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H.B. 138 2nd Sub., Child Abuse Homicide Amendments

This document provides an overview of [H.B. 138 2nd Substitute, Child Abuse Homicide Amendments](#), a summary of a relevant court case, and research on child abuse and suicide.

Bill Analysis

For the purpose of this bill, [Utah Code Section 76-5-208](#) defines child abuse as torturing, inflicting injury upon, or abandoning a child, or committing domestic violence in the presence of a child. This section currently provides that an actor commits child abuse homicide if the actor causes a child's death from abuse. Death resulting from knowing or intentional abuse is a first degree felony, and death from reckless or negligent abuse is a second degree felony.

Section 76-5-208 does not explicitly classify a child's suicide as a type of death resulting from of an actor's abuse. **H.B. 138 clarifies that a child's death under this statute includes a suicide "if the suicide was a direct or proximate result" of the abuse.**

H.B. 138 also provides a coordinating clause to merge changes between this bill and S.B. 32, which makes a technical correction to 76-5-208.

Case Law

State v. Matteson

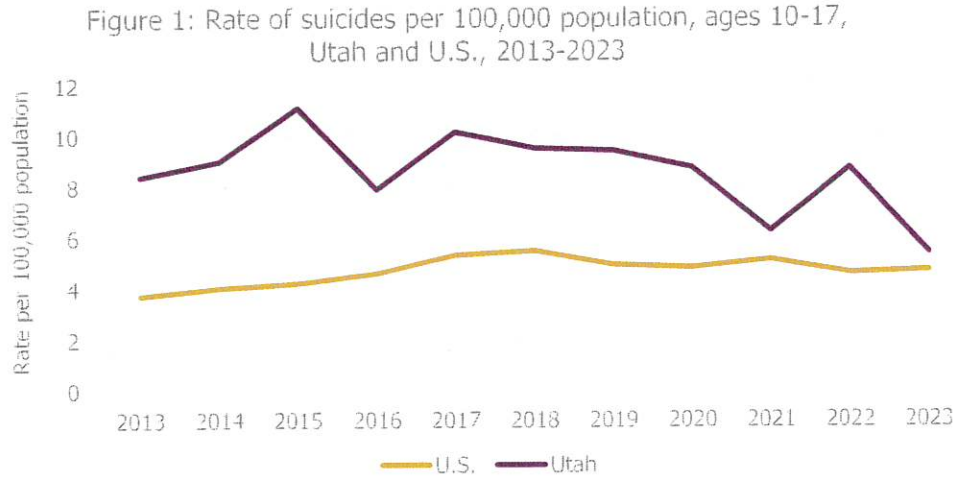
A 2023 Nebraska Supreme Court case highlights similar legal reasoning to H.B. 138. The court upheld a man's conviction of child abuse resulting in a child's death when he sexually abused his daughter, who later died by suicide. Like Utah, Nebraska's law states that a person is guilty of a felony if they commit child abuse that "results in the death of such child." **The Nebraska Supreme Court upheld the conviction because there was proximate cause between the father's abuse and his daughter's suicide.**

While the Nebraska case demonstrates that Utah prosecutors may be able to prosecute suicides as homicides in existing code, H.B. 138 clarifies and codifies this option.

Child Abuse and Suicide Data

In fiscal year 2024, Utah's Child Protective Services identified more than 8,700 victims of child abuse or

neglect.¹ Suicide rates among youths aged 10 to 17 also remain significantly higher in Utah compared to the national average (see Figure 1).



Source: Centers for Disease Control and Prevention (CDC), Web-based injury Statistics Query and Reporting System (WISQARS) [cited January 2026].

Many academic articles have linked adverse childhood experiences (ACEs)—including physical, emotional, and sexual abuse—to higher rates of suicidality in youths and adults.^{2,3,4,5} For example, a 2020 meta-analysis comparing multiple studies on youth suicidality found that **“childhood sexual, physical, and emotional abuse were associated with as much as 2.5-fold greater odds for suicide ideation and that sexual abuse was associated with 4.0-fold increased odds for suicide plans in young people.”**⁶ Another study found that children who experienced sexual abuse were three times more likely to attempt suicide as adults.⁷

¹ Utah Division of Child & Family Services. (2024). *2024 annual report*. <https://dcfs.utah.gov/wp-content/uploads/FY24-DCFS-annual-report-FINAL-1.pdf>

² Tae, H., & Chae, J.-H. (2021). Factors related to suicide attempts: The roles of childhood abuse and spirituality. *Frontiers in Psychiatry, 12*, 565358. <https://doi.org/10.3389/fpsy.2021.565358>

³ Martin, M.S., Dykxhoorn, J., Afifi, T.O., & Colman, I. (2016). Child abuse and the prevalence of suicide attempts among those reporting suicide ideation. *Soc Psychiatry Psychiatr Epidemiol, 51*(11), 1477-1484. doi: 10.1007/s00127-016-1250-3

⁴ Lopez-Castroman, J., Melhem, N., Bimaher, B., Greenhill, L., Kolko, D., Stanley, B., Zelazny, J., Brodsky, B., Garcia-Nieto, R., Burke, A.K., Mann, J.J., Brent, D.A., & Oquendo, M.A. (2013). Early childhood sexual abuse increases suicidal intent. *World Psychiatry, 12*(2), 149-154. <https://doi.org/10.1002/wps.20039>

⁵ Fergusson, D.M., Boden, J.M., & Horwood, L.J. (2008). Exposure to childhood sexual and physical abuse and adjustment in early adulthood. *Child Abuse & Neglect, 32*(6), 607-619. <https://doi.org/10.1016/j.chiabu.2006.12.018>

⁶ Angelakis, I., Austin, J.L., & Gooding, P. (2020). Association of childhood maltreatment with suicide behaviors among young people: A systematic review and meta-analysis. *JAMA Netw Open, 3*(8), 2012563. doi: 10.1001/jamanetworkopen.2020.12563

⁷ Angelakis, I., Gillespie, E.L., & Panagioti, M. (2019). Childhood maltreatment and adult suicidality: A comprehensive systematic review with meta-analysis. *Psychological Medicine, 49*(7), 1057-1078. <https://doi.org/10.1017/S0033291718003823>