

Ryan D. Wilcox proposes the following substitute bill:

Child Sexual Abuse Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses an enhancement to certain sexual offenses that are committed against
6 children.

7 **Highlighted Provisions:**

8 This bill:

9 ▶ creates a sentencing enhancement for certain sexual offenses that are committed against a
10 child if the actor:

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

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 ENACTS:

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

21

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

23 Section 1. Section **76-3-203.19** is enacted to read:

24 **76-3-203.19 . Enhancement or increase of sentence if actor traveled to commit a**
25 **child sexual offense.**

26 (1) As used in this section:

27 (a) "Child sexual offense" means one of the following offenses:

28 (i) human trafficking of a child as described in Section 76-5-308.5;

29 (ii) unlawful sexual activity with a minor as described in Section 76-5-401;

- 30 (iii) sexual abuse of a minor as described in Section 76-5-401.1;
31 (iv) unlawful sexual conduct with a 16- or 17-year-old as described in Section
32 76-5-401.2;
33 (v) rape of a child as described in Section 76-5-402.1;
34 (vi) object rape of a child as described in Section 76-5-402.3;
35 (vii) sodomy on a child as described in Section 76-5-403.1;
36 (viii) sexual abuse of a child as described in Section 76-5-404.1;
37 (ix) aggravated sexual abuse of a child as described in Section 76-5-404.3;
38 (x) unlawful kissing of a child as described in Section 76-5-416.2; or
39 (xi) unlawful kissing of a minor as described in Section 76-5-416.4.
40 (b) "Principal place of residence" means the single location where an individual's
41 habitation is fixed and to which, whenever the individual is absent, the individual has
42 the intention of returning, as evidenced by:
43 (i) the intent expressed by the individual; and
44 (ii) acts of the individual that are consistent or inconsistent with the intent expressed
45 by the individual.
46 (2) An actor is guilty of the enhanced offense described in Subsection (3) if the trier of fact
47 finds beyond a reasonable doubt that an actor, in the course of committing, or attempting
48 to commit, a child sexual offense:
49 (a) traveled more than 50 miles from the actor's principal place of residence for the
50 purpose of the actor committing, or attempting to commit, the child sexual offense; or
51 (b) paid for, or otherwise facilitated, the victim to travel more than 50 miles from the
52 victim's principal place of residence, for the purpose of the actor committing, or
53 attempting to commit, the child sexual offense.
54 (3) If the trier of fact finds that an actor committed the conduct described in Subsection (2),
55 the actor is guilty of:
56 (a) a class A misdemeanor if the actor is charged with an offense that is designated by
57 law as a class B misdemeanor;
58 (b) a third degree felony if the actor is charged with an offense that is designated by law
59 as a class A misdemeanor;
60 (c) a second degree felony if the actor is charged with an offense that is designated by
61 law as a third degree felony;
62 (d) a first degree felony if the actor is charged with an offense that is designated by law
63 as a second degree felony; or

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

66 (4) If an actor is guilty of a first degree felony under Subsection (3)(e), the court shall
67 impose an increase of five years to the minimum term of the applicable indeterminate
68 prison term in addition to any other penalty the court may impose for a first degree
69 felony.

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

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

76 Section 2. **Effective date.**

77 This bill takes effect on May 7, 2025.