

**PENALTIES FOR VIOLENT CRIME IN  
PRESENCE OF A CHILD**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Janice M. Fisher**

Senate Sponsor: Ross I. Romero

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**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.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-3-203.10**, Utah Code Annotated 1953

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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 **76-3-203.10. 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 in Section 77-36-1.

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.