

**Sexual Abuse of a Child Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul A. Cutler**

Senate Sponsor: Stephanie Pitcher

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**LONG TITLE****General Description:**

This bill amends provisions relating to sexual abuse of a child.

**Highlighted Provisions:**

This bill:

- amends the definition of "position of special trust" for the offense of aggravated sexual abuse of a child;

- updates cross references to the definition of "position of special trust" in other sections; and

- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

**53-22-106**, as last amended by Laws of Utah 2025, Chapter 388

**63G-7-301**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

**76-3-203.13**, as last amended by Laws of Utah 2025, Chapters 223, 320

**76-5-404.1**, as last amended by Laws of Utah 2025, Chapters 223, 320

**76-5-404.3**, as last amended by Laws of Utah 2025, Chapter 277

**76-5-406**, as last amended by Laws of Utah 2020, Chapter 92

**76-5b-204**, as last amended by Laws of Utah 2025, Chapter 178

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

Section 1. Section **53-22-106** is amended to read:

**53-22-106 . Substantial threats against a school reporting requirements --**

**Exceptions.**

- (1) As used in this section[, "~~substantial~~"] :
- (a) "Position of special trust" means the same as that term is defined in Section 76-5-404.3.
- (b) "Substantial threat" means a threat made with serious intent to cause harm.
- (2) Except as provided in Subsection (3), if a state employee or person in a position of special trust~~[as defined in Section 76-5-404.1]~~, including an individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical Practice Act, has reason to believe a substantial threat against a school, school employee, or student attending a school or is aware of circumstances that would reasonably result in a substantial threat against a school, school employee, or student attending a school, the state employee or person in a position of special trust shall immediately report the suspected substantial threat to:
- (a) the local education agency that the substantial threat would impact;
- (b) the nearest peace officer or law enforcement agency; and
- (c) the state security chief.
- (3)(a)(i) If the state security chief, a peace officer, or law enforcement agency receives a report under Subsection (2), the state security chief, peace officer, or law enforcement agency shall immediately notify the local education agency that the substantial threat would impact.
- (ii) If the local education agency that the substantial threat would impact receives a report under Subsection (2), the local education agency that the substantial threat would impact shall immediately notify the appropriate local law enforcement agency and the state security chief.
- (b)(i) A local education agency that the substantial threat would impact shall coordinate with the law enforcement agency on the law enforcement agency's investigation of the report described in Subsection (1).
- (ii) If a law enforcement agency undertakes an investigation of a report under Subsection (2), the law enforcement agency shall provide a final investigatory report to the local education agency that the substantial threat would impact upon request.
- (4) Subject to Subsection (5), the reporting requirement described in Subsection (2) does not apply to:
- (a) a member of the clergy with regard to any confession an individual makes to the member of the clergy while functioning in the ministerial capacity of the member of

the clergy if:

- (i) the individual made the confession directly to the member of the clergy;
- (ii) the member of the clergy is, under canon law or church doctrine or practice, bound to maintain the confidentiality of the confession; and
- (iii) the member of the clergy does not have the consent of the individual making the confession to disclose the content of the confession; or

(b) an attorney, or an individual whom the attorney employs, if:

- (i) the knowledge or belief of the substantial threat arises from the representation of a client; and
- (ii) if disclosure of the substantial threat would not reveal the substantial threat to prevent reasonably certain death or substantial bodily harm in accordance with Utah Rules of Professional Conduct, Rule 1.6.

(5)(a) When a member of the clergy receives information about the substantial threat from any source other than a confession, the member of the clergy shall report the information even if the member of the clergy also received information about the substantial threat from the confession of the perpetrator.

(b) Exemption of the reporting requirement for an individual described in Subsection (4) does not exempt the individual from any other actions required by law to prevent further substantial threats or actual harm related to the substantial threat.

(6) The physician-patient privilege does not:

- (a) excuse an individual who is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, from reporting under this section; or
- (b) constitute grounds for excluding evidence in a judicial or administrative proceeding resulting from a report under this section.

Section 2. Section **63G-7-301** is amended to read:

**63G-7-301 . Waivers of immunity.**

(1)(a) Immunity from suit of each governmental entity is waived as to any contractual obligation.

(b) Actions arising out of contractual rights or obligations are not subject to the requirements of Section 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.

(c) The Division of Water Resources is not liable for failure to deliver water from a reservoir or associated facility authorized by Title 73, Chapter 26, Bear River Development Act, if the failure to deliver the contractual amount of water is due to

drought, other natural condition, or safety condition that causes a deficiency in the amount of available water.

