

Child Abuse Crimes: Child Homicide
(Current through June 10, 2002)

Alaska	Alaska Stat. § 11.41.100
Arizona	Ariz. Rev. Stat. Ann. § 13-1105
Arkansas	Ark. Code Ann. § 5-10-102
California	Cal. Penal Code § 273ab
Colorado	Colo. Rev. Stat. § 18-3-102(f) Colo. Rev. Stat. § 18-6-401
Delaware	Del. Code Ann. tit. 11, § 633 Del. Code Ann. tit. 11, § 634
District of Columbia	D.C. Code Ann. § 22-2401
Florida	Fla. Stat. Ann. 782.04 Fla. Stat. Ann. 782.07
Idaho	Idaho Code § 18-4003
Illinois	Illinois Stat. Ann. 720 Tit. 3. Art. 9. 5/9-1 Illinois Stat. Ann. 325 § 5/4.1
Indiana	Ind. Code Ann. § 35-42-1-1
Iowa	Iowa Code § 707.2
Kansas	Kan. Stat. Ann. § 21-3401 Kan. Stat. Ann. § 21-3436
Louisiana	La. Legis 1ES 128 La. Rev. Stat. Ann. § 14:31 La. Rev. Stat. Ann. § 14:32
Minnesota	MN LEGIS 401 MN ST § 609.20
Mississippi	Miss. Code Ann. § 97-3-19
Nevada	NV ST 200.033

New Jersey	N.J. Stat. Ann. § 2C:11-3(b)(3)(a)
New York	N.Y. Penal Law § 125.20 N.Y. Penal Law § 125.25
North Dakota	N.D. Cent. Code § 12.1-16-01
Oklahoma	Okla. Stat. Ann. tit. 21, § 701.7
Oregon	Or. Rev. Stat. § 163.115(1)(c)
Pennsylvania	18 Pa. Cons. Stat. Ann. § 2504
Rhode Island	R.I. ST § 11-23-1
South Carolina	S.C. Code Ann. § 16-3-85
Tennessee	Tenn. Code Ann. § 39-13-202
Texas	Tex. Penal Code Ann. § 19.03
Utah	UT LEGIS 327 UT LEGIS 166 Utah Code Ann. § 76-5-203
Virginia	VA ST § 18.2-31
Washington	Wash. Rev. Code Ann. § 9A.32.055
West Virginia	W. Va. Code § 61-8D-2 W. Va. Code § 61-8D-2a W. Va. Code § 61-8D-4a
Wisconsin	WI ST 948.21 WI ST 948.23
Wyoming	Wyo. Stat. Ann. § 6-2-101 Wyo. Stat. Ann. § 6-2-108

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ALASKA

Alaska Stat. § 11.41.100 (current through 2001)

(a) A person commits the crime of murder in the first degree if the person knowingly engages in conduct directed toward a child under the age of 16 and the person with criminal negligence inflicts serious physical injury on the child by at least two separate acts, and one of the acts results in the death of the child; or acting alone or with one or more persons, the person commits or attempts to commit a sexual offense against or kidnapping of a child under 16 years of age and, in the course of or in furtherance of the offense or in immediate flight from that offense, any person causes the death of the child; in this paragraph, "sexual offense" means an offense defined in AS 11.41.410 -- 11.41.470.

ARIZONA

Ariz. Rev. Stat. Ann. § 13-1105

2002 Ariz. Legis. Serv. Ch. 219 (S.B. 1427) (WEST)

A. A person commits first degree murder if:

1. Intending or knowing that the person's conduct will cause death, the person causes the death of another with premeditation.

2. Acting either alone or with one or more other persons the person commits or attempts to commit sexual conduct with a minor under section 13-1405, sexual assault under section 13-1406, molestation of a child under section 13- 1410 child abuse under section 13-3623, B.

Homicide, as prescribed in subsection A, paragraph 2 of this section, requires no specific mental state other than what is required for the commission of any of the enumerated felonies.

