

Effective 5/4/2022

76-5-111.2 Aggravated abuse of a vulnerable adult -- Penalties.

- (1)
 - (a) As used in this section, "abuse," "caretaker," "isolation," "neglect," "serious physical injury," and "vulnerable adult" all mean the same as those terms are defined in Section 76-5-111.
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor, including a caretaker, commits aggravated abuse of a vulnerable adult if the actor, under a circumstance likely to produce death or serious physical injury:
 - (a) causes a vulnerable adult to suffer serious physical injury;
 - (b) having the care or custody of a vulnerable adult, causes or permits the vulnerable adult's person or health to be injured; or
 - (c) causes or permits a vulnerable adult to be placed in a situation in which the vulnerable adult's person or health is endangered.
- (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) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.
 - (b) An adult is not considered abused, neglected, or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of medical care.
- (5) If an actor, including a caretaker, violates this section by willfully isolating a vulnerable adult, in addition to the penalties under Subsection (3), the court may require that the actor:
 - (a) undergo appropriate counseling as a condition of the sentence; and
 - (b) pay for the costs of the ordered counseling.

Enacted by Chapter 181, 2022 General Session