

Ryan D. Wilcox proposes the following substitute bill:

Coercion Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses criminal offenses related to coercive conduct.

Highlighted Provisions:

This bill:

- creates the criminal offense of aiding or encouraging suicide that:

- contains current language regarding aiding suicide moved from the criminal offense of manslaughter; and

- adds new elements of encouraging suicide in certain circumstances that can be charged criminally;

- separates the criminal offenses of sexual extortion and aggravated sexual extortion into two separate offenses;

- adds additional elements to the criminal offense of sexual extortion;

- adds the criminal offenses of sexual extortion and aggravated sexual extortion to the list of offenses that are eligible to be considered a domestic violence offense;

- requires a mandatory fine for certain convictions of:

- aiding or encouraging suicide;

- sexual extortion; and

- aggravated sexual extortion; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-10-115, as enacted by Laws of Utah 2018, Chapter 169
53-29-202, as enacted by Laws of Utah 2025, Chapter 291
53-29-203, as enacted by Laws of Utah 2025, Chapter 291
53-29-205, as enacted by Laws of Utah 2025, Chapter 291
53G-9-207, as last amended by Laws of Utah 2025, Chapter 388
76-1-301, as last amended by Laws of Utah 2025, Chapters 173, 174
76-3-406.5, as last amended by Laws of Utah 2008, Chapter 3
76-5-205, as last amended by Laws of Utah 2024, Chapter 364
76-5b-204, as last amended by Laws of Utah 2025, Chapter 178
76-17-401, as renumbered and amended by Laws of Utah 2025, Chapter 173
77-22-2.5, as last amended by Laws of Utah 2025, Chapter 173
77-23a-8, as last amended by Laws of Utah 2025, Chapters 173, 174
77-36-1, as last amended by Laws of Utah 2025, Chapters 173, 208 and 277
80-6-712, as last amended by Laws of Utah 2025, Chapters 173, 208
80-6-804, as last amended by Laws of Utah 2025, Chapters 173, 208

ENACTS:

76-5-211, Utah Code Annotated 1953
76-5b-204.1, Utah Code Annotated 1953

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

Section 1. Section **53-10-115** is amended to read:

53-10-115 . Cold case database.

- (1) As used in this section, "cold case" means an investigation into any crime listed in Subsections 76-1-301(2)(a) through [(g)] (h), or regarding a missing person, that remains unsolved at least three years after the crime occurred or the individual went missing.
- (2) The division shall develop a secure database within the Utah Criminal Justice Information System that contains information related to each cold case that is open in any jurisdiction in the state.
- (3) The division shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to specify:
 - (a) the information to be collected and maintained in the database; and
 - (b) what information may be accessed by the public.
- (4) Each law enforcement agency in the state shall provide the information required by the division for inclusion in the database for each open investigation. The law enforcement

agency shall maintain the physical evidence and investigation file for each case unless otherwise agreed to by the law enforcement agency and the division.

(5) The division shall maintain the information on a cold case indefinitely.

Section 2. Section **53-29-202** is amended to read:

53-29-202 . Registrable offenses -- Status as a sex offender, kidnap offender, and child abuse offender established.

(1) An individual is an offender described in Subsection (2) and subject to the requirements, restrictions, and penalties described in this chapter if the individual:

(a) has been convicted in this state of:

(i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);

(ii) child torture under Section 76-5-109.4;

(iii) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417;

(iv) sexual exploitation of a vulnerable adult under Section 76-5b-202;

(v) human trafficking for sexual exploitation under Section 76-5-308.1;

(vi) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);

(vii) aggravated human trafficking for sexual exploitation under Section 76-5-310;

(viii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;

(ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided in Subsection 76-5-401(3)(b) or (c);

(x) sexual abuse of a minor under Section 76-5-401.1, on the individual's first offense unless the individual was younger than 21 years old at the time of the offense then on the individual's second offense;

(xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;

(xii) rape under Section 76-5-402;

(xiii) rape of a child under Section 76-5-402.1;

(xiv) object rape under Section 76-5-402.2;

(xv) object rape of a child under Section 76-5-402.3;

(xvi) a felony violation of forcible sodomy under Section 76-5-403;

(xvii) sodomy on a child under Section 76-5-403.1;

(xviii) forcible sexual abuse under Section 76-5-404;

(xix) sexual abuse of a child under Section 76-5-404.1;

(xx) aggravated sexual abuse of a child under Section 76-5-404.3;
(xxi) aggravated sexual assault under Section 76-5-405;
(xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is
younger than 18 years old and the offense is committed on or after May 10, 2011;
(xxiii) sexual exploitation of a minor under Section 76-5b-201;
(xxiv) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
(xxv) sexual extortion [~~or aggravated sexual extortion~~] under Section 76-5b-204;
(xxvi) aggravated sexual extortion under Section 76-5b-204.1;
[~~(xxvi)~~] (xxvii) incest under Section 76-7-102;
[~~(xxvii)~~] (xxviii) lewdness under Section 76-5-419, if the individual has been
convicted of the offense four or more times;
[~~(xxviii)~~] (xxix) sexual battery under Section 76-5-418, if the individual has been
convicted of the offense four or more times;
[~~(xxix)~~] (xxx) any combination of convictions of lewdness under Section 76-5-419,
and of sexual battery under Section 76-5-418, that total four or more convictions;
[~~(xxx)~~] (xxxi) lewdness involving a child under Section 76-5-420;
[~~(xxxi)~~] (xxxii) a felony or class A misdemeanor violation of:
(A) voyeurism under Section 76-12-306;
(B) recorded or photographed voyeurism under Section 76-12-307; or
(C) distribution of images obtained through voyeurism under Section 76-12-308;
[~~(xxxii)~~] (xxxiii) aggravated exploitation of prostitution under Section 76-5d-208;
[~~(xxxiii)~~] (xxxiv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender
was not the natural parent of the child victim;
[~~(xxxiv)~~] (xxxv) child kidnapping under Section 76-5-301.1, if the offender was not
the natural parent of the child victim;
[~~(xxxv)~~] (xxxvi) aggravated kidnapping under Section 76-5-302, if the offender was
not the natural parent of the child victim;
[~~(xxxvi)~~] (xxxvii) human trafficking for labor under Section 76-5-308, if the offender
was not the natural parent of the child victim;
[~~(xxxvii)~~] (xxxviii) human smuggling under Section 76-5-308.3, if the offender was
not the natural parent of the child victim;
[~~(xxxviii)~~] (xxxix) human trafficking of a child for labor under Subsection
76-5-308.5(4)(a), if the offender was not the natural parent of the child victim;
[~~(xxxix)~~] (xl) aggravated human trafficking for labor under Section 76-5-310, if the

131 offender was not the natural parent of the child victim;
132 [~~(xli)~~] (xli) aggravated human smuggling under Section 76-5-310.1, if the offender
133 was not the natural parent of the child victim;
134 [~~(xlii)~~] (xlii) human trafficking of a vulnerable adult for labor under Section 76-5-311,
135 if the offender was not the natural parent of the child victim; or
136 [~~(xliii)~~] (xliii) attempting, soliciting, or conspiring to commit a felony violation of an
137 offense listed in Subsections (1)(a)(i) through [~~(xli)~~] (xlii);
138 (b)(i) has been convicted of a criminal offense, or an attempt, solicitation, or
139 conspiracy to commit a criminal offense in an external jurisdiction that is
140 substantially equivalent to the offense listed in Subsection (1)(a); and
141 (ii)(A) is a Utah resident; or
142 (B) is not a Utah resident and is in this state for a total of 10 days in a 12-month
143 period, regardless of whether the individual intends to permanently reside in
144 this state;
145 (c)(i)(A) is required to register on a registry in an external jurisdiction for
146 individuals who have committed an offense listed in Subsection (1)(a) or a
147 substantially equivalent offense;
148 (B) is ordered by a court to register on a registry for individuals who have
149 committed an offense listed in Subsection (1)(a) or a substantially equivalent
150 offense; or
151 (C) would be required to register on a registry in an external jurisdiction for
152 individuals who have committed an offense listed in Subsection (1)(a), or a
153 substantially equivalent offense, if residing in the external jurisdiction of the
154 conviction regardless of the date of the conviction or a previous registration
155 requirement; and
156 (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether
157 the individual intends to permanently reside in this state;
158 (d)(i)(A) is a nonresident regularly employed or working in this state; or
159 (B) who is a student in this state; and
160 (ii)(A) is convicted of an offense listed in Subsection (1)(a) or a substantially
161 equivalent offense in an external jurisdiction; or
162 (B) is required to register on a sex, kidnap, and child abuse registry, or an
163 equivalent registry, in the individual's state of residence based on a conviction
164 for an offense that is not substantially equivalent to an offense listed in

- 165 Subsection (1)(a);
- 166 (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of
- 167 an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
- 168 (f)(i) is adjudicated under Section 80-6-701 for one or more offenses listed in
- 169 Subsection (1)(a); and
- 170 (ii) has been committed to the division for secure care, as defined in Section 80-1-102,
- 171 for that offense if:
- 172 (A) the individual remains in the division's custody until 30 days before the
- 173 individual's 21st birthday;
- 174 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
- 175 under Section 80-6-605 and the individual remains in the division's custody
- 176 until 30 days before the individual's 25th birthday; or
- 177 (C) the individual is moved from the division's custody to the custody of the
- 178 department before expiration of the division's jurisdiction over the individual.
- 179 (2) Subject to Subsection (3), an individual is:
- 180 (a) a child abuse offender if the individual:
- 181 (i) has committed, attempted, solicited, or conspired to commit an offense described
- 182 in Subsection (1)(a)(i) through (ii); or
- 183 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
- 184 described in Subsection (1)(a)(i) through (ii) or a substantially equivalent offense;
- 185 (b) a sex offender if the individual:
- 186 (i) has committed, attempted, solicited, or conspired to commit an offense described
- 187 in Subsections (1)(a)(iii) through [~~(xxxii)~~] (xxxiii); or
- 188 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
- 189 described in Subsections (1)(a)(iii) through [~~(xxxii)~~] (xxxiii) or a substantially
- 190 equivalent offense; or
- 191 (c) a kidnap offender if the individual:
- 192 (i) has committed, attempted, solicited, or conspired to commit an offense described
- 193 in Subsections [~~(1)(a)(xxxiii)~~] ((1)(a)(xxxiv)) through [~~(xli)~~] (xlii); or
- 194 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
- 195 described in Subsections [~~(1)(a)(xxxiii)~~] ((1)(a)(xxxiv)) through [~~(xli)~~] (xlii) or a
- 196 substantially equivalent offense.
- 197 (3) An individual who has committed a registrable offense described in Subsection
- 198 (1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense

described in Subsection (1)(a) and is required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, in the individual's state of residence is a child abuse offender, sex offender, or kidnap offender based on the individual's status on the registry in the individual's state of residence.