(2) Immunity from suit of each governmental entity is waived:

- (a) as to any action brought to recover, obtain possession of, or quiet title to real or personal property;
- (b) as to any action brought to foreclose mortgages or other liens on real or personal property, to determine any adverse claim on real or personal property, or to obtain an adjudication about any mortgage or other lien that the governmental entity may have or claim on real or personal property;
- (c) as to any action based on the negligent destruction, damage, or loss of goods, merchandise, or other property while it is in the possession of any governmental entity or employee, if the property was seized for the purpose of forfeiture under any provision of state law;
- (d) subject to Section 63G-7-302, as to any action brought under the authority of Utah Constitution, Article I, Section 22, for the recovery of compensation from the governmental entity when the governmental entity has taken or damaged private property for public uses without just compensation;
- (e) as to any claim for attorney fees or costs under Section 63G-2-209, 63G-2-405, or 63G-2-802;
- (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees Act;
- (g) as to any action brought to obtain relief from a land use regulation that imposes a substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah Religious Land Use Act;
- (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
  - (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them; or
  - (ii) any defective or dangerous condition of a public building, structure, dam, reservoir, or other public improvement;
- (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment;
- (j) notwithstanding Subsection 63G-7-101(4), as to a claim for an injury resulting from a

- sexual battery, as provided in Section 76-5-418, committed:
- (i) against a student of a public elementary or secondary school, including a charter school; and
  - (ii) by an employee of a public elementary or secondary school or charter school who:
    - (A) at the time of the sexual battery, held a position of special trust, as defined in Section ~~[76-5-404.1]~~ 76-5-404.3, with respect to the student;
    - (B) is criminally charged in connection with the sexual battery; and
    - (C) the public elementary or secondary school or charter school knew or in the exercise of reasonable care should have known, at the time of the employee's hiring, to be a sex offender, a kidnap offender, or a child abuse offender as described in Section 53-29-202, required to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, whose status as a sex offender, kidnap offender, or child abuse offender would have been revealed in a background check under Section 53G-11-402;
  - (k) as to any action brought under Section 78B-6-2303;
  - (l) as to any action brought to obtain relief under Title 53H, Chapter 7, Part 7, Student Legal Representation;
  - (m) as to any action brought under Section 53-30-301; and
  - (n) as to any action or suit brought under Section 20A-19-301 and as to any compensation or expenses awarded under Subsection 20A-19-301(5).
- (3)(a) As used in this Subsection (3):
- (i) "Code of conduct" means a code of conduct that:
    - (A) is not less stringent than a model code of conduct, created by the State Board of Education, establishing a professional standard of care for preventing the conduct described in Subsection (3)(a)(i)(D);
    - (B) is adopted by the applicable local education governing body;
    - (C) regulates behavior of a school employee toward a student; and
    - (D) includes a prohibition against any sexual conduct between an employee and a student and against the employee and student sharing any sexually explicit or lewd communication, image, or photograph.
  - (ii) "Local education agency" means:
    - (A) a school district;
    - (B) a charter school; or
    - (C) the Utah Schools for the Deaf and the Blind.

(iii) "Local education governing board" means:

(A) for a school district, the local school board;

(B) for a charter school, the charter school governing board; or

(C) for the Utah Schools for the Deaf and the Blind, the state board.

(iv) "Public school" means a public elementary or secondary school.

(v) "Sexual abuse" means the offense described in Subsection 76-5-404.1(2).

(vi) "Sexual battery" means the offense described in Section 76-5-418, considering the term "child" in that section to include an individual under 18 years old.

(b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a claim against a local education agency for an injury resulting from a sexual battery or sexual abuse committed against a student of a public school by a paid employee of the public school who is criminally charged in connection with the sexual battery or sexual abuse, unless:

(i) at the time of the sexual battery or sexual abuse, the public school was subject to a code of conduct; and

(ii) before the sexual battery or sexual abuse occurred, the public school had:

(A) provided training on the code of conduct to the employee; and

(B) required the employee to sign a statement acknowledging that the employee has read and understands the code of conduct.

(4)(a) As used in this Subsection (4):

(i) "Institution of higher education" means the same as that term is defined in Section 53H-1-101.

(ii) "Policy governing behavior" means a policy adopted by a higher education institution or the Utah Board of Higher Education that:

(A) establishes a professional standard of care for preventing the conduct described in Subsections (4)(a)(ii)(C) and (D);

(B) regulates behavior of a special trust employee toward a subordinate student;

(C) includes a prohibition against any sexual conduct between a special trust employee and a subordinate student; and

(D) includes a prohibition against a special trust employee and subordinate student sharing any sexually explicit or lewd communication, image, or photograph.

(iii) "Sexual battery" means the offense described in Section 76-5-418.

(iv) "Special trust employee" means an employee of an institution of higher education who is in a position of special trust, as defined in Section ~~[76-5-404.1]~~ 76-5-404.3,

with a higher education student.

(v) "Subordinate student" means a student:

(A) of an institution of higher education; and

(B) whose educational opportunities could be adversely impacted by a special trust employee.

