

Prosecution Amendments
2026 GENERAL SESSION
STATE OF UTAH

LONG TITLE

General Description:

This bill amends the prohibition on a subsequent prosecution.

Highlighted Provisions:

This bill:

- ▶ defines a term;
- ▶ provides that a subsequent prosecution for an offense is not barred in certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-1-405, as enacted by Laws of Utah 1973, Chapter 196

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

Section 1. Section **76-1-405** is amended to read:

76-1-405 . Subsequent prosecution not barred -- Circumstances.

(1) As used in this section, "homicide offense" means an offense for:

- (a) aggravated murder, as described in Section 76-5-202;
- (b) murder, as described in Section 76-5-203;
- (c) manslaughter, as described in Section 76-5-205;
- (d) negligent homicide, as described in Section 76-5-206;
- (e) automobile homicide, as described in Section 76-5-207;
- (f) child abuse homicide, as described in Section 76-5-208; or
- (g) homicide by assault, as described in Section 76-5-209.

31 (2) [A] Notwithstanding Sections 76-1-401 through 76-1-402, a subsequent prosecution
32 for an offense [shall not be barred under the following circumstances] is not barred if:
33 [(1)] (a) [The] the former prosecution was procured by the defendant without the
34 knowledge of the prosecuting attorney bringing the subsequent prosecution and with
35 intent to avoid the sentence that might otherwise be imposed; [or]
36 [(2)] (b) [The] the former prosecution resulted in a judgment of guilt held invalid in a
37 subsequent proceeding on writ of habeas corpus, coram nobis, or similar collateral
38 attack[.] ; or
39 (c)(i) the former prosecution was for an offense that resulted in bodily injury to an
40 individual;
41 (ii) the subsequent prosecution is for a homicide offense because the individual died
42 from the bodily injury or as a proximate result of the bodily injury; and
43 (iii) the individual died after the former prosecution concluded with a conviction,
44 acquittal, or dismissal.

45 (3) A prosecuting attorney may not prosecute a defendant in a subsequent prosecution
46 under Subsection (2)(c) for any other offense other than a homicide offense.

47 (4) For purposes of Subsection (2)(c):

- 48 (a) an attempted homicide offense does not merge with a homicide offense; and
- 49 (b) an actor who is convicted of an attempted homicide offense may also be convicted
50 of, and punished for, the separate homicide offense.

51 **Section 2. Effective Date.**

52 This bill takes effect on May 6, 2026.