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**CHILD PORNOGRAPHY AMENDMENT**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: D. Chris Butters**

House Sponsor: Curtis Oda

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**LONG TITLE**

**General Description:**

This bill amends the Criminal Code regarding sexual offenses against minors.

**Highlighted Provisions:**

This bill:

▶ amends the offense of sexual exploitation of a minor to include as an offense the viewing of child pornography.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-5a-3**, as last amended by Laws of Utah 2001, Chapter 176

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

Section 1. Section **76-5a-3** is amended to read:

**76-5a-3. Sexual exploitation of a minor -- Offenses.**

(1) A person is guilty of sexual exploitation of a minor:

(a) when the person knowingly produces, distributes, views, possesses, or possesses with intent to distribute, child pornography; or



28 (b) if the person is a minor's parent or legal guardian and knowingly consents to or  
29 permits that minor to be sexually exploited under Subsection (1)(a).

30 (2) Sexual exploitation of a minor is a felony of the second degree.

31 (3) It is a separate offense under this section:

32 (a) for each minor depicted, and if more than one minor is depicted in the child  
33 pornography in violation of this section, the depiction of each individual minor in the child  
34 pornography is a separate offense; and

35 (b) each time the same minor is depicted in different child pornography.

36 (4) It is an affirmative defense to a charge of violating this section that no person under  
37 18 years of age was actually depicted in the visual depiction or used in producing or advertising  
38 the visual depiction.

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**Legislative Review Note**  
as of 1-29-08 2:54 PM

**Office of Legislative Research and General Counsel**

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**S.B. 183 - Child Pornography Amendment**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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