

CHILD ABUSE HOMICIDE AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill makes amendments to the offense of child abuse homicide.

Highlighted Provisions:

This bill:

- ▶ clarifies that the offense of child abuse homicide does not apply under circumstances that constitute aggravated murder;

- ▶ clarifies that the mental states referred to in the offense of child abuse homicide are only applicable to the element of the commission of child abuse, not to the element of causing the death of a child;

- ▶ increases the penalties for child abuse homicide; and

- ▶ makes other clarifying and technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-208, as last amended by Laws of Utah 2000, Chapter 125

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

Section 1. Section **76-5-208** is amended to read:

76-5-208. Child abuse homicide.

30 (1) Criminal homicide constitutes child abuse homicide if, under circumstances not
31 amounting to aggravated murder, as described in Section 76-5-202, the actor causes the death
32 of a person under 18 years of age and the death results from child abuse, as defined in
33 Subsection 76-5-109(1):

34 (a) if the child abuse is done recklessly [~~as provided in~~] under Subsection
35 76-5-109(2)(b);

36 (b) if the child abuse is done with criminal negligence [~~as provided in~~] under Subsection
37 76-5-109(2)(c); or

38 (c) if, under circumstances not amounting to the type of child abuse homicide described
39 in Subsection (1)(a), the child abuse is done [~~with the mental culpability as provided in~~]
40 intentionally, knowingly, recklessly, or with criminal negligence, under Subsection
41 76-5-109(3)(a), (b), or (c).

42 (2) Child abuse homicide as described in Subsection (1)(a) is a [~~second~~] first degree
43 felony.

44 (3) Child abuse homicide as described in Subsections (1)(b) and (c) is a [~~third~~] second
45 degree felony.