

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

6

7 LONG TITLE

8 General Description:

9 This bill amends the Utah Criminal Code by making it an infraction to leave a child
10 unattended in 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 a motor vehicle if:

- 17 • the child is not supervised by a person who is at least 12 years old; and
- 18 • the conditions present a risk to the child's health or safety, the engine is running,

19 or the keys are in the passenger compartment of the motor vehicle; and

- 20 ▶ provides that this bill does not apply if the person's conduct that constitutes a
21 violation of this bill is punishable as a class B misdemeanor, a class A
22 misdemeanor, or a felony.

23 Money Appropriated in this Bill:

24 None

25 Other Special Clauses:

26 None

27 Utah Code Sections Affected:



28 ENACTS:

29 **76-10-2202**, Utah Code Annotated 1953

30

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

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

33 **76-10-2202. Leaving a child unattended in a motor vehicle.**

34 (1) As used in this section:

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

36 (b) "Motor vehicle" means an automobile, truck, truck tractor, bus, or any other
37 self-propelled vehicle.

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

39 (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves
40 the child in a motor vehicle;

41 (b) the child is not supervised by a person who is at least 12 years old; and

42 (c) (i) the conditions present a risk to the child's health or safety;

43 (ii) the engine of the motor vehicle is running; or

44 (iii) the keys to the motor vehicle are in the passenger compartment of the motor
45 vehicle.

46 (3) This section does not apply if the person's conduct that constitutes a violation of
47 this section is punishable as a class B misdemeanor, a class A misdemeanor, or a felony.

Legislative Review Note
as of 1-17-11 10:59 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 124

SHORT TITLE: **Leaving a Child Unattended in a Motor Vehicle**

SPONSOR: **McAdams, B.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill will generate \$270 of revenue per conviction for local justice courts. The number of incidents is unquantifiable at this time.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill will cost \$270 to individuals convicted of this offense.