

Murder Offense Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor:

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;
- (v) child kidnapping under Section 76-5-301.1;
- (vi) aggravated kidnapping under Section 76-5-302;

(vii) rape under Section 76-5-402;
(viii) rape of a child under Section 76-5-402.1;
(ix) object rape under Section 76-5-402.2;
(x) object rape of a child under Section 76-5-402.3;
(xi) forcible sodomy under Section 76-5-403;
(xii) sodomy upon a child under Section 76-5-403.1;
(xiii) forcible sexual abuse under Section 76-5-404;
(xiv) sexual abuse of a child under Section 76-5-404.1;
(xv) aggravated sexual abuse of a child under Section 76-5-404.3;
(xvi) aggravated sexual assault under Section 76-5-405;
(xvii) arson under Section 76-6-102;
(xviii) aggravated arson under Section 76-6-103;
(xix) burglary under Section 76-6-202;
(xx) aggravated burglary under Section 76-6-203;
(xxi) robbery under Section 76-6-301;
(xxii) aggravated robbery under Section 76-6-302;
(xxiii) escape under Section 76-8-309;
(xxiv) aggravated escape under Section 76-8-309.3; or
(xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm
or dangerous weapon.

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

(2) An actor commits murder if:

- (a) the actor intentionally or knowingly causes the death of another individual;
- (b) intending to cause serious bodily injury to another individual, the actor commits an act clearly dangerous to human life that causes the death of the other individual;
- (c) acting under circumstances evidencing a depraved indifference to human life, the actor knowingly engages in conduct that creates a grave risk of death to ~~[another]~~ any individual and thereby causes the death of ~~[the other]~~ any individual;
- (d)(i) the actor is engaged in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or is a party to the predicate offense;
- (ii) an individual other than a party described in Section 76-2-202 is killed in the course of the commission, attempted commission, or immediate flight from the 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

conviction as follows:

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

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

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

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

Section 2. Effective Date.

This bill takes effect on May 6, 2026.