ARKANSAS

Ark. Code Ann. § 5-10-102 (Current through 2001)

a) A person commits murder in the first degree if:

(1) Acting alone or with one (1) or more other persons, he commits or attempts to commit a felony, and in the course of and in the furtherance of the felony or in immediate flight therefrom, he or an accomplice causes the death of any person under circumstances manifesting extreme indifference to the value of human life; or

(2) With a purpose of causing the death of another person, he causes the death of another person; or

(3) He knowingly causes the death of a person fourteen (14) years of age or younger at the time the murder was committed.

CALIFORNIA

West's Ann.Cal.Penal Code § 273ab (current through 2002)

Any person who, having the care or custody of a child who is under eight years of age, assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 25 years to life.

COLORADO

Colo. Rev. Stat. § 18-3-102(f), C.R.S.A. § 18-3-102 (WEST 'S COLORADO REVISED STATUTES ANNOTATED)

A person commits the crime of murder in the first degree if the person knowingly causes the death of a child who has not yet attained twelve years of age and the person committing the offense is one in a position of trust with respect to the victim.

Colo. Rev. Stat. § 18-6-401

(1)(a) A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child.

(b)(I) Except as otherwise provided in subparagraph (III) of this paragraph (b), a person commits child abuse if such person excises or infibulates, in whole or in part, the labia majora, labia minora, vulva, or clitoris of a female child. A parent, guardian, or other person legally responsible for a female child or charged with the care or custody of a female child commits child abuse if he or she allows the excision or infibulation, in whole or in part, of such child's labia majora, labia minora, vulva, or clitoris.

(II) Belief that the conduct described in subparagraph (I) of this paragraph (b) is required as a matter of custom, ritual, or standard practice or consent to the conduct by the child on whom it is performed or by the child's parent or legal guardian shall not be an affirmative defense to a charge of child abuse under this paragraph (b).

(III) A surgical procedure as described in subparagraph (I) of this paragraph (b) is not a crime if the procedure:

(A) Is necessary to preserve the health of the child on whom it is performed and is performed by a person licensed to practice medicine under article 36 of title 12, C.R.S.; or

(B) Is performed on a child who is in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed to practice medicine under article 36 of title 12, C.R.S.

(IV) If the district attorney having jurisdiction over a case arising under this paragraph (b) has a reasonable belief that any person arrested or charged pursuant to this paragraph (b) is not a citizen or national of the United States, the district attorney shall report such information to the immigration and naturalization service in an expeditious manner.

(2) In this section, "child" means a person under the age of sixteen years.

(3) The statutory privilege between patient and physician and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this section.

(4) No person, other than the perpetrator, complicitor, coconspirator, or accessory, who reports an instance of child abuse to law enforcement officials shall be subjected to criminal or civil liability for any consequence of making such report unless he knows at the time of making it that it is untrue.

(5) Deferred prosecution is authorized for a first offense under this section unless the provisions of subsection (7.5) of this section or section 18-6-401.2 apply.

(6) Repealed by Laws 2001, Ch. 125, § 1, eff. July 1, 2001.

(7)(a) Where death or injury results, the following shall apply

DELAWARE

Del. Code Ann. tit. 11, § 633, DE ST TI 11 § 633, (current through 2001 Regular Session of the 141st General Assembly)

