

***Effective 5/13/2014***

**76-1-501 Presumption of innocence -- "Element of the offense" defined.**

- (1) A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt. In the absence of this proof, the defendant shall be acquitted.
- (2) As used in this part, "element of the offense" means:
  - (a) the conduct, attendant circumstances, or results of conduct proscribed, prohibited, or forbidden in the definition of the offense; and
  - (b) the culpable mental state required.
- (3) The existence of jurisdiction and venue are not elements of the offense but shall be established by a preponderance of the evidence.

Amended by Chapter 40, 2014 General Session

Amended by Chapter 189, 2014 General Session