

Child Abuse Homicide Corrections

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor: Ryan D. Wilcox

LONG TITLE**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 9 voting for 0 voting against 7 absent

General Description:

This bill revises the offense of child abuse homicide.

Highlighted Provisions:

This bill:

- corrects the erroneous inclusion of the offense of child torture in the child abuse homicide statute, based on the child torture offense already having been included in the offense of murder;
- provides an immediate effective date; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

76-5-208 . Child abuse homicide -- Penalties.

(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.

Section 2. **Effective Date.**

This bill takes effect:

(1) except as provided in Subsection (2), May 6, 2026; or

(2) if approved by two-thirds of all members elected to each house:

(a) upon approval by the governor;

(b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

(c) in the case of a veto, the date of veto override.