

Prostitution Offense Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Keith Grover

LONG TITLE**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 9 voting for 0 voting against 9 absent

General Description:

This bill reorganizes and amends provisions concerning prostitution and related offenses.

Highlighted Provisions:

This bill:

- adds and modifies definitions;
- reorganizes provisions concerning prostitution and related offenses;
- for clarity, revises names of certain prostitution-related offenses;
- for clarity, provides that a child may not be prosecuted for engaging in sexual solicitation or prostitution;
- separates existing prostitution-related offenses into separate offenses based on the ages of the individuals involved;
- provides new penalties for child offenders of certain prostitution-related offenses that are based on the age of the child offender;
- for clarity, revises offense of engaging in prostitution or sexual solicitation as an HIV positive offender; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-8-41.5 (Effective 05/07/25), as last amended by Laws of Utah 2019, Chapter 303

26B-2-120 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 234

31 **26B-7-205 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,
32 Chapter 308
33 **76-1-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 96
34 **76-2-304.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 140
35 **76-3-203.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 96
36 **76-3-203.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 96,
37 179
38 **76-10-1602 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 96
39 **77-23a-8 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 96, 301
40 **77-38-3 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 240
41 **77-41-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
42 **77-41-106 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
43 **78B-6-1101 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 207
44 **78B-6-1107 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 207
45 **78B-9-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 111,
46 448
47 **80-2-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 240,
48 307
49 **80-6-1002 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 115

50 ENACTS:

51 **76-5d-201 (Effective 05/07/25)**, Utah Code Annotated 1953
52 **76-5d-204 (Effective 05/07/25)**, Utah Code Annotated 1953
53 **76-5d-205 (Effective 05/07/25)**, Utah Code Annotated 1953
54 **76-5d-210 (Effective 05/07/25)**, Utah Code Annotated 1953
55 **76-5d-211 (Effective 05/07/25)**, Utah Code Annotated 1953

56 RENUMBERS AND AMENDS:

57 **76-5d-101 (Effective 05/07/25)**, (Renumbered from 76-10-1301, as last amended by
58 Laws of Utah 2022, Chapter 124)
59 **76-5d-102 (Effective 05/07/25)**, (Renumbered from 76-10-1307, as enacted by Laws
60 of Utah 1991, Chapter 107)
61 **76-5d-103 (Effective 05/07/25)**, (Renumbered from 76-10-1311, as last amended by
62 Laws of Utah 2023, Chapters 184, 330)
63 **76-5d-104 (Effective 05/07/25)**, (Renumbered from 76-10-1312, as last amended by
64 Laws of Utah 2023, Chapter 330)

65 **76-5d-105 (Effective 05/07/25)**, (Renumbered from 76-10-1314, as enacted by Laws
 66 of Utah 1993, Chapter 179)
 67 **76-5d-106 (Effective 05/07/25)**, (Renumbered from 76-10-1315, as last amended by
 68 Laws of Utah 2022, Chapters 124, 181 and 335)
 69 **76-5d-202 (Effective 05/07/25)**, (Renumbered from 76-10-1302, as last amended by
 70 Laws of Utah 2023, Chapter 111)
 71 **76-5d-203 (Effective 05/07/25)**, (Renumbered from 76-10-1303, as last amended by
 72 Laws of Utah 2024, Chapter 140)
 73 **76-5d-206 (Effective 05/07/25)**, (Renumbered from 76-10-1304, as last amended by
 74 Laws of Utah 2018, Chapter 308)
 75 **76-5d-207 (Effective 05/07/25)**, (Renumbered from 76-10-1305, as last amended by
 76 Laws of Utah 2018, Chapter 308)
 77 **76-5d-208 (Effective 05/07/25)**, (Renumbered from 76-10-1306, as last amended by
 78 Laws of Utah 2022, Chapter 181)
 79 **76-5d-209 (Effective 05/07/25)**, (Renumbered from 76-10-1313, as last amended by
 80 Laws of Utah 2022, Chapters 124, 181 and last amended by Coordination Clause, Laws of
 81 Utah 2022, Chapter 124)
 82 **76-5d-212 (Effective 05/07/25)**, (Renumbered from 76-10-1309, as last amended by
 83 Laws of Utah 2011, Chapter 70)

84 REPEALS:

85 **76-10-1308 (Effective 05/07/25)**, as enacted by Laws of Utah 1991, Chapter 107
 86 **76-10-1310 (Effective 05/07/25)**, as last amended by Laws of Utah 2011, Chapter 70

87

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

89 Section 1. Section **10-8-41.5** is amended to read:

90 **10-8-41.5 (Effective 05/07/25). Regulation of sexually oriented business.**

91 (1) As used in this section:

92 (a) "Adult service" means dancing, serving food or beverages, modeling, posing,
 93 wrestling, singing, reading, talking, listening, or other performances or activities
 94 conducted by a nude or partially denuded individual for compensation.

95 (b) "Compensation" means:

96 (i) a salary;

97 (ii) a fee;

98 (iii) a commission;

- 99 (iv) employment;
- 100 (v) a profit; or
- 101 (vi) other pecuniary gain.
- 102 (c)(i) "Escort" means a person who, for compensation, dates, socializes with, visits,
- 103 consorts with, or accompanies another, or offers to date, consort with, socialize
- 104 with, visit, or accompany another:
- 105 (A) to a social affair, entertainment, or a place of amusement; or
- 106 (B) within a place of public or private resort, a business or commercial
- 107 establishment, or a private quarter.
- 108 (ii) "Escort" does not mean a person who provides business or personal services,
- 109 including:
- 110 (A) a licensed private nurse;
- 111 (B) an aide for the elderly or a person with a disability;
- 112 (C) a social secretary or similar service personnel whose relationship with a patron
- 113 is characterized by a contractual relationship having a duration of 12 hours or
- 114 more and who provides a service not principally characterized as dating or
- 115 socializing; or
- 116 (D) a person who provides services such as singing telegrams, birthday greetings,
- 117 or similar activities that are characterized by an appearance in a public place,
- 118 contracted for by a party other than the person for whom the service is being
- 119 performed, and of a duration not to exceed one hour.
- 120 (d) "Escort service" means any person who furnishes or arranges for an escort to
- 121 accompany another individual for compensation.
- 122 (e) "Nude or partially denuded individual" means an individual with any of the
- 123 following less than completely and opaquely covered:
- 124 (i) genitals;
- 125 (ii) the pubic region; or
- 126 (iii) a female breast below a point immediately above the top of the areola.
- 127 (f)(i) "Sexually oriented business" means a business at which any nude or partially
- 128 denuded individual, regardless of whether the nude or partially denuded individual
- 129 is an employee of the sexually oriented business or an independent contractor,
- 130 performs any service for compensation.
- 131 (ii) "Sexually oriented business" includes:
- 132 (A) an escort service; or

- 133 (B) an adult service.
- 134 (2) A person employed in a sexually oriented business may not work in a municipality if:
- 135 (a) the municipality requires that a person employed in a sexually oriented business
- 136 obtain an individual license; and
- 137 (b) the person has not obtained an individual license from the municipality.
- 138 (3) A business entity that conducts a sexually oriented business may not conduct business
- 139 in a municipality if:
- 140 (a) the municipality requires that a sexually oriented business obtain a license; and
- 141 (b) the business entity has not obtained a license from the municipality.
- 142 (4)(a) A violation of this section by an individual who is at least 18 years old is a class
- 143 A misdemeanor.
- 144 (b) A person charged under this section may not also be charged under Section [
- 145 76-10-1302] 76-5d-202, Engaging in prostitution.
- 146 Section 2. Section **26B-2-120** is amended to read:
- 147 **26B-2-120 (Effective 05/07/25). Background check -- Direct access to children or**
- 148 **vulnerable adults.**
- 149 (1) As used in this section:
- 150 (a)(i) "Applicant" means an individual who is associated with a certification,
- 151 contract, or licensee with the department under this part and has direct access,
- 152 including:
- 153 (A) an adoptive parent or prospective adoptive parent, including an applicant for
- 154 an adoption in accordance with Section 78B-6-128;
- 155 (B) a foster parent or prospective foster parent;
- 156 (C) an individual who provides respite care to a foster parent or an adoptive parent
- 157 on more than one occasion;
- 158 (D) an individual who transports a child for a youth transportation company;
- 159 (E) an individual who provides certified peer support, as defined in Section
- 160 26B-5-610;
- 161 (F) an individual who provides peer supports, has a disability or a family member
- 162 with a disability, or is in recovery from a mental illness or a substance use
- 163 disorder;
- 164 (G) an individual who has lived experience with the services provided by the
- 165 department, and uses that lived experience to provide support, guidance, or
- 166 services to promote resiliency and recovery;

- 167 (H) an individual who is identified as a mental health professional, licensed under
168 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in
169 the practice of mental health therapy, as defined in Section 58-60-102;
- 170 (I) an individual, other than the child or vulnerable adult receiving the service,
171 who is 12 years old or older and resides in a home, that is licensed or certified
172 by the division;
- 173 (J) an individual who is 12 years old or older and is associated with a certification,
174 contract, or licensee with the department under this part and has or will likely
175 have direct access;
- 176 (K) a foster home licensee that submits an application for an annual background
177 screening as required by Subsection 26B-2-105(4)(d)(iii); or
- 178 (L) a short-term relief care provider.
- 179 (ii) "Applicant" does not include:
- 180 (A) an individual who is in the custody of the Division of Child and Family
181 Services or the Division of Juvenile Justice and Youth Services;
- 182 (B) an individual who applies for employment with, or is employed by, the
183 Department of Health and Human Services;
- 184 (C) a parent of a person receiving services from the Division of Services for
185 People with Disabilities, if the parent provides direct care to and resides with
186 the person, including if the parent provides direct care to and resides with the
187 person pursuant to a court order; or
- 188 (D) an individual or a department contractor who provides services in an adults
189 only substance use disorder program, as defined by rule adopted by the
190 Department of Health and Human Services in accordance with Title 63G,
191 Chapter 3, Utah Administrative Rulemaking Act, and who is not a program
192 director or a member, as defined by Section 26B-2-105, of the program.
- 193 (b) "Application" means a background check application to the office.
- 194 (c) "Bureau" means the Bureau of Criminal Identification within the Department of
195 Public Safety, created in Section 53-10-201.
- 196 (d) "Criminal finding" means a record of:
- 197 (i) an arrest for a criminal offense;
- 198 (ii) a warrant for a criminal arrest;
- 199 (iii) charges for a criminal offense; or
- 200 (iv) a criminal conviction.

- 201 (e) "Direct access" means that an individual has, or likely will have:
- 202 (i) contact with or access to a child or vulnerable adult by which the individual will
- 203 have the opportunity for personal communication or touch with the child or
- 204 vulnerable adult; or
- 205 (ii) an opportunity to view medical, financial, or other confidential personal
- 206 identifying information of the child, the child's parent or legal guardian, or the
- 207 vulnerable adult.
- 208 (f)(i) "Direct access qualified" means that the applicant has an eligible determination
- 209 by the office within the license and renewal time period; and
- 210 (ii) no more than 180 days have passed since the date on which the applicant's
- 211 association with a certification, contract, or licensee with the department expires.
- 212 (g) "Incidental care" means occasional care, not in excess of five hours per week and
- 213 never overnight, for a foster child.
- 214 (h) "Licensee" means an individual or a human services program licensed by the
- 215 division.
- 216 (i) "Non-criminal finding" means a record maintained in:
- 217 (i) the Division of Child and Family Services' Management Information System
- 218 described in Section 80-2-1001;
- 219 (ii) the Division of Child and Family Services' Licensing Information System
- 220 described in Section 80-2-1002;
- 221 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or
- 222 exploitation database described in Section 26B-6-210;
- 223 (iv) juvenile court arrest, adjudication, and disposition records;
- 224 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 77,
- 225 Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
- 226 offender registry; or
- 227 (vi) a state child abuse or neglect registry.
- 228 (j) "Office" means the Office of Background Processing within the department.
- 229 (k) "Personal identifying information" means:
- 230 (i) current name, former names, nicknames, and aliases;
- 231 (ii) date of birth;
- 232 (iii) physical address and email address;
- 233 (iv) telephone number;
- 234 (v) driver license or other government-issued identification;

- 235 (vi) social security number;
- 236 (vii) only for applicants who are 18 years old or older, fingerprints, in a form
- 237 specified by the office; and
- 238 (viii) other information specified by the office by rule made in accordance with Title
- 239 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 240 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the
- 241 following to the office:
- 242 (a) personal identifying information;
- 243 (b) a fee established by the office under Section 63J-1-504;
- 244 (c) a disclosure form, specified by the office, for consent for:
- 245 (i) an initial background check upon association with a certification, contract, or
- 246 licensee with the department;
- 247 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a
- 248 certification, contract, or licensee with the department for 180 days;
- 249 (iii) a background check when the office determines that reasonable cause exists; and
- 250 (iv) retention of personal identifying information, including fingerprints, for
- 251 monitoring and notification as described in Subsections (3)(c) and (4);
- 252 (d) if an applicant resided outside of the United States and its territories during the five
- 253 years immediately preceding the day on which the information described in
- 254 Subsections (2)(a) through (c) is submitted to the office, documentation establishing
- 255 whether the applicant was convicted of a crime during the time that the applicant
- 256 resided outside of the United States or its territories; and
- 257 (e) an application showing an applicant's association with a certification, contract, or a
- 258 licensee with the department, for the purpose of the office tracking the direct access
- 259 qualified status of the applicant, which expires 180 days after the date on which the
- 260 applicant is no longer associated with a certification, contract, or a licensee with the
- 261 department.
- 262 (3) The office:
- 263 (a) shall perform the following duties as part of a background check of an applicant
- 264 before the office grants or denies direct access qualified status to an applicant:
- 265 (i) check state and regional criminal background databases for the applicant's
- 266 criminal history by:
- 267 (A) submitting personal identifying information to the bureau for a search; or
- 268 (B) using the applicant's personal identifying information to search state and

- 269 regional criminal background databases as authorized under Section 53-10-108;
- 270 (ii) submit the applicant's personal identifying information and fingerprints to the
271 bureau for a criminal history search of applicable national criminal background
272 databases;
- 273 (iii) search the Division of Child and Family Services' Licensing Information System
274 described in Section 80-2-1002;
- 275 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title
276 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national
277 sex offender registry for an applicant 18 years old or older;
- 278 (v) if the applicant is associated with a licensee for a prospective foster or adoptive
279 parent, search the Division of Child and Family Services' Management
280 Information System described in Section 80-2-1001;
- 281 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,
282 or exploitation database described in Section 26B-6-210;
- 283 (vii) search the juvenile court records for substantiated findings of severe child abuse
284 or neglect described in Section 80-3-404; and
- 285 (viii) search the juvenile court arrest, adjudication, and disposition records, as
286 provided under Section 78A-6-209;
- 287 (b) may conduct all or portions of a background check in connection with determining
288 whether an applicant is direct access qualified, as provided by rule, made by the
289 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 290 (i) for an annual renewal; or
291 (ii) when the office determines that reasonable cause exists;
- 292 (c) may submit an applicant's personal identifying information, including fingerprints, to
293 the bureau for checking, retaining, and monitoring of state and national criminal
294 background databases and for notifying the office of new criminal activity associated
295 with the applicant;
- 296 (d) shall track the status of an applicant under this section to ensure that the applicant is
297 not required to duplicate the submission of the applicant's fingerprints if the applicant
298 is associated with more than one certification, contract, or licensee with the
299 department;
- 300 (e) shall notify the bureau when a direct access qualified individual has not been
301 associated with a certification, contract, or licensee with the department for a period
302 of 180 days;

- 303 (f) shall adopt measures to strictly limit access to personal identifying information solely
304 to the individuals responsible for processing and entering the applications for
305 background checks and to protect the security of the personal identifying information
306 the office reviews under this Subsection (3);
- 307 (g) as necessary to comply with the federal requirement to check a state's child abuse
308 and neglect registry regarding any applicant working in a congregate care program,
309 shall:
- 310 (i) search the Division of Child and Family Services' Licensing Information System
311 described in Section 80-2-1002; and
- 312 (ii) require the child abuse and neglect registry be checked in each state where an
313 applicant resided at any time during the five years immediately preceding the day
314 on which the application is submitted to the office; and
- 315 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
316 Rulemaking Act, to implement the provisions of this Subsection (3) relating to
317 background checks.
- 318 (4)(a) With the personal identifying information the office submits to the bureau under
319 Subsection (3), the bureau shall check against state and regional criminal background
320 databases for the applicant's criminal history.
- 321 (b) With the personal identifying information and fingerprints the office submits to the
322 bureau under Subsection (3), the bureau shall check against national criminal
323 background databases for the applicant's criminal history.
- 324 (c) Upon direction from the office, and with the personal identifying information and
325 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:
- 326 (i) maintain a separate file of the fingerprints for search by future submissions to the
327 local and regional criminal records databases, including latent prints; and
- 328 (ii) monitor state and regional criminal background databases and identify criminal
329 activity associated with the applicant.
- 330 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of
331 Investigation Next Generation Identification System, to be retained in the Federal
332 Bureau of Investigation Next Generation Identification System for the purpose of:
- 333 (i) being searched by future submissions to the national criminal records databases,
334 including the Federal Bureau of Investigation Next Generation Identification
335 System and latent prints; and
- 336 (ii) monitoring national criminal background databases and identifying criminal

- 337 activity associated with the applicant.
- 338 (e) The [~~Bureau~~] bureau shall notify and release to the office all information of criminal
339 activity associated with the applicant.
- 340 (f) Upon notice that an individual who has direct access qualified status will no longer
341 be associated with a certification, contract, or licensee with the department, the
342 bureau shall:
- 343 (i) discard and destroy any retained fingerprints; and
- 344 (ii) notify the Federal Bureau of Investigation when the license has expired or an
345 individual's direct access to a child or a vulnerable adult has ceased, so that the
346 Federal Bureau of Investigation will discard and destroy the retained fingerprints
347 from the Federal Bureau of Investigation Next Generation Identification System.
- 348 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access
349 qualified status to an applicant who, within three years from the date on which the
350 office conducts the background check, was convicted of:
- 351 (i) a felony or misdemeanor involving conduct that constitutes any of the following:
- 352 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,
353 cruelty to animals, or bestiality;
- 354 (B) a violation of any pornography law, including sexual exploitation of a minor
355 or aggravated sexual exploitation of a minor;
- 356 (C) sexual solicitation or prostitution;
- 357 (D) a violent offense committed in the presence of a child, as described in Section
358 76-3-203.10;
- 359 (E) an offense included in Title 76, Chapter 4, Part 4, Enticement of a Minor;
- 360 (F) an offense included in Title 76, Chapter 5, Offenses Against the Individual;
- 361 (G) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act;
- 362 (H) an offense included in Title 76, Chapter 7, Offenses Against the Family;
- 363 (I) an offense included in Title 76, Chapter 9, Part 4, Offenses Against Privacy;
- 364 (J) an offense included in Title 76, Chapter 10, Part 4, Weapons of Mass
365 Destruction;
- 366 (K) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking
367 Injunctions;
- 368 (L) aggravated arson, as described in Section 76-6-103;
- 369 (M) aggravated burglary, as described in Section 76-6-203;
- 370 (N) aggravated exploitation of prostitution, as described in Section [76-10-1306]

- 371 76-5d-208;
372 (O) aggravated robbery, as described in Section 76-6-302;
373 (P) endangering persons in a human services program, as described in Section
374 26B-2-113;
375 (Q) failure to report, as described in Section 80-2-609;
376 (R) identity fraud crime, as described in Section 76-6-1102;
377 (S) leaving a child unattended in a motor vehicle, as described in Section
378 76-10-2202;
379 (T) riot, as described in Section 76-9-101;
380 (U) sexual battery, as described in Section 76-9-702.1; or
381 (V) threatening with or using a dangerous weapon in a fight or quarrel, as
382 described in Section 76-10-506; or
383 (ii) a felony or misdemeanor offense committed outside of the state that, if committed
384 in the state, would constitute a violation of an offense described in Subsection
385 (5)(a)(i).
386 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a
387 peer support provider or a mental health professional, if the applicant provides
388 services in a program that serves only adults with a primary mental health
389 diagnosis, with or without a co-occurring substance use disorder.
390 (ii) The office shall conduct a comprehensive review of an applicant described in
391 Subsection (5)(b)(i) in accordance with Subsection (7).
392 (c) The office shall deny direct access qualified status to an applicant if the office finds
393 that a court order prohibits the applicant from having direct access to a child or
394 vulnerable adult.
395 (6) The office shall conduct a comprehensive review of an applicant's background check if
396 the applicant:
397 (a) has a felony or class A misdemeanor conviction that is more than three years from
398 the date on which the office conducts the background check, for an offense described
399 in Subsection (5)(a);
400 (b) has a felony charge or conviction that is no more than 10 years from the date on
401 which the office conducts the background check for an offense not described in
402 Subsection (5)(a);
403 (c) has a felony charge or conviction that is more than 10 years from the date on which
404 the office conducts the background check, for an offense not described in Subsection

