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1	ENTICING A MINOR AMENDMENTS								
2	2013 GENERAL SESSION								
3	STATE OF UTAH								
4	Chief Sponsor: R. Curt Webb								
5	Senate Sponsor: Lyle W. Hillyard								
6									
7	LONG TITLE								
8	General Description:								
9	This bill modifies the Criminal Code regarding the offense of enticing a minor.								
10	Highlighted Provisions:								
11	This bill:								
12	• clarifies that the elements of the offense of enticing a minor do not include intent to								
13	complete a sexual offense with a minor;								
14	modifies the definition of "text messaging"; and								
15	provides that the penalties for enticing a minor are based on the level of sexual								
16	conduct the actor solicits, seduces, lures, or entices, or attempts to solicit, seduce,								
17	lure, or entice a minor to engage in.								
18	Money Appropriated in this Bill:								
19	None								
20	Other Special Clauses:								
21	None								
22	Utah Code Sections Affected:								
23	AMENDS:								
24	76-4-401 , as last amended by Laws of Utah 2008, Chapter 342								
25									
26	Be it enacted by the Legislature of the state of Utah:								
27	Section 1. Section 76-4-401 is amended to read:								
28	76-4-401. Enticing a minor Elements Penalties.								
29	(1) As used in this section:								

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30	a)	"Minor"	means a	person	who is	under t	he age	of 1

- (b) "Text messaging" means a communication in the form of electronic text or one or more electronic images sent by the actor from a telephone [or], computer, or other electronic communication device to another person's telephone [or], computer, or other electronic communication device by addressing the communication to the person's telephone number or other electronic communication access code or number.
- (2) (a) A person commits enticement of a minor when the person knowingly uses [or attempts to use] the Internet or text messaging to solicit, seduce, lure, or entice a minor, or to attempt to solicit, seduce, lure, or entice a minor, or another person that the actor believes to be a minor, to engage in any sexual activity which is a violation of state criminal law.
- (b) A person commits enticement of a minor when the person knowingly uses the Internet or text messaging to:
 - (i) initiate contact with a minor or a person the actor believes to be a minor; and
- (ii) subsequently to the action under Subsection (2)(b)(i), by any electronic or written means, solicits, seduces, lures, or entices, or attempts to solicit, seduce, lure, or entice the minor or a person the actor believes to be the minor to engage in any sexual activity which is a violation of state criminal law.
- (3) It is not a defense to the crime of enticing a minor under Subsection (2), 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.
- (4) [An enticement] Enticement of a minor under Subsection (2)(a) or (b) [with the intent to commit] is punishable as follows:
- 53 (a) enticement to engage in sexual activity which would be a first degree felony for the 54 actor is a:
- (i) second degree felony upon the first conviction for violation of this Subsection(4)(a); and
 - (ii) first degree felony punishable by imprisonment for an indeterminate term of not

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58 fewer than three years and which may be for life, upon a second or any subsequent conviction 59 for a violation of this Subsection (4)(a); 60 (b) enticement to engage in sexual activity which would be a second degree felony for 61 the actor is a third degree felony; (c) enticement to engage in sexual activity which would be a third degree felony for the 62 63 actor is a class A misdemeanor; (d) enticement to engage in sexual activity which would be a class A misdemeanor for 64 the actor is a class B misdemeanor; and 65 (e) enticement to engage in sexual activity which would be a class B misdemeanor for 66 67 the actor is a class C misdemeanor. 68 (5) (a) When a person who commits a felony violation of this section has been 69 previously convicted of an offense under Subsection (5)(b), the court may not in any way 70 shorten the prison sentence, and the court may not: 71 (i) grant probation; (ii) suspend the execution or imposition of the sentence; 72 73 (iii) enter a judgment for a lower category of offense; or 74 (iv) order hospitalization. 75 (b) The sections referred to in Subsection (5)(a) are: 76 (i) Section 76-4-401, enticing a minor; 77 (ii) Section 76-5-301.1, child kidnapping; 78 (iii) Section 76-5-402, rape; 79 (iv) Section 76-5-402.1, rape of a child: 80 (v) Section 76-5-402.2, object rape; 81 (vi) Section 76-5-402.3, object rape of a child; 82 (vii) Subsection 76-5-403(2), forcible sodomy; (viii) Section 76-5-403.1, sodomy on a child; 83 84 (ix) Section 76-5-404, forcible sexual abuse;

(x) Section 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a child;

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86	(xi) Section 76-5-405, aggravated sexual assault;	
87	(xii) any offense in any other state or federal jurisdiction which constitu	tes or would
88	constitute a crime in Subsections [(4)] (5) (b)(i) through (xi); or	
89	(xiii) the attempt, solicitation, or conspiracy to commit any of the offens	ses in
90	Subsections $[\frac{(4)}{(5)}]$ $(5)(b)(i)$ through (xii).	