- a) A person is guilty of murder by abuse or neglect in the second degree when, with criminal negligence, the person causes the death of a child:
- (1) Through an act of abuse and/or neglect of such child; or
 - (2) When the person has engaged in a previous pattern of abuse and/or neglect of such child.
- (b) For the purpose of this section:
- (1) "Child" shall refer to any person who has not yet reached that person's 14th birthday.
 - (2) "Abuse" and "neglect" shall have the same meaning as set forth in § 1103 of this title.
 - (3) "Previous pattern" of abuse and/or neglect shall mean 2 or more incidents of conduct:
 - a. That constitute an act of abuse and/or neglect; and
 - b. Are not so closely related to each other or connected in point of time and place that they constitute a single event.
- (c) A conviction is not required for an act of abuse or neglect to be used in prosecution of a matter under this section, including an act used as proof of a previous pattern as defined in subdivision (b)(3) of this section. A conviction for any act of abuse or neglect, including one which may be relied upon to establish a previous pattern of abuse and/or neglect does not preclude prosecution under this section. Prosecution under this section does not preclude prosecution under any other section of the Code.
- (d) Murder by abuse or neglect in the second degree is a class B felony. Notwithstanding any provision of this title to the contrary, the minimum sentence for a person convicted of murder by abuse or neglect in the second degree in violation of this section shall be 10 years at Level V.

Del. Code Ann. tit 11, §634

- (a) A person is guilty of murder by abuse or neglect in the first degree when the person recklessly causes the death of a child:
- (1) Through an act of abuse and/or neglect of such child; or
 - (2) When the person has engaged in a previous pattern of abuse and/or neglect of such child.
- (b) For the purpose of this section:
- (1) "Child" shall refer to any person who has not yet reached that person's 14th birthday.
 - (2) "Abuse" and "neglect" shall have the same meaning as set forth in § 1103 of this title.
 - (3) "Previous pattern" of abuse and/or neglect shall mean 2 or more incidents of conduct:
 - a. That constitute an act of abuse and/or neglect; and
 - b. Are not so closely related to each other or connected in point of time and place that they constitute a single event.
- (c) A conviction is not required for an act of abuse or neglect to be used in prosecution of a matter under this section including an act used as proof of the previous pattern as defined in subdivision (b)(3) of this section. A conviction for any act of abuse or neglect including one which may be relied upon to establish the previous pattern of abuse and/or neglect does not preclude prosecution under this section. Prosecution under this section does not preclude prosecution under any other section of the Code.
- (d) Murder by abuse or neglect in the first degree is a class A felony.

DISTRICT OF COLUMBIA

D.C. Code Ann. § 22-2101 (2001)

Whoever, being of sound memory and discretion, kills another purposely, either of deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to perpetrate an offense punishable by imprisonment in the penitentiary, or without purpose to do so kills another in perpetrating or in attempting to perpetrate any arson, as defined in § 22-301 or § 22-302, first degree sexual abuse, first degree child sexual abuse, first degree cruelty to children, mayhem, robbery, or kidnapping, or in perpetrating or attempting to perpetrate any housebreaking while armed with or using a dangerous weapon, or in perpetrating or attempting to perpetrate a felony involving a controlled substance, is guilty of murder in the first degree. For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), murder in the first degree is a Class A felony .

D.C. Code Ann. § 22 – 1101

(a) A person commits the crime of cruelty to children in the first degree if that person intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child under 18 years of age or engages in conduct which creates a grave risk of bodily injury to a child, and thereby causes bodily injury.

(b) A person commits the crime of cruelty to children in the second degree if that person intentionally, knowingly, or recklessly:

(1) Maltreats a child or engages in conduct which causes a grave risk of bodily injury to a child; or

(2) Exposes a child, or aids and abets in exposing a child in any highway, street, field house, outhouse or other place, with intent to abandon the child.

(c)(1) Any person convicted of cruelty to children in the first degree shall be fined not more than \$10,000 or be imprisoned not more than 15 years, or both.

(2) Any person convicted of cruelty to children in the second degree shall be fined not more than \$10,000 or be imprisoned not more than 10 years, or both.

D.C. Code Ann. § 22 – 1102

Any person within the District of Columbia, of sufficient financial ability, who shall refuse or neglect to provide for any child under the age of 14 years, of which he or she shall be the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure the safety of such child, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by a fine of not more than \$100, or by imprisonment in the Workhouse of the District of Columbia for not more than 3 months, or both such fine and imprisonment .

