

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.

Legislative Review Note
as of 12-10-97 12:09 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

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