Representative LaVar Christensen proposes the following substitute bill:

1   # CRIMINAL PENALTIES FOR SEXUAL CONTACT WITH A

2   # STUDENT

3   2014 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: LaVar Christensen**

6   Senate Sponsor: _____

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8   **LONG TITLE**

9   **General Description:**

10   This bill modifies the Criminal Code regarding the concept of a position of special

11   trust regarding persons working at schools.

12   **Highlighted Provisions:**

13   This bill:

14   ‣   modifies the offense of aggravated sexual abuse of a child by providing a definition

15   of the term "position of special trust" and clarifying that the definition Ĥ➡ **of a teacher** ⬅Ĥ

15a   includes

16   adult employees and volunteers at public and private schools;

17   ‣   provides that specified sexual conduct against victims between 14 and 18 years of

18   age are third degree felonies if committed by a school employee or volunteer; and

19   ‣   states in the Criminal Code that a sexual offense against a minor is a ground for the

20   revocation of a teacher's license.

21   **Money Appropriated in this Bill:**

22   None

23   **Other Special Clauses:**

24   None

25   **Utah Code Sections Affected:**

57   (2) A person commits sexual abuse of a minor if the person is seven years or more

58   older than the minor Ĥ➡ **or holds a relationship of special trust as an adult teacher, employee,**

58a **or volunteer, as described in Subsection 76-5-404.1(c)(xix)** ⬅Ĥ and, under circumstances not

58b amounting to rape, in violation of Section

59   76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of

60   Section 76-5-403, aggravated sexual assault, in violation of Section 76-5-405, unlawful sexual

61   activity with a minor, in violation of Section 76-5-401, or an attempt to commit any of those

62   offenses, the person touches the anus, buttocks, or any part of the genitals of the minor, or

63   touches the breast of a female minor, or otherwise takes indecent liberties with the minor, or

64   causes a minor to take indecent liberties with the actor or another person, with the intent to

65   cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify

66   the sexual desire of any person regardless of the sex of any participant.

67   (3) (a) A violation of this section is a class A misdemeanor[.], except under Subsection

68   (3)(b).

69   (b) A violation of this section is a third degree felony if the actor at the time of the

70   commission of the offense:

71   (i) is 18 years of age or older;

72   (ii) held a position of special trust as a teacher or a volunteer at a school, as that

73   position is defined in Subsection 76-5-404.1(1)(c)(xix); and

74   (iii) committed the offense against an individual who at the time of the offense was

75   enrolled as a student at the school where the actor was employed or was acting as a volunteer.

76   Section 3. Section **76-5-401.2** is amended to read:

77   **76-5-401.2.   Unlawful sexual conduct with a 16- or 17-year-old.**

78   (1) As used in this section, "minor" means a person who is 16 years of age or older, but

79   younger than 18 years of age, at the time the sexual conduct described in Subsection (2)

80   occurred.

81   (2) (a) A person commits unlawful sexual conduct with a minor if, under

82   circumstances not amounting to an offense listed under Subsection (3), a person who is:

83   (i) seven or more years older but less than 10 years older than the minor at the time of

84   the sexual conduct engages in any conduct listed in Subsection (2)(b), and the person knew or

85   reasonably should have known the age of the minor; Ĥ➡ [or] ⬅Ĥ

86   (ii) 10 or more years older than the minor at the time of the sexual conduct and engages

87   in any conduct listed in Subsection (2)(b) Ĥ➡ **; or**

87a **(iii)   or holds a relationship of special trust as an adult teacher, employee, or volunteer, as**

87b **described in Subsection 76-5-404.1(c)(xix)** ⬅Ĥ .