified when the person reasonably believes the intruder is about to commit a felony or is likely to use force likely to cause death or serious bodily injury. The 2024 HB 189 update expanded the Castle Doctrine to include the occupied vehicle.

HB 189 (2024) - Castle Doctrine Expanded to Occupied Vehicle

Utah House Bill 189, effective May 1, 2024, amended Utah Code S. 76-2-405 to add a rebuttable presumption of reasonable fear when force is used against a person unlawfully entering an occupied vehicle. This update specifically expands the Castle Doctrine presumption to cover occupied motor vehicles - including ambulances and fire apparatus - using the same standard as the dwelling protection.

UTAH'S CASTLE DOCTRINE AFTER HB 189 (2024):

- Habitation - home, apartment, or fixed dwelling (existing, pre-2024).
- Occupied Vehicle - ambulance, fire apparatus, or any occupied motor vehicle (added by HB 189, effective May 1, 2024).
- Rebuttable presumption of reasonable fear in both locations when an unlawful intrusion occurs.

AMBULANCE NOW COVERED BY UTAH'S CASTLE DOCTRINE (2024):

HB 189's 2024 expansion of Utah's Castle Doctrine to occupied vehicles means that a violent forced entry into an occupied Utah ambulance or fire apparatus now triggers the same Castle Doctrine presumption of reasonable fear as a home invasion. VEST trainers delivering Utah curriculum must reflect this 2024 change. Combined with Stand Your Ground's no-retreat protection and the 'not a relevant factor' jury-instruction protection, Utah now provides comprehensive legal protection for first responders in their vehicles.

PART II: DUTY TO RETREAT - UTAH'S POSITION

Utah has NO duty to retreat. Utah Code S. 76-2-402(3)-(4) explicitly provides no duty to retreat and makes failure to retreat 'not a relevant factor' in any reasonableness determination.

- No duty to retreat at any lawful location.
- Failure to retreat cannot be used as evidence against the defender.
- Castle Doctrine presumes reasonable fear in habitation and (since 2024) occupied vehicle.
- Exception: Must not be the initial aggressor; must not be engaged in criminal activity.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

Utah Code S. 76-5-102.7 - Assault or Threat of Violence Against EMS Worker or Health Care Provider

Utah has a dedicated assault statute specifically covering emergency medical service workers and health care providers. Under S. 76-5-102.7, assault or threat of violence against an emergency medical service worker performing emergency or lifesaving duties is a standalone offense. The attacker must know that the victim is an EMS worker - satisfied by uniform, marked vehicle, or visible identification.

- 'Emergency medical service worker' is defined as an individual licensed under S. 53-2d-402 - EMTs, paramedics, and other licensed EMS providers.
- Assault against EMS worker performing emergency/lifesaving duties: Class A misdemeanor minimum, elevates to 3rd degree felony for second offense or if substantial bodily injury results.
- Threat of violence against EMS worker: also covered by this statute.
- 'Knew the victim was an EMS worker' - satisfied by uniform, marked vehicle, or visible identification.

Utah Code S. 76-5-102.4 - Assault Against Peace Officer or Military Member

Assault against a peace officer in the performance of their duties is a Class A misdemeanor (up to 364 days) minimum, escalating to a 3rd degree felony for a second conviction or when the assault causes substantial bodily injury, and a 2nd degree felony (up to 15 years) when involving a dangerous weapon or means likely to cause death or serious bodily injury. Firefighters are considered peace officers under some provisions of Utah law.

UTAH'S EMS-SPECIFIC STATUTE:

Utah Code S. 76-5-102.7's dedication to EMS workers and health care providers as a named, standalone offense reflects the legislature's recognition that these professionals face specific occupational violence risks. The statute covers both assault AND threats of violence - meaning even a credible threat directed at an on-duty Utah EMS provider is a criminal offense. VEST trainers should communicate this protection clearly.

PART IV: POLICE USE OF FORCE & NECK RESTRAINT FRAMEWORK

Utah does not have a statewide statutory chokehold ban. Police neck restraint policy is governed by the Utah Peace Officer Standards and Training (POST) Division and individual agency use-of-force policies.

- NO statewide statutory chokehold ban as of 2024-2025.
- Utah POST training standards address high-risk force techniques.
- Individual agencies may adopt more restrictive policies.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Utah's law enforcement use-of-force standards do not apply to civilian EMS and fire personnel in personal self-defense. An EMS provider or firefighter is evaluated under Utah Code S. 76-2-402. There is no statutory restriction on civilian Utah first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER UTAH LAW

1. The 2024 Vehicle Extension Is a Critical Curriculum Update

HB 189's effective date of May 1, 2024 means that any VEST curriculum delivered in Utah after that date should reflect the Castle Doctrine's expansion to occupied vehicles. An ambulance attack or fire apparatus intrusion now triggers the same Castle Doctrine presumption as a home invasion in Utah.

2. Failure to Retreat Cannot Be Used Against You

Utah Code S. 76-2-402(4)'s 'not a relevant factor' provision eliminates the 'they should have left' argument in any Utah proceeding. VEST trainers should communicate this protection clearly - a Utah EMS provider who stands their ground and defends themselves cannot have their failure to retreat used against them in court.

3. Your EMS License Defines Your Statutory Protection

Utah Code S. 76-5-102.7's definition of 'emergency medical service worker' ties to licensure under S. 53-2d-402. Utah EMS providers should ensure their license status is current and visible - it is the foundational element of the statutory protection. VEST trainers should reinforce that professional credentials are legal assets.

4. De-Escalation Documents Reasonableness

Even with Stand Your Ground protection and failure-to-retreat protection, Utah's 'reasonably believes necessary' standard requires genuine proportionality. VEST Level I de-escalation curriculum creates the record that force was a last resort.

5. Partner Defense Is Fully Covered

Utah Code S. 76-2-404 authorizes force to defend another person under the same reasonable-belief standards as self-defense. VEST Level III partner defense training is directly backed by this statute. The 'not a relevant factor' provision applies equally to defense of others.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Utah Code Title 76, Chapter 2; Utah HB 189 (2024, effective May 1, 2024) are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.

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