

**Criminal Fines Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor:

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**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:

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

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

**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

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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;

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

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

(d) the prostituted individual, or the individual the actor believes to be a prostituted individual, described in Subsection (2)(b) is:

(i) a child; or

(ii) believed by the actor to be a child.

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

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

(i) a third degree felony if:

(A) the actor is 17 years old and the prostituted individual is 13 years old or younger; or

(B) the actor is 16 years old and the prostituted individual is 12 years old or younger;

(ii) a class A misdemeanor if:

(A) the actor is 17 years old and the prostituted individual is 14 years old;

(B) the actor is 16 years old and the prostituted individual is 13 years old;

(C) the actor is 15 years old and the prostituted individual is 12 years old or younger; or

(D) the actor is 14 years old and the prostituted individual is 11 years old or younger;

(iii) a class B misdemeanor if:

(A) the actor is 17 years old and the prostituted individual is 15 years old;

(B) the actor is 16 years old and the prostituted individual is 14 years old;

(C) the actor is 15 years old and the prostituted individual is 13 years old;

(D) the actor is 14 years old and the prostituted individual is 12 years old;

(E) the actor is 13 years old and the prostituted individual is 11 years old or younger; or

(F) the actor is 12 years old and the prostituted individual is 10 years old or younger; or

(iv) a class C misdemeanor if:

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

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

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

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

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

or

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

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

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

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

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

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

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

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

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

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

- (a)(i) solicits an individual to patronize a prostituted individual, or to patronize an individual the actor believes to be a prostituted individual;
- (ii) procures or attempts to procure a prostituted individual, or an individual the actor believes to be a prostituted individual, for a patron;
- (iii) leases, operates, or otherwise permits a place controlled by the actor, alone or in association with another individual, to be used for prostitution or the promotion of prostitution; or

(iv) provides a service or commits an act that enables another individual to commit a 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

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

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

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

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

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

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

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

- (a) in committing an act of exploitation of prostitution as described in Section 76-5d-207, the actor uses any force, threat, or fear against any individual;
- (b) the individual whom the actor procured, transported, or persuaded or with whom the actor shares the proceeds of prostitution, is a child or is the spouse of the actor; or
- (c) in the course of committing an act of exploitation of prostitution as described in Section 76-5d-207, the actor commits human trafficking or human smuggling in violation of Section 76-5-308, 76-5-308.1, 76-5-308.3, or 76-5-308.5.

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

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

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

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

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

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

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

- (a) pays, offers to pay, or agrees to pay a fee or the functional equivalent of a fee to an adult to hire the adult to commit any sexual activity; or
- (b) with intent to pay an adult to be hired to commit any sexual activity for a fee or the

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

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

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

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

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

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

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

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

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

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

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

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

- (a) is 12 years old or older; and
- (b)(i) pays, offers to pay, or agrees to pay a fee, or the functional equivalent of a fee, to a child to hire the child to commit any sexual activity; or
- (ii) with intent to pay a child to be hired to commit any sexual activity for a fee, or the functional equivalent of a fee, requests or directs the child to engage in any of the following acts:
- (A) exposure or touching of the child's genitals, the buttocks, the anus, the pubic area, or the female breast below the top of the areola;
- (B) masturbation; or
- (C) any act of lewdness.
- (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony with a mandatory fine of not less than \$20,000.
- (b) If the actor is under 18 years old at the time of the offense, a violation of Subsection (2) is:
- (i) a third degree felony if:
- (A) the actor is 17 years old and the child is 13 years old or younger; or
- (B) the actor is 16 years old and the child is 12 years old or younger;
- (ii) a class A misdemeanor if:
- (A) the actor is 17 years old and the child is 14 years old;
- (B) the actor is 16 years old and the child is 13 years old;
- (C) the actor is 15 years old and the child is 12 years old or younger; or
- (D) the actor is 14 years old and the child is 11 years old or younger;
- (iii) a class B misdemeanor if:
- (A) the actor is 17 years old and the child is 15 years old;
- (B) the actor is 16 years old and the child is 14 years old;
- (C) the actor is 15 years old and the child is 13 years old;
- (D) the actor is 14 years old and the child is 12 years old;
- (E) the actor is 13 years old and the child is 11 years old or younger; or
- (F) the actor is 12 years old and the child is 10 years old or younger; or
- (iv) a class C misdemeanor if:
- (A) the actor is 17 years old and the child is 16 or 17 years old;
- (B) the actor is 16 years old and the child is 15 years old or older;
- (C) the actor is 15 years old and the child is 14 years old or older;
- (D) the actor is 14 years old and the child is 13 years old or older;



(E) the actor is 13 years old and the child is 12 years old or older; or

(F) the actor is 12 years old and the child is 11 years old or older.

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

(a) human trafficking for labor as described in Section 76-5-308;

(b) human trafficking for sexual exploitation as described in Section 76-5-308.1;

(c) human smuggling as described in Section 76-5-308.3;

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

(e) aggravated human trafficking as described in Section 76-5-310; and

(f) aggravated human smuggling as described in Section 76-5-310.1.

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

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

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

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

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

#### Section 8. **Effective Date.**

This bill takes effect on May 6, 2026.