

Effective 5/3/2023

Superseded 5/7/2025

76-5-208 Child abuse homicide -- Penalties.

- (1)
 - (a) As used in this section, "child abuse" means an offense described in Sections 76-5-109, 76-5-109.2, 76-5-109.3, and 76-5-114.
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) Unless a violation amounts to aggravated murder as described in Section 76-5-202, an actor commits child abuse homicide if:
 - (a)
 - (i) the actor causes the death of another individual who is younger than 18 years old; and
 - (ii) the individual's death results from child abuse; and
 - (b)
 - (i) the child abuse is done recklessly under Subsection 76-5-109.2(3)(b);
 - (ii) the child abuse is done with criminal negligence under Subsection 76-5-109.2(3)(c); or
 - (iii) under circumstances not amounting to the type of child abuse homicide described in Subsection (2)(b)(i), the child abuse is done intentionally, knowingly, recklessly, or with criminal negligence, under Subsection 76-5-109(3)(a), (b), or (c).
- (3)
 - (a) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(i) is a first degree felony.
 - (b) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(ii) or (iii) is a second degree felony.