- (4) Notwithstanding Subsection 53-29-101(4)(a), a plea of guilty or nolo contendere to a charge of sexual battery or lewdness that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction even if the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Section 3. Section **53-29-203** is amended to read:

53-29-203 . Registration lengths -- 10 years -- Lifetime.

- (1) Except as provided in Subsection (2), (3), or (4), an individual who commits a registrable offense is required to register on the registry for:
- (a) 10 years after the day on which the offender's sentence for the offense has been terminated if the registrable offense is for:
- (i) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (1)(a)(ii) through (xxiv);
 - (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - (iii) child torture under Section 76-5-109.4;
 - (iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the natural parent of the child victim;
 - (v) human trafficking for labor under Section 76-5-308, if the offender was not the natural parent of the child victim;
 - (vi) human smuggling under Section 76-5-308.3, if the offender was not the natural parent of the child victim;
 - (vii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the offender was not the natural parent of the child victim;
 - (viii) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the natural parent of the child victim;
 - (ix) aggravated human smuggling under Section 76-5-310.1;
 - (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
 - (xi) a felony violation of unlawful sexual activity with a minor under Section 76-5-401;
 - (xii) sexual abuse of a minor under Section 76-5-401.1;

- (xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- (xiv) forcible sexual abuse under Section 76-5-404;
- (xv) custodial sexual relations under Section 76-5-412;
- (xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- (xvii) sexual extortion under [~~Subsection 76-5b-204(2)(a)~~] Section 76-5b-204;
- (xviii) incest under Section 76-7-102;
- (xix) four to seven convictions of lewdness under Section 76-5-419;
- (xx) four to seven convictions of sexual battery under Section 76-5-418;
- (xxi) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under Section 76-5-418, that total four to seven convictions;
- (xxii) lewdness involving a child under Section 76-5-420;
- (xxiii) a felony or class A misdemeanor violation of:
 - (A) voyeurism under Section 76-12-306;
 - (B) recorded or photographed voyeurism under Section 76-12-307; or
 - (C) distribution of images obtained through voyeurism under Section 76-12-308;
- (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9, 2011;
- (xxv) attempting, soliciting, or conspiring to commit an offense listed in Subsections(1)(a)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a registrable offense; or
- (xxvi) attempting, soliciting, or conspiring to commit:
 - (A) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
 - (B) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the natural parent of the child victim;
 - (C) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;
 - (D) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the natural parent of the child victim;
 - (E) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the offender was not the natural parent of the child victim;
 - (F) forcible sodomy under Section 76-5-403;
 - (G) sexual abuse of a child under Section 76-5-404.1;
 - (H) sexual exploitation of a minor under Section 76-5b-201;

- 267 (I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 268 (J) aggravated sexual extortion under [~~Subsection 76-5b-204(2)(b)~~] Section
- 269 76-5b-204.1; or
- 270 (K) aggravated exploitation of prostitution under Section 76-5d-208, on or after
- 271 May 10, 2011; or
- 272 (b) the offender's lifetime if the registrable offense is:
- 273 (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at
- 274 the time of conviction for the offense:
- 275 (A) previously been convicted of an offense described in Subsection (1)(a), or a
- 276 substantially equivalent offense in an external jurisdiction; or
- 277 (B) previously been required to register as an offender for an offense described in
- 278 Subsection (1)(a) committed as a juvenile;
- 279 (ii) a following offense, including attempting, soliciting, or conspiring to commit a
- 280 felony violation of:
- 281 (A) child kidnapping under Section 76-5-301.1, if the offender was not the natural
- 282 parent of the child victim;
- 283 (B) rape under Section 76-5-402;
- 284 (C) rape of a child under Section 76-5-402.1;
- 285 (D) object rape under Section 76-5-402.2;
- 286 (E) object rape of a child under Section 76-5-402.3;
- 287 (F) sodomy on a child under Section 76-5-403.1;
- 288 (G) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 289 (H) aggravated sexual assault under Section 76-5-405;
- 290 (iii) aggravated kidnapping under Section 76-5-302, if the offender was not the
- 291 natural parent of the child victim;
- 292 (iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the
- 293 offender was not the natural parent of the child victim;
- 294 (v) human trafficking of a child for sexual exploitation under Subsection
- 295 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;
- 296 (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if
- 297 the offender was not the natural parent of the child victim;
- 298 (vii) human trafficking of a vulnerable adult for sexual exploitation under Section
- 299 76-5-311, if the offender was not the natural parent of the child victim;
- 300 (viii) forcible sodomy under Section 76-5-403;

- (ix) sexual abuse of a child under Section 76-5-404.1;
- (x) sexual exploitation of a minor under Section 76-5b-201;
- (xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- (xii) aggravated sexual extortion under [~~Subsection 76-5b-204(2)(b)~~] Section 76-5b-204.1;
- (xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
- (xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (1)(b)(ii) through (xiii).

(2) An individual who qualifies as an offender based on a conviction in an external jurisdiction for a registrable offense, or a substantially equivalent offense, and is on an external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is required to register on the registry for the time period required by the external jurisdiction.

(3)(a) If the sentencing court at any time after an offender is convicted of an offense requiring lifetime registration described in Subsection (1)(b), and after considering the factors described in Subsection (3)(b), determines that the offender was under 21 years old at the time the offense was committed and the offense did not involve force or coercion, the requirement that the offender register for the offender's lifetime does not apply and the offender shall register for 10 years after the day on which the offender's sentence for the offense has been terminated.

(b) In determining whether an offense committed by an offender involves force or coercion under Subsection (3)(a), the sentencing court shall consider:

- (i) the age of the victim;
- (ii) the vulnerability of the victim;
- (iii) the physical, mental, psychological, or emotional harm the victim suffered from the offense;
- (iv) whether the offender used fraud or deception to commit the offense;
- (v) if any child sexual abuse material, as that term is defined in Section 76-5b-103, was:
 - (A) distributed to the victim by the offender; or
 - (B) distributed, produced, or possessed by the offender at the time of the offense, that involved force or coercion against a victim depicted in the child sexual

- 335 abuse material; and
- 336 (vi) any other factor the sentencing court determines is relevant.
- 337 (4) Except for an individual who is adjudicated for a registrable offense and is an offender
- 338 who meets the requirements under Subsection 53-29-202(1)(f), an individual who is
- 339 under 18 years old and commits a registrable offense after May 3, 2023, is not subject to
- 340 registration requirements under this chapter unless the offender:
- 341 (a) is charged by criminal information in juvenile court under Section 80-6-503;
- 342 (b) is bound over to district court in accordance with Section 80-6-504; and
- 343 (c) is convicted of a registrable offense.
- 344 (5) An offender subject to the 10-year or lifetime registration requirements under
- 345 Subsection (1) may petition the court for an order of removal from the registry in
- 346 accordance with Section 53-29-204, 53-29-205, or 53-29-206.
- 347 Section 4. Section **53-29-205** is amended to read:
- 348 **53-29-205 . Ten-year petition for removal from registry -- Eligibility.**
- 349 (1) An offender who is required to register on the registry for a registrable offense
- 350 described in Subsection (3) subject to a 10-year registration period as described in
- 351 Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order
- 352 of removal from the registry at a 10-year after entrance into the community period
- 353 described in Subsection (2) if:
- 354 (a) the offender has not been convicted of another offense that is a class A misdemeanor,
- 355 felony, or capital felony within the most recent 10-year period after the date
- 356 described in Subsection (2), as evidenced by a certificate of eligibility issued by the
- 357 bureau;
- 358 (b) the offender successfully completed all treatment ordered by the court or the Board
- 359 of Pardons and Parole relating to the offense; and
- 360 (c) the offender has paid all restitution ordered by the court or the Board of Pardons and
- 361 Parole relating to the offense.
- 362 (2) An offender who qualifies under Subsection (1) may petition the court under Section
- 363 53-29-207 for an order of removal from the registry if 10 years have passed after the
- 364 later of the following events in which the offender entered into the community:
- 365 (a) the day on which the offender was placed on probation;
- 366 (b) the day on which the offender was released from incarceration to parole;
- 367 (c) the day on which the offender's sentence was terminated without parole;
- 368 (d) the day on which the offender entered a community-based residential program; or

(e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated.

(3) The offenses that qualify for a 10-year petition for an order of removal from the registry referenced in Subsection (1) are:

(a) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (3)(b) through (v);

(b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);

(c) child torture under Section 76-5-109.4;

(d) human trafficking for labor under Section 76-5-308;

(e) human smuggling under Section 76-5-308.3;

(f) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);

(g) aggravated human trafficking for labor under Section 76-5-310;

(h) aggravated human smuggling under Section 76-5-310.1;

(i) human trafficking of a vulnerable adult for labor under Section 76-5-311;

(j) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the offense, the offender is more than 10 years older than the victim;

(k) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the offender is more than 10 years older than the victim;

(l) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if, at the time of the offense, the offender is more than 15 years older than the victim;

(m) forcible sexual abuse under Section 76-5-404;

(n) custodial sexual relations under Section 76-5-412, if the victim in custody is younger than 18 years old and the offense is committed on or after May 10, 2011;

(o) sexual exploitation of a vulnerable adult under Section 76-5b-202;

(p) sexual extortion under ~~[Subsection 76-5b-204(2)(a)]~~ Section 76-5b-204;

(q) incest under Section 76-7-102;

(r) four or more convictions of lewdness under Section 76-5-419;

(s) four or more convictions of sexual battery under Section 76-5-418;

(t) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under Section 76-5-418, that total four or more convictions;

(u) lewdness involving a child under Section 76-5-420;

(v) a felony violation of:

(i) recorded or photographed voyeurism under Section 76-12-307; or

- (ii) distribution of images obtained through voyeurism under Section 76-12-308;
- (w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9, 2011;
- (x) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a) through (v) if the attempt, solicitation, or conspiracy is a registrable offense;
- (y) attempting, soliciting, or conspiring to commit:
- (i) human trafficking for sexual exploitation under Section 76-5-308.1;
- (ii) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
- (iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- (iv) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
- (v) aggravated kidnapping under Section 76-5-302, except if the offender is a natural parent of the victim;
- (vi) forcible sodomy under Section 76-5-403;
- (vii) sexual abuse of a child under Section 76-5-404.1;
- (viii) sexual exploitation of a minor under Section 76-5b-201;
- (ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- (x) aggravated sexual extortion under [~~Subsection 76-5b-204(2)(b)] Section 76-5b-204.1; or~~
- (xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
- (z) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject to a 20-year petition for removal as described in Section 53-29-206, if:
- (i) the sentencing court determines that the offender was under 21 years old at the time the offense was committed; and
- (ii) the offense did not involve force or coercion as described in Subsection 53-29-203(3).
- (4) An individual who is as an offender under Section 53-29-202 based on a conviction in an external jurisdiction for a registrable offense, or a substantially equivalent offense, and is required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, may petition for removal from the registry in accordance with the requirements of this section if the individual:
- (a) does not have a lifetime registration requirement on the external jurisdiction's sex,

- kidnap, or child abuse offender registry, or an equivalent registry;
- (b) meets the requirements described in Subsections (1)(a) through (c);
- (c) has resided in this state for at least 183 days in a year for two consecutive years;
- (d) intends to primarily reside in this state; and
- (e) has received an order from a court in the external jurisdiction where the offender was initially required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap, and Child Abuse Offender Registry.