- 405 (5)(a), with criminal or non-criminal findings after the date of the felony charge or
406 conviction;
- 407 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than
408 three years and no more than 10 years from the date on which the office conducts the
409 background check for an offense described in Subsection (5)(a);
- 410 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10
411 years from the date on which the office conducts the background check, for an
412 offense described in Subsection (5)(a), with criminal or non-criminal findings after
413 the date of conviction;
- 414 (f) has a misdemeanor charge or conviction that is no more than three years from the
415 date on which the office conducts the background check for an offense not described
416 in Subsection (5)(a);
- 417 (g) has a misdemeanor charge or conviction that is more than three years from the date
418 on which the office conducts the background check, for an offense not described in
419 Subsection (5)(a), with criminal or non-criminal findings after the date of charge or
420 conviction;
- 421 (h) is currently subject to a plea in abeyance or diversion agreement for an offense
422 described in Subsection (5)(a);
- 423 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title
424 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
425 offender registry;
- 426 (j) has a record of an adjudication in juvenile court for an act that, if committed by an
427 adult, would be a felony or misdemeanor, if the applicant is:
- 428 (i) under 28 years old; or
- 429 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is
430 currently subject to a plea in abeyance or diversion agreement for a felony or a
431 misdemeanor offense described in Subsection (5)(a);
- 432 (k) has a pending charge for an offense described in Subsection (5)(a);
- 433 (l) has a listing that occurred no more than 15 years from the date on which the office
434 conducts the background check in the Division of Child and Family Services'
435 Licensing Information System described in Section ;
- 436 (m) has a listing that occurred more than 15 years from the date on which the office
437 conducts the background check in the Division of Child and Family Services'
438 Licensing Information System described in Section 80-2-1002, with criminal or

- 439 non-criminal findings after the date of the listing;
- 440 (n) has a listing that occurred no more than 15 years from the date on which the office
441 conducts the background check in the Division of Aging and Adult Services'
442 vulnerable adult abuse, neglect, or exploitation database described in Section
443 26B-6-210;
- 444 (o) has a listing that occurred more than 15 years from the date on which the office
445 conducts the background check in the Division of Aging and Adult Services'
446 vulnerable adult abuse, neglect, or exploitation database described in Section
447 26B-6-210, with criminal or non-criminal findings after the date of the listing;
- 448 (p) has a substantiated finding that occurred no more than 15 years from the date on
449 which the office conducts the background check of severe child abuse or neglect
450 under Section 80-3-404 or 80-3-504[-]; or
- 451 (q) has a substantiated finding that occurred more than 15 years from the date on which
452 the office conducts the background check of severe child abuse or neglect under
453 Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of
454 the listing.
- 455 (7)(a) The comprehensive review shall include an examination of:
- 456 (i) the date of the offense or incident;
- 457 (ii) the nature and seriousness of the offense or incident;
- 458 (iii) the circumstances under which the offense or incident occurred;
- 459 (iv) the age of the perpetrator when the offense or incident occurred;
- 460 (v) whether the offense or incident was an isolated or repeated incident;
- 461 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable
462 adult, including:
- 463 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
- 464 (B) sexual abuse;
- 465 (C) sexual exploitation; or
- 466 (D) negligent treatment;
- 467 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric
468 treatment received, or additional academic or vocational schooling completed;
- 469 (viii) the applicant's risk of harm to clientele in the program or in the capacity for
470 which the applicant is applying; and
- 471 (ix) if the background check of an applicant is being conducted for the purpose of
472 giving direct access qualified status to an applicant seeking a position in a

473 congregate care program or to become a prospective foster or adoptive parent, any
474 listing in the Division of Child and Family Services' Management Information
475 System described in Section 80-2-1001.

476 (b) At the conclusion of the comprehensive review, the office shall deny direct access
477 qualified status to an applicant if the office finds the approval would likely create a
478 risk of harm to a child or vulnerable adult.

479 (8) The office shall grant direct access qualified status to an applicant who is not denied
480 under this section.

481 (9)(a) The office may conditionally grant direct access qualified status to an applicant,
482 for a maximum of 60 days after the day on which the office sends written notice,
483 without requiring that the applicant be directly supervised, if the office:

484 (i) is awaiting the results of the criminal history search of national criminal
485 background databases; and

486 (ii) would otherwise grant direct access qualified status to the applicant under this
487 section.

488 (b) The office may conditionally grant direct access qualified status to an applicant, for a
489 maximum of one year after the day on which the office sends written notice, without
490 requiring that the applicant be directly supervised if the office:

491 (i) is awaiting the results of an out-of-state registry for providers other than foster and
492 adoptive parents; and

493 (ii) would otherwise grant direct access qualified status to the applicant under this
494 section.

495 (c) Upon receiving the results of the criminal history search of a national criminal
496 background database, the office shall grant or deny direct access qualified status to
497 the applicant in accordance with this section.

498 (10)(a) Each time an applicant is associated with a licensee, the department shall review
499 the current status of the applicant's background check to ensure the applicant is still
500 eligible for direct access qualified status in accordance with this section.

501 (b) A licensee may not permit an individual to have direct access to a child or a
502 vulnerable adult without being directly supervised unless:

503 (i) the individual is the parent or guardian of the child, or the guardian of the
504 vulnerable adult;

505 (ii) the individual is approved by the parent or guardian of the child, or the guardian
506 of the vulnerable adult, to have direct access to the child or the vulnerable adult;

- 507 (iii) the individual is only permitted to have direct access to a vulnerable adult who
508 voluntarily invites the individual to visit; or
- 509 (iv) the individual only provides incidental care for a foster child on behalf of a foster
510 parent who has used reasonable and prudent judgment to select the individual to
511 provide the incidental care for the foster child.
- 512 (c) Notwithstanding any other provision of this section, an applicant who is denied direct
513 access qualified status shall not have direct access to a child or vulnerable adult
514 unless the office grants direct access qualified status to the applicant through a
515 subsequent application in accordance with this section.
- 516 (11) If the office denies direct access qualified status to an applicant, the applicant may
517 request a hearing in the department's Office of Administrative Hearings to challenge the
518 office's decision.
- 519 (12)(a) This Subsection (12) applies to an applicant associated with a certification,
520 contract, or licensee serving adults only.
- 521 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee
522 shall comply with this section.
- 523 (c) The office shall conduct a comprehensive review for an applicant if:
- 524 (i) the applicant is seeking a position:
- 525 (A) as a peer support provider;
- 526 (B) as a mental health professional; or
- 527 (C) in a program that serves only adults with a primary mental health diagnosis,
528 with or without a co-occurring substance use disorder; and
- 529 (ii) within three years from the date on which the office conducts the background
530 check, the applicant has a felony or misdemeanor charge or conviction or a
531 non-criminal finding.
- 532 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate
533 care program, an applicant seeking to provide a prospective foster home, an applicant
534 seeking to provide a prospective adoptive home, and each adult living in the home of
535 the prospective foster or prospective adoptive home.
- 536 (b) As federally required, the office shall:
- 537 (i) check the child abuse and neglect registry in each state where each applicant
538 resided in the five years immediately preceding the day on which the applicant
539 applied to be a foster or adoptive parent, to determine whether the prospective
540 foster or adoptive parent is listed in the registry as having a substantiated or

- 541 supported finding of child abuse or neglect; and
- 542 (ii) except for applicants seeking a position in a congregate care program, check the
- 543 child abuse and neglect registry in each state where each adult living in the home
- 544 of the prospective foster or adoptive home resided in the five years immediately
- 545 preceding the day on which the applicant applied to be a foster or adoptive parent,
- 546 to determine whether the adult is listed in the registry as having a substantiated or
- 547 supported finding of child abuse or neglect.
- 548 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:
- 549 (i) federal law or rule permits otherwise; or
- 550 (ii) the requirements would prohibit the Division of Child and Family Services or a
- 551 court from placing a child with:
- 552 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
- 553 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,
- 553a or 80-3-303, pending completion of the background check described in
- 554 Subsections (5), (6), and (7).
- 556 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 557 qualified status if the applicant has been convicted of:
- 558 (i) a felony involving conduct that constitutes any of the following:
- 559 (A) child abuse, as described in Sections 76-5-109, 76-5-109.2, and 76-5-109.3;
- 560 (B) commission of domestic violence in the presence of a child, as described in
- 561 Section 76-5-114;
- 562 (C) abuse or neglect of a child with a disability, as described in Section 76-5-110;
- 563 (D) intentional aggravated abuse of a vulnerable adult, as described in Section
- 564 76-5-111;
- 565 (E) endangerment of a child or vulnerable adult, as described in Section
- 566 76-5-112.5;
- 567 (F) aggravated murder, as described in Section 76-5-202;
- 568 (G) murder, as described in Section 76-5-203;
- 569 (H) manslaughter, as described in Section 76-5-205;
- 570 (I) child abuse homicide, as described in Section 76-5-208;
- 571 (J) homicide by assault, as described in Section 76-5-209;
- 572 (K) kidnapping, as described in Section 76-5-301;
- 573 (L) child kidnapping, as described in Section 76-5-301.1;

- 574 (M) aggravated kidnapping, as described in Section 76-5-302;
- 575 (N) human trafficking of a child, as described in Section 76-5-308.5;
- 576 (O) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;
- 577 (P) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual
- 578 Exploitation Act;
- 579 (Q) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
- 580 (R) aggravated arson, as described in Section 76-6-103;
- 581 (S) aggravated burglary, as described in Section 76-6-203;
- 582 (T) aggravated robbery, as described in Section 76-6-302;
- 583 (U) lewdness involving a child, as described in Section 76-9-702.5;
- 584 (V) incest, as described in Section 76-7-102; or
- 585 (W) domestic violence, as described in Section 77-36-1; or
- 586 (ii) an offense committed outside the state that, if committed in the state, would
- 587 constitute a violation of an offense described in Subsection (13)(d)(i).
- 588 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 589 qualified status to an applicant if, within the five years from the date on which the
- 590 office conducts the background check, the applicant was convicted of a felony
- 591 involving conduct that constitutes a violation of any of the following:
- 592 (i) aggravated assault, as described in Section 76-5-103;
- 593 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
- 594 (iii) mayhem, as described in Section 76-5-105;
- 595 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;
- 596 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 597 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances
- 598 Act;
- 599 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance
- 600 Precursor Act; or
- 601 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 602 (f) In addition to the circumstances described in Subsection (6), the office shall conduct
- 603 a comprehensive review of an applicant's background check under this section if the
- 604 applicant:
- 605 (i) has an offense described in Subsection (5)(a);
- 606 (ii) has an infraction conviction entered on a date that is no more than three years
- 607 before the date on which the office conducts the background check;

- 608 (iii) has a listing in the Division of Child and Family Services' Licensing Information
 609 System described in Section 80-2-1002;
- 610 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,
 611 neglect, or exploitation database described in Section 26B-2-210;
- 612 (v) has a substantiated finding of severe child abuse or neglect under Section
 613 80-3-404 or 80-3-504; or
- 614 (vi) has a listing on the registry check described in Subsection (13)(b) as having a
 615 substantiated or supported finding of a severe type of child abuse or neglect, as
 616 defined in Section 80-1-102.

617 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 618 office may make rules, consistent with this part, to:

- 619 (a) establish procedures for, and information to be examined in, the comprehensive
 620 review described in Subsections (6), (7), and (13); and
- 621 (b) determine whether to consider an offense or incident that occurred while an
 622 individual was in the custody of the Division of Child and Family Services or the
 623 Division of Juvenile Justice and Youth Services for purposes of granting or denying
 624 direct access qualified status to an applicant.

625 Section 3. Section **26B-7-205** is amended to read:

626 **26B-7-205 (Effective 05/07/25). Willful introduction of communicable disease a**
 627 **misdemeanor.**

628 Any person who willfully or knowingly introduces any communicable or
 629 infectious disease into any county, municipality, or community is guilty of a class A
 630 misdemeanor, except as provided in Section [~~76-10-1309~~] 76-5d-212.

631 Section 4. Section **76-1-301** is amended to read:

632 **76-1-301 (Effective 05/07/25). Offenses for which prosecution may be**
 633 **commenced at any time.**

634 (1) As used in this section:

- 635 (a) "Aggravating offense" means any offense incident to which a homicide was
 636 committed as described in Subsection 76-5-202(2)(a)(iv) or (v) or Subsection
 637 76-5-202(2)(b).
- 638 (b) "Predicate offense" means an offense described in Subsection 76-5-203(1)(a) if a
 639 person other than a party as defined in Section 76-2-202 was killed in the course of
 640 the commission, attempted commission, or immediate flight from the commission or
 641 attempted commission of the offense.

- 642 (2) Notwithstanding any other provisions of this code, prosecution for the following
 643 offenses may be commenced at any time:
- 644 (a) an offense classified as a capital felony under Section 76-3-103;
 - 645 (b) aggravated murder under Section 76-5-202;
 - 646 (c) murder under Section 76-5-203;
 - 647 (d) manslaughter under Section 76-5-205;
 - 648 (e) child abuse homicide under Section 76-5-208;
 - 649 (f) aggravated kidnapping under Section 76-5-302;
 - 650 (g) child kidnapping under Section 76-5-301.1;
 - 651 (h) rape under Section 76-5-402;
 - 652 (i) rape of a child under Section 76-5-402.1;
 - 653 (j) object rape under Section 76-5-402.2;
 - 654 (k) object rape of a child under Section 76-5-402.3;
 - 655 (l) forcible sodomy under Section 76-5-403;
 - 656 (m) sodomy on a child under Section 76-5-403.1;
 - 657 (n) sexual abuse of a child under Section 76-5-404.1;
 - 658 (o) aggravated sexual abuse of a child under Section 76-5-404.3;
 - 659 (p) aggravated sexual assault under Section 76-5-405;
 - 660 (q) any predicate offense to a murder or aggravating offense to an aggravated murder;
 - 661 (r) aggravated human trafficking under Section 76-5-310;
 - 662 (s) aggravated human smuggling under Section 76-5-310.1;
 - 663 (t) aggravated exploitation of prostitution involving a child under Section [76-10-1306]
 664 76-5d-208; or
 - 665 (u) human trafficking of a child under Section 76-5-308.5.

666 Section 5. Section **76-2-304.5** is amended to read:

667 **76-2-304.5 (Effective 05/07/25). Mistake as to victim's age not a defense.**

- 668 (1) It is not a defense to the following offenses that the actor mistakenly believed the victim
 669 to be 14 years old or older at the time of the alleged offense or was unaware of the
 670 victim's true age:
- 671 (a) child kidnapping, Section 76-5-301.1;
 - 672 (b) rape of a child, Section 76-5-402.1;
 - 673 (c) object rape of a child, Section 76-5-402.3;
 - 674 (d) sodomy on a child, Section 76-5-403.1;
 - 675 (e) sexual abuse of a child, Section 76-5-404.1;

- 676 (f) aggravated sexual abuse of a child, Section 76-5-404.3;
- 677 (g) unlawful kissing of a child, Section 76-5-416.2; or
- 678 (h) an attempt to commit an offense listed in Subsections (1)(a) through (1)(g).
- 679 (2) It is not a defense to the following offenses that the actor mistakenly believed the victim
- 680 to be 16 years old or older at the time of the alleged offense or was unaware of the
- 681 victim's true age:
- 682 (a) unlawful sexual activity with a minor, Section 76-5-401;
- 683 (b) sexual abuse of a minor, Section 76-5-401.1; or
- 684 (c) an attempt to commit an offense listed in Subsection (2)(a) or (2)(b).
- 685 (3) It is not a defense to the following offenses that the actor mistakenly believed the victim
- 686 to be 18 years old or older at the time of the alleged offense or was unaware of the
- 687 victim's true age:
- 688 (a) human trafficking of a child, Section 76-5-308.5;
- 689 (b) aggravated human trafficking, Section 76-5-310;
- 690 (c) aggravated human smuggling, Section 76-5-310.1;
- 691 (d) unlawful sexual conduct with a minor, Subsection 76-5-401.2(2)(a)(ii);
- 692 (e) patronizing [~~a prostitute, Section 76-10-1303~~] a prostituted individual who is a child,
- 693 Section 76-5d-204;
- 694 (f) aggravated exploitation of prostitution, Section [~~76-10-1306~~] 76-5d-208; or
- 695 (g) sexual solicitation[~~, Section 76-10-1313~~] by an actor offering compensation to a child
- 696 in exchange for sexual activity, Section 76-5d-211.

697 Section 6. Section **76-3-203.1** is amended to read:

698 **76-3-203.1 (Effective 05/07/25). Offenses committed in concert with three or**

699 **more persons or in relation to a criminal street gang -- Notice -- Enhanced penalties.**

- 700 (1) As used in this section:
- 701 (a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
- 702 (b) "In concert with three or more persons" means:
- 703 (i) the defendant was aided or encouraged by at least three other persons in
- 704 committing the offense and was aware of this aid or encouragement; and
- 705 (ii) each of the other persons:
- 706 (A) was physically present; and
- 707 (B) participated as a party to any offense listed in Subsection (4), (5), or (6).
- 708 (c) "In concert with three or more persons" means, regarding intent:
- 709 (i) other persons participating as parties need not have the intent to engage in the

- 710 same offense or degree of offense as the defendant; and
- 711 (ii) a minor is a party if the minor's actions would cause the minor to be a party if the
- 712 minor were an adult.
- 713 (2) A person who commits any offense in accordance with this section is subject to an
- 714 enhanced penalty as provided in Subsection (4), (5), or (6) if the trier of fact finds
- 715 beyond a reasonable doubt that the person acted:
- 716 (a) in concert with three or more persons;
- 717 (b) for the benefit of, at the direction of, or in association with any criminal street gang
- 718 as defined in Section 76-9-802; or
- 719 (c) to gain recognition, acceptance, membership, or increased status with a criminal
- 720 street gang as defined in Section 76-9-802.
- 721 (3) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be
- 722 subscribed upon the information or indictment notice that the defendant is subject to the
- 723 enhanced penalties provided under this section.
- 724 (4)(a) For an offense listed in Subsection (4)(b), a person may be charged as follows:
- 725 (i) for a class B misdemeanor, as a class A misdemeanor; and
- 726 (ii) for a class A misdemeanor, as a third degree felony.
- 727 (b) The following offenses are subject to Subsection (4)(a):
- 728 (i) criminal mischief as described in Section 76-6-106;
- 729 (ii) property damage or destruction as described in Section 76-6-106.1; and
- 730 (iii) defacement by graffiti as described in Section 76-6-107.
- 731 (5)(a) For an offense listed in Subsection (5)(b), a person may be charged as follows:
- 732 (i) for a class B misdemeanor, as a class A misdemeanor;
- 733 (ii) for a class A misdemeanor, as a third degree felony; and
- 734 (iii) for a third degree felony, as a second degree felony.
- 735 (b) The following offenses are subject to Subsection (5)(a):
- 736 (i) burglary, if committed in a dwelling as defined in Subsection 76-6-202(3)(b);
- 737 (ii) any offense of obstructing government operations under Chapter 8, Part 3,
- 738 Obstructing Governmental Operations, except Sections 76-8-302, 76-8-303,
- 739 76-8-307, 76-8-308, and 76-8-312;
- 740 (iii) tampering with a witness under Section 76-8-508;
- 741 (iv) retaliation against a witness, victim, or informant, or other violation of Section
- 742 76-8-508.3;
- 743 (v) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

- 744 (vi) extortion or bribery to dismiss a criminal proceeding as defined in Section
 745 76-8-509;
- 746 (vii) any weapons offense under Chapter 10, Part 5, Weapons; and
 747 (viii) any violation of Chapter 10, Part 16, Pattern of Unlawful Activity Act.
- 748 (6)(a) For an offense listed in Subsection (6)(b), a person may be charged as follows:
 749 (i) for a class B misdemeanor, as a class A misdemeanor;
 750 (ii) for a class A misdemeanor, as a third degree felony;
 751 (iii) for a third degree felony, as a second degree felony; and
 752 (iv) for a second degree felony, as a first degree felony.
- 753 (b) The following offenses are subject to Subsection (6)(a):
 754 (i) assault and related offenses under Chapter 5, Part 1, Assault and Related Offenses;
 755 (ii) any criminal homicide offense under Chapter 5, Part 2, Criminal Homicide;
 756 (iii) kidnapping and related offenses under Chapter 5, Part 3, Kidnapping,
 757 Trafficking, and Smuggling;
 758 (iv) any felony sexual offense under Chapter 5, Part 4, Sexual Offenses;
 759 (v) sexual exploitation of a minor as defined in Section 76-5b-201;
 760 (vi) aggravated sexual exploitation of a minor as defined in Section 76-5b-201.1;
 761 (vii) robbery and aggravated robbery under Chapter 6, Part 3, Robbery; and
 762 (viii) aggravated exploitation of prostitution under Section ~~[76-10-1306]~~ 76-5d-208.
- 763 (7) The sentence imposed under Subsection (4), (5), or (6) may be suspended and the
 764 individual placed on probation for the higher level of offense.
- 765 (8) It is not a bar to imposing the enhanced penalties under this section that the persons with
 766 whom the actor is alleged to have acted in concert are not identified, apprehended,
 767 charged, or convicted, or that any of those persons are charged with or convicted of a
 768 different or lesser offense.

