

1 **Criminal Fines Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE**General Description:**

This bill addresses fines for certain criminal offenses.

Highlighted Provisions:

This bill:

- ▶ increases the mandatory fine amount that an actor must pay after being convicted of:
 - patronizing a prostituted individual who is an adult;
 - exploitation of prostitution;
 - aggravated exploitation of prostitution;
 - sexual solicitation by an actor offering compensation to an adult in exchange for sexual activity; or
 - sexual solicitation by an actor offering compensation to a child in exchange for sexual activity;
- ▶ clarifies that the mandatory fine for the following offenses only applies if the actor is 18 years old or older:
 - patronizing a prostituted individual who is a child; or
 - sexual solicitation by an actor offering compensation to a child in exchange for sexual activity; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

28 **76-5d-203**, as renumbered and amended by Laws of Utah 2025, Chapters 173, 174

29 **76-5d-204**, as enacted by Laws of Utah 2025, Chapter 173

30 **76-5d-206**, as renumbered and amended by Laws of Utah 2025, Chapters 173, 174

31 **76-5d-207**, as renumbered and amended by Laws of Utah 2025, Chapters 173, 174
32 **76-5d-208**, as renumbered and amended by Laws of Utah 2025, Chapters 173, 174
33 **76-5d-210**, as enacted by Laws of Utah 2025, Chapter 173
34 **76-5d-211**, as enacted by Laws of Utah 2025, Chapter 174

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

37 Section 1. Section **76-5d-203** is amended to read:

38 **76-5d-203 . Patronizing a prostituted individual who is an adult.**

39 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
40 (2) An actor commits the offense of patronizing a prostituted individual who is an adult if:
41 (a) the actor pays, offers to pay, or agrees to pay an adult prostituted individual, or an
42 adult individual the actor believes to be a prostituted individual, a fee, or the
43 functional equivalent of a fee; and
44 (b) the payment, offer of payment, or agreement for payment described in Subsection
45 (2)(a) is for the purpose of engaging in an act of sexual activity.
46 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
47 misdemeanor with a mandatory fine of not less than \$5,000.
48 (b) A violation of Subsection (2) is a third degree felony with a mandatory fine of not
49 less than \$10,000 if the actor has previously been convicted two or more times of:
50 (i) a violation of Subsection (2);
51 (ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the
52 same or similar type of violation to the violation described in Subsection (2); or
53 (iii) a criminal violation in another jurisdiction, including a state, federal, or military
54 court, that is substantially equivalent to the violation described in Subsection (2).
55 (4) Upon a conviction for a violation of [this section] Subsection (2), the court shall order:
56 (a) the [maximum] imposition of at least the minimum applicable fine amount described
57 in Subsection (3) and may not waive or suspend the fine; and
58 (b) the actor to pay for and complete a court-approved educational program about the
59 negative effects on an individual involved with prostitution or human trafficking.

60 Section 2. Section **76-5d-204** is amended to read:

61 **76-5d-204 . Patronizing a prostituted individual who is a child.**

62 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
63 (2) An actor commits patronizing a prostituted individual who is a child if:
64 (a) the actor is 12 years old or older;

65 (b) the actor pays, offers to pay, or agrees to pay a prostituted individual, or an
66 individual the actor believes to be a prostituted individual, a fee, or the functional
67 equivalent of a fee;

68 (c) the payment, offer of payment, or agreement for payment described in Subsection
69 (2)(b) is for the purpose of engaging in an act of sexual activity; and

70 (d) the prostituted individual, or the individual the actor believes to be a prostituted
71 individual, described in Subsection (2)(b) is:
72 (i) a child; or
73 (ii) believed by the actor to be a child.

74 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second
75 degree felony with a mandatory fine of not less than \$20,000.