Section 5. Section **53G-9-207** is amended to read:

53G-9-207 . Child sexual abuse prevention.

(1) As used in this section:

- (a)(i) "Age-appropriate instructional material" means materials that provide instruction on:
 - (A) the responsibility of adults for the safety of children;
 - (B) how to recognize uncomfortable inner feelings;
 - (C) how to say no and leave an uncomfortable situation;
 - (D) how to set clear boundaries;
 - (E) the risks of sharing intimate images or personal information through electronic means; and
 - (F) the importance of discussing uncomfortable situations with parents and other trusted adults.
- (ii) "Age-appropriate instructional material" does not include materials that:
 - (A) invites a student to share personal experiences about abuse during instruction;
 - (B) gives instruction regarding consent as described in Section 76-5-406; or
 - (C) includes sexually explicit language or depictions.
- (b) "Alternative provider" means a provider other than the provider selected by the state board under Subsection (8) that provides the training and instruction described in Subsection (4) with instructional materials approved under Subsection (2).
- (c) "School personnel" means the same as that term is defined in Section 53G-9-203.
- (d) "Sexual extortion" means ~~[the]~~ a criminal offense described in Section 76-5b-204 or 76-5b-204.1.

(2) The state board shall approve, in partnership with the Department of Health and Human Services, age-appropriate instructional materials for the training and instruction described in Subsections (3)(a) and (4).

- 471 (3)(a) An LEA shall provide, once every three years, training and instruction on child
472 sexual abuse and human trafficking prevention and awareness to:
- 473 (i) school personnel in elementary and secondary schools on:
- 474 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate
475 manner;
- 476 (B) identifying children who are victims or may be at risk of becoming victims of
477 human trafficking or commercial sexual exploitation; ~~and~~
- 478 (C) the mandatory reporting requirements described in Sections 53E-6-701 and
479 80-2-602; and
- 480 (D) appropriate responses to incidents of sexual extortion, including connecting
481 victims with support services; and
- 482 (ii) parents of elementary school students on:
- 483 (A) recognizing warning signs of a child who is being sexually abused or who is a
484 victim or may be at risk of becoming a victim of human trafficking or
485 commercial sexual exploitation;
- 486 (B) effective, age-appropriate methods for discussing the topic of child sexual
487 abuse with a child; and
- 488 (C) resources available for victims of sexual extortion.
- 489 (b) An LEA:
- 490 (i) shall use the instructional materials approved by the state board under Subsection
491 (2) to provide the training and instruction under Subsections (3)(a) and (4); or
- 492 (ii) may use instructional materials the LEA creates to provide the instruction and
493 training described in Subsections (3)(a) and (4), if the LEA's instructional
494 materials are approved by the state board under Subsection (2).
- 495 (4)(a) In accordance with Subsections (4)(b) and (5), an LEA may provide instruction on
496 child sexual abuse and human trafficking prevention and awareness to elementary
497 school students using age-appropriate curriculum.
- 498 (b) An LEA that provides the instruction described in Subsection (4)(a) shall use the
499 instructional materials approved by the state board under Subsection (2) to provide
500 the instruction.
- 501 (5)(a) An elementary school student may not be given the instruction described in
502 Subsection (4) unless the parent of the student is:
- 503 (i) notified in advance of the:
- 504 (A) instruction and the content of the instruction; and

- (B) parent's right to have the student excused from the instruction;
- (ii) given an opportunity to review the instructional materials before the instruction occurs; and
- (iii) allowed to be present when the instruction is delivered.
- (b) Upon the written request of the parent of an elementary school student, the student shall be excused from the instruction described in Subsection (4).
- (c) Participation of a student requires compliance with Sections 53E-9-202 and 53E-9-203.
- (6) An LEA may determine the mode of delivery for the training and instruction described in Subsections (3) and (4).
- (7) Upon request of the state board, an LEA shall provide evidence of compliance with this section.
- (8) The state board shall select a provider to provide the training and instruction described in Subsection (4), including requiring the provider selected to:
- (a) engage in outreach efforts to support more schools to participate in the training and instruction;
- (b) provide materials for the instruction involving students in accordance with Subsection (4);
- (c) provide an outline of how many LEAs, schools, and students the provider could service; and
- (d) submit a report to the state board that includes:
- (i) information on the LEAs the provider engaged with in the outreach efforts, including:
- (A) how many schools within an LEA increased instructional offerings for training and instruction; and
- (B) the reasons why an LEA chose to participate or not in the offered training or instruction;
- (ii) the number of schools and students that received the training and instruction;
- (iii) budgetary information regarding how the provider utilized any funds the state board allocated; and
- (iv) additional information the state board requests.
- (9) Subject to legislative appropriation, there is created a grant program to support an LEA that chooses to use an alternative provider other than the provider selected by the state board under Subsection (8) to provide the training and instruction described in

Subsection (4).

(10) The state board shall:

- (a) establish a process to select alternative providers for an LEA to use, including:
 - (i) an application process for a provider to become an alternative provider;
 - (ii) required criteria for a provider to become an alternative provider; and
 - (iii) relevant timelines;
- (b) create a process for an LEA to receive a grant award described in Subsection (9), including:
 - (i) an application process;
 - (ii) relevant timelines; and
 - (iii) a scoring rubric and corresponding formula for determining a grant amount; and
- (c) make grant awards on a first come first served basis until the state board distributes all appropriated funds.

(11) An LEA that receives a grant award described in Subsection (10)(b) shall:

- (a) use the grant award to cover the costs needed for implementation of the training or instruction described in Subsection (4); and
- (b) upon request of the state board, provide an itemized list of the uses of the grant award.

Section 6. Section **76-1-301** is amended to read:

76-1-301 . Offenses for which prosecution may be commenced at any time.

(1) As used in this section:

- (a) "Aggravating offense" means any offense incident to which a homicide was committed as described in Subsection 76-5-202(2)(a)(iv) or (v) or Subsection 76-5-202(2)(b).
- (b) "Predicate offense" means an offense described in Subsection 76-5-203(1)(a) if a person other than a party as defined in Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of the offense.

(2) Notwithstanding any other provisions of this code, prosecution for the following offenses may be commenced at any time:

- (a) an offense classified as a capital felony under Section 76-3-103;
- (b) aggravated murder under Section 76-5-202;
- (c) murder under Section 76-5-203;
- (d) manslaughter under Section 76-5-205;

- (e) child abuse homicide under Section 76-5-208;
- (f) aiding or encouraging suicide under Section 76-5-211;
- ~~(f)~~ (g) aggravated kidnapping under Section 76-5-302;
- ~~(g)~~ (h) child kidnapping under Section 76-5-301.1;
- ~~(h)~~ (i) rape under Section 76-5-402;
- ~~(i)~~ (j) rape of a child under Section 76-5-402.1;
- ~~(j)~~ (k) object rape under Section 76-5-402.2;
- ~~(k)~~ (l) object rape of a child under Section 76-5-402.3;
- ~~(l)~~ (m) forcible sodomy under Section 76-5-403;
- ~~(m)~~ (n) sodomy on a child under Section 76-5-403.1;
- ~~(n)~~ (o) sexual abuse of a child under Section 76-5-404.1;
- ~~(o)~~ (p) aggravated sexual abuse of a child under Section 76-5-404.3;
- ~~(p)~~ (q) aggravated sexual assault under Section 76-5-405;
- ~~(q)~~ (r) any predicate offense to a murder or aggravating offense to an aggravated murder;
- ~~(r)~~ (s) aggravated human trafficking under Section 76-5-310;
- ~~(s)~~ (t) aggravated human smuggling under Section 76-5-310.1;
- ~~(t)~~ (u) human trafficking of a child under Section 76-5-308.5; or
- ~~(u)~~ (v) aggravated exploitation of prostitution involving a child under Section 76-5d-208.

Section 7. Section **76-3-406.5** is amended to read:

76-3-406.5 . Aggravating factors in imprisonment for certain criminal homicide cases.

- (1) As used in this section:
 - (a) "Cohabitant" has the same definition as in Section 78B-7-102.
 - (b) "Position of trust" includes the position of a spouse, parent, or cohabitant.
- (2) It is an aggravating factor that the ~~[person]~~ actor occupied a position of trust in relation to the victim.
- (3) The Board of Pardons and Parole shall consider the aggravating factor in Subsection (2) in determining the length of imprisonment for ~~[a person]~~ an actor convicted of:
 - (a) aggravated murder under Section 76-5-202;
 - (b) murder under Section 76-5-203;~~[-or]~~
 - (c) manslaughter under Section 76-5-205~~[-]~~ ; or
 - (d) aiding or encouraging suicide under Section 76-5-211.
- (4) The sentencing court shall consider the aggravating factor in Subsection (2) in

607 sentencing [a person] an actor convicted of:

608 (a) [-]manslaughter under Section 76-5-205; or

609 (b) aiding or encouraging suicide under Section 76-5-211.

610 Section 8. Section **76-5-205** is amended to read:

611 **76-5-205 . Manslaughter.**

612 (1)[(a) As used in this section:]

613 [(i)(A) "Aid" means the act of providing the physical means.]

614 [(B) "Aid" does not include the withholding or withdrawal of life sustaining
615 treatment procedures to the extent allowed under Title 75A, Chapter 3, Health
616 Care Decisions, or any other laws of this state.]

617 [(ii) "Practitioner" means an individual currently licensed, registered, or otherwise
618 authorized by law to administer, dispense, distribute, or prescribe medications or
619 procedures in the course of professional practice.]

620 [(iii) "Provides" means to administer, prescribe, distribute, or dispense.]

621 [(b)] Terms defined in Section 76-1-101.5 apply to this section.

622 (2) [~~Except as provided in Subsection (5), an~~] An actor commits manslaughter if the actor:

623 (a) recklessly causes the death of another individual; or

624 [(b) intentionally, and with knowledge that another individual intends to commit suicide
625 or attempt to commit suicide, aids the individual to commit suicide; or]

626 [(c)] (b) commits a homicide which would be murder, but the offense is reduced in
627 accordance with Subsection 76-5-203(4).