769 Section 7. Section **76-3-203.5** is amended to read:

770 **76-3-203.5 (Effective 05/07/25). Habitual violent offender -- Definition --**

771 **Procedure -- Penalty.**

772 (1) As used in this section:

- 773 (a) "Felony" means any violation of a criminal statute of the state, any other state, the
 774 United States, or any district, possession, or territory of the United States for which
 775 the maximum punishment the offender may be subjected to exceeds one year in
 776 prison.
- 777 (b) "Habitual violent offender" means a person convicted within the state of any violent

778 felony and who on at least two previous occasions has been convicted of a violent
779 felony and committed to either prison in Utah or an equivalent correctional institution
780 of another state or of the United States either at initial sentencing or after revocation
781 of probation.

782 (c) "Violent felony" means:

783 (i) any of the following offenses, or any attempt, solicitation, or conspiracy to
784 commit any of the following offenses punishable as a felony:

785 (A) arson as described in Section 76-6-102;

786 (B) causing a catastrophe as described in Subsection 76-6-105(3)(a) or (3)(b);

787 (C) criminal mischief as described in Section 76-6-106;

788 (D) aggravated arson as described in Section 76-6-103;

789 (E) assault by prisoner as described in Section 76-5-102.5;

790 (F) disarming a police officer as described in Section 76-5-102.8;

791 (G) aggravated assault as described in Section 76-5-103;

792 (H) aggravated assault by prisoner as described in Section 76-5-103.5;

793 (I) mayhem as described in Section 76-5-105;

794 (J) stalking as described in Subsection 76-5-106.5(2);

795 (K) threat of terrorism as described in Section 76-5-107.3;

796 (L) aggravated child abuse as described in Subsection 76-5-109.2(3)(a) or (b);

797 (M) commission of domestic violence in the presence of a child as described in
798 Section 76-5-114;

799 (N) abuse or neglect of a child with a disability as described in Section 76-5-110;

800 (O) abuse or exploitation of a vulnerable adult as described in Section 76-5-111,
801 76-5-111.2, 76-5-111.3, or 76-5-111.4;

802 (P) endangerment of a child or vulnerable adult as described in Section 76-5-112.5;

803 (Q) an offense described in Chapter 5, Part 2, Criminal Homicide;

804 (R) kidnapping as described in Section 76-5-301;

805 (S) child kidnapping as described in Section 76-5-301.1;

806 (T) aggravated kidnapping as described in Section 76-5-302;

807 (U) rape as described in Section 76-5-402;

808 (V) rape of a child as described in Section 76-5-402.1;

809 (W) object rape as described in Section 76-5-402.2;

810 (X) object rape of a child as described in Section 76-5-402.3;

811 (Y) forcible sodomy as described in Section 76-5-403;

- 812 (Z) sodomy on a child as described in Section 76-5-403.1;
- 813 (AA) forcible sexual abuse as described in Section 76-5-404;
- 814 (BB) sexual abuse of a child as described in Section 76-5-404.1;
- 815 (CC) aggravated sexual abuse of a child as described in Section 76-5-404.3;
- 816 (DD) aggravated sexual assault as described in Section 76-5-405;
- 817 (EE) sexual exploitation of a minor as described in Section 76-5b-201;
- 818 (FF) aggravated sexual exploitation of a minor as described in Section 76-5b-201.1;
- 819 (GG) sexual exploitation of a vulnerable adult as described in Section 76-5b-202;
- 820 (HH) burglary as described in Subsection 76-6-202(3)(b);
- 821 (II) aggravated burglary as described in Section 76-6-203;
- 822 (JJ) robbery as described in Section 76-6-301;
- 823 (KK) aggravated robbery as described in Section 76-6-302;
- 824 (LL) theft by extortion as described in Subsection 76-6-406(1)(a)(i) or (1)(a)(ii);
- 825 (MM) tampering with a witness as described in Section 76-8-508;
- 826 (NN) retaliation against a witness, victim, or informant as described in Section
- 827 76-8-508.3;
- 828 (OO) tampering or retaliating against a juror as described in Subsection 76-8-508.5
- 829 (2)(a)(iii);
- 830 (PP) extortion to dismiss a criminal proceeding as described in Subsection
- 831 76-6-406(1)(a)(i), (ii), or (ix);
- 832 (QQ) possession, use, or removal of explosive, chemical, or incendiary devices as
- 833 described in Subsections 76-10-306(3) through (6);
- 834 (RR) unlawful delivery of explosive, chemical, or incendiary devices as described
- 835 in Section 76-10-307;
- 836 (SS) purchase or possession of a dangerous weapon or handgun by a restricted
- 837 person as described in Section 76-10-503;
- 838 (TT) aggravated exploitation of prostitution as described in Subsection [
- 839 76-10-1306(1)(a)] 76-5d-208(2)(a);
- 840 (UU) bus hijacking as described in Section 76-10-1504; and
- 841 (VV) discharging firearms and hurling missiles as described in Section 76-10-1505;
- 841a
- 842 or
- 843 (ii) any felony violation of a criminal statute of any other state, the United States, or
- 844 any district, possession, or territory of the United States which would constitute a

- 845 violent felony as defined in this Subsection (1) if committed in this state.
- 846 (2) If a person is convicted in this state of a violent felony by plea or by verdict and the trier
847 of fact determines beyond a reasonable doubt that the person is a habitual violent
848 offender under this section, the penalty for a:
- 849 (a) third degree felony is as if the conviction were for a first degree felony;
850 (b) second degree felony is as if the conviction were for a first degree felony; or
851 (c) first degree felony remains the penalty for a first degree penalty except:
- 852 (i) the convicted person is not eligible for probation; and
853 (ii) the Board of Pardons and Parole shall consider that the convicted person is a
854 habitual violent offender as an aggravating factor in determining the length of
855 incarceration.
- 856 (3)(a) The prosecuting attorney, or grand jury if an indictment is returned, shall provide
857 notice in the information or indictment that the defendant is subject to punishment as
858 a habitual violent offender under this section. Notice shall include the case number,
859 court, and date of conviction or commitment of any case relied upon by the
860 prosecution.
- 861 (b)(i) The defendant shall serve notice in writing upon the prosecutor if the
862 defendant intends to deny that:
- 863 (A) the defendant is the person who was convicted or committed;
864 (B) the defendant was represented by counsel or had waived counsel; or
865 (C) the defendant's plea was understandingly or voluntarily entered.
- 866 (ii) The notice of denial shall be served not later than five days prior to trial and shall
867 state in detail the defendant's contention regarding the previous conviction and
868 commitment.
- 869 (4)(a) If the defendant enters a denial under Subsection (3)(b) and if the case is tried to a
870 jury, the jury may not be told, until after it returns its verdict on the underlying felony
871 charge, of the:
- 872 (i) defendant's previous convictions for violent felonies, except as otherwise provided
873 in the Utah Rules of Evidence; or
874 (ii) allegation against the defendant of being a habitual violent offender.
- 875 (b) If the jury's verdict is guilty, the defendant shall be tried regarding the allegation of
876 being an habitual violent offender by the same jury, if practicable, unless the
877 defendant waives the jury, in which case the allegation shall be tried immediately to
878 the court.

- 879 (c)(i) Before or at the time of sentencing the trier of fact shall determine if this
880 section applies.
- 881 (ii) The trier of fact shall consider any evidence presented at trial and the prosecution
882 and the defendant shall be afforded an opportunity to present any necessary
883 additional evidence.
- 884 (iii) Before sentencing under this section, the trier of fact shall determine whether this
885 section is applicable beyond a reasonable doubt.
- 886 (d) If any previous conviction and commitment is based upon a plea of guilty or no
887 contest, there is a rebuttable presumption that the conviction and commitment were
888 regular and lawful in all respects if the conviction and commitment occurred after
889 January 1, 1970. If the conviction and commitment occurred prior to January 1,
890 1970, the burden is on the prosecution to establish by a preponderance of the
891 evidence that the defendant was then represented by counsel or had lawfully waived
892 the right to have counsel present, and that the defendant's plea was understandingly
893 and voluntarily entered.
- 894 (e) If the trier of fact finds this section applicable, the court shall enter that specific
895 finding on the record and shall indicate in the order of judgment and commitment
896 that the defendant has been found by the trier of fact to be a habitual violent offender
897 and is sentenced under this section.
- 898 (5)(a) The sentencing enhancement provisions of Section 76-3-407 supersede the
899 provisions of this section.
- 900 (b) Notwithstanding Subsection (5)(a), the "violent felony" offense defined in
901 Subsection (1)(c) shall include any felony sexual offense violation of Chapter 5, Part
902 4, Sexual Offenses, to determine if the convicted person is a habitual violent offender.
- 903 (6) The sentencing enhancement described in this section does not apply if:
- 904 (a) the offense for which the person is being sentenced is:
- 905 (i) a grievous sexual offense;
- 906 (ii) child kidnapping, Section 76-5-301.1;
- 907 (iii) aggravated kidnapping, Section 76-5-302; or
- 908 (iv) forcible sexual abuse, Section 76-5-404; and
- 909 (b) applying the sentencing enhancement provided for in this section would result in a
910 lower maximum penalty than the penalty provided for under the section that
911 describes the offense for which the person is being sentenced.
- 912 Section 8. Section **76-5d-101**, which is renumbered from Section 76-10-1301 is renumbered

912 and amended to read:

914

CHAPTER 5d. PROSTITUTION

915

Part 1. General Provisions

916 ~~[76-10-1301]~~ 76-5d-101 (Effective 05/07/25). Definitions.

917 As used in this ~~[part]~~ chapter:

918 (1) "Adult" is an individual who is 18 years old or older.

919 (a) "Child" is an individual younger than 18 years old.

920 (b) "HIV infection" means an indication of a Human Immunodeficiency Virus (HIV)
 921 infection determined by current medical standards and detected by any of the
 922 following:

923 (i) presence of antibodies to HIV, verified by a positive confirmatory test, such as
 924 Western blot with an interpretation based on criteria currently recommended by
 925 the Association of State and Territorial Public Health Laboratory Directors or
 926 another confirmatory test approved by the Utah State Health Laboratory;

927 (ii) presence of HIV antigen;

928 (iii) isolation of HIV; or

929 (iv) demonstration of HIV proviral DNA.

930 (c) "HIV positive individual" means an individual who has an HIV infection.

931 (d) "Local law enforcement agency" means an agency responsible for investigating
 932 violations of offenses in Part 2, General Offenses, the filing of charges that may lead
 933 to convictions, and the conducting of, or obtaining the results of, tests for HIV
 934 infection.

935 [~~(2) "Place of prostitution" means a place or business where prostitution or promotion of~~
 936 ~~prostitution is arranged, regularly carried on, or attempted by one or more individuals~~
 937 ~~under the control, management, or supervision of another.]~~

938 (2) "Positive" means an indication of HIV infection.

939 [~~(3) "Prostitute" or "prostituted"]~~

940 (a) "Prostituted individual" means an individual engaged in [an activity described in
 941 Subsection 76-10-1302(1) or 76-10-1313(1)(a), (c), (d), or (f)] prostitution or sexual
 942 solicitation.

943 (b) "Prostitution" means engaging in sexual activity with another individual in exchange
 944 for a fee or the functional equivalent of a fee.

945 [(4)]

946 (3) "Public place" means a place to which the public or any substantial group of the public
947 has access.

948 ~~(5)~~ (a) "Sexual activity" means, regardless of the gender of either participant:

949 ~~(a)~~ (i) an act of masturbation, sexual intercourse, or any sexual act involving the
950 genitals of one individual and the mouth or anus of another individual; or

951 ~~(b)~~ (ii) the touching of the genitals, female breast, or anus of one individual with any
952 other body part of another individual with the intent to sexually arouse or gratify
953 either individual.

954 (b) "Sexual solicitation" means the conduct described in Section 76-5d-209, sexual
955 solicitation by an actor offering to engage in sexual activity for compensation.

956 (c) "Test" means a test for HIV infection in accordance with standards recommended by
957 the Department of Health and Human Services.

958 Section 9. Section **76-5d-102**, which is renumbered from Section 76-10-1307 is renumbered
959 and amended to read:

960 ~~[76-10-1307]~~**76-5d-102** (Effective 05/07/25). **Local ordinance consistent with code
961 provisions.**

962 An ordinance adopted by a local authority governing ~~[prostitution or aiding
963 prostitution shall]~~ the matters covered by this chapter are required to be consistent with the
964 provisions of this [part which govern those matters] chapter.

965 Section 10. Section **76-5d-103**, which is renumbered from Section 76-10-1311 is renumbered
966 and amended to read:

967 ~~[76-10-1311]~~**76-5d-103** (Effective 05/07/25). **Mandatory testing -- Retention of medical file**

--

968 **Civil liability.**

969 (1) ~~[A person]~~ An individual who has entered a plea of guilty, a plea of no contest, a plea of
970 guilty with a mental condition, or been found guilty ~~[for]~~ of a violation of Section [
971 76-10-1302, 76-10-1303, or 76-10-1313 shall be] 76-5d-202, 76-5d-203, 76-5d-204,
972 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211 is required to submit before sentencing
973 to a mandatory test to determine if the [offender] individual is an HIV positive individual.[
974 The mandatory test shall be required and conducted prior to sentencing.]

975 (2)(a) If the mandatory test described in Subsection (1) has not been conducted ~~[prior to]~~
976 before sentencing, and the convicted ~~[offender]~~ individual is already confined in a
977 county jail or state prison, ~~[such person shall]~~ the individual is required to be tested
while in confinement.

- 978 ~~[(3) The]~~
- 979 **(b)** For an individual described in Subsection (1) who is confined in a county jail, the
980 local law enforcement agency shall cause the individual's blood specimen ~~[of the~~
981 ~~offender as defined in Subsection (1) confined in county jail]~~ to be taken and tested.
- 982 ~~[(4) The]~~
- 983 **(c)** For an individual described in Subsection (1) who is confined in a state prison, the
984 Department of Corrections shall cause the individual's blood specimen ~~[of the~~
985 ~~offender defined in Subsection (1) confined in any state prison]~~ to be taken and tested.
- 986 ~~[(5)]~~ **(3)(a)** The local law enforcement agency shall collect and retain in the ~~[offender's]~~
987 individual's medical file the following data:
- 988 ~~[(a)]~~ **(i)** the HIV infection test results;
- 989 ~~[(b)]~~ **(ii)** a copy of the written notice as provided in Section ~~[76-10-1312]~~ 76-5d-104;
- 990 ~~[(c)]~~ **(iii)** photographic identification; and
- 991 ~~[(d)]~~ **(iv)** fingerprint identification.
- 992 ~~[(6)]~~ **(b)** The local law enforcement agency shall classify the medical file described in
993 Subsection (3)(a) as a private record pursuant to Subsection 63G-2-302(1)(b) or a
994 controlled record pursuant to Section 63G-2-304.
- 995 ~~[(7) The person tested shall be]~~
- 996 **(4)(a)** An individual required to be tested under this section is responsible for the costs
997 of testing, unless the ~~[person]~~ individual is indigent.~~[-]~~
- 998 **(b)** ~~[The costs will then]~~ If an individual is indigent, the costs for the testing will be paid
999 by the local law enforcement agency or the Department of Corrections from the
1000 General Fund.
- 1001 ~~[(8)]~~ **(5)(a)** The laboratory performing testing shall report test results to only designated
1002 officials in the Department of Corrections, the Department of Health and Human
1003 Services, and the local law enforcement agency submitting the blood specimen.
- 1004 **(b)** Each department or agency shall designate ~~[those]~~ the officials described in
1005 Subsection (5)(a) by written policy.
- 1006 **(c)** Designated officials may release information identifying an ~~[offender]~~ individual
1007 under Section ~~[76-10-1302, 76-10-1303, or 76-10-1313]~~ 76-5d-202, 76-5d-203,
1008 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211 who has tested HIV
1009 positive as provided under Subsection 63G-2-202(1) and for purposes of prosecution
1010 pursuant to Section ~~[76-10-1309]~~ 76-5d-212.
- 1011 ~~[(9)]~~ **(6)(a)** An employee of the local law enforcement agency, the Department of

1012 Corrections, or the Department of Health and Human Services who discloses the HIV
 1013 test results under this section is not civilly liable except when disclosure constitutes
 1014 fraud or willful misconduct ~~[as provided in]~~ under Section 63G-7-202.

1015 (b) An employee of the local law enforcement agency, the Department of Corrections, or
 1016 the Department of Health and Human Services who discloses the HIV test results
 1017 under this section is not civilly or criminally liable, except when disclosure
 1018 constitutes a knowing violation of Section 63G-2-801.

1019 ~~[(10)]~~ (7) When ~~[the]~~ a medical file is released as provided in Section 63G-2-803, the local
 1020 law enforcement agency, the Department of Corrections, or the Department of Health
 1021 and Human Services, or ~~[its officers or employees are]~~ an officer or employee of the
 1022 local law enforcement agency, the Department of Corrections, or the Department of
 1023 Health and Human Services, is not liable for damages for release of the medical file.

1024 Section 11. Section **76-5d-104**, which is renumbered from Section 76-10-1312 is renumbered
 1024 and amended to read:

1026 ~~[76-10-1312]~~ **76-5d-104** (Effective 05/07/25). **Notice to a convicted individual of HIV positive**
 1027 **test results.**

1028 (1) ~~[A person]~~ An individual convicted under Section ~~[76-10-1302, 76-10-1303, or~~
 1029 ~~76-10-1313]~~ 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or
 1030 76-5d-211 who has tested positive for the HIV infection shall be notified of the test
 1031 results in person by:

1032 (a) the local law enforcement agency;

1033 (b) the Department of Corrections, for ~~[offenders]~~ an individual confined in ~~[any]~~ a state
 1034 prison;

1035 (c) the ~~[state]~~ Department of Health and Human Services; or

1036 (d) an authorized representative of ~~[any of the agencies]~~ an agency listed in ~~[this~~
 1037 ~~Subsection (1)]~~ Subsections (1)(a) through (c).

