

Representative Rebecca P. Edwards proposes the following substitute bill:

UNLAWFUL SEXUAL CONDUCT WITH A

MINOR

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding sexual offenses against children who are 14 through 17 years of age.

Highlighted Provisions:

This bill:

► changes the offense of sexual abuse of a minor who is 14 or 15 years of age to provide that the offense applies to a defendant who is five or more years older than the victim, rather than the current provision of seven or more years older than the victim; and

► 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 six or more years older than the victim, rather than the current provision of ten or more years older than the victim.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **76-5-401.1**, as enacted by Laws of Utah 1998, Chapter 82

29 **76-5-401.2**, as last amended by Laws of Utah 2008, Chapter 275

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

32 Section 1. Section **76-5-401.1** is amended to read:

33 **76-5-401.1. Sexual abuse of a minor.**

34 (1) For purposes of this section "minor" is a person who is 14 years of age or older, but
35 younger than 16 years of age, at the time the sexual activity described in this section occurred.

36 (2) A person commits sexual abuse of a minor if the person is [~~seven~~] five years or
37 more older than the minor and, under circumstances not amounting to rape, in violation of
38 Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation
39 of Section 76-5-403, aggravated sexual assault, in violation of Section 76-5-405, unlawful
40 sexual activity with a minor, in violation of Section 76-5-401, or an attempt to commit any of
41 those offenses, the person touches the anus, buttocks, or any part of the genitals of the minor,
42 or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, or
43 causes a minor to take indecent liberties with the actor or another person, with the intent to
44 cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify
45 the sexual desire of any person regardless of the sex of any participant.

46 (3) A violation of this section is a class A misdemeanor.

47 Section 2. Section **76-5-401.2** is amended to read:

48 **76-5-401.2. Unlawful sexual conduct with a 16 or 17 year old.**

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

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

55 (a) has sexual intercourse with the minor;

56 (b) engages in any sexual act with the minor involving the genitals of one person and

57 the mouth or anus of another person, regardless of the sex of either participant;

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

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

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

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

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

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

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

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

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

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

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