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Murder Offense Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill amends the offense of murder.

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Highlighted Provisions:

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This bill:

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► 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.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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

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

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

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

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Separate offenses..

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

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(i) a clandestine drug lab violation under Section 58-37d-4 or 58-37d-5;

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(ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused individual is younger than 18 years old;

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(iii) child torture under Section 76-5-109.4;

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(iv) kidnapping under Section 76-5-301;

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

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(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.

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

actor commits murder if:

the actor intentionally or knowingly causes the death of another individual; 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; 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;

- (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

- (iii) the actor acted with the intent required as an element of the predicate offense;
- (e) the actor recklessly causes the death of a peace officer or military service member in uniform while in the commission or attempted commission of:
 - (i) an assault against a peace officer under Section 76-5-102.4;
 - (ii) interference with a peace officer while making a lawful arrest under Section 76-8-305 if the actor uses force against the peace officer; or
 - (iii) an assault against a military service member in uniform under Section 76-5-102.4;
- or
- (f) the actor commits a homicide that would be aggravated murder, but the offense is reduced in accordance with Subsection 76-5-202(4).
- (a)(i) A violation of Subsection (2) is a first degree felony.
 - (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for an indeterminate term of not less than 15 years and which may be for life.
- (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or alternatively, attempted murder, as described in this section are proved beyond a reasonable doubt, and also finds that the existence of special mitigation is established by a preponderance of the evidence and in accordance with Section 76-5-205.5, 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, notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c), enter a judgment of conviction for attempted manslaughter.
- (a) It is an affirmative defense to a charge of murder or attempted murder that the defendant caused the death of another individual or attempted to cause the death of another individual under a reasonable belief that the circumstances provided a legal justification or excuse for the conduct although the conduct was not legally justifiable or excusable under the existing circumstances.
- (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from the viewpoint of a reasonable person under the then existing circumstances.
- (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or alternatively, attempted murder, as described in this section are proved beyond a reasonable doubt, and also finds the affirmative defense described in this Subsection (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.