

**Effective 5/7/2025**

**76-5-109.4 Child torture.**

- (1)
  - (a) As used in this section:
    - (i) "Child" means the same as that term is defined in Section 76-5-109.
    - (ii) "Course of conduct" means a pattern of conduct composed of two or more acts that evidence a continuity of purpose.
    - (iii) "Serious 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 child torture if the actor intentionally or knowingly inflicts upon a child, or having the care or custody of a child, intentionally or knowingly causes or permits another to inflict upon the child:
  - (a) a serious injury that is inflicted in an exceptionally cruel or exceptionally depraved manner that causes the child to experience extreme physical or psychological pain or anguish; or
  - (b) a serious injury, or more than one serious injury, as part of a course of conduct or over a prolonged period of time.
- (3)
  - (a) Except as provided under Subsection (3)(b), a violation of Subsection (2) is a first degree felony subject to a sentence of imprisonment of at least 10 years and which may be for life.
  - (b) If, when imposing a sentence of imprisonment, a court finds that a lesser term than the term described in Subsection (3)(a) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
    - (i) seven years and which may be for life; or
    - (ii) four years and which may be for life.
- (4) Imprisonment under Subsection (3) is mandatory in accordance with Section 76-3-406.
- (5) An actor's conduct is not subject to punishment under Subsection (2)(b) if the serious injury that forms the basis for the offense is based solely on the commission of two or more injuries by the same individual as described under Subsection 76-5-109(1)(a)(iii)(B)(V).

Enacted by Chapter 284, 2025 General Session