

**ENTICING MINORS OVER INTERNET
AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Duane E. Bourdeaux

This act modifies the Criminal Code by eliminating an unnecessary reference to other criminal code provisions.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-4-401, as enacted by Chapter 353, Laws of Utah 2001

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

Section 1. Section **76-4-401** is amended to read:

76-4-401. Enticing a minor over the Internet -- Elements -- Penalties.

(1) A person commits enticement of a minor over the Internet when~~[, not amounting to an attempt, conspiracy, or solicitation under Section 76-4-101, 76-4-201, or 76-4-203,]~~ the person knowingly uses a computer to solicit, seduce, lure, or entice, or ~~[attempt]~~ attempts to use a computer to solicit, seduce, lure, or entice a minor or a person the defendant believes to be a minor to engage in any sexual activity which is a violation of state criminal law.

(2) It is not a defense to the crime of enticing a minor under Subsection (1), or an attempt to commit this offense, that a law enforcement officer or an undercover operative who is working with a law enforcement agency was involved in the detection or investigation of the offense.

(3) An enticement of a minor under Subsection (1) with the intent to commit:

- (a) a first degree felony is a second degree felony;
- (b) a second degree felony is a third degree felony;
- (c) a third degree felony is a class A misdemeanor;
- (d) a class A misdemeanor is a class B misdemeanor; and
- (e) a class B misdemeanor is a class C misdemeanor.