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Murder Offense Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: A. Cory Maloy
Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill amends the offense of murder.

Highlighted Provisions:

This bill:

▸ amends the offense of murder when the actor acts in a depraved indifference to human life to clarify that the actor does not need to have a specific intent to kill a specific individual.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-203, as last amended by Laws of Utah 2025, Chapters 173, 204, 208, and 284

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

Section 1. Section **76-5-203** is amended to read:

76-5-203 . Murder -- Penalties-- Affirmative defense and special mitigation --

Separate offenses.

(1)(a) As used in this section, "predicate offense" means:

- (i) a clandestine drug lab violation under Section 58-37d-4 or 58-37d-5;
- (ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused individual is younger than 18 years old;
- (iii) child torture under Section 76-5-109.4;
- (iv) kidnapping under Section 76-5-301;

- 29 (v) child kidnapping under Section 76-5-301.1;
30 (vi) aggravated kidnapping under Section 76-5-302;
31 (vii) rape under Section 76-5-402;
32 (viii) rape of a child under Section 76-5-402.1;
33 (ix) object rape under Section 76-5-402.2;
34 (x) object rape of a child under Section 76-5-402.3;
35 (xi) forcible sodomy under Section 76-5-403;
36 (xii) sodomy upon a child under Section 76-5-403.1;
37 (xiii) forcible sexual abuse under Section 76-5-404;
38 (xiv) sexual abuse of a child under Section 76-5-404.1;
39 (xv) aggravated sexual abuse of a child under Section 76-5-404.3;
40 (xvi) aggravated sexual assault under Section 76-5-405;
41 (xvii) arson under Section 76-6-102;
42 (xviii) aggravated arson under Section 76-6-103;
43 (xix) burglary under Section 76-6-202;
44 (xx) aggravated burglary under Section 76-6-203;
45 (xxi) robbery under Section 76-6-301;
46 (xxii) aggravated robbery under Section 76-6-302;
47 (xxiii) escape under Section 76-8-309;
48 (xxiv) aggravated escape under Section 76-8-309.3; or
49 (xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm
50 or dangerous weapon.
- 51 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 52 (2) An actor commits murder if:
- 53 (a) the actor intentionally or knowingly causes the death of another individual;
54 (b) intending to cause serious bodily injury to another individual, the actor commits an
55 act clearly dangerous to human life that causes the death of the other individual;
56 (c) acting under circumstances evidencing a depraved indifference to human life, the
57 actor knowingly engages in conduct that creates a grave risk of death to [~~another~~] any
58 individual and thereby causes the death of [~~the other~~] any individual;
- 59 (d)(i) the actor is engaged in the commission, attempted commission, or immediate
60 flight from the commission or attempted commission of any predicate offense, or
61 is a party to the predicate offense;
62 (ii) an individual other than a party described in Section 76-2-202 is killed in the

- 63 course of the commission, attempted commission, or immediate flight from the
64 commission or attempted commission of any predicate offense; and
- 65 (iii) the actor acted with the intent required as an element of the predicate offense;
- 66 (e) the actor recklessly causes the death of a peace officer or military service member in
67 uniform while in the commission or attempted commission of:
- 68 (i) an assault against a peace officer under Section 76-5-102.4;
- 69 (ii) interference with a peace officer while making a lawful arrest under Section
70 76-8-305 if the actor uses force against the peace officer; or
- 71 (iii) an assault against a military service member in uniform under Section 76-5-102.4;
- 72 or
- 73 (f) the actor commits a homicide that would be aggravated murder, but the offense is
74 reduced in accordance with Subsection 76-5-202(4).
- 75 (3)(a)(i) A violation of Subsection (2) is a first degree felony.
- 76 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for
77 an indeterminate term of not less than 15 years and which may be for life.
- 78 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,
79 or alternatively, attempted murder, as described in this section are proved beyond a
80 reasonable doubt, and also finds that the existence of special mitigation is established
81 by a preponderance of the evidence and in accordance with Section 76-5-205.5, the
82 court shall enter a judgment of conviction as follows:
- 83 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
84 judgment of conviction for manslaughter; or
- 85 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,
86 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c), enter a judgment of
87 conviction for attempted manslaughter.
- 88 (4)(a) It is an affirmative defense to a charge of murder or attempted murder that the
89 defendant caused the death of another individual or attempted to cause the death of
90 another individual under a reasonable belief that the circumstances provided a legal
91 justification or excuse for the conduct although the conduct was not legally justifiable
92 or excusable under the existing circumstances.
- 93 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from
94 the viewpoint of a reasonable person under the then existing circumstances.
- 95 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or
96 alternatively, attempted murder, as described in this section are proved beyond a

97 reasonable doubt, and also finds the affirmative defense described in this Subsection
98 (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of
99 conviction as follows:

100 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
101 judgment of conviction for manslaughter; or

102 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall
103 enter a judgment of conviction for attempted manslaughter.

104 (5)(a) Any predicate offense that constitutes a separate offense does not merge with the
105 crime of murder.

106 (b) An actor who is convicted of murder, based on a predicate offense that constitutes a
107 separate offense, may also be convicted of, and punished for, the separate offense.

108 **Section 2. Effective Date.**

109 This bill takes effect on May 6, 2026.