1038 (2) The notice ~~[under]~~ described in Subsection (1) shall contain the signature of the HIV
 1039 positive ~~[person]~~ individual, indicating the ~~[person's]~~ individual's receipt of the notice, the
 1040 name and signature of the ~~[person]~~ individual providing the notice, and:

1041 (a) the date of the test;

1042 (b) the positive test results;

1043 (c) the name of the HIV positive individual; and

1044 (d) the following language:

1045 ~~["A person"]~~ "An individual who has been convicted of engaging in prostitution under

1046 Section ~~[76-10-1302]~~ 76-5d-202, patronizing a ~~[prostitute]~~ prostituted individual who is an adult
 1047 under Section ~~[76-10-1303, or]~~ 76-5d-203, patronizing a prostituted individual who is a child
 1048 under Section 76-5d-204, entering or remaining in a place of prostitution under Section
 1049 76-5d-205, sexual solicitation by an actor offering to engage in sexual activity for
 1050 compensation under Section ~~[76-10-1313]~~ 76-5d-209, sexual solicitation by an actor offering
 1051 compensation to an adult in exchange for sexual activity under Section 76-5d-210, or sexual
 1052 solicitation by an actor offering compensation to a child in exchange for sexual activity under
 1053 Section 76-5d-211, after being tested and diagnosed as an HIV positive individual and either
 1054 had actual knowledge that the ~~[person]~~ individual is an HIV positive individual or the ~~[person]~~
 1055 individual has previously been convicted of any of the criminal offenses listed above is guilty
 1056 of a third degree felony under Section ~~[76-10-1309]~~ 76-5d-212."

1057 (3) Failure to provide ~~[this notice]~~ the notice described in Subsection (1), or to provide the
 1058 notice in the manner or form prescribed under this section, does not:

1059 (a) ~~[-]create any civil liability[-and does not]~~ ; or

1060 (b) ~~[-]create a defense to [any]~~ a prosecution under this ~~[part]~~ chapter.

1061 ~~[(4) Upon conviction under Section 76-10-1309, and as a condition of probation, the~~
 1062 ~~offender shall receive treatment and counseling for HIV infection and drug abuse as~~
 1063 ~~provided in Title 26B, Chapter 5, Health Care - Substance Use and Mental Health.]~~

1064 Section 12. Section **76-5d-105**, which is renumbered from Section 76-10-1314 is renumbered
 1064 and amended to read:

1066 ~~[76-10-1314]~~**76-5d-105 (Effective 05/07/25). Examination of testing procedures and results**
 1067 **in legal proceedings.**

1068 (1) Employees of ~~[the]~~ a laboratory who conduct laboratory analysis of blood samples for
 1069 presence of antibody to HIV provided pursuant to a request by a law enforcement
 1070 agency or the Department of Corrections under Section ~~[76-10-1311]~~ 76-5d-103, may be
 1071 examined in a legal proceeding of any kind or character as to:

1072 (a) the nature of the testing;

1073 (b) the validity of the testing;

1074 (c) the results of the test;

1075 (d) the HIV positivity or negativity of the ~~[person]~~ individual tested;

1076 (e) the evidentiary chain of custody; and

1077 (f) other factors relevant to the prosecution, subject to the court's ruling.

1078 (2) This section applies only to the criminal investigation and prosecution under Section [
 1079 ~~76-10-1309 which permits enhanced penalties upon a subsequent conviction for:]~~

1080 76-5d-212, Engaging in prostitution or sexual solicitation as an HIV positive offender.

1081 [~~(a) prostitution, Section 76-10-1302;~~]

1082 [~~(b) patronizing a prostitute, Section 76-10-1303; or~~]

1083 [~~(c) sexual solicitation, Section 76-10-1313.~~]

1084 Section 13. Section **76-5d-106**, which is renumbered from Section 76-10-1315 is renumbered
1084 and amended to read:

1086 **~~[76-10-1315]~~76-5d-106 (Effective 05/07/25). Safe harbor for children as victims in**
1087 **commercial sex or sexual solicitation.**

1088 (1) As used in this section:

1089 (a) "Child engaged in commercial sex or sexual solicitation" means a child who:

1090 (i) engages, offers, or agrees to engage in any sexual activity with another individual
1091 in exchange for receiving a fee, or the functional equivalent of a fee;

1092 (ii) takes steps in arranging a meeting through any form of advertising, agreeing to
1093 meet, and meeting at an arranged place for the purpose of sexual activity in
1094 exchange for receiving a fee or the functional equivalent of a fee; [~~or~~]

1095 (iii) loiters in or within view of any public place for the purpose of being hired to
1096 engage in sexual activity[~~;~~] ;~~or~~

1097 (iv) engages in sexual solicitation.

1098 [~~(b) "Child engaged in sexual solicitation" means a child who offers or agrees to~~
1099 ~~commit or engage in any sexual activity with another person for a fee, or the~~
1100 ~~functional equivalent of a fee, under Subsection 76-10-1313(1)(a), (c), (d), or (f).]~~

1101 [~~(c)~~] (b) "Division" means the Division of Child and Family Services created in Section
1102 80-2-201.

1103 [~~(d)~~] (c) "Juvenile receiving center" means the same as that term is defined in Section
1104 80-1-102.

1105 (2) Upon encountering a child engaged in commercial sex or sexual solicitation, a law
1106 enforcement officer shall:

1107 (a) conduct an investigation regarding possible human trafficking of the child pursuant
1108 to Sections 76-5-308, 76-5-308.1, and 76-5-308.5;

1109 (b) refer the child to the division;

1110 (c) bring the child to a juvenile receiving center, if available; and

1111 (d) contact the child's parent or guardian, if practicable.

1112 (3) When law enforcement refers a child to the division under Subsection (2)(b), the
1113 division shall provide services to the child under Title 80, Chapter 2, Child Welfare

1114 Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.
 1115 ~~[(4) A child may not be subjected to delinquency proceedings for prostitution under~~
 1116 ~~Section 76-10-1302, or sexual solicitation under Section 76-10-1313.]~~

1117 Section 14. Section **76-5d-201** is enacted to read:

1118

Part 2. General Offenses

1119 **76-5d-201 (Effective 05/07/25). Definitions.**

1120 As used in this part, "place of prostitution" means a place or business where
 1121 prostitution or promotion of prostitution is arranged, regularly carried on, or attempted by one
 1122 or more individuals under the control, management, or supervision of another individual.

1123

1124 Section 15. Section **76-5d-202**, which is renumbered from Section 76-10-1302 is renumbered
 1124 and amended to read:

1126 **[76-10-1302]76-5d-202 (Effective 05/07/25). Engaging in prostitution.**

1127 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1128 ~~[(4)]~~ (2) An actor ~~[, except for a child under Section 76-10-1315, is guilty of]~~ commits the
 1129 offense of engaging in prostitution if the actor:

1130 (a) [-] is 18 years old or older; and

1131 (b) engages in sexual activity with another individual in exchange for receiving a fee, or
 1132 the functional equivalent of a fee.

1133 ~~[(2)]~~ (3)(a) Except as provided in Subsection ~~[(2)(b) and Section 76-10-1309]~~ (3)(b), a
 1134 violation of Subsection ~~[(4)]~~ (2) is a class B misdemeanor.

1135 (b) ~~[Except as provided in Section 76-10-1309, an actor who is convicted a second time,~~
 1136 ~~and on all subsequent convictions, of a subsequent offense of prostitution under this~~
 1137 ~~section or]~~ A violation of Subsection (2) is a class A misdemeanor if the actor has
 1138 previously been convicted of:

1139 (i) a violation of Subsection (2); or

1140 (ii) [-under] a local ordinance adopted [under] in accordance with Section [76-10-1307,
 1140a is guilty of a class A misdemeanor] 76-5d-102 addressing the same or similar type
 1142 of violation to the violation described in Subsection (2).

1143 ~~[(3)]~~ (4) A prosecutor may not prosecute an actor for a violation of Subsection ~~[(4)]~~ (2) if the
 1144 actor engages in a violation of Subsection ~~[(4)]~~ (2) at or near the time the actor witnesses
 1145 or is a victim of any of the following offenses, or an attempt to commit any of the
 1146 following offenses, and the actor reports the offense or attempt to law enforcement in

- 1147 good faith:
- 1148 (a) assault[;] as described in Section 76-5-102;
- 1149 (b) aggravated assault[;] as described in Section 76-5-103;
- 1150 (c) mayhem[;] as described in Section 76-5-105;
- 1151 (d) aggravated murder, murder, manslaughter, negligent homicide, child abuse
- 1152 homicide, or homicide by assault [~~under~~] as described in Chapter 5, Part 2, Criminal
- 1153 Homicide;
- 1154 (e) kidnapping, child kidnapping, aggravated kidnapping, human trafficking or
- 1155 aggravated human trafficking, human smuggling or aggravated human smuggling, or
- 1156 human trafficking of a child [~~under~~] as described in Chapter 5, Part 3, Kidnapping,
- 1157 Trafficking, and Smuggling;
- 1158 (f) rape[;] as described in Section 76-5-402;
- 1159 (g) rape of a child[;] as described in Section 76-5-402.1;
- 1160 (h) object rape[;] as described in Section 76-5-402.2;
- 1161 (i) object rape of a child[;] as described in Section 76-5-402.3;
- 1162 (j) forcible sodomy[;] as described in Section 76-5-403;
- 1163 (k) sodomy on a child[;] as described in Section 76-5-403.1;
- 1164 (l) forcible sexual abuse[;] as described in Section 76-5-404;
- 1165 (m) sexual abuse of a child[;] as described in Section 76-5-404.1, or aggravated sexual
- 1166 abuse of a child, Section 76-5-404.3;
- 1167 (n) aggravated sexual assault[;] as described in Section 76-5-405;
- 1168 (o) sexual exploitation of a minor[;] as described in Section 76-5b-201;
- 1169 (p) aggravated sexual exploitation of a minor[;] as described in Section 76-5b-201.1;
- 1170 (q) sexual exploitation of a vulnerable adult[;] as described in Section 76-5b-202;
- 1171 (r) [~~aggravated burglary or~~]burglary of a dwelling [~~under Chapter 6, Part 2, Burglary~~
- 1172 ~~and Criminal Trespass~~] as described in Subsection 76-6-202(3)(b);
- 1173 (s) aggravated burglary as described in Section 76-6-203;
- 1174 [~~(s) aggravated robbery or~~]
- 1175 (t) robbery [~~under Chapter 6, Part 3, Robbery~~] as described in Section 76-6-301;
- 1176 (u) aggravated robbery as described in Section 76-6-302; or
- 1177 [~~(t)~~] (v) theft by extortion [~~under~~] as described in Section 76-6-406 under the
- 1178 circumstances described in Subsection 76-6-406(1)(a)(i) or (ii).
- 1179 (5) A violation under this section that is a class A misdemeanor may be prosecuted by an
- 1180 attorney of a city or a town as well as by prosecutors authorized in the code to prosecute

1181 a violation under this section.

1182 Section 16. Section **76-5d-203**, which is renumbered from Section 76-10-1303 is renumbered
1182 and amended to read:

1184 ~~[76-10-1303]~~ **76-5d-203 (Effective 05/07/25). Patronizing a prostituted individual who is an**
1185 **adult.**

1186 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1187 ~~[(1)]~~ (2) An actor [is guilty of] commits the offense of patronizing [a prostitute if the actor] a
1188 prostituted individual who is an adult if:

1189 (a) the actor pays[or] , offers to pay, or agrees to pay [a] an adult prostituted individual,
1190 or an adult individual the actor believes to be a prostituted individual, a fee, or the
1191 functional equivalent of a fee[;] ; and

1192 (b) the payment, offer of payment, or agreement for payment described in Subsection
1193 (2)(a) is for the purpose of engaging in an act of sexual activity[;or] .

1194 ~~[(b) enters or remains in a place of prostitution for the purpose of engaging in sexual~~
1195 ~~activity.]~~

1196 ~~[(2) Patronizing a prostitute is a class A misdemeanor, except as provided in Subsection~~
1197 ~~(3), (4), or (5) or Section 76-10-1309.]~~

1198 ~~[(3) A violation of this section that is preceded by a conviction under this section or a~~
1199 ~~conviction under a local ordinance adopted under Section 76-10-1307 is a class A~~
1200 ~~misdemeanor.]~~

1201 ~~[(4) A third violation of this section or a local ordinance adopted under Section 76-10-1307~~
1202 ~~is a third-degree felony.]~~

1203 ~~[(5)(a) Except as provided in Subsection (5)(d), if the patronizing of a prostitute under~~
1204 ~~Subsection (1)(a) involves a child as the other individual, a violation of Subsection~~
1205 ~~(1)(a) is a second-degree felony.]~~

1206 ~~[(b) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under~~
1207 ~~Subsection (5)(a) that the actor mistakenly believed the individual to be 18 years old or~~
1208 ~~older at the time of the offense or was unaware of the individual's true age.]~~

1209 ~~[(c) An actor's belief that the individual was under 18 years old at the time of the offense,~~
1210 ~~even if the individual was 18 years old or older, is a violation of Subsection (5)(a).]~~

1211 ~~[(d) If the act committed under Subsection (5)(a) amounts to an offense that is subject to a~~
1212 ~~greater penalty under another provision of state law than is provided under Subsection~~
1213 ~~(5)(a), this Subsection (5) does not prohibit prosecution and sentencing for the more~~
1214 ~~serious offense.]~~

- 1215 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
 1216 misdemeanor.
- 1217 (b) A violation of Subsection (2) is a third degree felony if the actor has previously been
 1218 convicted two or more times of:
- 1219 (i) a violation of Subsection (2); or
- 1220 (ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the
 1221 same or similar type of violation to the violation described in Subsection (2).
- 1222 [(6)] (4) Upon a conviction for a violation of this section, the court shall order:
- 1223 (a) the maximum fine amount and may not waive or suspend the fine; and
- 1224 (b) the [defendant] actor to pay for and complete a court-approved educational program
 1225 about the negative effects on an individual involved with prostitution or human
 1226 trafficking.
- 1227 Section 17. Section **76-5d-204** is enacted to read:
- 1228 **76-5d-204 (Effective 05/07/25). Patronizing a prostituted individual who is a**
 1229 **child.**
- 1230 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
- 1231 (2) An actor commits patronizing a prostituted individual who is a child if:
- 1232 (a) the actor is 12 years old or older;
- 1233 (b) the actor pays, offers to pay, or agrees to pay a prostituted individual, or an
 1234 individual the actor believes to be a prostituted individual, a fee, or the functional
 1235 equivalent of a fee;
- 1236 (c) the payment, offer of payment, or agreement for payment described in Subsection
 1237 (2)(b) is for the purpose of engaging in an act of sexual activity; and
- 1238 (d) the prostituted individual, or the individual the actor believes to be a prostituted
 1239 individual, described in Subsection (2)(b) is:
- 1240 (i) a child; or
- 1241 (ii) believed by the actor to be a child.
- 1242 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second
 1243 degree felony.
- 1244 (b) If the actor is under 18 years old at the time of the offense, a violation of Subsection
 1245 (2) is:
- 1246 (i) a third degree felony if:
- 1247 (A) the actor is 17 years old and the prostituted individual is 13 years old or
 1248 younger; or

- 1249 (B) the actor is 16 years old and the prostituted individual is 12 years old or
1250 younger;
- 1251 (ii) a class A misdemeanor if:
- 1252 (A) the actor is 17 years old and the prostituted individual is 14 years old;
1253 (B) the actor is 16 years old and the prostituted individual is 13 years old;
1254 (C) the actor is 15 years old and the prostituted individual is 12 years old or
1255 younger; or
1256 (D) the actor is 14 years old and the prostituted individual is 11 years old or
1257 younger;
- 1258 (iii) a class B misdemeanor if:
- 1259 (A) the actor is 17 years old and the prostituted individual is 15 years old;
1260 (B) the actor is 16 years old and the prostituted individual is 14 years old;
1261 (C) the actor is 15 years old and the prostituted individual is 13 years old;
1262 (D) the actor is 14 years old and the prostituted individual is 12 years old;
1263 (E) the actor is 13 years old and the prostituted individual is 11 years old or
1264 younger; or
1265 (F) the actor is 12 years old and the prostituted individual is 10 years old or
1266 younger; or
- 1267 (iv) a class C misdemeanor if:
- 1268 (A) the actor is 17 years old and the prostituted individual is 16 or 17 years old;
1269 (B) the actor is 16 years old and the prostituted individual is 15 years old or older;
1270 (C) the actor is 15 years old and the prostituted individual is 14 years old or older;
1271 (D) the actor is 14 years old and the prostituted individual is 13 years old or older;
1272 (E) the actor is 13 years old and the prostituted individual is 12 years old or older;
1273 or
1274 (F) the actor is 12 years old and the prostituted individual is 11 years old or older.
- 1275 (4) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under this
1276 section that the actor mistakenly believed the individual described in Subsection (2) to
1277 be 18 years old or older at the time of the offense or was unaware of the individual's true
1278 age.
- 1279 (5) If the violation of Subsection (2) amounts to an offense that is subject to a greater
1280 penalty under another provision of law, this section does not prohibit prosecution and
1281 sentencing for the more serious offense.
- 1282 (6) Upon a conviction for a violation of this section, the court shall order:

- 1283 (a) the maximum fine amount and may not waive or suspend the fine; and
 1284 (b) the actor to pay for and complete a court-approved educational program about the
 1285 negative effects on an individual involved with prostitution or human trafficking.

1286 Section 18. Section **76-5d-205** is enacted to read:

1287 **76-5d-205 (Effective 05/07/25). Entering or remaining in a place of prostitution.**

1288 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1289 (2) An actor commits entering or remaining in a place of prostitution if the actor enters or
 1290 remains in a place of prostitution for the purpose of engaging in sexual activity.

1291 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
 1292 misdemeanor.

1293 (b) A violation of Subsection (2) is a third degree felony if the actor has previously been
 1294 convicted two or more times of:

1295 (i) a violation of Subsection (2); or

1296 (ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the
 1297 same or similar type of violation to the violation described in Subsection (2).

1298 (4) Upon a conviction for a violation of this section, the court shall order:

1299 (a) the maximum fine amount and may not waive or suspend the fine; and

1300 (b) the actor to pay for and complete a court-approved educational program about the
 1301 negative effects on an individual involved with prostitution or human trafficking.

1302 Section 19. Section **76-5d-206**, which is renumbered from Section 76-10-1304 is renumbered
 1302 and amended to read:

1304 **[76-10-1304]76-5d-206 (Effective 05/07/25). Aiding prostitution.**

1305 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1306 [(1)] (2) An [individual is guilty of] actor commits aiding prostitution if the [individual] actor:

1307 (a)(i) solicits an individual to patronize a [prostitute] prostituted individual, or to
 1308 patronize an individual the actor believes to be a [prostitute] prostituted individual;

1309 (ii) procures or attempts to procure a [prostitute] prostituted individual, or an
 1310 individual the actor believes to be a [prostitute] prostituted individual, for a patron;

1311 (iii) leases, operates, or otherwise permits a place controlled by the actor, alone or in
 1312 association with another individual, to be used for prostitution or the promotion of
 1313 prostitution; or

1314 (iv) provides [any] a service or commits [any] an act that enables another individual to
 1315 commit a violation of [~~this Subsection (1)(a)] this Subsection (2) or facilitates
 1316 another individual's ability to commit [any] a violation of [~~this Subsection (1)(a)]~~~~

- 1317 this Subsection (2); or
- 1318 (b) solicits, receives, or agrees to receive ~~[any]~~ a benefit for committing any of the acts
- 1319 prohibited by Subsection ~~[(1)(a)]~~ (2)(a).
- 1320 ~~[(2) Aiding prostitution is a class A misdemeanor, except as provided in Subsection (3).]~~
- 1321 ~~[(3) An individual who is convicted a second time, and on all subsequent convictions,~~
- 1322 ~~under this section or under a local ordinance adopted in compliance with Section~~
- 1323 ~~76-10-1307 is guilty of a third degree felony.]~~
- 1324 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
- 1325 misdemeanor.
- 1326 (b) A violation of Subsection (2) is a third degree felony if the actor has previously been
- 1327 convicted of:
- 1328 (i) a violation of Subsection (2); or
- 1329 (ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the
- 1330 same or similar type of violation to the violation described in Subsection (2).
- 1331 (4) Upon a conviction for a violation of this section, the court shall order the maximum fine
- 1332 amount and may not waive or suspend the fine.
- 1333 (5) A violation under this section that is a class A misdemeanor may be prosecuted by an
- 1334 attorney of a city or a town as well as by a prosecutor authorized in the code to prosecute
- 1335 a violation under this section.
- 1336 Section 20. Section **76-5d-207**, which is renumbered from Section 76-10-1305 is renumbered
- 1336 and amended to read:
- 1338 **[76-10-1305]76-5d-207 (Effective 05/07/25). Exploitation of prostitution.**
- 1339 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
- 1340 ~~[(1)]~~ (2) An [individual is guilty of exploiting-] actor commits exploitation of prostitution if
- 1341 the [individual] actor:
- 1342 (a) procures an individual for a place of prostitution;
- 1343 (b) encourages, induces, or otherwise purposely causes another individual to become or
- 1344 remain a ~~[prostitute]~~ prostituted individual;
- 1345 (c) transports an individual into or within this state with ~~[a]~~ the purpose to promote ~~[that]~~
- 1346 the individual's [engaging] engagement in prostitution;
- 1347 (d) [-or procuring or paying for] procures or pays for an individual's transportation with [
- 1348 that] the purpose of promoting the individual's engagement in prostitution;
- 1349 ~~[(d)]~~ (e) not being a child or legal dependent of a [prostitute] prostituted individual, shares
- 1350 the proceeds of prostitution with a [prostitute] prostituted individual, or an individual

1351 the actor believes to be a [~~prostitute~~] prostituted individual, pursuant to [~~their~~] the
 1352 actor's and prostituted individual's understanding that the actor is to share [~~therein~~] in
 1353 the proceeds of the prostitution; or

1354 [(e)] (f) owns, controls, manages, supervises, or otherwise keeps, alone or in association
 1355 with another individual, a place of prostitution or a business where prostitution
 1356 occurs or is arranged, encouraged, supported, or promoted.