FLORIDA

Fla. Stat. Ann. ch. 782.04, 2001 Fla. Sess. Law Serv. Ch. 2001-357 (S.B. 8-C) (WEST)

1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;
2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any: sexual battery or aggravated child abuse, or first degree cruelty to children is guilty of murder in the first degree.

Fla. Stat. Ann. 782.07, 2002 Fla. Sess. Law Serv. Ch. 2002-74 (C.S.S.B. 188) (WEST)

782.07. Manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic

A person who causes the death of any person under the age of 18 by culpable negligence under s. 827.03(3) commits aggravated manslaughter of a child, a felony of the first degree,. This act shall take effect July 1, 2002

IDAHO

Idaho Code § 18-4003, 2002 Idaho Laws Ch. 222 (S.B. 1348)

Any murder committed in the perpetration of, or attempt to perpetrate, aggravated battery on a child under twelve years of age is murder of the first degree.

ILLINOIS

Illinois Compiled Statues Ann. Chap. 720 Tit. 3. Art. 9, 720 ILCS 5/9-1 (Current through P.A. 92-534, apv. 5/14/2002)

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(7) the murdered individual was under 12 years of age and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(14) the murder was intentional and involved the infliction of torture. For the purpose of this Section torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim; or

Illinois Compiled Statutes Ann. Chap. 325 § 5/4.1, 325 ILCS 5/4.1, (Current through P.A. 92-534, apv. 5/14/2002)

§ 4.1. Any person required to report under this Act who has reasonable cause to suspect that a child has died as a result of abuse or neglect shall also immediately report his suspicion to the appropriate medical examiner or coroner. Any other person who has reasonable cause to believe that a child has died as a result of abuse or neglect may report his suspicion to the appropriate medical examiner or coroner. The medical examiner or coroner shall investigate the report and communicate his apparent gross findings, orally, immediately upon completion of the gross autopsy, but in all cases within 72 hours and within 21 days in writing, to the local law enforcement agency, the appropriate State's attorney, the Department and, if the institution making the report is a hospital, the hospital. The child protective investigator assigned to the death investigation shall have the right to require a copy of the completed autopsy report from the coroner or medical examiner.

INDIANA

Ind. Code Ann. § 35-42-1-1 , IN ST 35-42-1-1 (Current through End of 2001 1st Regular Sess.)

A person who kills another human being while committing or attempting to commit child molesting, commits murder a felony.

IOWA

Iowa Code § 707.2, 2002 Ia. Legis. Serv. S.F. 2146 (WEST)

A person commits murder in the first degree when the person commits murder under any of the following circumstances: the person kills a child while committing child endangerment, or while committing assault upon the child, and the death occurs under circumstances manifesting extreme indifference to human life. Murder in the first degree is a class A felony.

KANSAS

Kan. Stat. Ann. § 21-3401 (1995 & Supp. 1997) (Current through end of 2001)

Murder in the first degree is the killing of a human being committed in the commission of, attempt to commit, or flight from an inherently dangerous felony. Murder in the first degree is an off-grid person felony.

Kan. Stat. Ann. § 21-3436 (1995) (Current through end of 2001)

An inherently dangerous felony includes aggravated criminal sodomy, rape, and abuse of a child.

LOUISIANA

La. Legis 1ES 128 (2002), 2002 La. Sess. Law Serv. 1st Ex. Sess. Act 128 (H.B. 53) (WEST)

A. First degree murder is the killing of a human being:

(1) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in the perpetration or attempted perpetration of aggravated kidnapping, second degree kidnapping, aggravated escape, aggravated arson, aggravated rape, forcible rape, aggravated burglary, armed robbery, drive-by shooting, first degree robbery, or simple robbery, or terrorism.

La. Rev. Stat. Ann. § 14:31, LA R.S. 14:31 (current through 2001)

Manslaughter is a homicide committed, without any intent to cause death or great bodily harm. Whoever commits manslaughter shall be imprisoned at hard labor for not more than forty years. However, if the victim was killed as a result of receiving a battery and was under the age of ten years, the offender shall be imprisoned at hard labor, without benefit of probation or suspension of sentence, for not less than ten years nor more than forty.

