

1 **CRIMINAL LAW INTENT AMENDMENT**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Ty McCartney**

5

LONG TITLE

6 **General Description:**

7
8 This bill amends the Criminal Code to provide that if an element of a criminal offense
9 is the intentional causation of a result, and if the result of defendant's commission of the
10 offense differs from the defendant's intent only because a different person or property
11 was affected than the defendant intended, the requirement of intentional causation is
12 met.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ provides that if a criminal offense includes a requirement that the defendant
16 intentionally acted to cause an intended result, then this requirement is met if the
17 defendant's action differs from the intended result only in that the person or property
18 affected differs from the person or property the defendant intended to commit the
19 offense against.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **76-2-105**, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **76-2-105** is enacted to read:

30 **76-2-105. Transferred intent.**

31 Where intentionally causing a result is an element of an offense, that element is
32 established even if a different person than the actor intended was killed, injured, or harmed, or
33 different property than the actor intended was damaged or otherwise affected.

Legislative Review Note
as of 12-11-03 2:37 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0081

Criminal Law Intent Amendment

21-Jan-04

2:56 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst