

**Effective 5/4/2022**

**Superseded 5/7/2025**

**76-5-109.2 Aggravated child abuse.**

- (1)
  - (a) As used in this section:
    - (i) "Child" means the same as that term is defined in Section 76-5-109.
    - (ii) "Serious physical injury" means the same as that term is defined in Section 76-5-109.
  - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits aggravated child abuse if the actor:
  - (a) inflicts upon a child serious physical injury; or
  - (b) having the care or custody of such child, causes or permits another to inflict serious physical injury upon a child.
- (3)
  - (a) A violation of Subsection (2) is a second degree felony if done intentionally or knowingly.
  - (b) A violation of Subsection (2) is a third degree felony if done recklessly.
  - (c) A violation of Subsection (2) is a class A misdemeanor if done with criminal negligence.
- (4)
  - (a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to have committed an offense under this section.
  - (b) A parent or guardian of a child does not violate this section by selecting a treatment option for the medical condition of the child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child.
  - (c) An actor is not guilty of an offense under this section for conduct that constitutes:
    - (i) conduct described in Section 76-2-401; or
    - (ii) the use of reasonable and necessary physical restraint or force on a child:
      - (A) in self-defense;
      - (B) in defense of others;
      - (C) to protect the child; or
      - (D) to remove a weapon in the possession of a child for any of the reasons described in Subsections (4)(c)(ii)(A) through (C).