

Renumbered 5/7/2025

76-10-2202 Leaving a child unattended in a motor vehicle.

- (1) As used in this section:
 - (a) "Child" means a person who is younger than nine years old.
 - (b) "Enclosed compartment" means any enclosed area of a motor vehicle, including the passenger compartment, regardless of whether a door, window, or hatch is left open.
 - (c) "Motor vehicle" means an automobile, truck, truck tractor, bus, or any other self-propelled vehicle.
- (2) A person who is responsible for a child is guilty of a class C misdemeanor if:
 - (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves the child in an enclosed compartment of a motor vehicle;
 - (b) the motor vehicle is on:
 - (i) public property; or
 - (ii) private property that is open to the general public;
 - (c) the child is not supervised by a person who is at least nine years old; and
 - (d) the conditions present a risk to the child of:
 - (i) hyperthermia;
 - (ii) hypothermia; or
 - (iii) dehydration.
- (3) This section does not apply if the person's conduct that constitutes a violation of this section is subject to a greater penalty under another provision of state law.
- (4) This section preempts enforcement of a local law or ordinance that makes it an infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor under this section.
- (5) Notwithstanding any provision of state law to the contrary, a conviction under this section may not be used by a state or local government entity as grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a license or permit relating to the provision of day care or child care.