

SEX OFFENSE AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon J. Greiner

House Sponsor: Carl Wimmer

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding sexual activity between minors and unlawful sexual conduct with minors.

Highlighted Provisions:

This bill:

amends the offense of unlawful sexual conduct with a 16 or 17 year old to include the taking of indecent liberties.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-401.2, as enacted by Laws of Utah 1998, Chapter 183

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

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

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

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

(2) A person commits unlawful sexual conduct with a minor if, under circumstances not

30 amounting to [~~rape, in violation of Section 76-5-402, object rape, in violation of Section~~
31 ~~76-5-402.2, forcible sodomy, in violation of Section 76-5-403, or aggravated sexual assault, in~~
32 ~~violation of Section 76-5-405, the] an offense listed under Subsection (3), an actor who is ten or
33 more years older than the minor at the time of the sexual conduct:~~

- 34 (a) has sexual intercourse with the minor;
- 35 (b) engages in any sexual act with the minor involving the genitals of one person and
36 the mouth or anus of another person, regardless of the sex of either participant; [~~or~~]
- 37 (c) causes the penetration, however slight, of the genital or anal opening of the minor
38 by any foreign object, substance, instrument, or device, including a part of the human body, with
39 the intent to cause substantial emotional or bodily pain to any person or with the intent to
40 arouse or gratify the sexual desire of any person, regardless of the sex of any participant[-]; or
- 41 (d) touches the anus, buttocks, or any part of the genitals of the minor, or touches the
42 breast of a female minor, or otherwise takes indecent liberties with the minor, or causes a minor
43 to take indecent liberties with the actor or another person, with the intent to cause substantial
44 emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of
45 any person regardless of the sex of any participant.

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

- 47 (a) (i) rape, in violation of Section 76-5-402;
- 48 (ii) object rape, in violation of Section 76-5-402.2;
- 49 (iii) forcible sodomy, in violation of Section 76-5-403;
- 50 (iv) forcible sexual abuse, in violation of Section 76-5-404; or
- 51 (v) aggravated sexual assault, in violation of Section 76-5-405; or

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

53 [~~(3)~~] (4) A violation of Subsection (2)(a), (b), or (c) is a third degree felony.

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