1357 [(2)] (3) [~~Exploiting prostitution is a felony of the~~] A violation of Subsection (2) is a third
 1358 degree felony.

1359 [(3)] (4) Upon a conviction for a violation of this section, the court shall order the maximum
 1360 fine amount and may not waive or suspend the fine.

1361 Section 21. Section **76-5d-208**, which is renumbered from Section 76-10-1306 is renumbered
 1361 and amended to read:

1363 **[76-10-1306] 76-5d-208 (Effective 05/07/25). Aggravated exploitation of prostitution.**

1364 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1365 [(1)] (2) [~~A person is guilty of~~] An actor commits aggravated exploitation of prostitution if:

1366 (a) in committing an act of [~~exploiting~~] exploitation of prostitution[~~, as defined in~~] as
 1367 described in Section [76-10-1305] 76-5d-207, the [~~person~~] actor uses any force, threat,
 1368 or fear against any [~~person~~] individual;

1369 (b) the [~~person~~] individual whom the actor procured, transported, or persuaded or with
 1370 whom the [~~person~~] actor shares the proceeds of prostitution is a child or is the spouse
 1371 of the actor; or

1372 (c) in the course of committing an act of exploitation of prostitution[~~, a violation of~~
 1373 Section 76-10-1305] as described in Section 76-5d-207, the [~~person~~] actor commits
 1374 human trafficking or human smuggling[~~, a~~] in violation of Section 76-5-308,
 1375 76-5-308.1, 76-5-308.3, or 76-5-308.5.

1376 [(2)] (3)(a) [~~Aggravated exploitation of prostitution~~] Except as provided in Subsection
 1377 (3)(b), a violation of Subsection (2) is a second degree felony[~~, except under~~
 1378 Subsection (3)].

1379 [(3)] (b) [~~Aggravated exploitation of prostitution involving a child~~] A violation of
 1380 Subsection (2) is a first degree felony if the violation involves a child.

1381 (4) Upon a conviction for a violation of this section, the court shall order the maximum fine
 1382 amount and may not waive or suspend the fine.

1383 Section 22. Section **76-5d-209**, which is renumbered from Section 76-10-1313 is renumbered
 1383 and amended to read:

1385 ~~[76-10-1313]~~ **76-5d-209 (Effective 05/07/25). Sexual solicitation by an actor offering to**
 1386 **engage in sexual activity for compensation.**

1387 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1388 ~~[(1)]~~ (2) An ~~[individual except for a child under Section 76-10-1315 is guilty of]~~ actor
 1389 commits the offense of sexual solicitation by an actor offering to engage in sexual
 1390 activity for compensation if the ~~[individual]~~ actor:

1391 (a) is 18 years old or older; and

1392 ~~[(a)]~~ (b)(i) offers or agrees to commit any sexual activity with another individual ~~[for]~~
 1393 in exchange for receiving a fee, or the functional equivalent of a fee;

1394 ~~[(b)]~~ (b) ~~pays or offers or agrees to pay a fee or the functional equivalent of a fee to~~
 1395 ~~another individual to commit any sexual activity;~~

1396 ~~[(c)]~~ (ii)(A) takes steps to arrange a meeting with another individual through any
 1397 form of advertising or agreement to meet~~[-and]~~ ;

1398 (B) ~~[-]~~ meets the individual at an arranged place; and

1399 (C) ~~[-]~~ arranged and met the individual for the purpose of being hired to engage in
 1400 sexual activity in exchange for receiving a fee, or the functional equivalent of a
 1401 fee;

1402 ~~[(d)]~~ (iii) loiters in, or within view of, a public place for the purpose of being hired to
 1403 engage in sexual activity in exchange for receiving a fee, or the functional
 1404 equivalent of a fee; or

1405 ~~[(e)]~~ ~~with intent to pay another individual to commit any sexual activity for a fee~~
 1406 ~~or the functional equivalent of a fee, requests or directs the other individual to~~
 1407 ~~engage in any of the following acts:]~~

1408 ~~[(i)]~~ ~~exposure of an individual's genitals, the buttocks, the anus, the pubic area, or~~
 1409 ~~the female breast below the top of the areola;]~~

1410 ~~[(ii)]~~ ~~masturbation;]~~

1411 ~~[(iii)]~~ ~~touching of an individual's genitals, the buttocks, the anus, the pubic area, or~~
 1412 ~~the female breast; or]~~

1413 ~~[(iv)]~~ ~~any act of lewdness; or]~~

1414 ~~[(f)]~~ (iv) with intent to be hired to engage in sexual activity in exchange for receiving
 1415 a fee, or the functional equivalent of a fee, engages in, or offers or agrees to
 1416 engage in~~[-an act described in Subsection (1)(e)(i) through (iv).]~~ , any of the
 1417 following acts:

1418 (A) exposure or touching of an individual's genitals, buttocks, anus, pubic area, or

- 1419 female breast below the top of the areola;
- 1420 (B) masturbation; or
- 1421 (C) any act of lewdness.
- 1422 [(2) An intent to engage in sexual activity for a fee may be inferred from an individual's
- 1423 engaging in, offering or agreeing to engage in, or requesting or directing another to
- 1424 engage in any of the acts described in Subsection (1) (e) or (f) under the totality of the
- 1425 existing circumstances.]
- 1426 (3) [Except as provided in Section 76-10-1309 and Subsections (4) and (5), a] A violation
- 1427 of Subsection [~~(1)(a), (e), (d), or (f)~~] (2) or under a local ordinance adopted in
- 1428 compliance with Section [~~76-10-1307~~] 76-5d-102 is:
- 1429 (a) a class B misdemeanor on a first or second violation; [~~and~~] or
- 1430 (b) a class A misdemeanor on a third or subsequent violation.
- 1431 [(4) Except as provided in Section 76-10-1309 and Subsections (5) and (8), a violation of
- 1432 Subsection (1)(b) or (e) or a local ordinance adopted under Section 76-10-1307 is:]
- 1433 [(a) a class A misdemeanor on the first or second violation; and]
- 1434 [(b) a third degree felony on a third or subsequent violation.]
- 1435 [(5) If an individual commits an act of sexual solicitation in violation of Subsection (1) and
- 1436 the individual solicited is a child, the offense is a second degree felony if the solicitation
- 1437 does not amount to a violation of:]
- 1438 [~~(a) Section 76-5-308, 76-5-308.1, or 76-5-308.5, human trafficking or Section 76-5-308.3,~~
- 1439 ~~human smuggling; or]~~
- 1440 [~~(b) Section 76-5-310, aggravated human trafficking or Section 76-5-310.1, aggravated~~
- 1441 ~~human smuggling.]~~
- 1442 (4) An intent to be hired to engage in sexual activity for a fee may be inferred from an actor
- 1443 engaging in, offering or agreeing to engage in, or requesting or directing another to
- 1444 engage in any of the acts described in Subsection (2)(b)(iv) under the totality of the
- 1445 existing circumstances.
- 1446 [(6)] (5)(a) Upon encountering a child engaged in commercial sex or sexual solicitation,
- 1447 a law enforcement officer shall follow the procedure described in Subsection [~~76-10-1315(2)~~] 76-5d-106(2).
- 1448 (b) A child engaged in commercial sex or sexual solicitation shall be referred to the
- 1449 Division of Child and Family Services for services and may not be subjected to
- 1450 delinquency proceedings.
- 1451
- 1452 [(7)] (6) A prosecutor may not prosecute an [~~individual~~] actor for a violation of Subsection [~~76-10-1315(2)~~]

1453 (1) (2) if the [individual] actor engages in a violation of Subsection [(1)] (2) at or near the
 1454 time the [individual] actor witnesses or is a victim of any of the offenses, or an attempt to
 1455 commit any of the offenses, described in Subsection [76-10-1302(3)] 76-5d-202(4), and
 1456 the [individual] actor reports the offense or attempt to law enforcement in good faith.

1457 [(8)] (7)[(a)] As part of a sentence imposed under Subsection (3), the court may lower,
 1458 waive, or suspend a fine if the [defendant] actor completes a court-approved program
 1459 that provides information or services intended to help an individual no longer engage
 1460 in prostitution.

1461 ~~[(b) As part of a sentence imposed under Subsection (4), the court shall order the
 1462 defendant to pay for and complete a court-approved educational program about the
 1463 negative effects on an individual involved with prostitution or human trafficking.]~~

1464 Section 23. Section **76-5d-210** is enacted to read:

1465 **76-5d-210 (Effective 05/07/25). Sexual solicitation by an actor offering**
 1466 **compensation to an adult in exchange for sexual activity.**

1467 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1468 (2) An actor commits the offense of sexual solicitation by an actor offering compensation in
 1469 exchange for sexual activity if the actor:

1470 (a) pays, offers to pay, or agrees to pay a fee or the functional equivalent of a fee to an
 1471 adult to hire the adult to commit any sexual activity; or

1472 (b) with intent to pay an adult to be hired to commit any sexual activity for a fee or the
 1473 functional equivalent of a fee, requests or directs the adult to engage in any of the
 1474 following acts:

1475 (i) exposure or touching of an adult's genitals, buttocks, anus, pubic area, or female
 1476 breast below the top of the areola;

1477 (ii) masturbation; or

1478 (iii) any act of lewdness.

1479 (3) A violation of Subsection (2) or under a local ordinance adopted in compliance with
 1480 Section 76-5d-102 is:

1481 (a) a class A misdemeanor on a first or second violation; or

1482 (b) a third degree felony on a third or subsequent violation.

1483 (4) As part of a sentence imposed under Subsection (3), the court shall order the actor to
 1484 pay for and complete a court-approved educational program about the negative effects
 1485 on an individual involved with prostitution or human trafficking.

1486 (5) The actor's intent to hire an adult to engage in sexual activity for a fee may be inferred

1487 from an actor engaging in, offering or agreeing to engage in, or requesting or directing
 1488 another to engage in any of the acts described in Subsection (2)(b) under the totality of
 1489 the existing circumstances.

1490 (6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor
 1491 engages in a violation of Subsection (2) at or near the time the actor witnesses or is a
 1492 victim of any of the offenses, or an attempt to commit any of the offenses, described in
 1493 Subsection 76-5d-202(4), and the actor reports the offense or attempt to law
 1494 enforcement in good faith.

1495 Section 24. Section **76-5d-211** is enacted to read:

1496 **76-5d-211 (Effective 05/07/25). Sexual solicitation by an actor offering**
 1497 **compensation to a child in exchange for sexual activity.**

1498 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1499 (2) Under circumstances not amounting to an offense described in Subsection (4), an actor
 1500 commits the offense of sexual solicitation by an actor offering compensation to a child
 1501 in exchange for sexual activity if the actor:

1502 (a) is 12 years old or older; and

1503 (b)(i) pays, offers to pay, or agrees to pay a fee, or the functional equivalent of a fee,
 1504 to a child to hire the child to commit any sexual activity; or

1505 (ii) with intent to pay a child to be hired to commit any sexual activity for a fee, or
 1506 the functional equivalent of a fee, requests or directs the child to engage in any of
 1507 the following acts:

1508 (A) exposure or touching of the child's genitals, the buttocks, the anus, the pubic
 1509 area, or the female breast below the top of the areola;

1510 (B) masturbation; or

1511 (C) any act of lewdness.

1512 (3)(a) Except a provided in Subsection (3)(b), a violation of Subsection (2) is a second
 1513 degree felony.

1514 (b) If the actor is under 18 years old at the time of the offense, a violation of Subsection
 1515 (2) is:

1516 (i) a third degree felony if:

1517 (A) the actor is 17 years old and the child is 13 years old or younger; or

1518 (B) the actor is 16 years old and the child is 12 years old or younger;

1519 (ii) a class A misdemeanor if:

1520 (A) the actor is 17 years old and the child is 14 years old;

- 1521 (B) the actor is 16 years old and the child is 13 years old;
1522 (C) the actor is 15 years old and the child is 12 years old or younger; or
1523 (D) the actor is 14 years old and the child is 11 years old or younger;
1524 (iii) a class B misdemeanor if:
1525 (A) the actor is 17 years old and the child is 15 years old;
1526 (B) the actor is 16 years old and the child is 14 years old;
1527 (C) the actor is 15 years old and the child is 13 years old;
1528 (D) the actor is 14 years old and the child is 12 years old;
1529 (E) the actor is 13 years old and the child is 11 years old or younger; or
1530 (F) the actor is 12 years old and the child is 10 years old or younger; or
1531 (iv) a class C misdemeanor if:
1532 (A) the actor is 17 years old and the child is 16 or 17 years old;
1533 (B) the actor is 16 years old and the child is 15 years old or older;
1534 (C) the actor is 15 years old and the child is 14 years old or older;
1535 (D) the actor is 14 years old and the child is 13 years old or older;
1536 (E) the actor is 13 years old and the child is 12 years old or older; or
1537 (F) the actor is 12 years old and the child is 11 years old or older.
1538 (4) The offenses referred to in Subsection (2) are:
1539 (a) human trafficking for labor as described in Section 76-5-308;
1540 (b) human trafficking for sexual exploitation as described in Section 76-5-308.1;
1541 (c) human smuggling as described in Section 76-5-308.3;
1542 (d) human trafficking of a child as described in Section 76-5-308.5;
1543 (e) aggravated human trafficking as described in Section 76-5-310; and
1544 (f) aggravated human smuggling as described in Section 76-5-310.1.
1545 (5) The actor's intent to hire a child to engage in sexual activity for a fee may be inferred
1546 from an actor engaging in, offering or agreeing to engage in, or requesting or directing
1547 another to engage in any of the acts described in Subsection (2)(b) under the totality of
1548 the existing circumstances.
1549 (6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor
1550 engages in a violation of Subsection (2) at or near the time the actor witnesses or is a
1551 victim of any of the offenses, or an attempt to commit any of the offenses, described in
1552 Subsection 76-5d-202(4), and the actor reports the offense or attempt to law
1553 enforcement in good faith.
1554 (7)(a) Upon encountering a child engaged in commercial sex or sexual solicitation, a

1555 law enforcement officer shall follow the procedure described in Subsection
 1556 76-5d-106(2).

1557 (b) A child engaged in commercial sex or sexual solicitation shall be referred to the
 1558 Division of Child and Family Services for services and may not be subjected to
 1559 delinquency proceedings.

1560 Section 25. Section **76-5d-212**, which is renumbered from Section 76-10-1309 is renumbered
 1561 and amended to read:

1562 **[76-10-1309]76-5d-212 (Effective 05/07/25). Engaging in prostitution or sexual solicitation**
 1563 **as an HIV positive offender.**

1564 [A person]

1565 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

1566 (2) [who is convicted of prostitution under] An actor commits engaging in prostitution or
 1567 sexual solicitation as an HIV positive offender if the actor:

1568 (a) is an HIV positive individual;

1569 (b) is convicted of:

1570 (i) engaging in prostitution under Section [76-10-1302,] 76-5d-202;

1571 (ii) patronizing a [prostitute under] a prostituted individual who is an adult under
 1572 Section [76-10-1303, or] 76-5d-203;

1573 (iii) patronizing a prostituted individual who is a child under Section 76-5d-204;

1574 (iv) entering or remaining in a place of prostitution under Section 76-5d-205;

1575 (v) sexual solicitation [under] by an actor offering to engage in sexual activity for
 1576 compensation under Section [76-10-1313] 76-5d-209;

1577 (vi) [is guilty of a third degree felony if at the time of the offense the person is an
 1578 HIV positive individual, and the person:] sexual solicitation by an actor offering
 1579 compensation to an adult in exchange for sexual activity under Section 76-5d-210;

1580 or

1581 (vii) sexual solicitation by an actor offering compensation to a child in exchange for
 1582 sexual activity under Section 76-5d-211; and

1583 [(+)] (c)(i) has actual knowledge [of the fact] that the actor is an HIV positive
 1584 individual; or

1585 [(2)] (ii) has previously been convicted [under Section 76-10-1302, 76-10-1303, or
 1586 76-10-1313] of a violation of Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205,
 1587 76-5d-209, 76-5d-210, or 76-5d-211.

1588 (3) A violation of Subsection (2) is a third degree felony.

1589 (4) Upon conviction under this section, and as a condition of probation, the actor shall
1590 receive treatment and counseling for HIV infection and drug abuse as provided in Title
1591 26B, Chapter 5, Health Care - Substance Use and Mental Health.

1592 Section 26. Section **76-10-1602** is amended to read:

1593 **76-10-1602 (Effective 05/07/25). Definitions.**

1594 As used in this part:

1595 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
1596 business trust, association, or other legal entity, and any union or group of individuals
1597 associated in fact although not a legal entity, and includes illicit as well as licit entities.

1598 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
1599 commission of at least three episodes of unlawful activity, which episodes are not
1600 isolated, but have the same or similar purposes, results, participants, victims, or methods
1601 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
1602 together, the episodes shall demonstrate continuing unlawful conduct and be related
1603 either to each other or to the enterprise. At least one of the episodes comprising a
1604 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act
1605 constituting part of a pattern of unlawful activity as defined by this part shall have
1606 occurred within five years of the commission of the next preceding act alleged as part of
1607 the pattern.

1608 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
1609 interest in property, including state, county, and local governmental entities.

