

**CRIMINAL INTENT**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: John B. Arrington**

AN ACT RELATING TO CRIMINAL LAW; AMENDING THE PROVISION REGARDING MENTAL STATE FOR CRIMINAL OFFENSE TO CLARIFY THAT A HIGHER CULPABLE MENTAL STATE MAY ESTABLISH A LESSER CULPABLE MENTAL STATE AS AN ELEMENT OF AN OFFENSE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**76-2-104**, as enacted by Chapter 196, Laws of Utah 1973

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

Section 1. Section **76-2-104** is amended to read:

**76-2-104. Culpable mental state -- Higher mental states included.**

(1) [Conduct is an offense if a person engages in it] If acting with criminal negligence[- Conduct is also an offense if a person engages in it] is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally, knowingly, or recklessly. [Conduct is an offense if a person engages in it recklessly, the conduct is an offense also if a person engages in it intentionally or knowingly. Conduct is an offense if a person engages in it knowingly, the conduct is an offense also if a person engages in it intentionally.]

(2) If acting recklessly is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally or knowingly.

(3) If acting knowingly is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally.