

**SEX OFFENSE AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

**General Description:**

This bill modifies the Criminal Code regarding sexual offenses against children who are 16 or 17 years of age.

**Highlighted Provisions:**

This bill:

► changes the offense of unlawful sexual conduct with a minor who is 16 or 17 years of age to provide that the offense applies to a defendant who is seven or more years older than the victim, rather than the current provision of 10 or more years older than the victim.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-5-401.2**, as last amended by Laws of Utah 2008, Chapter 275

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



28 Section 1. Section **76-5-401.2** is amended to read:

29 **76-5-401.2. Unlawful sexual conduct with a 16 or 17 year old.**

30 (1) As used in this section, "minor" means a person who is 16 years of age or older, but  
31 younger than 18 years of age, at the time the sexual conduct described in Subsection (2)  
32 occurred.

33 (2) A person commits unlawful sexual conduct with a minor if, under circumstances  
34 not amounting to an offense listed under Subsection (3), an actor who is [~~10~~] seven or more  
35 years older than the minor at the time of the sexual conduct:

36 (a) has sexual intercourse with the minor;

37 (b) engages in any sexual act with the minor involving the genitals of one person and  
38 the mouth or anus of another person, regardless of the sex of either participant;

39 (c) causes the penetration, however slight, of the genital or anal opening of the minor  
40 by any foreign object, substance, instrument, or device, including a part of the human body,  
41 with the intent to cause substantial emotional or bodily pain to any person or with the intent to  
42 arouse or gratify the sexual desire of any person, regardless of the sex of any participant; or

43 (d) touches the anus, buttocks, or any part of the genitals of the minor, or touches the  
44 breast of a female minor, or otherwise takes indecent liberties with the minor, or causes a  
45 minor to take indecent liberties with the actor or another person, with the intent to cause  
46 substantial emotional or bodily pain to any person or with the intent to arouse or gratify the  
47 sexual desire of any person regardless of the sex of any participant.

48 (3) The offenses referred to in Subsection (2) are:

49 (a) (i) rape, in violation of Section 76-5-402;

50 (ii) object rape, in violation of Section 76-5-402.2;

51 (iii) forcible sodomy, in violation of Section 76-5-403;

52 (iv) forcible sexual abuse, in violation of Section 76-5-404; or

53 (v) aggravated sexual assault, in violation of Section 76-5-405; or

54 (b) an attempt to commit any offense under Subsection (3)(a).

55 (4) A violation of Subsection (2)(a), (b), or (c) is a third degree felony.

56 (5) A violation of Subsection (2)(d) is a class A misdemeanor.

**Legislative Review Note**  
as of 6-5-12 4:07 PM

**Office of Legislative Research and General Counsel**