76 (b) If the actor is under 18 years old at the time of the offense, a violation of Subsection
77 (2) is:
78 (i) a third degree felony if:
79 (A) the actor is 17 years old and the prostituted individual is 13 years old or
80 younger; or
81 (B) the actor is 16 years old and the prostituted individual is 12 years old or
82 younger;
83 (ii) a class A misdemeanor if:
84 (A) the actor is 17 years old and the prostituted individual is 14 years old;
85 (B) the actor is 16 years old and the prostituted individual is 13 years old;
86 (C) the actor is 15 years old and the prostituted individual is 12 years old or
87 younger; or
88 (D) the actor is 14 years old and the prostituted individual is 11 years old or
89 younger;
90 (iii) a class B misdemeanor if:
91 (A) the actor is 17 years old and the prostituted individual is 15 years old;
92 (B) the actor is 16 years old and the prostituted individual is 14 years old;
93 (C) the actor is 15 years old and the prostituted individual is 13 years old;
94 (D) the actor is 14 years old and the prostituted individual is 12 years old;
95 (E) the actor is 13 years old and the prostituted individual is 11 years old or
96 younger; or
97 (F) the actor is 12 years old and the prostituted individual is 10 years old or
98 younger; or

99 (iv) a class C misdemeanor if:

100 (A) the actor is 17 years old and the prostituted individual is 16 or 17 years old;

101 (B) the actor is 16 years old and the prostituted individual is 15 years old or older;

102 (C) the actor is 15 years old and the prostituted individual is 14 years old or older;

103 (D) the actor is 14 years old and the prostituted individual is 13 years old or older;

104 (E) the actor is 13 years old and the prostituted individual is 12 years old or older;

105 or

106 (F) the actor is 12 years old and the prostituted individual is 11 years old or older.

107 (4) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under this
108 section that the actor mistakenly believed the individual described in Subsection (2) to
109 be 18 years old or older at the time of the offense or was unaware of the individual's true
110 age.

111 (5) If the violation of Subsection (2) amounts to an offense that is subject to a greater
112 penalty under another provision of law, this section does not prohibit prosecution and
113 sentencing for the more serious offense.

114 (6) Upon a conviction for a violation of [this section] Subsection (2), the court shall order:

115 (a) if the actor is 18 years old or older at the time of the offense, the [maximum]
116 imposition of at least the minimum fine amount described in Subsection (3)(a) and
117 may not waive or suspend the fine; and

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

120 Section 3. Section **76-5d-206** is amended to read:

121 **76-5d-206 . Aiding prostitution.**

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

123 (2) An actor commits aiding prostitution if the actor:

124 (a)(i) solicits an individual to patronize a prostituted individual, or to patronize an
125 individual the actor believes to be a prostituted individual;

126 (ii) procures or attempts to procure a prostituted individual, or an individual the actor
127 believes to be a prostituted individual, for a patron;

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

131 (iv) provides a service or commits an act that enables another individual to commit a
132 violation of this Subsection (2) or facilitates another individual's ability to commit

133 a violation of this Subsection (2); or

134 (b) solicits, receives, or agrees to receive a benefit for committing any of the acts

135 prohibited by Subsection (2)(a).

136 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A

137 misdemeanor with a mandatory fine of not less than \$5,000.

138 (b) A violation of Subsection (2) is a third degree felony with a mandatory fine of not

139 less than \$10,000 if the actor has previously been convicted of:

140 (i) a violation of Subsection (2);

141 (ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the

142 same or similar type of violation to the violation described in Subsection (2); or

143 (iii) a criminal violation in another jurisdiction, including a state, federal, or military

144 court, that is substantially equivalent to the violation described in Subsection (2).

145 (4) Upon a conviction for a violation of [this section] Subsection (2), the court shall order [a]

146 the imposition of at least the applicable minimum fine [of not less than \$10,000] amount

147 described in Subsection (3) and may not waive or suspend the fine.

148 (5) A violation under this section that is a class A misdemeanor may be prosecuted by an

149 attorney of a city or a town as well as by prosecutors authorized in the code to prosecute

150 a violation under this section.