La. Rev. Stat. Ann. § 14:32, LA R.S. 14:32 (current through 2001)

Negligent homicide is the killing of a human being by criminal negligence. If the victim was killed as a result of receiving a battery and was under the age of 10 years, the offender shall be imprisoned at hard labor, without benefit of probation or suspension of sentence, for not less than two nor more than five years.

MINNESOTA

MN LEGIS 401, 2002 Minn. Sess. Law Serv. Ch. 401 (H.F. 2515) (WEST)

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life: causes the death of a minor while committing child abuse, when the predator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life.

MN ST § 609.20, (current through 2001)

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both: (5) causes the death of another in committing or attempting to commit a violation of section 609.377 (malicious punishment of a child),

MISSISSIPPI

Miss. Code Ann. § 97-3-19, MS ST § 97-3-19 (current through 2001)

The killing of a human being without the authority of law by any means or in any manner shall be capital murder when done with or without any design to effect death, by any person engaged in the commission of the crime of unnatural intercourse with any child under the age of 12 or felonious abuse and/or battery of a child or in any attempt to commit such felony.

NEVADA

NV ST 200.033

The only circumstances by which murder of the first degree may be aggravated are:

10. The murder was committed upon a person less than 14 years of age

NEW JERSEY

N.J. Stat. Ann. § 2C:11-3(b)(3)(a) (Supp. 1999) (Current through 2002)

A person convicted of murder and who is not sentenced to death under this section shall be sentenced to a term of life imprisonment without eligibility for parole if the murder was committed under all of the following circumstances: (a) The victim is less than 14 years old; and (b) The act is committed in the course of the commission, whether alone or with one or more persons, of sexual assault or criminal sexual contact. The defendant shall not be entitled to a deduction of commutation and work credits from that sentence.

NEW YORK

N.Y. Penal Law § 125.20, McKinney's Penal Law § 125.20, (Current through 2002)

A person is guilty of manslaughter in the first degree when: being eighteen years old or more and with the intent to cause physical injury to a person less than eleven years old, the defendant recklessly engages in conduct which creates a grave risk of serious physical injury to such person and thereby causes the death of such person.

N.Y. Penal Law § 125.25, McKinney's Penal Law § 125.25, (Current through 2002)

A person is guilty of murder in the second degree when:

- acting either alone or with one or more other persons, he commits or attempts to commit rape in the first degree, sodomy in the first degree, sexual abuse in the first degree, aggravated sexual abuse, and in the course of and in furtherance of such crime or of immediate flight

therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants; or under circumstances evincing a depraved indifference to human life, and being 18 years old or more, the defendant recklessly engages in conduct which creates a grave risk of serious physical injury or death to another person less than 11 years old and thereby causes the death of such person.

NORTH DAKOTA

N.D. Cent. Code § 12.1-16-01, ND ST 12.1-16-01

A person is guilty of murder if the person acting either alone or with one or more other persons, commits or attempts to commit a felony offense against a child under and, in the course of and in furtherance of such crime or of immediate flight therefrom, the person or any other participant in the crime causes the death of any person.

OKLAHOMA

Okla. Stat. Ann. tit. 21, § 701.7, OK ST T. 21 § 701.7 (current through 2001)

A person commits murder in the first degree when the death of a child results from the willful or malicious injuring, torturing, maiming or using of unreasonable force by said person or who shall willfully cause, procure or permit any of said acts to be done upon the child. It is sufficient for the crime of murder in the first degree that the person either willfully tortured or used unreasonable force upon the child or maliciously injured or maimed the child.