(b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a claim for an injury resulting from a sexual battery committed against a subordinate student by a special trust employee, unless:

(i) the institution of higher education proves that the special trust employee's behavior that otherwise would constitute a sexual battery was:

(A) with a subordinate student who was at least 18 years old at the time of the behavior; and

(B) with the student's consent; or

(ii)(A) at the time of the sexual battery, the institution of higher education was subject to a policy governing behavior; and

(B) before the sexual battery occurred, the higher education institution had taken steps to implement and enforce the policy governing behavior.

Section 3. Section **76-3-203.13** is amended to read:

**76-3-203.13 . Enhanced penalty for unlawful sexual contact with a student.**

(1) An actor convicted of a sexual offense described in Section 76-5-401.1 or 76-5-401.2 may be subject to an enhanced penalty if, at the time of the commission of the sexual offense, the actor:

(a) was 18 years old or older;

(b) held a position of special trust as a teacher, employee, or volunteer at a school, as that position is defined in Subsection [76-5-404.1(1)(a)(v)(S)] 76-5-404.3(1)(a)(vii)(R); and

(c) committed the offense against an individual who at the time of the offense was enrolled as a student at the school where the actor was employed or was acting as a volunteer.

(2) The enhancement of a penalty described in Subsection (1) shall be an enhancement of one classification higher than the offense of which the actor was convicted.

Section 4. Section **76-5-404.1** is amended to read:

**76-5-404.1 . Sexual abuse of a child.**

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

235           ~~[(i) "Adult" means an individual 18 years old or older.]~~  
236           ~~[(ii)] (i) "Child" means an individual younger than 14 years old.~~  
237           ~~[(iii)] (ii) "Female breast" means the same as that term is defined in Section~~  
238                 76-5-401.1.  
239           ~~[(iv)] (iii) "Indecent liberties" means the same as that term is defined in Section~~  
240                 76-5-401.1.  
241           ~~[(v) "Position of special trust" means:]~~  
242                 ~~[(A) an adoptive parent;]~~  
243                 ~~[(B) an athletic manager who is an adult;]~~  
244                 ~~[(C) an aunt;]~~  
245                 ~~[(D) a babysitter;]~~  
246                 ~~[(E) a coach;]~~  
247                 ~~[(F) a cohabitant of a parent if the cohabitant is an adult;]~~  
248                 ~~[(G) a counselor;]~~  
249                 ~~[(H) a doctor or physician;]~~  
250                 ~~[(I) an employer;]~~  
251                 ~~[(J) a foster parent;]~~  
252                 ~~[(K) a grandparent;]~~  
253                 ~~[(L) a legal guardian;]~~  
254                 ~~[(M) a natural parent;]~~  
255                 ~~[(N) a recreational leader who is an adult;]~~  
256                 ~~[(O) a religious leader;]~~  
257                 ~~[(P) a sibling or a stepsibling who is an adult;]~~  
258                 ~~[(Q) a scout leader who is an adult;]~~  
259                 ~~[(R) a stepparent;]~~  
260                 ~~[(S) a teacher or any other individual employed by or volunteering at a public or~~  
261                         ~~private elementary school or secondary school, and who is 18 years old or~~  
262                         ~~older;]~~  
263                 ~~[(T) an instructor, professor, or teaching assistant at a public or private institution~~  
264                         ~~of higher education;]~~  
265                 ~~[(U) an uncle;]~~  
266                 ~~[(V) a youth leader who is an adult; or]~~  
267                 ~~[(W) any individual in a position of authority, other than those individuals listed in~~  
268                         ~~Subsections (1)(a)(v)(A) through (V), which enables the individual to exercise~~



~~undue influence over the child.]~~

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

(2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits sexual abuse of a child if the actor:

(i)(A) touches, whether over or under the clothing, the buttocks or pubic area of a child;

(B) touches, whether over or under the clothing, the female breast of a child;

(C) touches the anus or genitals of a child over the clothing; or

(D) otherwise takes indecent liberties with a child whether over or under the clothing; and

(ii) the actor's conduct is with intent to:

(A) cause substantial emotional or bodily pain to any individual; or

(B) arouse or gratify the sexual desire of any individual.

(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3) A violation of Subsection (2) is a second degree felony.

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

(a) rape of a child, in violation of Section 76-5-402.1;

(b) object rape of a child, in violation of Section 76-5-402.3;

(c) sodomy on a child, in violation of Section 76-5-403.1; or

(d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).

Section 5. Section **76-5-404.3** is amended to read:

**76-5-404.3 . Aggravated sexual abuse of a child.**

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

(i) "Adult" means ~~[the same as that term is defined in Section 76-5-404.1.]~~ an individual 18 years old or older.

(ii) "Child" means the same as that term is defined in Section 76-5-404.1.