151 Section 4. Section **76-5d-207** is amended to read:

152 **76-5d-207 . Exploitation of prostitution.**

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

154 (2) An actor commits exploitation of prostitution if the actor:

155 (a) procures an individual for a place of prostitution;

156 (b) encourages, induces, or otherwise purposely causes another individual to become or

157 remain a prostituted individual;

158 (c) transports an individual into or within this state with the purpose to promote the

159 individual's engagement in prostitution;

160 (d) procures or pays for an individual's transportation with the purpose of promoting the

161 individual's engagement in prostitution;

162 (e) not being a child or legal dependent of a prostituted individual, shares the proceeds

163 of prostitution with a prostituted individual, or an individual the actor believes to be a

164 prostituted individual, pursuant to the actor's and prostituted individual's

165 understanding that the actor is to share in the proceeds of the prostitution; or

166 (f) owns, controls, manages, supervises, or otherwise keeps, alone or in association with

167 another individual, a place of prostitution or a business where prostitution occurs or
168 is arranged, encouraged, supported, or promoted.

169 (3) A violation of Subsection (2) is a third degree felony with a mandatory fine of not less
170 than \$10,000.

171 (4) Upon a conviction for a violation of this section, the court shall order the [maximum]
172 imposition of at least the minimum fine amount described in Subsection (3) and may not
173 waive or suspend the fine.

174 Section 5. Section **76-5d-208** is amended to read:

175 **76-5d-208 . Aggravated exploitation of prostitution.**

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

177 (2) An actor commits aggravated exploitation of prostitution if:

178 (a) in committing an act of exploitation of prostitution as described in Section 76-5d-207,
179 the actor uses any force, threat, or fear against any individual;

180 (b) the individual whom the actor procured, transported, or persuaded or with whom the
181 actor shares the proceeds of prostitution, is a child or is the spouse of the actor; or

182 (c) in the course of committing an act of exploitation of prostitution as described in
183 Section 76-5d-207, the actor commits human trafficking or human smuggling in
184 violation of Section 76-5-308, 76-5-308.1, 76-5-308.3, or 76-5-308.5.

185 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second
186 degree felony with a mandatory fine of not less than \$20,000.

187 (b) A violation of Subsection (2) is a first degree felony with a mandatory fine of not
188 less than \$20,000 if the violation involves a child.

189 (4) Upon a conviction for a violation of [this section] Subsection (2), the court shall order
190 the [maximum] imposition of at least the applicable minimum fine amount described in
191 Subsection (3) and may not waive or suspend the fine.

192 Section 6. Section **76-5d-210** is amended to read:

193 **76-5d-210 . Sexual solicitation by an actor offering compensation to an adult in**
194 **exchange for sexual activity.**

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

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

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

200 (b) with intent to pay an adult to be hired to commit any sexual activity for a fee or the

201 functional equivalent of a fee, requests or directs the adult to engage in any of the
202 following acts:

203 (i) exposure or touching of an adult's genitals, buttocks, anus, pubic area, or female
204 breast below the top of the areola;
205 (ii) masturbation; or
206 (iii) any act of lewdness.

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

209 (a) a class A misdemeanor on a first or second violation with a mandatory fine of not
210 less than \$5,000; or
211 (b) a third degree felony on a third or subsequent violation with a mandatory fine of not
212 less than \$10,000.

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

216 (5) Upon a conviction for a violation of Subsection (2), the court shall order the imposition
217 of at least the minimum fine amount described in Subsection (3) and may not waive or
218 suspend the fine.

219 [(5)] (6) The actor's intent to hire an adult to engage in sexual activity for a fee may be
220 inferred from an actor engaging in, offering or agreeing to engage in, or requesting or
221 directing another to engage in any of the acts described in Subsection (2)(b) under the
222 totality of the existing circumstances.

223 [(6)] (7) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the
224 actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is
225 a victim of any of the offenses, or an attempt to commit any of the offenses, described in
226 Subsection 76-5d-202(4), and the actor reports the offense or attempt to law
227 enforcement in good faith.

