

HB0138S02 compared with HB0138S01

~~Omitted text~~ shows text that was in HB0138S01 but was omitted in HB0138S02
inserted text shows text that was not in HB0138S01 but was inserted into HB0138S02

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LONG TITLE

General Description:

This bill addresses the offense of child abuse homicide.

Highlighted Provisions:

This bill:

- clarifies that an actor can be charged under the criminal offense of child abuse homicide if the child dies by suicide after being subjected to child abuse or child torture and the suicide is a direct or proximate result of the abuse or torture;

- corrects an error in the child abuse homicide offense's penalty subsection; { and }

- adds a coordination clause to merge the changes to Section 76-5-208 if both this bill and S. 32, Child Abuse Homicide Corrections, pass and become law; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

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19 **Utah Code Sections Affected:**

20 AMENDS:

21 **76-5-208** , as last amended by Laws of Utah 2025, Chapter 284

22 **Utah Code Sections affected by Coordination Clause:**

23 **76-5-208 (05/06/26)** , as last amended by Laws of Utah 2025, Chapter 284

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

27 Section 1. Section **76-5-208** is amended to read:

28 **76-5-208. Child abuse homicide.**

29 (1)

30 (a) As used in this section, "child abuse" means an offense described in Section 76-5-109, 76-5-109.2,
31 76-5-109.3, 76-5-109.4, or 76-5-114.

32 (b) Terms defined in Section 76-1-101.5 apply to this section.

33 (2) Unless a violation amounts to aggravated murder as described in Section 76-5-202, an actor
34 commits child abuse homicide if:

35 (a)

36 (i) the actor causes the death of another individual who is younger than 18 years old; and
37 (ii) the individual's death results from child abuse; and

38 (b)

39 (i) the child abuse is based on a violation of Section 76-5-109.4, Child Torture;

40 (ii) the child abuse is done recklessly under Subsection 76-5-109.2(3)(b);

41 (iii) the child abuse is done with criminal negligence under Subsection 76-5-109.2(3)(c); or

42 (iv) under circumstances not amounting to the type of child abuse homicide described in Subsection
43 (2)(b)(i), the child abuse is done intentionally, knowingly, recklessly, or with criminal negligence,
44 under Subsection 76-5-109(3)(a), (b), or (c).

45 (3)

46 (a) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(i) or (ii) is a
47 first degree felony.

48 (b) A violation of Subsection (2) under the circumstances described in Subsection [(2)(b)(ii) or (iii)] (2)
49 (b)(iii) or (iv) is a second degree felony.

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(4) An individual's death under Subsection (2) includes an individual's suicide if the suicide was a direct or proximate result of the actor's conduct described in Subsection (2)(b).

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Section 2. Effective date.

Effective Date.

This bill takes effect on May 6, 2026.

53

Section 3. Coordinating H.B. 138 with S.B. 32.

If H.B. 138, Child Abuse Homicide Amendments, and S.B. 32, Child Abuse Homicide Corrections, both pass and become law, the Legislature intends that, on May 6, 2026, Section 76-5-208 be amended to read:

"(1)(a) As used in this section, "child abuse" means an offense described in Section 76-5-109, 76-5-109.2, 76-5-109.3, [76-5-109.4,] or 76-5-114.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) Unless a violation amounts to aggravated murder as described in Section 76-5-202, an actor commits child abuse homicide if:

(a)(i) the actor causes the death of another individual who is younger than 18 years old; and
(ii) the individual's death results from child abuse; and

(b)[(i) the child abuse is based on a violation of Section 76-5-109.4, Child Torture;]

[(ii) (i) the child abuse is done recklessly under Subsection 76-5-109.2(3)(b);

[(iii) (ii) the child abuse is done with criminal negligence under Subsection 76-5-109.2(3)(c); or

[(iv) (iii) under circumstances not amounting to the type of child abuse homicide described in Subsection (2)(b)(i), the child abuse is done intentionally, knowingly, recklessly, or with criminal negligence, under Subsection 76-5-109(3)(a), (b), or (c).

(3)(a) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(i) is a first degree felony.

(b) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(ii) or (iii) is a second degree felony.

(4) An individual's death under Subsection (2) includes an individual's suicide if the suicide was a direct or proximate result of the actor's conduct described in Subsection (2)(b).".

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