

HB0148S02 compared with HB0148S01

{Omitted text} shows text that was in HB0148S01 but was omitted in HB0148S02

inserted text shows text that was not in HB0148S01 but was inserted into HB0148S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **Child Sexual Abuse Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Ryan D. Wilcox**

. Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses an {enhancement} aggravating factor to certain sexual offenses that are committed against children.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ creates {a sentencing enhancement} an aggravating factor for certain sexual offenses that are committed against a child if the actor:

- 11 • traveled more than {50} 45 miles from the actor's residence to commit the offense; or
- 12 • paid a child to travel more than {50} 45 miles from the child's residence for the actor to commit the offense.

14 **Money Appropriated in this Bill:**

15 None

16 None

19 **ENACTS:**

20 **76-3-203.19** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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- 22 *Be it enacted by the Legislature of the state of Utah:*
- 23 Section 1. Section 1 is enacted to read:
- 24 **76-3-203.19. {Enhancement or increase of sentence} Aggravating factor if actor traveled to**
commit a child sexual offense.
- 26 (1) As used in this section:
- 27 (a) "Child sexual offense" means one of the following offenses:
- 28 (i) human trafficking of a child as described in Section 76-5-308.5;
- 29 (ii) unlawful sexual activity with a minor as described in Section 76-5-401;
- 30 (iii) sexual abuse of a minor as described in Section 76-5-401.1;
- 31 (iv) unlawful sexual conduct with a 16- or 17-year-old as described in Section 76-5-401.2;
- 33 (v) rape of a child as described in Section 76-5-402.1;
- 34 (vi) object rape of a child as described in Section 76-5-402.3;
- 35 (vii) sodomy on a child as described in Section 76-5-403.1;
- 36 (viii) sexual abuse of a child as described in Section 76-5-404.1;
- 37 (ix) aggravated sexual abuse of a child as described in Section 76-5-404.3;
- 38 (x) unlawful kissing of a child as described in Section 76-5-416.2; or
- 39 (xi) unlawful kissing of a minor as described in Section 76-5-416.4.
- 40 (b) "Principal place of residence" means the single location where an individual's habitation is fixed
and to which, whenever the individual is absent, the individual has the intention of returning, as
evidenced by:
- 43 (i) the intent expressed by the individual; and
- 44 (ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.
- 46 (2) {~~An actor is guilty of the enhanced~~} For a defendant convicted of a child sexual offense {~~described~~
~~in Subsection (3)~~}, it is an aggravating factor if the {~~trier of fact~~} sentencing court finds {~~beyond~~
~~a reasonable doubt~~} that {~~an actor, in~~} the {~~course of committing, or attempting to commit, a child~~
~~sexual offense~~} defendant:
- 49 (a) traveled more than {50-} 45 miles from the {actor's-} defendant's principal place of residence for the
purpose of the {actor-} defendant committing, or attempting to commit, the child sexual offense; or
- 51

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(b) paid for, or otherwise facilitated, the victim to travel more than {50} 45 miles from the victim's principal place of residence, for the purpose of the {actor} defendant committing, or attempting to commit, the child sexual offense.

54 ~~{(3) {If the trier of fact finds that an actor committed the conduct described in Subsection (2), the actor is guilty of:} }~~

56 ~~{(a) {a class A misdemeanor if the actor is charged with an offense that is designated by law as a class B misdemeanor;} }~~

58 ~~{(b) {a third degree felony if the actor is charged with an offense that is designated by law as a class A misdemeanor;} }~~

60 ~~{(c) {a second degree felony if the actor is charged with an offense that is designated by law as a third degree felony;} }~~

62 ~~{(d) {a first degree felony if the actor is charged with an offense that is designated by law as a second degree felony; or} }~~

64 ~~{(e) {a first degree felony if the actor is charged with an offense that is designated by law as a first degree felony.} }~~

66 ~~{(4) (3) {If an actor is guilty} When sentencing a defendant convicted of a {first degree felony under} child sexual offense subject to the aggravating factor described in Subsection {(3)(e)} (2), the sentencing court shall {impose an increase of five years to} consider the {minimum term of} aggravating factor and include the {applicable indeterminate prison term} aggravating factor in {addition to any other penalty the court may impose for a first degree felony} the judgment of commitment.~~

70 ~~{(5) {Except as otherwise provided by Section 76-3-406 or another provision of the Utah Code, a court may, in accordance with Section 77-18-105, suspend the execution of an actor's indeterminate prison term imposed under this section.} }~~

73 ~~{(6) {The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment of a child sexual offense that the offense is subject to an enhancement under this section.} }~~

57 (4) In determining the length of imprisonment for a defendant imprisoned for a conviction of an offense against a child or minor subject to the aggravating factor described in Subsection (2), the Board of Pardons and Parole shall consider the aggravating factor.

60 Section 2. **Effective date.**

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This bill takes effect on May 7, 2025.

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