228 Section 7. Section **76-5d-211** is amended to read:

229 **76-5d-211 . Sexual solicitation by an actor offering compensation to a child in**
230 **exchange for sexual activity.**

231 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
232 (2) Under circumstances not amounting to an offense described in Subsection (4), an actor
233 commits the offense of sexual solicitation by an actor offering compensation to a child
234 in exchange for sexual activity if the actor:

235 (a) is 12 years old or older; and
236 (b)(i) pays, offers to pay, or agrees to pay a fee, or the functional equivalent of a fee,
237 to a child to hire the child to commit any sexual activity; or
238 (ii) with intent to pay a child to be hired to commit any sexual activity for a fee, or
239 the functional equivalent of a fee, requests or directs the child to engage in any of
240 the following acts:
241 (A) exposure or touching of the child's genitals, the buttocks, the anus, the pubic
242 area, or the female breast below the top of the areola;
243 (B) masturbation; or
244 (C) any act of lewdness.

245 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second
246 degree felony with a mandatory fine of not less than \$20,000.
247 (b) If the actor is under 18 years old at the time of the offense, a violation of Subsection
248 (2) is:
249 (i) a third degree felony if:
250 (A) the actor is 17 years old and the child is 13 years old or younger; or
251 (B) the actor is 16 years old and the child is 12 years old or younger;
252 (ii) a class A misdemeanor if:
253 (A) the actor is 17 years old and the child is 14 years old;
254 (B) the actor is 16 years old and the child is 13 years old;
255 (C) the actor is 15 years old and the child is 12 years old or younger; or
256 (D) the actor is 14 years old and the child is 11 years old or younger;
257 (iii) a class B misdemeanor if:
258 (A) the actor is 17 years old and the child is 15 years old;
259 (B) the actor is 16 years old and the child is 14 years old;
260 (C) the actor is 15 years old and the child is 13 years old;
261 (D) the actor is 14 years old and the child is 12 years old;
262 (E) the actor is 13 years old and the child is 11 years old or younger; or
263 (F) the actor is 12 years old and the child is 10 years old or younger; or
264 (iv) a class C misdemeanor if:
265 (A) the actor is 17 years old and the child is 16 or 17 years old;
266 (B) the actor is 16 years old and the child is 15 years old or older;
267 (C) the actor is 15 years old and the child is 14 years old or older;
268 (D) the actor is 14 years old and the child is 13 years old or older;

269 (E) the actor is 13 years old and the child is 12 years old or older; or
270 (F) the actor is 12 years old and the child is 11 years old or older.

271 (4) The offenses referred to in Subsection (2) are:

272 (a) human trafficking for labor as described in Section 76-5-308;
273 (b) human trafficking for sexual exploitation as described in Section 76-5-308.1;
274 (c) human smuggling as described in Section 76-5-308.3;
275 (d) human trafficking of a child as described in Section 76-5-308.5;
276 (e) aggravated human trafficking as described in Section 76-5-310; and
277 (f) aggravated human smuggling as described in Section 76-5-310.1.

278 (5) Upon a conviction for a violation of Subsection (2), the court shall order, if the actor is
279 18 years old or older at the time of the offense, the imposition of at least the minimum
280 fine amount described in Subsection (3)(a) and may not waive or suspend the fine.

281 [(6)] (6) The actor's intent to hire a child to engage in sexual activity for a fee may be
282 inferred from an actor engaging in, offering or agreeing to engage in, or requesting or
283 directing another to engage in any of the acts described in Subsection (2)(b) under the
284 totality of the existing circumstances.

285 [(6)] (7) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the
286 actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is
287 a victim of any of the offenses, or an attempt to commit any of the offenses, described in
288 Subsection 76-5d-202(4), and the actor reports the offense or attempt to law
289 enforcement in good faith.

290 [(7)] (8)(a) Upon encountering a child engaged in commercial sex or sexual solicitation,
291 a law enforcement officer shall follow the procedure described in Subsection
292 76-5d-106(2).

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

296 **Section 8. Effective Date.**

297 This bill takes effect on May 6, 2026.