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PRESENCE OF A CHILD 2010 GENERAL SESSION STATE OF UTAH Chief Sponsor: Janice M. Fisher Senate Sponsor: Ross I. Romero LONG TITLE General Description This bill modifies the Criminal Code to provide a penalty for committing a violent criminal offense in the presence of a child younger than 14 years of age. Highlighted Provisions: This bill • provides a class B misdemeanor penalty for a person who, while in the presence of a child: • commits or attempts to commit criminal homicide against a third party: • intentionally causes or attempts to cause serious bodily injury to a third party or uses a dangerous weapon or other means or force likely to produce death or serious bodily injury against a third party; or • commits or attempts to commit a violent criminal offense; and • provides definitions. Mone Other Special Clauses: None Utah Code Sections Affected: ENACTS: 763-203.10, Utah Code Annotated 1953		PENALTIES FOR VIOLENT CRIME IN
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76-3-203.10, Utah Code Annotated 1953	ENA	CTS:
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30	Be it enacted by the Legislature of the state of Utah:
31	Section 1. Section 76-3-203.10 is enacted to read:
32	<u>76-3-203.10.</u> Violent offense committed in presence of a child Penalties.
33	(1) As used in this section:
34	(a) "In the presence of a child" means:
35	(i) in the physical presence of a child younger than 14 years of age; and
36	(ii) having knowledge that the child is present and may see or hear the commission of
37	a violent criminal offense.
38	(b) "Violent criminal offense" means any criminal offense involving violence or
39	physical harm or threat of violence or physical harm, or any attempt to commit a criminal
40	offense involving violence or physical harm that is not a domestic violence offense as defined
41	<u>in Section 77-36-1.</u>
42	(2) A person commits a violent criminal offense in the presence of a child if the
43	person:
44	(a) commits or attempts to commit criminal homicide, as defined in Section 76-5-201,
45	against a third party in the presence of a child;
46	(b) intentionally causes or attempts to cause serious bodily injury to a third party or
47	uses a dangerous weapon, as defined in Section 76-1-601, or other means or force likely to
48	produce death or serious bodily injury, against a third party in the presence of a child; or
49	(c) under circumstances not amounting to a violation of Subsection (2)(a) or (b),
50	commits a violent criminal offense in the presence of a child.
51	(3) A person who violates Subsection (2) is guilty of a class B misdemeanor.