

**Joint Resolution Amending Rules of Evidence Concerning Crimes or Other Acts**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

House Sponsor: Tyler Clancy

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**LONG TITLE**

**General Description:**

This joint resolution amends the Utah Rules of Evidence regarding the admissibility of evidence of crimes and other acts.

**Highlighted Provisions:**

This resolution:

▸ amends Rule 404 of the Utah Rules of Evidence to address similar crimes in cases involving child molestation or sexual assault.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This resolution provides a special effective date.

**Utah Rules of Evidence Affected:**

AMENDS:

**Rule 404**, Utah Rules of Evidence

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*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all members of both houses of the Legislature:

Section 1. **Rule 404**, Utah Rules of Evidence is amended to read:

**Rule 404 . Character evidence; crimes or other acts.**

**(a) Character Evidence.**

~~[(a)](1) Prohibited [Uses.] uses.~~ Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in conformity with the

29 character or trait.

30 **[(a)(2) Exceptions for a [Defendant or Victim in a Criminal Case.] defendant or victim**

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**in a criminal case.** The following exceptions apply in a criminal case:

32 **[(a)(2)](A)** a defendant may offer evidence of the defendant's pertinent trait, and if  
33 the evidence is admitted, the prosecutor may offer evidence to rebut it;

34 **[(a)(2)](B)** subject to the limitations in Rule 412, a defendant may offer evidence of  
35 an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:

36 **[(a)(2)](B)](i)** offer evidence to rebut it; and

37 **[(a)(2)](B)](ii)** offer evidence of the defendant's same trait; and

38 **[(a)(2)](C)** in a homicide case, the prosecutor may offer evidence of the alleged  
39 victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.

40 **[(a)(3) Exceptions for a [Witness] witness.** Evidence of a witness's character may be  
41 admitted under Rules 607, 608, and 609.

42 **(b) Crimes, [Wrongs, or Other Acts] wrongs, or other acts.**

43 **[(b)](1) Prohibited [Uses] uses.** Evidence of a crime, wrong, or other act is not  
44 admissible to prove a person's character in order to show that on a particular occasion the  
45 person acted in conformity with the character.

46 **[(b)](2) Permitted [Uses; Notice in a Criminal Case] uses; Notice in a criminal case.**

47 This evidence may be admissible for another purpose, such as proving motive, opportunity,  
48 intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On  
49 request by a defendant in a criminal case, the prosecutor must:

50 **[(b)(2)](A)** provide reasonable notice of the general nature of any such evidence  
51 that the prosecutor intends to offer at trial; and

52 **[(b)(2)](B)** do so before trial, or during trial if the court excuses lack of pretrial  
53 notice on good cause shown.

54 **(c) Evidence of [Similar Crimes in Child-Molestation Cases] similar crimes in**

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**child-molestation cases.**

56 **(1) Definition of "child molestation."** As used in this paragraph (c), "child  
57 molestation" means an act committed in relation to a child who is younger than 14 years old  
58 that would, if committed in this state, be a sexual offense or an attempt to commit a sexual  
59 offense.

60 **[(e)(1)] (2) Permitted [Uses.] uses.** In a criminal case in which a defendant is accused  
61 of child molestation, the court may admit evidence that the defendant committed any other  
62 acts of child molestation to prove a propensity to commit the crime charged.] the following

63 evidence to prove propensity to commit the crime charged:

64       (A) evidence that the defendant committed any other acts of child molestation; or

65       (B) evidence that the defendant committed sexual exploitation of a minor, as  
66 described in Utah Code Section 76-5b-201, or aggravated sexual exploitation of a minor, as  
67 described in Utah Code Section 76-5b-201.1.

68       ~~[(e)(2)]~~ **(3) Disclosure to the defendant.** If the prosecution intends to offer [this  
69 evidence it shall] evidence described in paragraph (c)(2), the prosecution must provide  
70 reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good  
71 cause shown.

72       ~~[(e)(3) For purposes of this rule "child molestation" means an act committed in~~  
73 ~~relation to a child under the age of 14 which would, if committed in this state, be a sexual~~  
74 ~~offense or an attempt to commit a sexual offense.~~

75       ~~(e)(4) Rule 404(c) does not limit the admissibility of evidence otherwise~~  
76 ~~admissible under Rule 404(a), 404(b), or any other rule of evidence.]~~

77       **(4) Effect on other rules.** This paragraph (c) does not limit the admissibility of  
78 evidence otherwise admissible under paragraph (a), paragraph (b), paragraph (d), or any other  
79 rule of evidence.

80       **(d) Evidence of similar crimes in sexual sssault cases.**

81       **(1) Definition of "sexual assault."** As used in this paragraph (d), "sexual assault" means:

82       (A) a sexual offense described in Utah Code Title 76, Chapter 5, Part 4, Sexual  
83 Offenses;

84       (B) an attempt to commit a sexual offense described in Utah Code Title 76, Chapter  
85 5, Part 4, Sexual Offenses; or

86       (C) an offense in another jurisdiction that is substantially similar to an offense  
87 described in paragraph (d)(1)(A) or (d)(1)(B).

88       **(2) Permitted uses.** In a criminal case in which a defendant is accused of sexual assault,  
89 the court may admit evidence that the defendant committed any other acts of sexual assault.  
90 This evidence may be considered on any matter to which the evidence is relevant, including to  
91 prove a propensity to commit the crime charged.

92       **(3) Disclosure to the defendant.** If the prosecution intends to offer evidence that the  
93 defendant committed any other acts of sexual assault, the prosecution must disclose the  
94 evidence to the defendant in accordance with Rule 16(a)(5) of the Utah Rules of Criminal  
95 Procedure, including disclosure of a witness's statement or a summary of the witness's  
96 expected testimony. This paragraph (d)(3) does not limit any other disclosure requirements

97 described in Rule 16(a)(5) of the Utah Rules of Criminal Procedure.

98 \_\_\_\_\_ (4) Effect on other rules. This paragraph (d) does not limit the admissibility of evidence  
99 otherwise admissible under paragraph (a), paragraph (b), paragraph (c), or any other rule of  
100 evidence.

101 Section 2. **Effective Date.**

102 As provided in Utah Constitution, Article VIII, Section 4, this resolution takes effect  
103 upon a two-thirds vote of all members elected to each house.