OREGON

Or. Rev. Stat. § 163.115, COPR. 2001 by STATE OF OREGON Legislative Counsel Committee

Criminal homicide constitutes murder when it is committed by a person, acting either alone or with one or more persons, who commits or attempts to commit any of the following crimes and in the course of and in furtherance of the crime the person is committing or attempting to commit, or during the immediate flight therefrom, the person, or another participant if there be any, causes the death of a person other than one of the participants: Assault in the first degree, as defined in section 163.185, and the victim is under 14 years of age, or assault in the second degree, as defined in section 163.175 (1)(a) or (b), and the victim is under 14 years of age.

Criminal homicide constitutes murder by abuse when a person, recklessly under circumstances manifesting extreme indifference to the value of human life, causes the death of a child under 14 years of age or a dependent person and: (A) The person has previously engaged in a pattern or practice of assault or torture of the victim or another child under 14 years of age or a dependent person; or (B) The person causes the death by neglect or maltreatment. An accusatory instrument alleging murder by abuse need not allege specific incidents of assault or torture.

Assault means to intentionally, knowingly or recklessly cause physical injury to another person. Assault does not include the causing of physical injury in a motor vehicle accident that occurs by reason of the reckless conduct of a defendant.

Neglect or maltreatment means a violation of sections 163.535, 163.545 or 163.547 or a failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or

welfare of a child under 14 years of age or a dependent person. This paragraph is not intended to replace or affect the duty or standard of care required under chapter 677.

Pattern or practice means one or more previous episodes.

Torture means to intentionally inflict intense physical pain upon an unwilling victim as a separate objective apart from any other purpose.

PENNSYLVANIA

18 Pa. Cons. Stat. Ann. § 2504, (Current through Act 2002-39)

A person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person.

Where the victim is under 12 years of age and is in the care, custody or control of the person who caused the death, involuntary manslaughter is a felony of the second degree.

RHODE ISLAND

R.I. ST § 11-23-1 (current through 2001)

“Murder” means the unlawful killing of a human being with malice aforethought. Every murder committed in the perpetration of, or attempt to perpetrate any degree of sexual assault or child molestation is murder in the first degree

SOUTH CAROLINA

S.C. Code Ann. § 16-3-85 (current through 2001)

A) A person is guilty of homicide by child abuse if the person:

- (1) causes the death of a child under the age of eleven while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life; or
- (2) knowingly aids and abets another person to commit child abuse or neglect, and the child abuse or neglect results in the death of a child under the age of eleven.

(B) For purposes of this section, the following definitions apply:

- (1) "child abuse or neglect" means an act or omission by any person which causes harm to the child's physical health or welfare;
- (2) "harm" to a child's health or welfare occurs when a person:
 - (a) inflicts or allows to be inflicted upon the child physical injury, including injuries sustained as a result of excessive corporal punishment;
 - (b) fails to supply the child with adequate food, clothing, shelter, or health care, and the failure to do so causes a physical injury or condition resulting in death; or
 - (c) abandons the child resulting in the child's death.

(C) Homicide by child abuse is a felony and a person who is convicted of or pleads guilty to homicide by child abuse:

- (1) under subsection (A)(1) may be imprisoned for life but not less than a term of twenty years; or
- (2) under subsection (A)(2) must be imprisoned for a term not exceeding twenty years nor less than ten years.

(D) In sentencing a person under this section, the judge must consider any aggravating circumstances including, but not limited to, a defendant's past pattern of child abuse or neglect of a child under the age of eleven, and any mitigating circumstances; however, a child's crying does not constitute provocation so as to be considered a mitigating circumstance.

TENNESSEE

Tenn. Code Ann. § 39-13-202, TN ST § 39-13-202 (current through 2001)

First degree murder is a killing of another committed in the perpetration of or attempt to perpetrate aggravated child abuse or aggravated neglect. No culpable mental state is required for conviction under this subsection except the intent to commit the enumerated offense or act in this subdivision.

TEXAS

Tex. Penal Code Ann. § 19.03, (current through 2001)

A person commits capital murder if he commits murder and the person murders an individual under six years of age.

