

CRIMINAL CODE - GENERAL PROVISIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Patricia W. Jones

LONG TITLE

General Description:

This bill modifies the general provisions of the Criminal Code regarding the elements of an offense.

Highlighted Provisions:

This bill:

- ▶ adds the conjunctive word "and" regarding the two listed elements of a criminal offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

76-1-501, as last amended by Laws of Utah 2013, Chapter 278

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

Section 1. Section **76-1-501** is amended to read:

76-1-501. Presumption of innocence -- "Element of the offense" defined.

(1) A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt. In the absence of this proof, the defendant shall be acquitted.

(2) As used in this part the words "element of the offense" mean:

30 (a) the conduct, attendant circumstances, or results of conduct proscribed, prohibited,
31 or forbidden in the definition of the offense; and

32 (b) the culpable mental state required.

33 (3) The existence of jurisdiction and venue are not elements of the offense but shall be
34 established by a preponderance of the evidence.

35 Section 2. **Effective date.**

36 If approved by two-thirds of all the members elected to each house, this bill takes effect
37 upon approval by the governor, or the day following the constitutional time limit of Utah
38 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
39 the date of veto override.