

76-5-201 Criminal homicide -- Elements -- Designations of offenses -- Exceptions.

- (1)
 - (a) Except as provided in Subsections (3) and (4), a person commits criminal homicide if the person intentionally, knowingly, recklessly, with criminal negligence, or acting with a mental state otherwise specified in the statute defining the offense, causes the death of another human being, including an unborn child at any stage of its development.
 - (b) There shall be no cause of action for criminal homicide for the death of an unborn child caused by an abortion, as defined in Section 76-7-301.
- (2) Criminal homicide is aggravated murder, murder, manslaughter, child abuse homicide, homicide by assault, negligent homicide, or automobile homicide.
- (3) A person is not guilty of criminal homicide of an unborn child if the sole reason for the death of the unborn child is that the person:
 - (a) refused to consent to:
 - (i) medical treatment; or
 - (ii) a cesarean section; or
 - (b) failed to follow medical advice.
- (4) A woman is not guilty of criminal homicide of her own unborn child if the death of her unborn child:
 - (a) is caused by a criminally negligent act or reckless act of the woman; and
 - (b) is not caused by an intentional or knowing act of the woman.

Amended by Chapter 13, 2010 General Session