UTAH

UT LEGIS 327(2002)

UT ST § 76-5-201

Criminal homicide is aggravated murder, murder, manslaughter, child abuse homicide, homicide by assault, negligent homicide, or automobile homicide.

UT LEGIS 166(2002)

UT ST § 166(2002)

(1) Criminal homicide constitutes aggravated murder if the actor intentionally or knowingly causes the death of another under any of the following circumstances: the homicide was committed while the actor was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit, aggravated robbery, robbery, rape, rape of a child, object rape, object rape of a child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, child abuse as defined in Subsection 76-5-109(2) , or aggravated sexual assault, aggravated arson, arson, aggravated burglary, burglary, aggravated kidnapping, kidnapping, or child kidnapping; the actor was previously convicted of child kidnapping, Section 76-5-301.1, rape of a child, Section 76-5-402.1; object rape of a child, Section 76-5-402.3, sodomy on a child, Section 76-5-403.1, aggravated sexual abuse of a child, Section 76-5-404.1

Utah Code Ann. § 76-5-203

(1) As used in this section, "predicate offense" means: (b) child abuse, under Subsection 76-5-109(2)(a), when the victim is younger than 18 years of age; (d) child kidnapping under [Section 76-5-301.1](#); (f) rape of a child under [Section 76-5-402.1](#); (g) object rape of a child under [Section 76-5-402.3](#);

(h) sodomy upon a child under [Section 76-5-403.1](#) j) sexual abuse of a child or aggravated sexual abuse of a child under [Section 76-5-404.1](#); (2) Criminal homicide constitutes murder if: d) (i) the actor is engaged in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or is a party to the predicate offense; and

(ii) a person other than a party as defined in [Section 76-2-202](#) is killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense;

VIRGINIA

VA ST § 18.2-31 (current through 2002)

The following offenses shall constitute capital murder, punishable as a Class 1 felony: 12. The willful, deliberate and premeditated killing of a person under the age of fourteen by a person age twenty-one or older.

WASHINGTON

Wash. Rev. Code Ann. § 9A.32.055 (West 2002)

1) A person is guilty of homicide by abuse if, under circumstances manifesting an extreme indifference to human life, the person causes the death of a child or person under sixteen years of age, a developmentally disabled person, or a dependent adult, and the person has previously engaged in a pattern or practice of assault or torture of said child, person under sixteen years of age, developmentally disabled person, or dependent person.

(2) As used in this section, "dependent adult" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life.

(3) Homicide by abuse is a class A felony .

WEST VIRGINIA

W. Va. Code § 61-8D-2 (2001)

(a) If any parent, guardian or custodian shall maliciously and intentionally cause the death of a child under his or her care, custody or control by his or her failure or refusal to supply such child with necessary food, clothing, shelter or medical care, then such parent, guardian or custodian shall be guilty of murder in the first degree.

(b) If any parent, guardian or custodian shall cause the death of a child under his or her care, custody or control by knowingly allowing any other person to maliciously and intentionally fail or refuse to supply such child with necessary food, clothing, shelter or medical care, then such other person and such parent, guardian or custodian shall each be guilty of murder in the first degree.

(c) The penalty for offenses defined by this section shall be that which is prescribed for murder in the first degree under the provisions of section two [§ 61-2-2], article two of this chapter.

(d) The provisions of this section shall not apply to any parent, guardian or custodian who fails or refuses, or allows another person to fail or refuse, to supply a child under the care, custody or control of such parent, guardian or custodian with necessary medical care, when such medical care conflicts with the tenets and practices of a recognized religious denomination or order of which such parent, guardian or custodian is an adherent or member.

W. Va. Code § 61-8D-2A

(a) If any parent, guardian or custodian shall maliciously and intentionally inflict upon a child under his or her care, custody or control substantial physical pain, illness or any impairment of physical condition by other than accidental means, thereby causing the death of such child, then such parent, guardian or custodian shall be guilty of a felony.

