

SJR001S01 compared with SJR001

{Omitted text} shows text that was in SJR001 but was omitted in SJR001S01
inserted text shows text that was not in SJR001 but was inserted into SJR001S01

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1 **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

LONG TITLE

Committee Note:

The Judiciary Interim Committee recommended this bill.

Legislative Vote: 10 voting for 2 voting against 4 absent

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:

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19 AMENDS:

20 **Rule 404** , Utah Rules of Evidence

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

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

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

28 **Rule 404. {Character Evidence; Crimes or Other Actsevidence, crimes or other acts.}**

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
character or trait.

The following

exceptions apply in a criminal case:

a defendant may offer evidence of the defendant's pertinent trait, and if
the evidence is admitted, the prosecutor may offer evidence to rebut it;
subject to the limitations in Rule 412, a defendant may offer evidence of
an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:
offer evidence to rebut it; and
offer evidence of the defendant's same trait; and
in a homicide case, the prosecutor may offer evidence of the alleged
victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.
admitted

Evidence of a witness's character may be
under Rules 607, 608, and 609.

admissible to

person acted in

Evidence of a crime, wrong, or other act is not
prove a person's character in order to show that on a particular occasion the
conformity with the character.

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

provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial; and do so before trial, or during trial if the court excuses lack of pretrial notice on good cause shown.

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

of child

In a criminal case in which a defendant is accused ~~molestation, the court may admit [evidence that the defendant committed any other child molestation to prove a propensity to commit the crime charged{.}]~~ the following to prove propensity to commit the crime charged:

evidence that the defendant committed any other acts of child molestation; or evidence that the defendant committed sexual exploitation of a minor, as described in Utah Code Section 76-5b-201, or aggravated sexual exploitation of a minor, as described in Utah Code Section 76-5b-201.1.

If the prosecution intends to offer ~~[this {evidence-} shall] evidence~~ described in paragraph (c)(2), the prosecution must provide cause notice in advance of trial, or during trial if the court excuses pretrial notice on good shown.

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

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

This paragraph (c) does not limit the admissibility of evidence otherwise admissible under paragraph (a), paragraph (b), paragraph (d), or any other rule of evidence.

As used in this paragraph (d), "sexual assault" means:

a sexual offense described in Utah Code Title 76, Chapter 5, Part 4, Sexual Offenses;

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

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

In a criminal case in which a defendant is accused of sexual assault, the court may admit evidence that the defendant committed any other acts of sexual assault. This evidence may be considered on any matter to which the evidence is relevant, including to prove a propensity to commit the crime charged.

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

This paragraph (d) does not limit the admissibility of evidence otherwise admissible under paragraph (a), paragraph (b), paragraph (c), or any other rule of evidence.

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Section 2. **Effective date.**

Effective Date.

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

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