628 (3) A violation of Subsection (2) is a [~~felony of the~~]second degree felony.

629 (4)(a) In addition to the penalty described under this section or any other section, [a

630 defendant] an actor who is convicted of violating this section shall have the [
631 defendant's] actor's driver license revoked under Section 53-3-220 if the death of
632 another individual results from driving a motor vehicle.

633 (b) The court shall forward the report of the conviction resulting from driving a motor
634 vehicle to the Driver License Division in accordance with Section 53-3-218.

635 [(5)(a) A practitioner does not violate Subsection (2)(b) if the practitioner provides

636 medication or a procedure to treat an individual's illness or relieve an individual's
637 pain or discomfort, regardless of whether the medication or procedure may hasten or
638 increase the risk of death to the individual to whom the practitioner provides the
639 medication or procedure.]

640 [(b) Notwithstanding Subsection (5)(a), a practitioner violates Subsection (2)(b) if the

practitioner intentionally and knowingly provides the medication or procedure to aid the individual to commit suicide or attempt to commit suicide.]

Section 9. Section **76-5-211** is enacted to read:

76-5-211 . Aiding or encouraging suicide.

(1)(a) As used in this section:

(i)(A) "Aid" means the act of providing the physical means.

(B) "Aid" does not include the withholding or withdrawal of life sustaining treatment procedures to the extent allowed under Title 75A, Chapter 9, Uniform Health Care Decisions Act, or any other laws of this state.

(ii) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by law to administer, dispense, distribute, or prescribe medications or procedures in the course of professional practice.

(iii) "Provides" means to administer, prescribe, distribute, or dispense.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits aiding or encouraging suicide if:

(a) the actor intentionally, and with knowledge that another individual intends to die by suicide or attempt to die by suicide, aids the individual to die by suicide; or

(b)(i) the actor, on four or more separate occasions, intentionally encourages another individual to die by suicide;

(ii) the actor is reckless as to whether the actor's course of conduct described in Subsection (2)(b)(i) would imminently cause the individual to die by suicide or attempt to die by suicide after a fourth or subsequent encouragement to die by suicide; and

(iii) the individual described in Subsection (2)(b)(i) dies by suicide or attempts to die by suicide.

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

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

(5)(a) A practitioner does not violate Subsection (2)(a) if the practitioner provides medication or a procedure to treat an individual's illness or relieve an individual's pain or discomfort, regardless of whether the medication or procedure may hasten or increase the risk of death to the individual to whom the practitioner provides the

675 medication or procedure.

676 (b) Notwithstanding Subsection (5)(a), a practitioner violates Subsection (2)(a) if the
677 practitioner knowingly provides the medication or procedure to aid the individual to
678 die by suicide or attempt to die by suicide.

679 Section 10. Section **76-5b-204** is amended to read:

680 **76-5b-204 . Sexual extortion.**

681 (1)(a) As used in this section:

682 (i) "Adult" means an individual 18 years old or older.

683 (ii) "Child" means ~~[any]~~ an individual under 18 years old.

684 (iii) "Counterfeit intimate image" means the same as that term is defined in Section
685 76-5b-205.

686 (iv) "Intimate image" means the same as that term is defined in Section 76-5b-203.

687 ~~[(v) "Position of special trust" means the same as that term is defined in Section~~
688 ~~76-5-404.1.]~~

689 ~~[(v)]~~ (v) "Sexually explicit conduct" means the same as that term is defined in
690 Section 76-5b-203.

691 ~~[(vii)]~~ (vi) "Simulated sexually explicit conduct" means the same as that term is
692 defined in Section 76-5b-203.

693 (b) Terms defined in Section 76-1-101.5 apply to this section.

694 (2)~~[(a)]~~ An actor commits the offense of sexual extortion if the actor:

695 ~~[(i)]~~ (a) with an intent to coerce a victim to engage in sexual contact, in sexually explicit
696 conduct, or in simulated sexually explicit conduct, or to produce, provide, or
697 distribute an image, video, or other recording of any individual naked or engaged in
698 sexually explicit conduct;

699 (i) ~~[-]~~ communicates, by any means, a threat:

700 (A) to the victim's person, property, or reputation; or

701 (B) to distribute an intimate image~~[-]~~ or counterfeit intimate image~~[-or video]~~ of
702 the victim; or

703 (ii) after a request from the victim or a third party acting at the direction of the victim:

704 (A) declines to delete an intimate image or counterfeit intimate image of the
705 victim from the actor's possession; or

706 (B) declines to remove or retract from an account managed by the actor on any
707 website, application, or other electronic sharing platform, an intimate image or
708 counterfeit intimate image of the victim previously posted or shared on the

- 709 website, application, or other electronic sharing platform;
- 710 [(ii)] (b) knowingly causes a victim to engage in sexual contact, in sexually explicit
- 711 conduct, or in simulated sexually explicit conduct, or to produce, provide, or
- 712 distribute any image, video, or other recording of any individual naked or engaged in
- 713 sexually explicit conduct;
- 714 (i) ~~[-by means of]~~ by communicating, through any means, a threat:
- 715 (A) to the victim's person, property, or reputation; or
- 716 (B) to distribute an intimate image[;] or counterfeit intimate image~~[-or video]~~ of
- 717 the victim; or
- 718 (ii) by declining, after receiving a request from the victim or a third party acting at
- 719 the direction of the victim:
- 720 (A) to delete an intimate image or counterfeit intimate image of the victim from
- 721 the actor's possession; or
- 722 (B) to remove or retract from an account managed by the actor on any website,
- 723 application, or other electronic sharing platform, an intimate image or
- 724 counterfeit intimate image of the victim previously posted or shared on the
- 725 website, application, or other electronic sharing platform; or
- 726 [(iii)] (c) with intent to obtain a thing of value from a victim or compel the victim to do
- 727 any act or refrain from doing any act against the victim's will:
- 728 (i) ~~[-]~~communicates, by any means, a threat to distribute an intimate image[;] or
- 729 counterfeit intimate image~~[-or video]~~ of the victim[;] ; or
- 730 (ii) after a request from the victim or a third party acting at the direction of the victim:
- 731 (A) declines to delete an intimate image or counterfeit intimate image of the
- 732 victim from the actor's possession; or
- 733 (B) declines to remove or retract from an account managed by the actor on any
- 734 website, application, or other electronic sharing platform, an intimate image or
- 735 counterfeit intimate image of the victim previously posted or shared on the
- 736 website, application, or other electronic sharing platform.
- 737 ~~[(b) An actor commits aggravated sexual extortion when, in conjunction with the offense~~
- 738 ~~described in Subsection (2)(a), any of the following circumstances have been charged~~
- 739 ~~and admitted or found true in the action for the offense:]~~
- 740 ~~[(i) the victim is a child or vulnerable adult;]~~
- 741 ~~[(ii) the offense was committed by the use of a dangerous weapon or by violence,~~
- 742 ~~intimidation, menace, fraud, or threat of physical harm, or was committed during~~

- the course of a kidnapping;]
- [(iii) the victim suffered bodily injury or severe psychological injury during, or as a result of, the offense;]
- [(iv) the actor was a stranger to the victim, or became a friend of the victim, for the purpose of committing the offense;]
- [(v) the actor, before sentencing for the offense, was previously convicted of any sexual offense;]
- [(vi) the actor occupied a position of special trust in relation to the victim;]
- [(vii) the actor encouraged, aided, allowed, or benefitted from acts of prostitution or sexual acts by the victim with any other individual, or sexual performance by the victim before any other individual, human trafficking, or human smuggling; or]
- [(viii) the actor caused the penetration, however slight, of the genital or anal opening of the victim by any part or parts of the human body, or by any other object.]
- (3)(a) If the actor is an adult,[:]
- [(i) a violation of Subsection [(2)(a)] (2) is a third degree felony[:] with a mandatory fine of not less than \$5,000.
- [(ii) a violation of Subsection (2)(b)(i), (ii), (iv), (v), (vi), (vii), or (viii) in which the victim is an adult is a second degree felony;]
- [(iii) a violation of Subsection (2)(b)(iii) in which the victim is an adult is a first degree felony; or]
- [(iv) a violation of Subsection (2)(b) in which the victim is a child or a vulnerable adult is a first degree felony.]
- (b) If the actor is a child,[:]
- [(i) a violation of Subsection [(2)(a)] (2) is a class A misdemeanor[: or] .
- [(ii) a violation of Subsection (2)(b) is a third degree felony if there is more than a two-year age gap between the actor and the victim.]
- (4) Upon a conviction for a violation of Subsection (2), the court shall order the imposition of at least the applicable minimum fine amount described in Subsection (3)(a) and may not waive or suspend the fine.
- [(e)] (5) An actor commits a separate offense under this section:
- [(i)] (a) for each victim the actor subjects to the offense [outlined] described in Subsection [(2)(a)] (2); and
- [(ii)] (b) for each separate time the actor subjects a victim to the offense [outlined] described in Subsection [(2)(a)] (2).

777 ~~[(d)]~~ (6) This section does not preclude an actor from being charged and convicted of a
778 separate criminal act if the actor commits the separate criminal act while the ~~[individual]~~
779 actor violates or attempts to violate this section.

780 ~~[(4)]~~ (7) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to
781 liability under this section related to content provided by a user of the interactive
782 computer service.

783 Section 11. Section **76-5b-204.1** is enacted to read:

784 **76-5b-204.1 . Aggravated sexual extortion.**

785 (1)(a) As used in this section:

786 (i) "Adult" means an individual 18 years old or older.

787 (ii) "Child" means an individual under 18 years old.

788 (iii) "Position of special trust" means the same as that term is defined in Section
789 76-5-404.1.

790 (b) Terms defined in Section 76-1-101.5 apply to this section.

791 (2) An actor commits aggravated sexual extortion when, in conjunction with the offense
792 described in Subsection 76-5b-204(2), any of the following circumstances have been
793 charged and admitted or found true in the action for the offense:

794 (a) the victim is a child or vulnerable adult;

795 (b) the offense was committed by the use of a dangerous weapon or by violence,
796 intimidation, menace, fraud, or threat of physical harm, or was committed during the
797 course of a kidnapping;

798 (c) the victim suffered bodily injury or severe psychological injury during, or as a result
799 of, the offense;

800 (d) the actor was a stranger to the victim, or became a friend of the victim, for the
801 purpose of committing the offense;

802 (e) the actor, before sentencing for the offense, was previously convicted of any sexual
803 offense;

804 (f) the actor occupied a position of special trust in relation to the victim;

805 (g) the actor encouraged, aided, allowed, or benefited from:

806 (i) acts of prostitution or sexual acts by the victim with any other individual;

807 (ii) a sexual performance by the victim before any other individual; or

808 (iii) human trafficking or human smuggling; or

809 (h) the actor caused the penetration, however slight, of the genital or anal opening of the
810 victim by any part or parts of the human body, or by any other object.