1610 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,
1611 encourage, or intentionally aid another person to engage in conduct which would
1612 constitute any offense described by the following crimes or categories of crimes, or to
1613 attempt or conspire to engage in an act which would constitute any of those offenses,
1614 regardless of whether the act is in fact charged or indicted by any authority or is
1615 classified as a misdemeanor or a felony:

1616 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized
1617 Recording Practices Act;

1618 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality
1619 Code, Sections 19-1-101 through 19-7-109;

1620 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose
1621 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or
1622 Section 23A-5-311;

- 1623 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,
1624 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- 1625 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal
1626 Offenses and Procedure Act;
- 1627 (f) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah
1628 Uniform Land Sales Practices Act;
- 1629 (g) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah
1630 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances
1631 Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58,
1632 Chapter 37d, Clandestine Drug Lab Act;
- 1633 (h) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
1634 Securities Act;
- 1635 (i) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah
1636 Procurement Code;
- 1637 (j) assault under Section_76-5-102;
- 1638 (k) aggravated assault under Section 76-5-103;
- 1639 (l) a threat of terrorism under Section 76-5-107.3;
- 1640 (m) a criminal homicide offense under Section 76-5-201;
- 1641 (n) kidnapping under Section_76-5-301;
- 1642 (o) aggravated kidnapping under Section_76-5-302;
- 1643 (p) human trafficking for labor under Section 76-5-308;
- 1644 (q) human trafficking for sexual exploitation under Section 76-5-308.1;
- 1645 (r) human smuggling under Section 76-5-308.3;
- 1646 (s) human trafficking of a child under Section_76-5-308.5;
- 1647 (t) benefiting from trafficking and human smuggling under Section_76-5-309;
- 1648 (u) aggravated human trafficking under Section_76-5-310;
- 1649 (v) sexual exploitation of a minor under Section 76-5b-201;
- 1650 (w) aggravated sexual exploitation of a minor under Section_76-5b-201.1;
- 1651 (x) arson under Section 76-6-102;
- 1652 (y) aggravated arson under Section_76-6-103;
- 1653 (z) causing a catastrophe under Section 76-6-105;
- 1654 (aa) burglary under Section 76-6-202;
- 1655 (bb) aggravated burglary under Section_76-6-203;
- 1656 (cc) burglary of a vehicle under Section 76-6-204;

- 1657 (dd) manufacture or possession of an instrument for burglary or theft under Section
1658 76-6-205;
- 1659 (ee) robbery under Section 76-6-301;
- 1660 (ff) aggravated robbery under Section 76-6-302;
- 1661 (gg) theft under Section 76-6-404;
- 1662 (hh) theft by deception under Section 76-6-405;
- 1663 (ii) theft by extortion under Section 76-6-406;
- 1664 (jj) receiving stolen property under Section 76-6-408;
- 1665 (kk) theft of services under Section 76-6-409;
- 1666 (ll) forgery under Section 76-6-501;
- 1667 (mm) unlawful use of financial transaction card under Section 76-6-506.2;
- 1668 (nn) unlawful acquisition, possession, or transfer of financial transaction card under
1669 Section 76-6-506.3;
- 1670 (oo) financial transaction card offenses under Section 76-6-506.6;
- 1671 (pp) deceptive business practices under Section 76-6-507;
- 1672 (qq) bribery or receiving bribe by person in the business of selection, appraisal, or
1673 criticism of goods under Section 76-6-508;
- 1674 (rr) bribery of a labor official under Section 76-6-509;
- 1675 (ss) defrauding creditors under Section 76-6-511;
- 1676 (tt) acceptance of deposit by insolvent financial institution under Section 76-6-512;
- 1677 (uu) unlawful dealing with property by fiduciary under Section 76-6-513;
- 1678 (vv) bribery or threat to influence contest under Section 76-6-514;
- 1679 (ww) making a false credit report under Section 76-6-517;
- 1680 (xx) criminal simulation under Section 76-6-518;
- 1681 (yy) criminal usury under Section 76-6-520;
- 1682 (zz) insurance fraud under Section 76-6-521;
- 1683 (aaa) retail theft under Section 76-6-602;
- 1684 (bbb) computer crimes under Section 76-6-703;
- 1685 (ccc) identity fraud under Section 76-6-1102;
- 1686 (ddd) mortgage fraud under Section 76-6-1203;
- 1687 (eee) sale of a child under Section 76-7-203;
- 1688 (fff) bribery to influence official or political actions under Section 76-8-103;
- 1689 (ggg) threat to influence official or political action under Section 76-8-104;
- 1690 (hhh) receiving bribe or bribery by public servant under Section 76-8-105;

- 1691 (iii) receiving bribe for endorsement of person as a public servant under Section
1692 76-8-106;
- 1693 (jjj) bribery for endorsement of person as public servant under Section 76-8-106.1;
1694 (kkk) official misconduct based on unauthorized act or failure of duty under Section
1695 76-8-201;
- 1696 (lll) official misconduct concerning inside information under Section 76-8-202;
1697 (mmm) obstruction of justice in a criminal investigation or proceeding under Section
1698 76-8-306;
- 1699 (nnn) acceptance of bribe or bribery to prevent criminal prosecution under Section
1700 76-8-308;
- 1701 (ooo) harboring or concealing offender who has escaped from official custody under
1702 Section 76-8-309.2;
- 1703 (ppp) making a false or inconsistent material statement under Section 76-8-502;
1704 (qqq) making a false or inconsistent statement under Section 76-8-503;
1705 (rrr) making a written false statement under Section 76-8-504;
- 1706 (sss) tampering with a witness under Section 76-8-508;
1707 (ttt) retaliation against a witness, victim, or informant under Section 76-8-508.3;
1708 (uuu) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
1709 (vvv) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
1710 (www) tampering with evidence under Section 76-8-510.5;
- 1711 (xxx) falsification or alteration of a government record under Section 76-8-511, if the
1712 record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,
1713 Lobbyist Disclosure and Regulation Act;
- 1714 (yyy) public assistance fraud by an applicant for public assistance under Section
1715 76-8-1203.1;
- 1716 (zzz) public assistance fraud by a recipient of public assistance under Section
1717 76-8-1203.3;
- 1718 (aaaa) public assistance fraud by a provider under Section 76-8-1203.5;
1719 (bbbb) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;
1720 (cccc) false statement to obtain or increase unemployment compensation under Section
1721 76-8-1301;
- 1722 (dddd) false statement to prevent or reduce unemployment compensation or liability
1723 under Section 76-8-1302;
- 1724 (eeee) unlawful failure to comply with Employment Security Act requirements under

1725 Section 76-8-1303;
1726 (ffff) unlawful use or disclosure of employment information under Section 76-8-1304;
1727 (gggg) intentionally or knowingly causing one animal to fight with another under
1728 Subsection 76-9-301(2)(d) or (e), or Section 76-9-301.1;
1729 (hhhh) possession, use, or removal of explosives, chemical, or incendiary devices or
1730 parts under Section 76-10-306;
1731 (iiii) delivery to common carrier, mailing, or placement on premises of an incendiary
1732 device under Section 76-10-307;
1733 (jjjj) possession of a deadly weapon with intent to assault under Section 76-10-507;
1734 (kkkk) unlawful marking of pistol or revolver under Section 76-10-521;
1735 (llll) alteration of number or mark on pistol or revolver under Section 76-10-522;
1736 (mmmm) forging or counterfeiting trademarks, trade name, or trade device under
1737 Section 76-10-1002;
1738 (nnnn) selling goods under counterfeited trademark, trade name, or trade devices under
1739 Section 76-10-1003;
1740 (oooo) sales in containers bearing registered trademark of substituted articles under
1741 Section 76-10-1004;
1742 (pppp) selling or dealing with article bearing registered trademark or service mark with
1743 intent to defraud under Section 76-10-1006;
1744 (qqqq) gambling under Section 76-10-1102;
1745 (rrrr) gambling fraud under Section 76-10-1103;
1746 (ssss) gambling promotion under Section 76-10-1104;
1747 (tttt) possessing a gambling device or record under Section 76-10-1105;
1748 (uuuu) confidence game under Section 76-10-1109;
1749 (vvvv) distributing pornographic material under Section 76-10-1204;
1750 (wwww) inducing acceptance of pornographic material under Section 76-10-1205;
1751 (xxxx) dealing in harmful material to a minor under Section 76-10-1206;
1752 (yyyy) distribution of pornographic films under Section 76-10-1222;
1753 (zzzz) indecent public displays under Section 76-10-1228;
1754 (aaaa) engaging in prostitution under Section [~~76-10-1302~~] 76-5d-202;
1755 (bbbb) aiding prostitution under Section [~~76-10-1304~~] 76-5d-206;
1756 (cccc) exploiting prostitution under Section [~~76-10-1305~~] 76-5d-206;
1757 (dddd) aggravated exploitation of prostitution under Section [~~76-10-1306~~] 76-5d-207;
1758 (eeee) communications fraud under Section 76-10-1801;

1759 (fffff) an act prohibited by the criminal provisions of Part 19, Money Laundering and
 1760 Currency Transaction Reporting Act;
 1761 (ggggg) vehicle compartment for contraband under Section 76-10-2801;
 1762 (hhhhh) an act prohibited by the criminal provisions of the laws governing taxation in
 1763 this state; or
 1764 (iiiiii) an act illegal under the laws of the United States and enumerated in 18 U.S.C. Sec.
 1765 1961(1)(B), (C), and (D).

1766 Section 27. Section **77-23a-8** is amended to read:

1767 **77-23a-8 (Effective 05/07/25). Court order to authorize or approve interception**
 1768 **-- Procedure.**

- 1769 (1) The attorney general of the state, any assistant attorney general specially designated by
 1770 the attorney general, any county attorney, district attorney, deputy county attorney, or
 1771 deputy district attorney specially designated by the county attorney or by the district
 1772 attorney, may authorize an application to a judge of competent jurisdiction for an order
 1773 for an interception of wire, electronic, or oral communications by any law enforcement
 1774 agency of the state, the federal government or of any political subdivision of the state
 1775 that is responsible for investigating the type of offense for which the application is made.
- 1776 (2) The judge may grant the order in conformity with the required procedures when the
 1777 interception sought may provide or has provided evidence of the commission of:
- 1778 (a) an act:
- 1779 (i) prohibited by the criminal provisions of:
- 1780 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 1781 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
- 1782 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
- 1783 (ii) punishable by a term of imprisonment of more than one year;
- 1784 (b) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
 1785 Securities Act, and punishable by a term of imprisonment of more than one year;
- 1786 (c) an offense:
- 1787 (i) of:
- 1788 (A) attempt under Section 76-4-101;
- 1789 (B) conspiracy under Section 76-4-201;
- 1790 (C) criminal solicitation of an adult, Section 76-4-203; or
- 1791 (D) criminal solicitation of a minor, Section 76-4-205; and
- 1792 (ii) punishable by a term of imprisonment of more than one year;

- 1793 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
1794 more than one year under Section 76-5-107.3;
- 1795 (e)(i) aggravated murder under Section 76-5-202;
1796 (ii) murder under Section 76-5-203; or
1797 (iii) manslaughter under Section 76-5-205;
- 1798 (f)(i) kidnapping under Section 76-5-301;
1799 (ii) child kidnapping under Section 76-5-301.1;
1800 (iii) aggravated kidnapping under Section 76-5-302;
1801 (iv) human trafficking for labor under Section 76-5-308;
1802 (v) human trafficking for sexual exploitation under Section 76-5-308.1;
1803 (vi) human trafficking of a child under Section 76-5-308.5;
1804 (vii) human smuggling under Section 76-5-308.3;
1805 (viii) aggravated human trafficking under Section 76-5-310; or
1806 (ix) aggravated human smuggling under Section 76-5-310.1;
- 1807 (g)(i) arson under Section 76-6-102; or
1808 (ii) aggravated arson under Section 76-6-103;
- 1809 (h)(i) burglary under Section 76-6-202; or
1810 (ii) aggravated burglary under Section 76-6-203;
- 1811 (i)(i) robbery under Section 76-6-301; or
1812 (ii) aggravated robbery under Section 76-6-302;
- 1813 (j) an offense:
1814 (i) of:
1815 (A) theft under Section 76-6-404;
1816 (B) theft by deception under Section 76-6-405; or
1817 (C) theft by extortion under Section 76-6-406; and
1818 (ii) punishable by a maximum term of imprisonment of more than one year;
- 1819 (k) an offense of receiving stolen property that is punishable by a maximum term of
1820 imprisonment of more than one year under Section 76-6-408;
- 1821 (l) a financial card transaction offense punishable by a maximum term of imprisonment
1822 of more than one year under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 1823 (m) bribery of a labor official under Section 76-6-509;
- 1824 (n) bribery or threat to influence a publicly exhibited contest under Section 76-6-514;
- 1825 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
1826 more than one year under Section 76-6-518;

- 1827 (p) criminal usury under Section 76-6-520;
- 1828 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
1829 year under Section 76-6-521;
- 1830 (r) a violation under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable
1831 by a maximum term of imprisonment of more than one year under Section 76-6-703;
- 1832 (s) bribery to influence official or political actions under Section 76-8-103;
- 1833 (t) misusing public money or public property under Section 76-8-402;
- 1834 (u) tampering with a witness under Section 76-8-508;
- 1835 (v) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 1836 (w) tampering or retaliating against a juror under Section 76-8-508.5;
- 1837 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 1838 (y) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 1839 (z) obstruction of justice in a criminal investigation or proceeding under Section
1840 76-8-306;
- 1841 (aa) harboring or concealing offender who has escaped from official custody under
1842 Section 76-8-309.2;
- 1843 (bb) destruction of property to interfere with preparations for defense or war under
1844 Section 76-8-802;
- 1845 (cc) an attempt to commit crimes of sabotage under Section 76-8-804;
- 1846 (dd) conspiracy to commit crimes of sabotage under Section 76-8-805;
- 1847 (ee) advocating criminal syndicalism or sabotage under Section 76-8-902;
- 1848 (ff) assembling for advocating criminal syndicalism or sabotage under Section 76-8-903;
- 1849 (gg) riot punishable by a maximum term of imprisonment of more than one year under
1850 Section 76-9-101;
- 1851 (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a
1852 maximum term of imprisonment of more than one year under Section 76-9-301.1;
- 1853 (ii) possession, use, or removal of an explosive, chemical, or incendiary device and parts
1854 under Section 76-10-306;
- 1855 (jj) delivery to a common carrier or mailing of an explosive, chemical, or incendiary
1856 device under Section 76-10-307;
- 1857 (kk) exploiting prostitution under Section ~~[76-10-1305]~~ 76-5d-207;
- 1858 (ll) aggravated exploitation of prostitution under Section ~~[76-10-1306]~~ 76-5d-208;
- 1859 (mm) bus hijacking or assault with intent to commit hijacking under Section 76-10-1504;
- 1860 (nn) discharging firearms and hurling missiles under Section 76-10-1505;

1861 (oo) violations under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act,
 1862 and the offenses listed under the definition of unlawful activity in the act, including
 1863 the offenses not punishable by a maximum term of imprisonment of more than one
 1864 year when those offenses are investigated as predicates for the offenses prohibited by
 1865 the act under Section 76-10-1602;

1866 (pp) communications fraud under Section 76-10-1801;

1867 (qq) money laundering under Sections 76-10-1903 and 76-10-1904; or

1868 (rr) reporting by a person engaged in a trade or business when the offense is punishable
 1869 by a maximum term of imprisonment of more than one year under Section
 1870 76-10-1906.

1871 Section 28. Section **77-38-3** is amended to read:

1872 **77-38-3 (Effective 05/07/25). Notification to victims -- Initial notice, election to**
 1873 **receive subsequent notices -- Form of notice -- Protected victim information -- Pretrial**
 1874 **criminal no contact order.**

1875 (1) Within seven days after the day on which felony criminal charges are filed against a
 1876 defendant, the prosecuting agency shall provide an initial notice to reasonably
 1877 identifiable and locatable victims of the crime contained in the charges, except as
 1878 otherwise provided in this chapter.

1879 (2) The initial notice to the victim of a crime shall provide information about electing to
 1880 receive notice of subsequent important criminal justice hearings listed in Subsections
 1881 77-38-2(5)(a) through (g) and rights under this chapter.

1882 (3) The prosecuting agency shall provide notice to a victim of a crime:

1883 (a) for the important criminal justice hearings, provided in Subsections 77-38-2(5)(a)
 1884 through (g), which the victim has requested; and

1885 (b) for a restitution request to be submitted in accordance with Section 77-38b-202.

1886 (4)(a) The responsible prosecuting agency may provide initial and subsequent notices in
 1887 any reasonable manner, including telephonically, electronically, orally, or by means
 1888 of a letter or form prepared for this purpose.

1889 (b) In the event of an unforeseen important criminal justice hearing, described in
 1890 Subsections 77-38-2(5)(a) through (g) for which a victim has requested notice, a
 1891 good faith attempt to contact the victim by telephone shall be considered sufficient
 1892 notice, provided that the prosecuting agency subsequently notifies the victim of the
 1893 result of the proceeding.

1894 (5)(a) The court shall take reasonable measures to ensure that its scheduling practices

- 1895 for the proceedings provided in Subsections 77-38-2(5)(a) through (g) permit an
1896 opportunity for victims of crimes to be notified.
- 1897 (b) The court shall consider whether any notification system that the court might use to
1898 provide notice of judicial proceedings to defendants could be used to provide notice
1899 of judicial proceedings to victims of crimes.
- 1900 (6) A defendant or, if it is the moving party, the Division of Adult Probation and Parole,
1901 shall give notice to the responsible prosecuting agency of any motion for modification of
1902 any determination made at any of the important criminal justice hearings provided in
1903 Subsections 77-38-2(5)(a) through (g) in advance of any requested court hearing or
1904 action so that the prosecuting agency may comply with the prosecuting agency's
1905 notification obligation.
- 1906 (7)(a) Notice to a victim of a crime shall be provided by the Board of Pardons and
1907 Parole for the important criminal justice hearing under Subsection 77-38-2(5)(h).
- 1908 (b) The board may provide notice in any reasonable manner, including telephonically,
1909 electronically, orally, or by means of a letter or form prepared for this purpose.
- 1910 (8) Prosecuting agencies and the Board of Pardons and Parole are required to give notice to
1911 a victim of a crime for the proceedings provided in Subsections 77-38-2(5)(a) through (g)
1912 only where the victim has responded to the initial notice, requested notice of subsequent
1913 proceedings, and provided a current address and telephone number if applicable.
- 1914 (9) To facilitate the payment of restitution and the notice of hearings regarding restitution, a
1915 victim who seeks restitution and notice of restitution hearings shall provide the court
1916 with the victim's current address and telephone number.
- 1917 (10)(a) Law enforcement and criminal justice agencies shall refer any requests for
1918 notice or information about crime victim rights from victims to the responsible
1919 prosecuting agency.
- 1920 (b) In a case in which the Board of Pardons and Parole is involved, the responsible
1921 prosecuting agency shall forward any request for notice the prosecuting agency has
1922 received from a victim to the Board of Pardons and Parole.
- 1923 (11) In all cases where the number of victims exceeds 10, the responsible prosecuting
1924 agency may send any notices required under this chapter in the prosecuting agency's
1925 discretion to a representative sample of the victims.
- 1926 (12)(a) A victim's address, telephone number, and victim impact statement maintained
1927 by a peace officer, prosecuting agency, Youth Parole Authority, Division of Juvenile
1928 Justice and Youth Services, Department of Corrections, Utah State Courts, and Board

- 1929 of Pardons and Parole, for purposes of providing notice under this section, are
 1930 classified as protected under Subsection 63G-2-305(10).
- 1931 (b) The victim's address, telephone number, and victim impact statement is available
 1932 only to the following persons or entities in the performance of their duties:
- 1933 (i) a law enforcement agency, including the prosecuting agency;
 - 1934 (ii) a victims' right committee as provided in Section 77-37-5;
 - 1935 (iii) a governmentally sponsored victim or witness program;
 - 1936 (iv) the Department of Corrections;
 - 1937 (v) the Utah Office for Victims of Crime;
 - 1938 (vi) the Commission on Criminal and Juvenile Justice;
 - 1939 (vii) the Utah State Courts; and
 - 1940 (viii) the Board of Pardons and Parole.
- 1941 (13) The notice provisions as provided in this section do not apply to misdemeanors as
 1942 provided in Section 77-38-5 and to important juvenile justice hearings as provided in
 1943 Section 77-38-2.
- 1944 (14)(a) When a defendant is charged with a felony crime under Sections 76-5-301
 1945 through 76-5-310.1 regarding kidnapping, human trafficking, and human smuggling;
 1946 Sections 76-5-401 through 76-5-413.2 regarding sexual offenses; or Section [
 1947 76-10-1306] 76-5d-208 regarding aggravated exploitation of prostitution, the court
 1948 may, during any court hearing where the defendant is present, issue a pretrial
 1949 criminal no contact order:
- 1950 (i) prohibiting the defendant from harassing, telephoning, contacting, or otherwise
 1951 communicating with the victim directly or through a third party;
 - 1952 (ii) ordering the defendant to stay away from the residence, school, place of
 1953 employment of the victim, and the premises of any of these, or any specified place
 1954 frequented by the victim or any designated family member of the victim directly
 1955 or through a third party; and
 - 1956 (iii) ordering any other relief that the court considers necessary to protect and provide
 1957 for the safety of the victim and any designated family or household member of the
 1958 victim.
- 1959 (b) Violation of a pretrial criminal no contact order issued pursuant to this section is a
 1960 third degree felony.
- 1961 (c)(i) The court shall provide to the victim a certified copy of any pretrial criminal
 1962 no contact order that has been issued if the victim can be located with reasonable

