

Lisa Shepherd proposes the following substitute bill:

Child Abuse Homicide Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lisa Shepherd

Senate Sponsor:

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 child dies by suicide after being subjected to child abuse or child torture and the homicide is a direct or proximate result of the abuse or torture;
- corrects an error in the child abuse homicide offense's penalty subsection;
- 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.

Utah Code Sections Affected:

AMENDS:

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

Utah Code Sections affected by Coordination Clause:

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

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

The following section is affected by a coordination clause at the end of this bill.

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

76-5-208 . Child abuse homicide.

29 (1)(a) As used in this section, "child abuse" means an offense described in Section
30 76-5-109, 76-5-109.2, 76-5-109.3, 76-5-109.4, or 76-5-114.
31 (b) Terms defined in Section 76-1-101.5 apply to this section.
32 (2) Unless a violation amounts to aggravated murder as described in Section 76-5-202, an
33 actor commits child abuse homicide if:
34 (a)(i) the actor causes the death of another individual who is younger than 18 years
35 old; and
36 (ii) the individual's death results from child abuse; and
37 (b)(i) the child abuse is based on a violation of Section 76-5-109.4, Child Torture;
38 (ii) the child abuse is done recklessly under Subsection 76-5-109.2(3)(b);
39 (iii) the child abuse is done with criminal negligence under Subsection
40 76-5-109.2(3)(c); or
41 (iv) under circumstances not amounting to the type of child abuse homicide described
42 in Subsection (2)(b)(i), the child abuse is done intentionally, knowingly,
43 recklessly, or with criminal negligence, under Subsection 76-5-109(3)(a), (b), or
44 (c).
45 (3)(a) A violation of Subsection (2) under the circumstances described in Subsection
46 (2)(b)(i) or (ii) is a first degree felony.
47 (b) A violation of Subsection (2) under the circumstances described in Subsection [
48 (2)(b)(ii) or (iii)] (2)(b)(iii) or (iv) is a second degree felony.
49 (4) An individual's death under Subsection (2) includes an individual's suicide if the suicide
50 was a direct or proximate result of the actor's conduct described in Subsection (2)(b).

51 **Section 2. Effective Date.**

52 This bill takes effect on May 6, 2026.

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

54 If H.B. 138, Child Abuse Homicide Amendments, and S.B. 32, Child Abuse Homicide
55 Corrections, both pass and become law, the Legislature intends that, on May 6, 2026, Section
56 76-5-208 be amended to read:

57 "(1)(a) As used in this section, "child abuse" means an offense described in Section
58 76-5-109, 76-5-109.2, 76-5-109.3, [76-5-109.4,] or 76-5-114.
59 (b) Terms defined in Section 76-1-101.5 apply to this section.
60 (2) Unless a violation amounts to aggravated murder as described in Section 76-5-202, an
61 actor commits child abuse homicide if:
62 (a)(i) the actor causes the death of another individual who is younger than 18 years old; and

63 (ii) the individual's death results from child abuse; and
64 (b)~~[(i) the child abuse is based on a violation of Section 76-5-109.4, Child Torture;]~~
65 ~~[(ii)]~~ (i) the child abuse is done recklessly under Subsection 76-5-109.2(3)(b);
66 ~~[(iii)]~~ (ii) the child abuse is done with criminal negligence under Subsection
67 76-5-109.2(3)(c); or
68 ~~[(iv)]~~ (iii) under circumstances not amounting to the type of child abuse homicide described
69 in Subsection (2)(b)(i), the child abuse is done intentionally, knowingly, recklessly, or with
70 criminal negligence, under Subsection 76-5-109(3)(a), (b), or (c).
71 (3)(a) A violation of Subsection (2) under the circumstances described in Subsection
72 (2)(b)(i) is a first degree felony.
73 (b) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(ii)
74 or (iii) is a second degree felony.
75 (4) An individual's death under Subsection (2) includes an individual's suicide if the suicide
76 was a direct or proximate result of the actor's conduct described in Subsection (2)(b).".