

Part 1 Introductory Provisions

76-1-101 Short title.

This title shall be known and may be cited as the "Utah Criminal Code."

Enacted by Chapter 196, 1973 General Session

76-1-102 Effective date.

This code shall become effective on July 1, 1973.

Enacted by Chapter 196, 1973 General Session

76-1-103 Application of code -- Offense prior to effective date.

- (1) The provisions of this code shall govern the construction of, the punishment for, and defenses against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; provided such offense was committed after the effective date of this code.
- (2) Any offense committed prior to the effective date of this code shall be governed by the law, statutory and non-statutory, existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under the laws of this state shall be deemed to have been committed prior to the effective date of this act if any of the elements of the offense occurred prior thereto.

Enacted by Chapter 196, 1973 General Session

76-1-104 Purposes and principles of construction.

The provisions of this code shall be construed in accordance with these general purposes.

- (1) Forbid and prevent the commission of offenses.
- (2) Define adequately the conduct and mental state which constitute each offense and safeguard conduct that is without fault from condemnation as criminal.
- (3) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition or differences in rehabilitation possibilities among individual offenders.
- (4) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

Enacted by Chapter 196, 1973 General Session

76-1-105 Common law crimes abolished.

Common law crimes are abolished and no conduct is a crime unless made so by this code, other applicable statute or ordinance.

Amended by Chapter 32, 1974 General Session

76-1-106 Strict construction rule not applicable.

The rule that a penal statute is to be strictly construed shall not apply to this code, any of its provisions, or any offense defined by the laws of this state. All provisions of this code and offenses

defined by the laws of this state shall be construed according to the fair import of their terms to promote justice and to effect the objects of the law and general purposes of Section 76-1-104.

Enacted by Chapter 196, 1973 General Session

76-1-107 Procedure -- Applicable provisions -- Military codes, enforcement of court orders, and liability for civil damages not affected.

- (1) Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this act but by the code of criminal procedure.
- (2) This code does not affect any power conferred by law upon any court-martial or other military authority or officer to impose and inflict punishment upon offenders violating military codes or laws; nor does it affect any power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.
- (3) This act does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be recovered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

Enacted by Chapter 196, 1973 General Session

76-1-108 Separability clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of this act shall not be affected thereby.

Enacted by Chapter 196, 1973 General Session