- 1963 effort.
- 1964 (ii) The court shall also transmit the pretrial criminal no contact order to the statewide
1965 domestic violence network in accordance with Section 78B-7-113.
- 1966 (15)(a) When a case involving a victim may resolve before trial with a plea deal, the
1967 prosecutor shall notify the victim of that possibility as soon as practicable.
- 1968 (b) Upon the request of a victim described in Subsection (15)(a), the prosecutor shall
1969 explain the available details of an anticipated plea deal.
- 1970 Section 29. Section **77-41-102** is amended to read:
- 1971 **77-41-102 (Effective 05/07/25). Definitions.**
- 1972 As used in this chapter:
- 1973 (1) "Child abuse offender" means an individual:
- 1974 (a) who has been convicted in this state of a violation of:
- 1975 (i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b); or
1976 (ii) attempting, soliciting, or conspiring to commit aggravated child abuse under
1977 Subsection 76-5-109.2(3)(a) or (b);
- 1978 (b)(i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to
1979 commit a crime in another jurisdiction, including a state, federal, or military court,
1980 that is substantially equivalent to the offense listed in Subsection (1)(a); and
1981 (ii)(A) who is a Utah resident; or
1982 (B) who is not a Utah resident but is in this state for a total of 10 days in a
1983 12-month period, regardless of whether the offender intends to permanently
1984 reside in this state;
- 1985 (c)(i)(A) who is required to register as a child abuse offender in another
1986 jurisdiction of original conviction;
- 1987 (B) who is required to register as a child abuse offender by a state, a federal, or a
1988 military court; or
1989 (C) who would be required to register as a child abuse offender if residing in the
1990 jurisdiction of the conviction regardless of the date of the conviction or a
1991 previous registration requirement; and
- 1992 (ii) who is in this state for a total of 10 days in a 12-month period, regardless of
1993 whether the offender intends to permanently reside in this state;
- 1994 (d)(i)(A) who is a nonresident regularly employed or working in this state; or
1995 (B) who is a student in this state; and
1996 (ii)(A) who was convicted of the offense listed in Subsection (1)(a) or a

- 1997 substantially equivalent offense in another jurisdiction; or
- 1998 (B) who is required to register in the individual's state of residence based on a
- 1999 conviction for an offense that is not substantially equivalent to an offense listed
- 2000 in Subsection (1)(a);
- 2001 (e) who is found not guilty by reason of insanity in this state or in another jurisdiction of
- 2002 the offense listed in Subsection (1)(a); or
- 2003 (f)(i) who is adjudicated under Section 80-6-701 for the offense listed in Subsection
- 2004 (1)(a); and
- 2005 (ii) who has been committed to the division for secure care, as defined in Section
- 2006 80-1-102, for that offense if:
- 2007 (A) the individual remains in the division's custody until 30 days before the
- 2008 individual's 21st birthday;
- 2009 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
- 2010 under Section 80-6-605 and the individual remains in the division's custody
- 2011 until 30 days before the individual's 25th birthday; or
- 2012 (C) the individual is moved from the division's custody to the custody of the
- 2013 department before expiration of the division's jurisdiction over the individual.
- 2014 (2) "Bureau" means the Bureau of Criminal Identification of the Department of Public
- 2015 Safety established in ~~[section]~~ Section 53-10-201.
- 2016 (3) "Business day" means a day on which state offices are open for regular business.
- 2017 (4) "Certificate of eligibility" means a document issued by the Bureau of Criminal
- 2018 Identification showing that the offender has met the requirements of Section 77-41-112.
- 2019 (5)(a) "Convicted" means a plea or conviction of:
- 2020 (i) guilty;
- 2021 (ii) guilty with a mental illness; or
- 2022 (iii) no contest.
- 2023 (b) "Convicted" includes, unless otherwise specified, the period a plea is held in
- 2024 abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.
- 2025 (c) "Convicted" does not include:
- 2026 (i) a withdrawn or dismissed plea in abeyance;
- 2027 (ii) a diversion agreement; or
- 2028 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 2029 (6) "Department" means the Department of Public Safety.
- 2030 (7) "Division" means the Division of Juvenile Justice and Youth Services.

- 2031 (8) "Employed" or "carries on a vocation" includes employment that is full time or part
2032 time, whether financially compensated, volunteered, or for the purpose of government or
2033 educational benefit.
- 2034 (9) "Indian Country" means:
- 2035 (a) all land within the limits of any Indian reservation under the jurisdiction of the
2036 United States government, regardless of the issuance of any patent, and includes
2037 rights-of-way running through the reservation;
- 2038 (b) all dependent Indian communities within the borders of the United States whether
2039 within the original or subsequently acquired territory, and whether or not within the
2040 limits of a state; and
- 2041 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
2042 not been extinguished, including rights-of-way running through the allotments.
- 2043 (10) "Jurisdiction" means any state, Indian Country, United States Territory, or property
2044 under the jurisdiction of the United States military, Canada, the United Kingdom,
2045 Australia, or New Zealand.
- 2046 (11) "Kidnap offender" means an individual, other than a natural parent of the victim:
- 2047 (a) who has been convicted in this state of a violation of:
- 2048 (i) kidnapping under Subsection 76-5-301(2)(c) or (d);
- 2049 (ii) child kidnapping under Section 76-5-301.1;
- 2050 (iii) aggravated kidnapping under Section 76-5-302;
- 2051 (iv) human trafficking for labor under Section 76-5-308;
- 2052 (v) human smuggling under Section 76-5-308.3;
- 2053 (vi) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
- 2054 (vii) aggravated human trafficking under Section 76-5-310;
- 2055 (viii) aggravated human smuggling under Section 76-5-310.1;
- 2056 (ix) human trafficking of a vulnerable adult for labor under Section 76-5-311; or
- 2057 (x) attempting, soliciting, or conspiring to commit a felony offense listed in
2058 Subsections (11)(a)(i) through (ix);
- 2059 (b)(i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to
2060 commit a crime in another jurisdiction, including a state, federal, or military court,
2061 that is substantially equivalent to the offenses listed in Subsection (11)(a); and
- 2062 (ii)(A) who is a Utah resident; or
- 2063 (B) who is not a Utah resident but is in this state for a total of 10 days in a
2064 12-month period, regardless of whether the offender intends to permanently

- 2065 reside in this state;
- 2066 (c)(i)(A) who is required to register as a kidnap offender in another jurisdiction
- 2067 of original conviction;
- 2068 (B) who is required to register as a kidnap offender by a state, federal, or military
- 2069 court; or
- 2070 (C) who would be required to register as a kidnap offender if residing in the
- 2071 jurisdiction of the conviction regardless of the date of the conviction or a
- 2072 previous registration requirement; and
- 2073 (ii) who is in this state for a total of 10 days in a 12-month period, regardless of
- 2074 whether the offender intends to permanently reside in this state;
- 2075 (d)(i)(A) who is a nonresident regularly employed or working in this state; or
- 2076 (B) who is a student in this state; and
- 2077 (ii)(A) who was convicted of one or more offenses listed in Subsection (11)(a) or
- 2078 any substantially equivalent offense in another jurisdiction; or
- 2079 (B) who is required to register in the individual's state of residence based on a
- 2080 conviction for an offense that is not substantially equivalent to an offense listed
- 2081 in Subsection (11)(a);
- 2082 (e) who is found not guilty by reason of insanity in this state or in any other jurisdiction
- 2083 of one or more offenses listed in Subsection (11)(a); or
- 2084 (f)(i) who is adjudicated under Section 80-6-701 for one or more offenses listed in
- 2085 Subsection (11)(a); and
- 2086 (ii) who has been committed to the division for secure care, as defined in Section
- 2087 80-1-102, for that offense if:
- 2088 (A) the individual remains in the division's custody until 30 days before the
- 2089 individual's 21st birthday;
- 2090 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
- 2091 under Section 80-6-605 and the individual remains in the division's custody
- 2092 until 30 days before the individual's 25th birthday; or
- 2093 (C) the individual is moved from the division's custody to the custody of the
- 2094 department before expiration of the division's jurisdiction over the individual.
- 2095 (12) "Natural parent" means a minor's biological or adoptive parent, including the minor's
- 2096 noncustodial parent.
- 2097 (13) "Offender" means a child abuse offender, kidnap offender, or sex offender.
- 2098 (14) "Online identifier" or "Internet identifier":

- 2099 (a) means any electronic mail, chat, instant messenger, social networking, or similar
2100 name used for Internet communication; and
- 2101 (b) does not include date of birth, social security number, PIN number, or Internet
2102 passwords.
- 2103 (15) "Primary residence" means the location where the offender regularly resides, even if
2104 the offender intends to move to another location or return to another location at a future
2105 date.
- 2106 (16) "Register" means to comply with the requirements of this chapter and administrative
2107 rules of the department made under this chapter.
- 2108 (17) "Registration website" means the Sex, Kidnap, and Child Abuse Offender Notification
2109 and Registration website described in Section 77-41-110 and the information on the
2110 website.
- 2111 (18) "Secondary residence" means real property that the offender owns or has a financial
2112 interest in, or a location where the offender stays overnight a total of 10 or more nights
2113 in a 12-month period when not staying at the offender's primary residence.
- 2114 (19) "Sex offender" means an individual:
- 2115 (a) convicted in this state of:
- 2116 (i) a felony or class A misdemeanor violation of enticing a minor under Section
2117 76-4-401;
- 2118 (ii) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 2119 (iii) human trafficking for sexual exploitation under Section 76-5-308.1;
- 2120 (iv) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5
2121 (4)(b);
- 2122 (v) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 2123 (vi) human trafficking of a vulnerable adult for sexual exploitation under Section
2124 76-5-311;
- 2125 (vii) unlawful sexual activity with a minor under Section 76-5-401, except as
2126 provided in Subsection 76-5-401(3)(b) or (c);
- 2127 (viii) sexual abuse of a minor under Section 76-5-401.1, except as provided in
2128 Subsection 76-5-401.1(3);
- 2129 (ix) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 2130 (x) rape under Section 76-5-402;
- 2131 (xi) rape of a child under Section 76-5-402.1;
- 2132 (xii) object rape under Section 76-5-402.2;

- 2133 (xiii) object rape of a child under Section 76-5-402.3;
- 2134 (xiv) a felony violation of forcible sodomy under Section 76-5-403;
- 2135 (xv) sodomy on a child under Section 76-5-403.1;
- 2136 (xvi) forcible sexual abuse under Section 76-5-404;
- 2137 (xvii) sexual abuse of a child under Section 76-5-404.1;
- 2138 (xviii) aggravated sexual abuse of a child under Section 76-5-404.3;
- 2139 (xix) aggravated sexual assault under Section 76-5-405;
- 2140 (xx) custodial sexual relations under Section 76-5-412, when the individual in
- 2141 custody is younger than 18 years old, if the offense is committed on or after May
- 2142 10, 2011;
- 2143 (xxi) sexual exploitation of a minor under Section 76-5b-201;
- 2144 (xxii) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 2145 (xxiii) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
- 2146 (xxiv) incest under Section 76-7-102;
- 2147 (xxv) lewdness under Section 76-9-702, if the individual has been convicted of the
- 2148 offense four or more times;
- 2149 (xxvi) sexual battery under Section 76-9-702.1, if the individual has been convicted
- 2150 of the offense four or more times;
- 2151 (xxvii) any combination of convictions of lewdness under Section 76-9-702, and of
- 2152 sexual battery under Section 76-9-702.1, that total four or more convictions;
- 2153 (xxviii) lewdness involving a child under Section 76-9-702.5;
- 2154 (xxix) a felony or class A misdemeanor violation of voyeurism under Section
- 2155 76-9-702.7;
- 2156 (xxx) aggravated exploitation of prostitution under Section [~~76-10-1306~~] 76-5d-208;
- 2157 or
- 2158 (xxxi) attempting, soliciting, or conspiring to commit a felony offense listed in this
- 2159 Subsection (19)(a);
- 2160 (b)(i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to
- 2161 commit a crime in another jurisdiction, including a state, federal, or military court,
- 2162 that is substantially equivalent to the offenses listed in Subsection (19)(a); and
- 2163 (ii)(A) who is a Utah resident; or
- 2164 (B) who is not a Utah resident but is in this state for a total of 10 days in a
- 2165 12-month period, regardless of whether the offender intends to permanently
- 2166 reside in this state;

- 2167 (c)(i)(A) who is required to register as a sex offender in another jurisdiction of
 2168 original conviction;
- 2169 (B) who is required to register as a sex offender by a state, federal, or military
 2170 court; or
- 2171 (C) who would be required to register as a sex offender if residing in the
 2172 jurisdiction of the original conviction regardless of the date of the conviction or
 2173 a previous registration requirement; and
- 2174 (ii) who is in this state for a total of 10 days in a 12-month period, regardless of
 2175 whether the offender intends to permanently reside in this state;
- 2176 (d)(i)(A) who is a nonresident regularly employed or working in this state; or
 2177 (B) who is a student in this state; and
- 2178 (ii)(A) who was convicted of one or more offenses listed in Subsection (19)(a) or
 2179 a substantially equivalent offense in another jurisdiction; or
- 2180 (B) who is required to register in the individual's jurisdiction of residence based
 2181 on a conviction for an offense that is not substantially equivalent to an offense
 2182 listed in Subsection (19)(a);
- 2183 (e) who is found not guilty by reason of insanity in this state, or in another jurisdiction of
 2184 one or more offenses listed in Subsection (19)(a); or
- 2185 (f)(i) who is adjudicated under Section 80-6-701 for one or more offenses listed in
 2186 Subsection (19)(a); and
- 2187 (ii) who has been committed to the division for secure care, as defined in Section
 2188 80-1-102, for that offense if:
- 2189 (A) the individual remains in the division's custody until 30 days before the
 2190 individual's 21st birthday;
- 2191 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
 2192 under Section 80-6-605 and the individual remains in the division's custody
 2193 until 30 days before the individual's 25th birthday; or
- 2194 (C) the individual is moved from the division's custody to the custody of the
 2195 department before expiration of the division's jurisdiction over the individual.
- 2196 (20) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving
 2197 Under the Influence and Reckless Driving.
- 2198 (21) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to registration in
 2199 any jurisdiction.
- 2200 Section 30. Section **77-41-106** is amended to read:

- 2201 **77-41-106 (Effective 05/07/25). Offenses requiring lifetime registration.**
 2202 Offenses referred to in Subsection 77-41-105(3)(c)(i) requiring lifetime
 2203 registration are:
- 2204 (1) an offense listed in Subsection 77-41-102(1), (11), or (19) if, at the time of the
 2205 conviction for the offense, the offender has previously been convicted of an offense
 2206 listed in Subsection 77-41-102(1), (11), or (19) or has previously been required to
 2207 register as a sex offender, kidnap offender, or child abuse offender for an offense
 2208 committed as a juvenile;
- 2209 (2) a conviction for a following offense, including attempting, soliciting, or conspiring to
 2210 commit a felony of:
- 2211 (a) child kidnapping under Section 76-5-301.1, except if the offender is a natural parent
 2212 of the victim;
- 2213 (b) rape under Section 76-5-402;
- 2214 (c) rape of a child under Section 76-5-402.1;
- 2215 (d) object rape under Section 76-5-402.2;
- 2216 (e) object rape of a child under Section 76-5-402.3;
- 2217 (f) sodomy on a child under Section 76-5-403.1;
- 2218 (g) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 2219 (h) aggravated sexual assault under Section 76-5-405;
- 2220 (3) human trafficking for sexual exploitation under Section 76-5-308.1;
- 2221 (4) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
- 2222 (5) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 2223 (6) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
- 2224 (7) aggravated kidnapping under Section 76-5-302, except if the offender is a natural parent
 2225 of the victim;
- 2226 (8) forcible sodomy under Section 76-5-403;
- 2227 (9) sexual abuse of a child under Section 76-5-404.1;
- 2228 (10) sexual exploitation of a minor under Section 76-5b-201;
- 2229 (11) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 2230 (12) aggravated sexual extortion under Subsection 76-5b-204(2)(b); [or]
- 2231 (13) aggravated exploitation of prostitution under Section [~~76-10-1306~~] 76-5d-208, on or
 2232 after May 10, 2011; or
- 2233 (14) a felony violation of enticing a minor under Section 76-4-401 if the offender enticed
 2234 the minor to engage in sexual activity that is one of the offenses described in

2235 Subsections (2) through (13).

2236 Section 31. Section **78B-6-1101** is amended to read:

2237 **78B-6-1101 (Effective 05/07/25). Definitions -- Nuisance -- Right of action --**
 2238 **Agriculture operations.**

2239 (1) A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an
 2240 obstruction to the free use of property, so as to interfere with the comfortable enjoyment
 2241 of life or property. A nuisance may be the subject of an action.

2242 (2) A nuisance may include the following:

2243 (a) drug houses and drug dealing as provided in Section 78B-6-1107;

2244 (b) gambling as provided in Title 76, Chapter 10, Part 11, Gambling;

2245 (c) criminal activity committed in concert with three or more persons as provided in
 2246 Section 76-3-203.1;

2247 (d) criminal activity committed for the benefit of, at the direction of, or in association
 2248 with any criminal street gang as defined in Section 76-9-802;

2249 (e) criminal activity committed to gain recognition, acceptance, membership, or
 2250 increased status with a criminal street gang as defined in Section 76-9-802;

2251 (f) party houses that frequently create conditions defined in Subsection (1); and

2252 (g) prostitution as provided in [~~Title 76, Chapter 10, Part 13, Prostitution~~] Title 76,
 2253 Chapter 5d, Prostitution.

2254 (3) A nuisance under this part includes tobacco smoke that drifts into a residential unit a
 2255 person rents, leases, or owns, from another residential or commercial unit and the smoke:

2256 (a) drifts in more than once in each of two or more consecutive seven-day periods; and

2257 (b) creates any of the conditions under Subsection (1).

2258 (4) Subsection (3) does not apply to:

2259 (a) a residential rental unit available for temporary rental, such as for a vacation, or
 2260 available for only 30 or fewer days at a time; or

2261 (b) a hotel or motel room.

2262 (5) Subsection (3) does not apply to a unit that is part of a timeshare development, as
 2263 defined in Section 57-19-2, or subject to a timeshare interest as defined in Section
 2264 57-19-2.

2265 (6) An action may be brought by a person whose property is injuriously affected, or whose
 2266 personal enjoyment is lessened by the nuisance.

2267 (7) An action for nuisance against an agricultural operation is governed by Title 4, Chapter
 2268 44, Agricultural Operations Nuisances Act.

- 2269 (8) "Critical infrastructure materials operations" means the same as that term is defined in
 2270 Section 10-9a-901.
- 2271 (9) "Manufacturing facility" means a factory, plant, or other facility including its
 2272 appurtenances, where the form of raw materials, processed materials, commodities, or
 2273 other physical objects is converted or otherwise changed into other materials,
 2274 commodities, or physical objects or where such materials, commodities, or physical
 2275 objects are combined to form a new material, commodity, or physical object.
- 2276 Section 32. Section **78B-6-1107** is amended to read:
- 2277 **78B-6-1107 (Effective 05/07/25). Nuisance -- Drug houses and drug dealing --**
 2278 **Gambling -- Group criminal activity -- Party house -- Prostitution -- Weapons --**
 2279 **Abatement by eviction.**
- 2280 (1) Every building or place is a nuisance where:
- 2281 (a) the unlawful sale, manufacture, service, storage, distribution, dispensing, or
 2282 acquisition occurs of any controlled substance, precursor, or analog specified in Title
 2283 58, Chapter 37, Utah Controlled Substances Act;
- 2284 (b) gambling is permitted to be played, conducted, or dealt upon as prohibited in Title
 2285 76, Chapter 10, Part 11, Gambling, which creates the conditions of a nuisance as
 2286 defined in Subsection 78B-6-1101(1);
- 2287 (c) criminal activity is committed in concert with three or more persons as provided in
 2288 Section 76-3-203.1;
- 2289 (d) criminal activity is committed for the benefit of, at the direction of, or in association
 2290 with any criminal street gang as defined in Section 76-9-802;
- 2291 (e) criminal activity is committed to gain recognition, acceptance, membership, or
 2292 increased status with a criminal street gang as defined in Section 76-9-802;
- 2293 (f) parties occur frequently which create the conditions of a nuisance as defined in
 2294 Subsection 78B-6-1101(1);
- 2295 (g) prostitution or promotion of prostitution is regularly carried on by one or more
 2296 persons as provided in [~~Title 76, Chapter 10, Part 13, Prostitution~~] Title 76, Chapter
 2297 5d, Prostitution; and
- 2298 (h) a violation of Title 76, Chapter 10, Part 5, Weapons, occurs on the premises.
- 2299 (2) It is a defense to nuisance under Subsection (1)(a) if the defendant can prove that the
 2300 defendant is lawfully entitled to possession of a controlled substance.
- 2301 (3) Sections 78B-6-1108 through 78B-6-1114 govern only an abatement by eviction of the
 2302 nuisance as defined in Subsection (1).

