

1 **LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Benjamin M. McAdams**

5 House Sponsor: Lee B. Perry

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Utah Criminal Code by making it a class C misdemeanor to leave
10 a child unattended in an enclosed compartment of a motor vehicle.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ makes it a class C misdemeanor for a person who is responsible for a child under
15 nine years of age to intentionally, recklessly, knowingly, or with criminal negligence
16 leave a child in an enclosed compartment of a motor vehicle if:
 - 17 • the motor vehicle is on public property or private property that is open to the
18 general public;
 - 19 • the child is not supervised by a person who is at least nine years old; and
 - 20 • the conditions present a risk to the child of hyperthermia, hypothermia, or
21 dehydration;
- 22 ▶ provides that this bill does not apply if the person's conduct that constitutes a
23 violation of this bill is subject to a greater penalty under another provision of state
24 law;
- 25 ▶ preempts enforcement of a local law or ordinance that makes it an infraction or a
26 criminal offense to engage in the conduct that constitutes a misdemeanor under this
27 bill;
- 28 ▶ provides that, notwithstanding any provision of state law to the contrary, a
29 conviction under this bill may not be used by a state or local government entity as

30 grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a
31 license or permit relating to the provision of day care or child care.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 ENACTS:

38 **76-10-2202**, Utah Code Annotated 1953



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

41 Section 1. Section **76-10-2202** is enacted to read:

42 **76-10-2202. Leaving a child unattended in a motor vehicle.**

43 (1) As used in this section:

44 (a) "Child" means a person who is younger than nine years old.

45 (b) "Enclosed compartment" means any enclosed area of a motor vehicle, including the
46 passenger compartment, regardless of whether a door, window, or hatch is left open.

47 (c) "Motor vehicle" means an automobile, truck, truck tractor, bus, or any other
48 self-propelled vehicle.

49 (2) A person who is responsible for a child is guilty of a class C misdemeanor if:

50 (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves
51 the child in an enclosed compartment of a motor vehicle;

52 (b) the motor vehicle is on:

53 (i) public property; or

54 (ii) private property that is open to the general public;

55 (c) the child is not supervised by a person who is at least nine years old; and

56 (d) the conditions present a risk to the child of:

57 (i) hyperthermia;

58 (ii) hypothermia; or

59 (iii) dehydration.

60 (3) This section does not apply if the person's conduct that constitutes a violation of
61 this section is subject to a greater penalty under another provision of state law.

62 (4) This section preempts enforcement of a local law or ordinance that makes it an
63 infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor under
64 this section.

65 (5) Notwithstanding any provision of state law to the contrary, a conviction under this
66 section may not be used by a state or local government entity as grounds for revoking, refusing
67 to grant, or refusing to renew, a license or permit, including a license or permit relating to the
68 provision of day care or child care.