- 811 (3)(a) If the actor is an adult:
- 812 (i) a violation of Subsection (2) in which the victim is a child or a vulnerable adult is
- 813 a first degree felony with a mandatory fine of not less than \$20,000;
- 814 (ii) a violation of Subsection (2)(c) in which the victim is an adult who is not a
- 815 vulnerable adult is a first degree felony with a mandatory fine of not less than
- 816 \$20,000; or
- 817 (iii) a violation of Subsection (2)(b), (d), (e), (f), (g), or (h) in which the victim is an
- 818 adult who is not a vulnerable adult is a second degree felony with a mandatory
- 819 fine of not less than \$10,000.
- 820 (b) If the actor is a child, a violation of Subsection (2) is a third degree felony if there is
- 821 more than a two-year age gap between the actor and the victim.
- 822 (4) Upon a conviction for a violation of Subsection (2), the court shall order the imposition
- 823 of at least the applicable minimum fine amount described in Subsection (3)(a) and may
- 824 not waive or suspend the fine.
- 825 (5) This section does not preclude an actor from being charged and convicted of a separate
- 826 criminal act if the actor commits the separate criminal act while the actor violates or
- 827 attempts to violate this section.
- 828 (6) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to
- 829 liability under this section related to content provided by a user of the interactive
- 830 computer service.

831 Section 12. Section **76-17-401** is amended to read:

832 **76-17-401 . Definitions.**

833 As used in this part:

- 834 (1)(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation,
- 835 business trust, association, or other legal entity, and a union or group of individuals
- 836 associated in fact although not a legal entity.
- 837 (b) "Enterprise" includes illicit as well as licit entities.
- 838 (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the
- 839 commission of at least three episodes of unlawful activity, which episodes are not
- 840 isolated, but have the same or similar purposes, results, participants, victims, or methods
- 841 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
- 842 together, the episodes shall demonstrate continuing unlawful conduct and be related
- 843 either to each other or to the enterprise. At least one of the episodes comprising a
- 844 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act

constituting part of a pattern of unlawful activity as defined by this part shall have occurred within five years of the commission of the next preceding act alleged as part of the pattern.

(3) "Person" includes an individual or entity capable of holding a legal or beneficial interest in property, including state, county, and local governmental entities.

(4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command, encourage, or intentionally aid another person to engage in conduct that would constitute an offense described by the following crimes or categories of crimes, or to attempt or conspire to engage in an act that would constitute any of those offenses, regardless of whether the act is in fact charged or indicted by an authority or is classified as a misdemeanor or a felony:

(a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized Recording Practices Act;

(b) an act prohibited by the criminal provisions under Title 19, Environmental Quality Code, Sections 19-1-101 through 19-7-109;

(c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or Section 23A-5-311;

(d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;

(e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal Offenses and Procedure Act;

(f) unlawful marking of pistol or revolver under Section 53-5a-105;

(g) alteration of number or mark on pistol or revolver under Section 53-5a-106;

(h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;

(i) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act;

(j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities Act;

(k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah Procurement Code;

879 (l) assault under Section 76-5-102;
 880 (m) aggravated assault under Section 76-5-103;
 881 (n) a threat of terrorism under Section 76-5-107.3;
 882 (o) a criminal homicide offense under Section 76-5-201;
 883 (p) kidnapping under Section 76-5-301;
 884 (q) aggravated kidnapping under Section 76-5-302;
 885 (r) human trafficking for labor under Section 76-5-308;
 886 (s) human trafficking for sexual exploitation under Section 76-5-308.1;
 887 (t) human smuggling under Section 76-5-308.3;
 888 (u) human trafficking of a child under Section 76-5-308.5;
 889 (v) benefiting from trafficking and human smuggling under Section 76-5-309;
 890 (w) aggravated human trafficking under Section 76-5-310;
 891 (x) sexual exploitation of a minor under Section 76-5b-201;
 892 (y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
 893 (z) sexual extortion under Section 76-5b-204;
 894 (aa) aggravated sexual extortion under Section 76-5b-204.1;
 895 ~~[(aa)]~~ (bb) arson under Section 76-6-102;
 896 ~~[(bb)]~~ (cc) aggravated arson under Section 76-6-103;
 897 ~~[(ee)]~~ (dd) causing a catastrophe under Section 76-6-105;
 898 ~~[(dd)]~~ (ee) burglary under Section 76-6-202;
 899 ~~[(ee)]~~ (ff) aggravated burglary under Section 76-6-203;
 900 ~~[(ff)]~~ (gg) burglary of a vehicle under Section 76-6-204;
 901 ~~[(gg)]~~ (hh) manufacture or possession of an instrument for burglary or theft under
 902 Section 76-6-205;
 903 ~~[(hh)]~~ (ii) robbery under Section 76-6-301;
 904 ~~[(ii)]~~ (jj) aggravated robbery under Section 76-6-302;
 905 ~~[(jj)]~~ (kk) theft under Section 76-6-404;
 906 ~~[(kk)]~~ (ll) theft by deception under Section 76-6-405;
 907 ~~[(ll)]~~ (mm) theft by extortion under Section 76-6-406;
 908 ~~[(mm)]~~ (nn) receiving stolen property under Section 76-6-408;
 909 ~~[(nn)]~~ (oo) theft of services under Section 76-6-409;
 910 ~~[(oo)]~~ (pp) forgery under Section 76-6-501;
 911 ~~[(pp)]~~ (qq) unlawful use of financial transaction card under Section 76-6-506.2;
 912 ~~[(qq)]~~ (rr) unlawful acquisition, possession, or transfer of financial transaction card under

913 Section 76-6-506.3;
914 ~~[(rr)]~~ (ss) financial transaction card offenses under Section 76-6-506.6;
915 ~~[(ss)]~~ (tt) deceptive business practices under Section 76-6-507;
916 ~~[(tt)]~~ (uu) bribery or receiving bribe by person in the business of selection, appraisal, or
917 criticism of goods under Section 76-6-508;
918 ~~[(uu)]~~ (vv) bribery of a labor official under Section 76-6-509;
919 ~~[(vv)]~~ (ww) defrauding creditors under Section 76-6-511;
920 ~~[(ww)]~~ (xx) acceptance of deposit by insolvent financial institution under Section
921 76-6-512;
922 ~~[(xx)]~~ (yy) unlawful dealing with property by fiduciary under Section 76-6-513;
923 ~~[(yy)]~~ (zz) unlawful influence of a contest under Section 76-6-514;
924 ~~[(zz)]~~ (aaa) making a false credit report under Section 76-6-517;
925 ~~[(aaa)]~~ (bbb) criminal simulation under Section 76-6-518;
926 ~~[(bbb)]~~ (ccc) criminal usury under Section 76-6-520;
927 ~~[(ccc)]~~ (ddd) insurance fraud under Section 76-6-521;
928 ~~[(ddd)]~~ (eee) retail theft under Section 76-6-602;
929 ~~[(eee)]~~ (fff) computer crimes under Section 76-6-703;
930 ~~[(fff)]~~ (ggg) identity fraud under Section 76-6-1102;
931 ~~[(ggg)]~~ (hhh) mortgage fraud under Section 76-6-1203;
932 ~~[(hhh)]~~ (iii) sale of a child under Section 76-7-203;
933 ~~[(iii)]~~ (jjj) bribery or offering a bribe under Section 76-8-103;
934 ~~[(jjj)]~~ (kkk) threat to influence official or political action under Section 76-8-104;
935 ~~[(kkk)]~~ (lll) receiving bribe or bribery by public servant under Section 76-8-105;
936 ~~[(lll)]~~ (mmm) receiving bribe for endorsement of person as a public servant under
937 Section 76-8-106;
938 ~~[(mmm)]~~ (nnn) bribery for endorsement of person as public servant under Section
939 76-8-106.1;
940 ~~[(nnn)]~~ (ooo) official misconduct based on unauthorized act or failure of duty under
941 Section 76-8-201;
942 ~~[(ooo)]~~ (ppp) official misconduct concerning inside information under Section 76-8-202;
943 ~~[(ppp)]~~ (qqq) obstruction of justice in a criminal investigation or proceeding under
944 Section 76-8-306;
945 ~~[(qqq)]~~ (rrr) acceptance of bribe or bribery to prevent criminal prosecution under Section
946 76-8-308;

947 [~~(ttt)~~] (sss) harboring or concealing offender who has escaped from official custody
 948 under Section 76-8-309.2;
 949 [~~(sss)~~] (ttt) making a false or inconsistent material statement under Section 76-8-502;
 950 [~~(ttt)~~] (uuu) making a false or inconsistent statement under Section 76-8-503;
 951 [~~(uuu)~~] (vvv) making a written false statement under Section 76-8-504;
 952 [~~(vvv)~~] (www) tampering with a witness under Section 76-8-508;
 953 [~~(www)~~] (xxx) retaliation against a witness, victim, or informant under Section
 954 76-8-508.3;
 955 [~~(xxx)~~] (yyy) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
 956 [~~(yyy)~~] (zzz) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
 957 [~~(zzz)~~] (aaa) tampering with evidence under Section 76-8-510.5;
 958 [~~(aaa)~~] (bbb) falsification or alteration of a government record under Section 76-8-511,
 959 if the record is a record described in Title 20A, Election Code, or Title 36, Chapter
 960 11, Lobbyist Disclosure and Regulation Act;
 961 [~~(bbb)~~] (ccc) public assistance fraud by an applicant for public assistance under
 962 Section 76-8-1203.1;
 963 [~~(ccc)~~] (ddd) public assistance fraud by a recipient of public assistance under Section
 964 76-8-1203.3;
 965 [~~(ddd)~~] (eee) public assistance fraud by a provider under Section 76-8-1203.5;
 966 [~~(eee)~~] (fff) fraudulently misappropriating public assistance funds under Section
 967 76-8-1203.7;
 968 [~~(fff)~~] (ggg) false statement to obtain or increase unemployment compensation under
 969 Section 76-8-1301;
 970 [~~(ggg)~~] (hhh) false statement to prevent or reduce unemployment compensation or
 971 liability under Section 76-8-1302;
 972 [~~(hhh)~~] (iii) unlawful failure to comply with Employment Security Act requirements
 973 under Section 76-8-1303;
 974 [~~(iii)~~] (jjj) unlawful use or disclosure of employment information under Section
 975 76-8-1304;
 976 [~~(jjj)~~] (kkk) intentionally or knowingly causing one animal to fight with another under
 977 Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning
 978 dog fighting;
 979 [~~(kkk)~~] (lll) soliciting, recruiting, enticing, or intimidating a minor to join a criminal
 980 street gang under Section 76-9-803;