2303 Section 33. Section **78B-9-104** is amended to read:

2304 **78B-9-104 (Effective 05/07/25). Grounds for relief -- Retroactivity of rule.**

2305 (1) Unless precluded by Section 78B-9-106 or 78B-9-107, an individual who has been
2306 convicted and sentenced for a criminal offense may file an action in the district court of
2307 original jurisdiction for postconviction relief to vacate or modify the conviction or
2308 sentence upon the following grounds:

2309 (a) the conviction was obtained or the sentence was imposed in violation of the United
2310 States Constitution or Utah Constitution;

2311 (b) the conviction was obtained or the sentence was imposed under a statute that is in
2312 violation of the United States Constitution or Utah Constitution, or the conduct for
2313 which the petitioner was prosecuted is constitutionally protected;

2314 (c) the sentence was imposed or probation was revoked in violation of the controlling
2315 statutory provisions;

2316 (d) the petitioner had ineffective assistance of counsel in violation of the United States
2317 Constitution or Utah Constitution;

2318 (e) newly discovered material evidence exists that requires the court to vacate the
2319 conviction or sentence, because:

2320 (i) neither the petitioner nor petitioner's counsel knew of the evidence at the time of
2321 trial or sentencing or in time to include the evidence in any previously filed
2322 post-trial motion or postconviction proceeding, and the evidence could not have
2323 been discovered through the exercise of reasonable diligence;

2324 (ii) the material evidence is not merely cumulative of evidence that was known;

2325 (iii) the material evidence is not merely impeachment evidence; and

2326 (iv) viewed with all the other evidence, the newly discovered material evidence
2327 demonstrates that no reasonable trier of fact could have found the petitioner guilty
2328 of the offense or subject to the sentence received;

2329 (f) the petitioner can prove that:

2330 (i) biological evidence, as that term is defined in Section 77-11c-101, relevant to the
2331 petitioner's conviction was not preserved in accordance with Title 77, Chapter
2332 11c, Part 4, Preservation of Biological Evidence for Violent Felony Offenses;

2333 (ii)(A) the biological evidence described in Subsection (1)(f)(i) was not tested
2334 previously; or

2335 (B) if the biological evidence described in Subsection (1)(f)(i) was tested
2336 previously, there is a material change in circumstance, including a scientific or

- 2337 technological advance, that would make it plausible that a test of the biological
 2338 evidence described in Subsection (1)(f)(i) would produce a favorable test result
 2339 for the petitioner; and
- 2340 (iii) a favorable result described in Subsection (1)(f)(ii), which is presumed for
 2341 purposes of the petitioner's action under this section, when viewed with all the
 2342 other evidence, demonstrates a reasonable probability of a more favorable
 2343 outcome at trial for the petitioner;
- 2344 (g) the petitioner can prove entitlement to relief under a rule announced by the United
 2345 States Supreme Court, the Utah Supreme Court, or the Utah Court of Appeals after
 2346 conviction and sentence became final on direct appeal, and that:
- 2347 (i) the rule was dictated by precedent existing at the time the petitioner's conviction
 2348 or sentence became final; or
- 2349 (ii) the rule decriminalizes the conduct that comprises the elements of the crime for
 2350 which the petitioner was convicted; or
- 2351 (h) the petitioner committed any of the following offenses while subject to force, fraud,
 2352 or coercion, as defined in Section 76-5-308:
- 2353 (i) Section 58-37-8, possession of a controlled substance;
- 2354 (ii) Section [~~76-10-1304~~] 76-5d-206, aiding prostitution;
- 2355 (iii) Section 76-6-206, criminal trespass;
- 2356 (iv) Section 76-6-413, theft;
- 2357 (v) Section 76-6-502, possession of forged writing or device for writing;
- 2358 (vi) any offense in Title 76, Chapter 6, Part 6, Retail Theft;
- 2359 (vii) Subsection 76-6-1105(2)(a)(i)(A), unlawful possession of another's
 2360 identification document;
- 2361 (viii) Section 76-9-702, lewdness;
- 2362 (ix) Section [~~76-10-1302~~,] 76-5d-202, engaging in prostitution; or
- 2363 (x) Section [~~76-10-1313~~] 76-5d-209, sexual solicitation by an actor offering to engage
 2364 in sexual activity for compensation.
- 2365 (2) The court may not grant relief from a conviction or sentence unless in light of the facts
 2366 proved in the postconviction proceeding, viewed with the evidence and facts introduced
 2367 at trial or during sentencing:
- 2368 (a) the petitioner establishes that there would be a reasonable likelihood of a more
 2369 favorable outcome; or
- 2370 (b) if the petitioner challenges the conviction or the sentence on grounds that the

2371 prosecutor knowingly failed to correct false testimony at trial or at sentencing, the
 2372 petitioner establishes that the false testimony, in any reasonable likelihood, could
 2373 have affected the judgment of the fact finder.

2374 (3)(a) The court may not grant relief from a conviction based on a claim that the
 2375 petitioner is innocent of the crime for which convicted except as provided in Part 3,
 2376 Postconviction Testing of DNA, or Part 4, Postconviction Determination of Factual
 2377 Innocence.

2378 (b) Claims under Part 3, Postconviction Testing of DNA, or Part 4, Postconviction
 2379 Determination of Factual Innocence, of this chapter may not be filed as part of a
 2380 petition under this part, but shall be filed separately and in conformity with the
 2381 provisions of Part 3, Postconviction Testing of DNA, or Part 4, Postconviction
 2382 Determination of Factual Innocence.

2383 Section 34. Section **80-2-301** is amended to read:

2384 **80-2-301 (Effective 05/07/25). Division responsibilities.**

2385 (1) The division is the child, youth, and family services authority of the state.

2386 (2) The division shall:

2387 (a) administer services to minors and families, including:

2388 (i) child welfare services;

2389 (ii) domestic violence services; and

2390 (iii) all other responsibilities that the Legislature or the executive director of the
 2391 department may assign to the division;

2392 (b) provide the following services:

2393 (i) financial and other assistance to an individual adopting a child with special needs
 2394 under Sections 80-2-806 through 80-2-809, not to exceed the amount the division
 2395 would provide for the child as a legal ward of the state;

2396 (ii) non-custodial and in-home services in accordance with Section 80-2-306,
 2397 including:

2398 (A) services designed to prevent family break-up; and

2399 (B) family preservation services;

2400 (iii) reunification services to families whose children are in substitute care in
 2401 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a
 2402 Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;

2403 (iv) protective supervision of a family, upon court order, in an effort to eliminate
 2404 abuse or neglect of a child in that family;

- 2405 (v) shelter care in accordance with this chapter, Chapter 2a, Removal and Protective
2406 Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 2407 (vi) domestic violence services, in accordance with the requirements of federal law;
- 2408 (vii) protective services to victims of domestic violence and the victims' children, in
2409 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a
2410 Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 2411 (viii) substitute care for dependent, abused, and neglected children;
- 2412 (ix) services for minors who are victims of human trafficking or human smuggling,
2413 as described in Sections 76-5-308 through 76-5-310.1, or who have engaged in
2414 prostitution or sexual solicitation, as defined in Sections [~~76-10-1302~~] 76-5d-202
2415 and [~~76-10-1313~~] 76-5d-209; and
- 2416 (x) training for staff and providers involved in the administration and delivery of
2417 services offered by the division in accordance with this chapter and Chapter 2a,
2418 Removal and Protective Custody of a Child;
- 2419 (c) establish standards for all:
- 2420 (i) contract providers of out-of-home care for minors and families;
- 2421 (ii) facilities that provide substitute care for dependent, abused, or neglected children
2422 placed in the custody of the division; and
- 2423 (iii) direct or contract providers of domestic violence services described in
2424 Subsection (2)(b)(vi);
- 2425 (d) have authority to:
- 2426 (i) contract with a private, nonprofit organization to recruit and train foster care
2427 families and child welfare volunteers in accordance with Section 80-2-405;
- 2428 (ii) approve facilities that meet the standards established under Subsection (2)(c) to
2429 provide substitute care for dependent, abused, or neglected children placed in the
2430 custody of the division; and
- 2431 (iii) approve an individual to provide short-term relief care to a foster parent if the
2432 individual:
- 2433 (A) provides the relief care for less than six consecutive nights;
- 2434 (B) provides the relief care in the short-term relief care provider's home;
- 2435 (C) is direct access qualified, as that term is defined in Section 26B-2-120; and
- 2436 (D) is an immediate family member or relative, as those terms are defined in
2437 Section 80-3-102, of the foster parent;
- 2438 (e) cooperate with the federal government in the administration of child welfare and

- 2439 domestic violence programs and other human service activities assigned by the
2440 department;
- 2441 (f) in accordance with Subsection (5)(a), promote and enforce state and federal laws
2442 enacted for the protection of abused, neglected, or dependent children, in accordance
2443 with this chapter and Chapter 2a, Removal and Protective Custody of a Child, unless
2444 administration is expressly vested in another division or department of the state;
- 2445 (g) cooperate with the Workforce Development Division within the Department of
2446 Workforce Services in meeting the social and economic needs of an individual who is
2447 eligible for public assistance;
- 2448 (h) compile relevant information, statistics, and reports on child and family service
2449 matters in the state;
- 2450 (i) prepare and submit to the department, the governor, and the Legislature reports of the
2451 operation and administration of the division in accordance with the requirements of
2452 Sections 80-2-1102 and 80-2-1103;
- 2453 (j) within appropriations from the Legislature, provide or contract for a variety of
2454 domestic violence services and treatment methods;
- 2455 (k) enter into contracts for programs designed to reduce the occurrence or recurrence of
2456 abuse and neglect in accordance with Section 80-2-503;
- 2457 (l) seek reimbursement of funds the division expends on behalf of a child in the
2458 protective custody, temporary custody, or custody of the division, from the child's
2459 parent or guardian in accordance with an order for child support under Section
2460 78A-6-356;
- 2461 (m) ensure regular, periodic publication, including electronic publication, regarding the
2462 number of children in the custody of the division who:
- 2463 (i) have a permanency goal of adoption; or
2464 (ii) have a final plan of termination of parental rights, under Section 80-3-409, and
2465 promote adoption of the children;
- 2466 (n) subject to Subsections (5) and (7), refer an individual receiving services from the
2467 division to the local substance abuse authority or other private or public resource for
2468 a court-ordered drug screening test;
- 2469 (o) report before November 30, 2020, and every third year thereafter, to the Social
2470 Services Appropriations Subcommittee regarding:
- 2471 (i) the daily reimbursement rate that is provided to licensed foster parents based on
2472 level of care;

- 2473 (ii) the amount of money spent on daily reimbursements for licensed foster parents
2474 during the previous fiscal year; and
- 2475 (iii) any recommended changes to the division's budget to support the daily
2476 reimbursement rates described in Subsection (2)(o)(i);
- 2477 (p) when a division child welfare caseworker identifies a safety concern with the foster
2478 home, cooperate with the Office of Licensing and make a recommendation to the
2479 Office of Licensing concerning whether the foster home's license should be placed on
2480 conditions, suspended, or revoked; and
- 2481 (q) perform other duties and functions required by law.
- 2482 (3)(a) The division may provide, directly or through contract, services that include the
2483 following:
- 2484 (i) adoptions;
- 2485 (ii) day-care services;
- 2486 (iii) out-of-home placements for minors;
- 2487 (iv) health-related services;
- 2488 (v) homemaking services;
- 2489 (vi) home management services;
- 2490 (vii) protective services for minors;
- 2491 (viii) transportation services; or
- 2492 (ix) domestic violence services.
- 2493 (b) The division shall monitor services provided directly by the division or through
2494 contract to ensure compliance with applicable law and rules made in accordance with
2495 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2496 (c)(i) Except as provided in Subsection (3)(c)(ii), if the division provides a service
2497 through a private contract, the division shall post the name of the service provider
2498 on the division's website.
- 2499 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.
- 2500 (4)(a) The division may:
- 2501 (i) receive gifts, grants, devises, and donations;
- 2502 (ii) encourage merchants and service providers to:
- 2503 (A) donate goods or services; or
- 2504 (B) provide goods or services at a nominal price or below cost;
- 2505 (iii) distribute goods to applicants or consumers of division services free or for a
2506 nominal charge and tax free; and

- 2507 (iv) appeal to the public for funds to meet needs of applicants or consumers of
2508 division services that are not otherwise provided by law, including Sub-for-Santa
2509 programs, recreational programs for minors, and requests for household
2510 appliances and home repairs.
- 2511 (b) If requested by the donor and subject to state and federal law, the division shall use a
2512 gift, grant, devise, donation, or proceeds from the gift, grant, devise, or donation for
2513 the purpose requested by the donor.
- 2514 (5)(a) In carrying out the requirements of Subsection (2)(f), the division shall:
- 2515 (i) cooperate with the juvenile courts, the Division of Juvenile Justice and Youth
2516 Services, and with all public and private licensed child welfare agencies and
2517 institutions to develop and administer a broad range of services and support;
- 2518 (ii) take the initiative in all matters involving the protection of abused or neglected
2519 children, if adequate provisions have not been made or are not likely to be made;
2520 and
- 2521 (iii) make expenditures necessary for the care and protection of the children described
2522 in Subsection (5)(a)(ii), within the division's budget.
- 2523 (b) If an individual is referred to a local substance abuse authority or other private or
2524 public resource for court-ordered drug screening under Subsection (2)(n), the court
2525 shall order the individual to pay all costs of the tests unless:
- 2526 (i) the cost of the drug screening is specifically funded or provided for by other
2527 federal or state programs;
- 2528 (ii) the individual is a participant in a drug court; or
- 2529 (iii) the court finds that the individual is an indigent individual.
- 2530 (6) Except to the extent provided by rules made in accordance with Title 63G, Chapter 3,
2531 Utah Administrative Rulemaking Act, the division is not required to investigate
2532 domestic violence in the presence of a child, as described in Section 76-5-114.
- 2533 (7)(a) Except as provided in Subsection (7)(b), the division may not:
- 2534 (i) require a parent who has a child in the custody of the division to pay for some or
2535 all of the cost of any drug testing the parent is required to undergo; or
- 2536 (ii) refer an individual who is receiving services from the division for drug testing by
2537 means of a hair, fingernail, or saliva test that is administered to detect the presence
2538 of drugs.
- 2539 (b) Notwithstanding Subsection (7)(a)(ii), the division may refer an individual who is
2540 receiving services from the division for drug testing by means of a saliva test if:

- 2541 (i) the individual consents to drug testing by means of a saliva test; or
2542 (ii) the court, based on a finding that a saliva test is necessary in the circumstances,
2543 orders the individual to complete drug testing by means of a saliva test.

2544 Section 35. Section **80-6-1002** is amended to read:

2545 **80-6-1002 (Effective 05/07/25). Vacatur of an adjudication.**

2546 (1)(a) An individual who has been adjudicated for an offense by the juvenile court may
2547 petition the juvenile court for vacatur of the adjudication if the adjudication was for a
2548 violation of:

2549 (i) Section 76-5-308, human trafficking for labor if the petitioner engaged in the
2550 human trafficking for labor while subject to force, fraud, or coercion;

2551 (ii) Section [~~76-10-1302,~~] 76-5d-202, engaging in prostitution;

2552 (iii) Section [~~76-10-1304~~] 76-5d-206, aiding prostitution; or

2553 (iv) Section [~~76-10-1313~~] 76-5d-209, sexual solicitation by an actor offering to
2554 engage in sexual activity for compensation.

2555 (b) The petitioner shall include in the petition the relevant juvenile court incident
2556 number and any agencies known or alleged to have any records related to the offense
2557 for which vacatur is being sought.

2558 (c) The petitioner shall include with the petition the original criminal history report
2559 obtained from the Bureau of Criminal Identification in accordance with the
2560 provisions of Section 53-10-108.

2561 (d) The petitioner shall send a copy of the petition to the prosecuting attorney.

2562 (2)(a) Upon the filing of a petition, the juvenile court shall:

2563 (i) set a date for a hearing; and

2564 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,
2565 notify the prosecuting attorney and any affected agency identified in the juvenile
2566 record:

2567 (A) that a petition has been filed; and

2568 (B) of the date of the hearing.

2569 (b)(i) The juvenile court shall provide a victim with the opportunity to request notice
2570 of a petition for vacatur.

2571 (ii) At least 30 days before the day on which the hearing is scheduled, a victim shall
2572 receive notice of a petition for vacatur if, before the entry of vacatur, the victim, or
2573 the victim's next of kin or authorized representative if the victim is a child or an
2574 individual who is incapacitated or deceased, submits a written and signed request

- 2575 for notice to the court in the judicial district in which the crime occurred or
2576 judgment was entered.
- 2577 (iii) The notice shall include a copy of the petition and statutes and rules applicable to
2578 the petition.
- 2579 (c) At the hearing, the petitioner, the prosecuting attorney, a victim, and any other
2580 person who may have relevant information about the petitioner may testify.
- 2581 (3)(a) In deciding whether to grant a petition for vacatur of an adjudication of an
2582 offense for human trafficking of labor described in Subsection (1)(a)(i), the juvenile
2583 court shall consider whether the petitioner acted subject to force, fraud, or coercion at
2584 the time of the conduct giving rise to the adjudication.
- 2585 (b) If the juvenile court finds by a preponderance of the evidence that the petitioner was
2586 subject to force, fraud, or coercion at the time of the conduct giving rise to the
2587 adjudication, the juvenile court shall grant vacatur of the adjudication.
- 2588 (c) If the juvenile court does not find sufficient evidence, the juvenile court shall deny
2589 vacatur of the adjudication.
- 2590 (4) If the petition seeks to vacate an adjudication of an offense described in Subsection
2591 (1)(a)(ii) through (iv), the juvenile court shall presumptively grant vacatur of the
2592 adjudication unless the petitioner acted as a purchaser of any sexual activity.
- 2593 (5)(a) Except as provided in Subsection (5)(b), if the juvenile court grants a vacatur of
2594 an adjudication for an offense described in Subsection (1)(a), the juvenile court shall
2595 order expungement of all records in the petitioner's juvenile record pertaining to the
2596 incident identified in the petition, including relevant related records contained in the
2597 Management Information System and the Licensing Information System.
- 2598 (b) The juvenile court may not order expungement of any record in the petitioner's
2599 juvenile record that contains an adjudication for a violation of:
- 2600 (i) Section 76-5-202, aggravated murder; or
2601 (ii) Section 76-5-203, murder.
- 2602 (6)(a) The petitioner shall be responsible for service of the vacatur and expungement
2603 order to all affected state, county, and local entities, agencies, and officials.
- 2604 (b) To avoid destruction or expungement of the records in whole or in part, the agency
2605 or entity receiving the vacatur and expungement order shall only expunge all
2606 references to the petitioner's name in the records pertaining to the relevant
2607 adjudicated juvenile court incident.
- 2608 (7)(a) Upon entry of a vacatur and expungement order under this section:

2609 (i) the proceedings in the incident identified in the petition are considered never to
2610 have occurred; and

2611 (ii) the petitioner may reply to an inquiry on the matter as though the proceedings
2612 never occurred.

2613 (b) Upon petition, any record expunged under this section may only be released to or
2614 viewed by:

2615 (i) the individual who is the subject of the record; or

2616 (ii) a person named in the petition of vacatur.

2617 **Section 36. Repealer.**

2618 This bill repeals:

2619 **Section 76-10-1308, Prosecution.**

2620 **Section 76-10-1310, Definitions.**

2621 **Section 37. Effective Date.**

2622 This bill takes effect on May 7, 2025.