(b) If any parent, guardian or custodian shall knowingly allow any other person to maliciously and intentionally inflict upon a child under the care, custody or control of such parent, guardian or custodian substantial physical pain, illness or any impairment of physical condition by other than accidental means, which thereby causes the death of such child, then such other person and such parent, guardian or custodian shall each be guilty of a felony.

(c) Any person convicted of a felony described in subsection (a) or (b) of this section shall be punished by a definite term of imprisonment in the penitentiary which is not less than ten nor more than forty years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of ten years of his or her sentence or the minimum period

required by the provisions of section thirteen [§ 62-12-13], article twelve, chapter sixty-two of this code, whichever is greater.

(d) The provisions of this section shall not apply to any parent, guardian or custodian or other person who, without malice, fails or refuses, or allows another person to, without malice, fail or refuse, to supply a child under the care, custody or control of such parent, guardian or custodian with necessary medical care, when such medical care conflicts with the tenets and practices of a recognized religious denomination or order of which such parent, guardian or custodian is an adherent or member. The provisions of this section shall not apply to any health care provider who fails or refuses, or allows another person to fail or refuse, to supply a child with necessary medical care when such medical care conflicts with the tenets and practices of a recognized religious denomination or order of which the parent, guardian or custodian of the child is an adherent or member, or where such failure or refusal is pursuant to a properly executed do not resuscitate form.

WV ST § 61-8D-4a (2001)

a) If any parent, guardian or custodian shall neglect a child under his or her care, custody or control and by such neglect cause the death of said child, then such parent, guardian or custodian shall be guilty of a felony and, upon conviction thereof, shall be fined not less than one thousand dollars nor more than five thousand dollars or committed to the custody of the division of corrections for not less than three nor more than fifteen years, or both such fine and imprisonment.

(b) No child who in lieu of medical treatment was under treatment solely by spiritual means through prayer in accordance with a recognized method of religious healing with a reasonable proven record of success shall, for that reason alone, be considered to have been neglected within the provisions of this section. A method of religious healing shall be presumed to be a recognized method of religious healing if fees and expenses incurred in connection with such treatment are permitted to be deducted from taxable income as "medical expenses" pursuant to regulations or rules promulgated by the United States internal revenue service.

(c) A child whose parent, guardian or legal custodian has inhibited or interfered with the provision of medical treatment in accordance with a court order may be considered to have been neglected for the purposes of this section.

WISCONSIN

WI ST 948.21

(1) Any person who is responsible for a child's welfare who, through his or her actions or failure to take action, intentionally contributes to the neglect of the child is guilty of a Class A misdemeanor or, if death is a consequence, a Class C felony.

(2) Under sub. (1), a person responsible for the child's welfare contributes to the neglect of the child although the child does not actually become neglected if the natural and probable consequences of the person's actions or failure to take action would be to cause the child to become neglected.

WI ST 948.23

Any person who conceals the corpse of any issue of a woman's body with intent to prevent a determination of whether it was born dead or alive is guilty of a Class E felony.

WYOMING

Wyo. Stat. Ann. § 6-2-101 (Current through the end of 2001)

Whoever purposely and with premeditated malice, or in the perpetration of, or attempt to perpetrate, any sexual assault, arson, robbery, burglary, escape, resisting arrest, kidnapping or abuse of a child under the age of 16 years, kills any human being is guilty of murder in the first degree.

Wyo. Stat. Ann. § 6-2-108 (Current through the end of 2001)

a) A person is guilty of drug induced homicide if:

(i) He is an adult or is at least four (4) years older than the victim; and

(ii) He violates W.S. 35-7-1031(a)(i) or (ii) or (b)(i) or (ii) by unlawfully delivering a controlled substance to a minor and that minor dies as a result of the injection, inhalation, ingestion or administration by any other means of any amount of that controlled substance.

(b) Drug induced homicide is a felony punishable by imprisonment in the penitentiary for not more than twenty (20) years.