981 [~~(HHH)~~] (mmmm) aggravated soliciting, recruiting, enticing, or intimidating a minor to join
 982 a criminal street gang under Section 76-9-803.1;
 983 [~~(mmmm)~~] (nnnn) intimidating a minor to remain in a criminal street gang under Section
 984 76-9-803.2;
 985 [~~(nnnn)~~] (oooo) aggravated intimidating a minor to remain in a criminal street gang under
 986 Section 76-9-803.3;
 987 [~~(oooo)~~] (pppp) unlawful conduct involving an explosive, chemical, or incendiary device
 988 under Section 76-15-210;
 989 [~~(pppp)~~] (qqqq) unlawful conduct involving an explosive, chemical, or incendiary part
 990 under Section 76-15-211;
 991 [~~(qqqq)~~] (rrrr) unlawful delivery or mailing of an explosive, chemical, or incendiary
 992 device under Section 76-15-209;
 993 [~~(rrrr)~~] (ssss) forging or counterfeiting trademarks, trade name, or trade device under
 994 Section 76-16-302;
 995 [~~(ssss)~~] (tttt) selling goods under counterfeited trademark, trade name, or trade devices
 996 under Section 76-16-303;
 997 [~~(tttt)~~] (uuuu) sales in containers bearing registered trademark of substituted articles
 998 under Section 76-16-304;
 999 [~~(uuuu)~~] (vvvv) selling or dealing with article bearing registered trademark or service
 1000 mark with intent to defraud under Section 76-16-306;
 1001 [~~(vvvv)~~] (wwww) participating in gambling under Section 76-9-1402;
 1002 [~~(wwww)~~] (xxxx) permitting gambling under Section 76-9-1403;
 1003 [~~(xxxx)~~] (yyyy) online gambling prohibition under Section 76-9-1404;
 1004 [~~(yyyy)~~] (zzzz) gambling promotion under Section 76-9-1405;
 1005 [~~(zzzz)~~] (aaaaa) gambling fraud under Section 76-9-1406;
 1006 [~~(aaaaa)~~] (bbbbbb) possessing a gambling device or record under Section 76-9-1407;
 1007 [~~(bbbbbb)~~] (cccccc) obtaining a benefit from a confidence game under Section 76-9-1410;
 1008 [~~(eeeeee)~~] (dddddd) distributing pornographic material under Section 76-5c-202;
 1009 [~~(dddddd)~~] (eeeeee) aiding or abetting a minor in distributing pornographic material under
 1010 Section 76-5c-203;
 1011 [~~(eeeeee)~~] (ffffff) inducing acceptance of pornographic material under Section 76-5c-204;
 1012 [~~(ffffff)~~] (gggggg) distributing material harmful to minors under Section 76-5c-205;
 1013 [~~(gggggg)~~] (hhhhhh) aiding or abetting a minor in distributing material harmful to minors
 1014 under Section 76-5c-206;

~~(hhhhh)~~ (iiii) distribution of a pornographic file for exhibition under Section 76-5c-305;
~~(iiiii)~~ (jjjj) indecent public display in the presence of a minor under Section 76-5c-207;
~~(jjjjj)~~ (kkkkk) engaging in prostitution under Section 76-5d-202;
~~(kkkkk)~~ (lllll) aiding prostitution under Section 76-5d-206;
~~(lllll)~~ (mmmmm) exploiting prostitution under Section 76-5d-207;
~~(mmmmm)~~ (nnnnn) aggravated exploitation of prostitution under Section 76-5d-208;
~~(nnnnn)~~ (ooooo) communications fraud under Section 76-6-525;
~~(ooooo)~~ (ppppp) possession of a dangerous weapon with criminal intent under Section 76-11-208;
~~(ppppp)~~ (qqqqq) an act prohibited by the criminal provisions of Chapter 9, Part 16, Money Laundering and Currency Transaction Reporting;
~~(qqqqq)~~ (rrrrr) vehicle compartment for contraband under Section 76-9-1902 or 76-9-1903;
~~(rrrrr)~~ (sssss) an act prohibited by the criminal provisions of the laws governing taxation in this state; or
~~(sssss)~~ (ttttt) an act illegal under the laws of the United States and enumerated in 18 U.S.C. Secs. 1961(1)(B), (C), and (D).

Section 13. Section **77-22-2.5** is amended to read:

77-22-2.5 . Court orders for criminal investigations for records concerning an electronic communications system or service or remote computing service -- Content -- Fee for providing information.

(1) As used in this section:

- (a)(i) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.
- (ii) "Electronic communication" does not include:
 - (A) a wire or oral communication;
 - (B) a communication made through a tone-only paging device;
 - (C) a communication from a tracking device; or
 - (D) electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.
- (b) "Electronic communications service" means a service which provides for users the ability to send or receive wire or electronic communications.
- (c) "Electronic communications system" means a wire, radio, electromagnetic,

photooptical, or photoelectronic facilities for the transmission of wire or electronic communications, and a computer facilities or related electronic equipment for the electronic storage of the communication.

(d) "Internet service provider" means the same as that term is defined in Section 76-5c-401.

(e) "Prosecutor" means the same as that term is defined in Section 77-22-4.5.

(f) "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communications system.

(g)(i) "Sexual offense against a minor" means:

(A) sexual exploitation of a minor or attempted sexual exploitation of a minor in violation of Section 76-5b-201;

(B) aggravated sexual exploitation of a minor or attempted aggravated sexual exploitation of a minor in violation of Section 76-5b-201.1;

(C) a sexual offense or attempted sexual offense committed against a minor in violation of Title 76, Chapter 5, Part 4, Sexual Offenses;

(D) dealing in or attempting to deal in material harmful to a minor in violation of Section 76-5c-205 or 76-5c-206;

(E) human trafficking of a child in violation of Section 76-5-308.5; or

(F) aggravated sexual extortion of a child in violation of Section ~~76-5b-204~~
76-5b-204.1.

(ii) "Sexual offense against a minor" does not include an offense described in Section 76-5-418, 76-5-419, or 76-5-420.

(2) When a law enforcement agency is investigating a sexual offense against a minor, an offense of stalking under Section 76-5-106.5, or an offense of child kidnapping under Section 76-5-301.1, and has reasonable suspicion that an electronic communications system or service or remote computing service has been used in the commission of a criminal offense, a law enforcement agent shall:

(a) articulate specific facts showing reasonable grounds to believe that the records or other information sought, as designated in Subsections (2)(c)(i) through (v), are relevant and material to an ongoing investigation;

(b) present the request to a prosecutor for review and authorization to proceed; and

(c) submit the request to a magistrate for a court order, consistent with 18 U.S.C. Sec. 2703 and 18 U.S.C. Sec. 2702, to the electronic communications system or service or remote computing service provider that owns or controls the ~~[Internet]~~ internet

protocol address, websites, email address, or service to a specific telephone number, requiring the production of the following information, if available, upon providing in the court order the Internet protocol address, email address, telephone number, or other identifier, and the dates and times the address, telephone number, or other identifier is suspected of being used in the commission of the offense:

- (i) names of subscribers, service customers, and users;
- (ii) addresses of subscribers, service customers, and users;
- (iii) records of session times and durations;
- (iv) length of service, including the start date and types of service utilized; and
- (v) telephone or other instrument subscriber numbers or other subscriber identifiers, including a temporarily assigned network address.

(3) A court order issued under this section shall state that the electronic communications system or service or remote computing service provider shall produce a record under Subsections (2)(c)(i) through (v) that is reasonably relevant to the investigation of the suspected criminal activity or offense as described in the court order.

(4)(a) An electronic communications system or service or remote computing service provider that provides information in response to a court order issued under this section may charge a fee, not to exceed the actual cost, for providing the information.

(b) The law enforcement agency conducting the investigation shall pay the fee.

(5) The electronic communications system or service or remote computing service provider served with or responding to the court order may not disclose the court order to the account holder identified pursuant to the court order for a period of 90 days.

(6) If the electronic communications system or service or remote computing service provider served with the court order does not own or control the Internet protocol address, websites, or email address, or provide service for the telephone number that is the subject of the court order, the provider shall notify the investigating law enforcement agency that the provider does not have the information.

(7) There is no cause of action against a provider or wire or electronic communication service, or the provider or service's officers, employees, agents, or other specified persons, for providing information, facilities, or assistance in accordance with the terms of the court order issued under this section or statutory authorization.

(8)(a) A court order issued under this section is subject to the provisions of Title 77, Chapter 23b, Access to Electronic Communications.

(b) Rights and remedies for providers and subscribers under Title 77, Chapter 23b,

1117 Access to Electronic Communications, apply to providers and subscribers subject to a
1118 court order issued under this section.

1119 (9) A prosecutorial agency shall annually on or before February 15 report to the
1120 Commission on Criminal and Juvenile Justice:

- 1121 (a) the number of requests for court orders authorized by the prosecutorial agency;
- 1122 (b) the number of orders issued by the court and the criminal offense, pursuant to
1123 Subsection (2), each order was used to investigate; and
- 1124 (c) if the court order led to criminal charges being filed, the type and number of offenses
1125 charged.

