

1 offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of
2 peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the
3 victim was the first aggressor;

4 (3) Character of witness. Evidence of the character of a witness, as provided in Rules 607,
5 608, and 609.

6 (b) Other crimes, wrongs, or acts. Evidence of other crimes, wrongs or acts is not
7 admissible to prove the character of a person in order to show action in conformity therewith. It
8 may, however, be admissible for other purposes, such as proof of motive, opportunity, intent,
9 preparation, plan, knowledge, identity, or absence of mistake or accident. If evidence is otherwise
10 admissible under this section, a party need not show that the evidence is necessary nor meet any
11 greater standard of relevance than is required for admission of other evidence under these rules.

12 (c) Sexual offenses against children.

13 (1) As used in this Subsection (c), "child" means a person younger than 14 years of age.

14 (2) Notwithstanding any other provision of this rule, in a criminal case in which the
15 defendant is accused of a sexual offense involving a child, evidence of the defendant's commission
16 of other sexual offenses involving any child is admissible and may be considered for its bearing
17 on any matter to which that evidence is relevant, including the defendant's propensity to commit
18 sexual offenses involving children.

19 (3) If the state intends to offer evidence under this Subsection (c), it shall disclose the
20 evidence to the defendant, including statements of witnesses or a summary of the substance of any
21 testimony that is expected to be offered, not less than 15 days before the scheduled date of trial,
22 or at a later time as the court may allow for good cause.

23 Section 2. **Effective date.**

24 As provided in Utah Constitution Article VIII, Section 4, this act takes effect upon
25 approval by a constitutional two-thirds vote of all members elected to each house.

Legislative Review Note
as of 11-24-97 11:36 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel