

Effective 5/4/2022

76-3-203.10 Violent offense committed in presence of a child -- Penalties.

(1) As used in this section:

(a) "In the presence of a child" means:

- (i) in the physical presence of a child younger than 14 years old; and
- (ii) having knowledge that the child is present and may see or hear the commission of a violent criminal offense.

(b) "Violent criminal offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt to commit a criminal offense involving violence or physical harm that is not a domestic violence offense as defined in Section 77-36-1.

(2) A person commits a violent criminal offense in the presence of a child if the person:

- (a) commits or attempts to commit criminal homicide, as defined in Section 76-5-201, against a third party in the presence of a child;
- (b) intentionally causes or attempts to cause serious bodily injury to a third party or uses a dangerous weapon, as defined in Section 76-1-101.5, or other means or force likely to produce death or serious bodily injury, against a third party in the presence of a child; or
- (c) under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits a violent criminal offense in the presence of a child.

(3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

Amended by Chapter 181, 2022 General Session