1126 Section 14. Section **77-23a-8** is amended to read:

1127 **77-23a-8 . Court order to authorize or approve interception -- Procedure.**

- 1128 (1) The attorney general of the state, any assistant attorney general specially designated by
1129 the attorney general, any county attorney, district attorney, deputy county attorney, or
1130 deputy district attorney specially designated by the county attorney or by the district
1131 attorney, may authorize an application to a judge of competent jurisdiction for an order
1132 for an interception of wire, electronic, or oral communications by any law enforcement
1133 agency of the state, the federal government or of any political subdivision of the state
1134 that is responsible for investigating the type of offense for which the application is made.
- 1135 (2) The judge may grant the order in conformity with the required procedures when the
1136 interception sought may provide or has provided evidence of the commission of:
 - 1137 (a) an act:
 - 1138 (i) prohibited by the criminal provisions of:
 - 1139 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
 - 1140 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
 - 1141 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
 - 1142 (ii) punishable by a term of imprisonment of more than one year;
 - 1143 (b) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
1144 Securities Act, and punishable by a term of imprisonment of more than one year;
 - 1145 (c) an offense:
 - 1146 (i) of:
 - 1147 (A) attempt under Section 76-4-101;
 - 1148 (B) conspiracy under Section 76-4-201;
 - 1149 (C) criminal solicitation of an adult, Section 76-4-203; or
 - 1150 (D) criminal solicitation of a minor, Section 76-4-205; and

- 1151 (ii) punishable by a term of imprisonment of more than one year;
- 1152 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
- 1153 more than one year under Section 76-5-107.3;
- 1154 (e)(i) aggravated murder under Section 76-5-202;
- 1155 (ii) murder under Section 76-5-203;[~~or~~]
- 1156 (iii) manslaughter under Section 76-5-205; or
- 1157 (iv) aiding or encouraging suicide under Section 76-5-211;
- 1158 (f)(i) kidnapping under Section 76-5-301;
- 1159 (ii) child kidnapping under Section 76-5-301.1;
- 1160 (iii) aggravated kidnapping under Section 76-5-302;
- 1161 (iv) human trafficking for labor under Section 76-5-308;
- 1162 (v) human trafficking for sexual exploitation under Section 76-5-308.1;
- 1163 (vi) human trafficking of a child under Section 76-5-308.5;
- 1164 (vii) human smuggling under Section 76-5-308.3;
- 1165 (viii) aggravated human trafficking under Section 76-5-310; or
- 1166 (ix) aggravated human smuggling under Section 76-5-310.1;
- 1167 (g)(i) arson under Section 76-6-102; or
- 1168 (ii) aggravated arson under Section 76-6-103;
- 1169 (h)(i) burglary under Section 76-6-202; or
- 1170 (ii) aggravated burglary under Section 76-6-203;
- 1171 (i)(i) robbery under Section 76-6-301; or
- 1172 (ii) aggravated robbery under Section 76-6-302;
- 1173 (j) an offense:
- 1174 (i) of:
- 1175 (A) theft under Section 76-6-404;
- 1176 (B) theft by deception under Section 76-6-405; or
- 1177 (C) theft by extortion under Section 76-6-406; and
- 1178 (ii) punishable by a maximum term of imprisonment of more than one year;
- 1179 (k) an offense of receiving stolen property that is punishable by a maximum term of
- 1180 imprisonment of more than one year under Section 76-6-408;
- 1181 (l) a financial card transaction offense punishable by a maximum term of imprisonment
- 1182 of more than one year under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 1183 (m) bribery of a labor official under Section 76-6-509;
- 1184 (n) bribery or threat to influence a publicly exhibited contest under Section 76-6-514;

- 1185 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
- 1186 more than one year under Section 76-6-518;
- 1187 (p) criminal usury under Section 76-6-520;
- 1188 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
- 1189 year under Section 76-6-521;
- 1190 (r) a violation under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable
- 1191 by a maximum term of imprisonment of more than one year under Section 76-6-703;
- 1192 (s) bribery to influence official or political actions under Section 76-8-103;
- 1193 (t) misusing public money or public property under Section 76-8-402;
- 1194 (u) tampering with a witness under Section 76-8-508;
- 1195 (v) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 1196 (w) tampering or retaliating against a juror under Section 76-8-508.5;
- 1197 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 1198 (y) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 1199 (z) obstruction of justice in a criminal investigation or proceeding under Section
- 1200 76-8-306;
- 1201 (aa) harboring or concealing offender who has escaped from official custody under
- 1202 Section 76-8-309.2;
- 1203 (bb) destruction of property to interfere with preparations for defense or war under
- 1204 Section 76-8-802;
- 1205 (cc) an attempt to commit crimes of sabotage under Section 76-8-804;
- 1206 (dd) conspiracy to commit crimes of sabotage under Section 76-8-805;
- 1207 (ee) advocating criminal syndicalism or sabotage under Section 76-8-902;
- 1208 (ff) assembling for advocating criminal syndicalism or sabotage under Section 76-8-903;
- 1209 (gg) riot punishable by a maximum term of imprisonment of more than one year under
- 1210 Section 76-9-101;
- 1211 (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a
- 1212 maximum term of imprisonment of more than one year under Section 76-13-205;
- 1213 (ii) delivery to a common carrier or mailing of an explosive, chemical, or incendiary
- 1214 device under Section 76-15-209;
- 1215 (jj) unlawful conduct involving an explosive, chemical, or incendiary device under
- 1216 Section 76-15-210;
- 1217 (kk) unlawful conduct involving an explosive, chemical, or incendiary part under
- 1218 Section 76-15-211;

- (ll) exploiting prostitution under Section 76-5d-207;
- (mm) aggravated exploitation of prostitution under Section 76-5d-208;
- (nn) bus hijacking under Section 76-9-1502;
- (oo) assault with intent to commit bus hijacking under Section 76-9-1503;
- (pp) unlawful discharge of a firearm or hurling of a missile into a bus or terminal under Section 76-9-1504;
- (qq) violations under Title 76, Chapter 17, Part 4, Offenses Concerning [~~a-Pattern~~]
Patterns of Unlawful Activity, and the offenses listed under the definition of unlawful activity in the act, including the offenses not punishable by a maximum term of imprisonment of more than one year when those offenses are investigated as predicates for the offenses prohibited by the act under Section 76-17-401;
- (rr) communications fraud under Section 76-6-525;
- (ss) money laundering under Sections 76-9-1602 and 76-9-1603; or
- (tt) reporting by a person engaged in a trade or business when the offense is punishable by a maximum term of imprisonment of more than one year under Section 76-9-1604.

Section 15. Section **77-36-1** is amended to read:

77-36-1 . Definitions.

As used in this chapter:

- (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
- (2) "Department" means the Department of Public Safety.
- (3) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4, Part 4, Divorce.
- (4)(a) "Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another.
- (b) "Domestic violence" or "domestic violence offense" includes the commission of or attempt to commit, any of the following offenses by one cohabitant against another:
 - (i) aggravated assault under Section 76-5-103;
 - (ii) aggravated cruelty to an animal under Section 76-13-203, with the intent to harass or threaten the other cohabitant;
 - (iii) assault under Section 76-5-102;
 - (iv) criminal homicide under Section 76-5-201;
 - (v) harassment under Section 76-5-106;

1253 (vi) electronic communication harassment under Sections 76-12-202, 76-12-203, and
1254 76-12-204;

1255 (vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301,
1256 76-5-301.1, and 76-5-302;

1257 (viii) mayhem under Section 76-5-105;

1258 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9;

1259 (x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual
1260 exploitation of a minor and aggravated sexual exploitation of a minor, as
1261 described in Sections 76-5b-201 and 76-5b-201.1;

1262 (xi) stalking under Section 76-5-106.5;

1263 (xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;

1264 (xiii) violation of a protective order or ex parte protective order under Section
1265 76-5-108;

1266 (xiv) an offense against property under Title 76, Chapter 6, Part 1, Property
1267 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title
1268 76, Chapter 6, Part 3, Robbery;

1269 (xv) disorderly conduct under Section 76-9-102, if a conviction or adjudication of
1270 disorderly conduct is the result of a plea agreement in which the perpetrator was
1271 originally charged with a domestic violence offense otherwise described in this
1272 Subsection (4), except that a conviction or adjudication of disorderly conduct as a
1273 domestic violence offense, in the manner described in this Subsection (4)(b)(xv),
1274 does not constitute a misdemeanor crime of domestic violence under 18 U.S.C.
1275 Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;

1276 (xvi) child abuse under Section 76-5-114;

1277 (xvii) threatening violence under Section 76-5-107;

1278 (xviii) sexual extortion under Section 76-5b-204;

1279 (xix) aggravated sexual extortion under Section 76-5b-204.1;

1280 [(xviii)] (xx) tampering with a witness under Section 76-8-508;

1281 [(xix)] (xxi) retaliation against a witness, victim, or informant under Section
1282 76-8-508.3;

1283 [(xx)] (xxii) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

1284 [(xxi)] (xxiii) unlawful distribution of an intimate image under Section 76-5b-203;

1285 [(xxii)] (xxiv) unlawful distribution of a counterfeit intimate image under Section
1286 76-5b-205;

- 1287 [~~(xxiii)~~] (xxv) threatening with or using a dangerous weapon in a fight or quarrel
 1288 under Section 76-11-207;
- 1289 [~~(xxiv)~~] (xxvi) possession of a dangerous weapon with criminal intent under Section
 1290 76-11-208;
- 1291 [~~(xxv)~~] (xxvii) improper discharging of a dangerous weapon under Section 76-11-209;
 1292 [~~(xxvi)~~] (xxviii) voyeurism under Section 76-12-306;
- 1293 [~~(xxvii)~~] (xxix) recorded or photographed voyeurism under Section 76-12-307;
 1294 [~~(xxviii)~~] (xxx) distribution of images obtained through voyeurism under Section
 1295 76-12-308;
- 1296 [~~(xxix)~~] (xxxi) damage to or interruption of a communication device under Section
 1297 76-6-108; or
- 1298 [~~(xxx)~~] (xxxii) an offense under Subsection 78B-7-806(1).
- 1299 (c) "Domestic violence" or "domestic violence offense" does not include:
- 1300 (i) enticing a minor under Section 76-5-417;
- 1301 (ii) lewdness under in Section 76-5-419; or
- 1302 (iii) lewdness involving a child under Section 76-5-420.
- 1303 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- 1304 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 1305 (7) "Marital status" means married and living together, divorced, separated, or not married.
- 1306 (8) "Married and living together" means a couple whose marriage was solemnized under
 1307 Section 81-2-305 or 81-2-407 and who are living in the same residence.
- 1308 (9) "Not married" means any living arrangement other than married and living together,
 1309 divorced, or separated.
- 1310 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 1311 (11) "Pretrial protective order" means a written order:
- 1312 (a) specifying and limiting the contact a person who has been charged with a domestic
 1313 violence offense may have with an alleged victim or other specified individuals; and
- 1314 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,
 1315 pending trial in the criminal case.
- 1316 (12) "Sentencing protective order" means a written order of the court as part of sentencing
 1317 in a domestic violence case that limits the contact an individual who is convicted or
 1318 adjudicated of a domestic violence offense may have with a victim or other specified
 1319 individuals under Section 78B-7-804.
- 1320 (13) "Separated" means a couple who have had their marriage solemnized under Section

81-2-305 or 81-2-407 and who are not living in the same residence.

(14) "Victim" means a cohabitant who has been subjected to domestic violence.

Section 16. Section **80-6-712** is amended to read:

**80-6-712 . Time periods for supervision of probation or placement --
Termination of continuing jurisdiction.**

(1) If the juvenile court places a minor on probation under Section 80-6-702, the juvenile court shall establish a period of time for supervision for the minor that is:

(a) if the minor is placed on intake probation, no more than three months; or

(b) if the minor is placed on formal probation, from four to six months, but may not exceed six months.

(2)(a) If the juvenile court commits a minor to the division under Section 80-6-703, and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:

(i) for a minor placed out of the home, a period of custody from three to six months, but may not exceed six months; and

(ii) for aftercare services if the minor was placed out of the home, a period of supervision from three to four months, but may not exceed four months.

(b) A minor may be supervised for aftercare services under Subsection (2)(a)(ii):

(i) in the home of a qualifying relative or guardian;

(ii) at an independent living program contracted or operated by the division; or

(iii) in a family-based setting with approval by the director or the director's designee if the minor does not qualify for an independent living program due to age, disability, or another reason or the minor cannot be placed with a qualifying relative or guardian.

(3) If the juvenile court orders a minor to secure care, the authority shall:

(a) have jurisdiction over the minor's case; and

(b) apply the provisions of Part 8, Commitment and Parole.

(4)(a) The juvenile court shall terminate continuing jurisdiction over a minor's case at the end of the time period described in Subsection (1) for probation or Subsection (2) for commitment to the division, unless:

(i) termination would interrupt the completion of the treatment program determined to be necessary by the results of a validated risk and needs assessment under Section 80-6-606;

(ii) the minor commits a new misdemeanor or felony offense;

- 1355 (iii) the minor has not completed community or compensatory service hours;
1356 (iv) there is an outstanding fine; or
1357 (v) the minor has not paid restitution in full.
- 1358 (b) The juvenile court shall determine whether a minor has completed a treatment
1359 program under Subsection (4)(a)(i) by considering:
1360 (i) the recommendations of the licensed service provider for the treatment program;
1361 (ii) the minor's record in the treatment program; and
1362 (iii) the minor's completion of the goals of the treatment program.
- 1363 (5) Subject to Subsections (6) and (7), if one of the circumstances under Subsection (4)
1364 exists the juvenile court may extend supervision for the time needed to address the
1365 specific circumstance.
- 1366 (6) If the juvenile court extends supervision solely on the ground that the minor has not yet
1367 completed community or compensatory service hours under Subsection (4)(a)(iii), the
1368 juvenile court may only extend supervision:
1369 (a) one time for no more than three months; and
1370 (b) as intake probation.
- 1371 (7)(a) If the juvenile court extends jurisdiction solely on the ground that the minor has
1372 not paid restitution in full as described in Subsection (4)(a)(v):
1373 (i) the juvenile court may only:
1374 (A) extend jurisdiction up to four times for no more than three months at a time;
1375 (B) consider the efforts of the minor to pay restitution in full when determining
1376 whether to extend jurisdiction under this Subsection (7)(a)(i); and
1377 (C) make orders concerning the payment of restitution during the period for which
1378 jurisdiction is extended;
1379 (ii) the juvenile court shall terminate any intake probation or formal probation of the
1380 minor; and
1381 (iii) a designated staff member of the juvenile court shall submit a report to the
1382 juvenile court every three months regarding the minor's efforts to pay restitution.
- 1383 (b) If the juvenile court finds that a minor is not making an effort to pay restitution, the
1384 juvenile court shall:
1385 (i) terminate jurisdiction over the minor's case; and
1386 (ii) record the amount of unpaid restitution as a civil judgment in accordance with
1387 Subsection 80-6-709(8).
- 1388 (8) If the juvenile court extends supervision or jurisdiction under this section, the grounds

for the extension and the length of any extension shall be recorded in the court records and tracked in the data system used by the Administrative Office of the Courts and the division.

- (9) If a minor leaves supervision without authorization for more than 24 hours, the supervision period for the minor shall toll until the minor returns.
- (10) This section does not apply to any minor adjudicated under this chapter for:
- (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
 - (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
 - (c) Section 76-5-203, murder or attempted murder;
 - (d) Section 76-5-205, manslaughter;
 - (e) Section 76-5-206, negligent homicide;
 - (f) Section 76-5-207, automobile homicide;
 - (g) Section 76-5-207.5, automobile homicide involving using a wireless communication device while operating a motor vehicle;
 - (h) Section 76-5-208, child abuse homicide;
 - (i) Section 76-5-209, homicide by assault;
 - (j) Section 76-5-211, aiding or encouraging suicide;
 - ~~[(j)]~~ (k) Section 76-5-302, aggravated kidnapping;
 - ~~[(k)]~~ (l) Section 76-5-405, aggravated sexual assault;
 - ~~[(l)]~~ (m) a felony violation of Section 76-6-103, aggravated arson;
 - ~~[(m)]~~ (n) Section 76-6-203, aggravated burglary;
 - ~~[(n)]~~ (o) Section 76-6-302, aggravated robbery;
 - ~~[(o)]~~ (p) Section 76-11-210, felony discharge of a firearm;
 - ~~[(p)]~~ (q)(i) an offense other than an offense listed in Subsections (10)(a) through ~~[(o)]~~ (p) involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is a felony; and
 - (ii) the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon; or
 - ~~[(q)]~~ (r) a felony offense other than an offense listed in Subsections (10)(a) through ~~[(p)]~~ (q) and the minor has been previously committed to the division for secure care.

Section 17. Section **80-6-804** is amended to read:

80-6-804 . Review and termination of secure care.

- (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile offender shall appear before the authority within 45 days after the day on which the

juvenile offender is ordered to secure care for review of a treatment plan and to establish parole release guidelines.

- (2)(a) Except as provided in Subsections (2)(b) and (2)(h), if a juvenile offender is ordered to secure care under Section 80-6-705, the authority shall set a presumptive term of secure care for the juvenile offender from three to six months, but the presumptive term may not exceed six months.
- (b) If a juvenile offender is ordered to secure care for a misdemeanor offense, the authority may immediately release the juvenile offender on parole if there is a treatment program available for the juvenile offender in a community-based setting.
- (c) Except as provided in Subsection (2)(h), the authority shall release the juvenile offender on parole at the end of the presumptive term of secure care unless:
- (i) termination would interrupt the completion of a treatment program determined to be necessary by the results of a validated risk and needs assessment under Section 80-6-606; or
 - (ii) the juvenile offender commits a new misdemeanor or felony offense.
- (d) The authority shall determine whether a juvenile offender has completed a treatment program under Subsection (2)(c)(i) by considering:
- (i) the recommendations of the licensed service provider for the treatment program;
 - (ii) the juvenile offender's record in the treatment program; and
 - (iii) the juvenile offender's completion of the goals of the treatment program.
- (e) Except as provided in Subsection (2)(h), the authority may extend the length of secure care and delay parole release for the time needed to address the specific circumstance if one of the circumstances under Subsection (2)(c) exists.
- (f) The authority shall:
- (i) record the length of the extension and the grounds for the extension; and
 - (ii) report annually the length and grounds of extension to the commission.
- (g) Records under Subsection (2)(f) shall be tracked in the data system used by the juvenile court and the division.
- (h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the authority may not:
- (i) set a juvenile offender's presumptive term of secure care under Subsection (2)(a) that would result in a term of secure care that exceeds a term of incarceration for an adult under Section 76-3-204 for the same misdemeanor offense; or
 - (ii) extend the juvenile offender's term of secure care under Subsections (2)(c) and (e)

1457 if the extension would result in a term of secure care that exceeds the term of
1458 incarceration for an adult under Section 76-3-204 for the same misdemeanor
1459 offense.

1460 (3)(a) If a juvenile offender is ordered to secure care, the authority shall set a

1461 presumptive term of parole supervision, including aftercare services, from three to
1462 four months, but the presumptive term may not exceed four months.

1463 (b) If the authority determines that a juvenile offender is unable to return home

1464 immediately upon release, the juvenile offender may serve the term of parole:

1465 (i) in the home of a qualifying relative or guardian;

1466 (ii) at an independent living program contracted or operated by the division; or

1467 (iii) in a family-based setting with approval by the director or the director's designee

1468 if the minor does not qualify for an independent living program due to age,

1469 disability, or another reason or the minor cannot be placed with a qualifying

1470 relative or guardian.

1471 (c) The authority shall release a juvenile offender from parole and terminate the

1472 authority's jurisdiction at the end of the presumptive term of parole, unless:

1473 (i) termination would interrupt the completion of a treatment program that is

1474 determined to be necessary by the results of a validated risk and needs assessment

1475 under Section 80-6-606;

1476 (ii) the juvenile offender commits a new misdemeanor or felony offense; or

1477 (iii) restitution has not been completed.

1478 (d) The authority shall determine whether a juvenile offender has completed a treatment

1479 program under Subsection (3)(c)(i) by considering:

1480 (i) the recommendations of the licensed service provider;

1481 (ii) the juvenile offender's record in the treatment program; and

1482 (iii) the juvenile offender's completion of the goals of the treatment program.

1483 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay

1484 parole release only for the time needed to address the specific circumstance.

1485 (f) The authority shall:

1486 (i) record the grounds for extension of the presumptive length of parole and the

1487 length of the extension; and

1488 (ii) report annually the extension and the length of the extension to the commission.

1489 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the

1490 juvenile court and the division.

- 1491 (h) If a juvenile offender leaves parole supervision without authorization for more than
 1492 24 hours, the term of parole shall toll until the juvenile offender returns.
- 1493 (4) Subsections (2) and (3) do not apply to a juvenile offender ordered to secure care for:
- 1494 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 1495 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 1496 (c) Section 76-5-203, murder or attempted murder;
- 1497 (d) Section 76-5-205, manslaughter;
- 1498 (e) Section 76-5-206, negligent homicide;
- 1499 (f) Section 76-5-207, automobile homicide;
- 1500 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication
 1501 device while operating a motor vehicle;
- 1502 (h) Section 76-5-208, child abuse homicide;
- 1503 (i) Section 76-5-209, homicide by assault;
- 1504 (j) Section 76-5-211, aiding or encouraging suicide;
- 1505 [~~(j)~~] (k) Section 76-5-302, aggravated kidnapping;
- 1506 [~~(k)~~] (l) Section 76-5-405, aggravated sexual assault;
- 1507 [~~(l)~~] (m) a felony violation of Section 76-6-103, aggravated arson;
- 1508 [~~(m)~~] (n) Section 76-6-203, aggravated burglary;
- 1509 [~~(n)~~] (o) Section 76-6-302, aggravated robbery;
- 1510 [~~(o)~~] (p) Section 76-11-210, felony discharge of a firearm;
- 1511 [~~(p)~~] (q)(i) an offense other than an offense listed in Subsections (4)(a) through [~~(o)~~] (p)
 1512 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is
 1513 a felony; and
- 1514 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
 1515 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or
- 1516 [~~(q)~~] (r) an offense other than an offense listed in Subsections (4)(a) through [~~(p)~~] (q) and
 1517 the juvenile offender has been previously ordered to secure care.

1518 Section 18. **Effective Date.**

1519 This bill takes effect on May 6, 2026.