(iii) "Coresident" means an individual who:

(A) resides or has resided in the same residence as another individual; and

(B) is not the other individual's family relation, partner, or relative.

(iv) "Family relation" means an individual who is related by blood or marriage to another individual:

(A) as the other individual's relative; or

(B) through another type of familial relationship defined by consanguinity or

303 affinity to the second degree.

304 (v) "Parent" means an individual who:

305 (A) has a parent-child relationship, as defined in Section 81-5-102, with a child;

306 (B) is a foster parent of a child; or

307 (C) is a stepparent of a child.

308 (vi) "Partner" means an individual who:

309 (A) is or was a spouse of another individual;

310 (B) is or was living as if a spouse of another individual;

311 (C) has or had one or more children in common with another individual;

312 (D) is the biological parent of another individual's unborn minor child; or

313 (E) is or was in a consensual sexual relationship with another individual.

314 [(iii)] (vii) "Position of special trust" means[ the same as that term is defined in  
315 Section 76-5-404.1.] :

316 (A) an adult who resides or has resided in the same residence as a child;

317 (B) an adult athletic manager;

318 (C) a babysitter;

319 (D) a coach;

320 (E) an adult coresident of a child's parent or legal guardian;

321 (F) a counselor;

322 (G) a doctor or physician;

323 (H) an employer;

324 (I) an adult family relation of a child's parent or legal guardian;

325 (J) an instructor, professor, or teaching assistant at a public or private institution of  
326 higher education;

327 (K) a legal guardian;

328 (L) a parent;

329 (M) an adult partner of a child's parent or legal guardian;

330 (N) an adult recreational leader;

331 (O) a relative;

332 (P) a religious leader;

333 (Q) an adult scout leader;

334 (R) an adult teacher or any adult who is employed by or volunteering at a public  
335 or private elementary school or secondary school;

336 (S) an adult youth leader; or

(T) any individual in a position of authority, other than those individuals listed in Subsections (1)(a)(vii)(A) through (S), that enables the individual to exercise undue influence over the child.

(viii) "Relative" means a biological, adoptive, legal, half, foster, or step:

(A) aunt;

(B) grandparent;

(C) sibling who is an adult; or

(D) uncle.

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

(2) An actor commits aggravated sexual abuse of a child if, in conjunction with the offense described in Subsection 76-5-404.1(2)(a), any of the following circumstances have been charged and admitted or found true in the action for the offense:

(a) the actor committed the offense:

(i) by the use of a dangerous weapon;

(ii) by force, duress, violence, intimidation, coercion, menace, or threat of harm; or

(iii) during the course of a kidnapping;

(b) the actor caused bodily injury or severe psychological injury to the child during or as a result of the offense;

(c) the actor was a stranger to the child or made friends with the child for the purpose of committing the offense;

(d) the actor used, showed, or displayed pornography or caused the child to be photographed in a lewd condition during the course of the offense;

(e) the actor, prior to sentencing for this offense, was previously convicted of any sexual offense;

(f) the actor committed the same or similar sexual act upon two or more individuals at the same time or during the same course of conduct;

(g) the actor committed, in Utah or elsewhere, more than five separate acts, which if committed in Utah would constitute an offense described in this chapter, and were committed at the same time, or during the same course of conduct, or before or after the instant offense;

(h) the actor occupied a position of special trust in relation to the child; or

(i) the actor encouraged, aided, allowed, or benefited from acts of prostitution or sexual acts by the child with any other individual, sexual performance by the child before any other individual, human trafficking, or human smuggling.

- (3) Except as provided in Subsection (6), a violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:
- (a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and which may be for life;
  - (b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact finds that during the course of the commission of the aggravated sexual abuse of a child the defendant caused serious bodily injury to another; or
  - (c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual abuse of a child, the defendant was previously convicted of a grievous sexual offense.
- (4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a lesser term than the term described in Subsection (3)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
- (a) for purposes of Subsection (3)(b), 15 years and which may be for life; or
  - (b) for purposes of Subsection (3)(a) or (b):
    - (i) 10 years and which may be for life; or
    - (ii) six years and which may be for life.
- (5) The provisions of Subsection (4) do not apply if a defendant is sentenced under Subsection (3)(c).
- (6) Subsection (3)(b) or (3)(c) does not apply if the defendant was younger than 18 years old at the time of the offense.
- (7) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Section 6. Section **76-5-406** is amended to read:

**76-5-406 . Sexual offenses against the victim without consent of victim --  
Circumstances.**

- (1) As used in this section:
- (a) "Health professional" means an individual who is licensed or who holds the individual out to be licensed, or who otherwise provides professional physical or mental health services, diagnosis, treatment, or counseling, including an athletic trainer, physician, osteopathic physician, physician assistant, nurse, dentist, physical therapist, chiropractor, mental health therapist, social service worker, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychologist, psychiatric mental health nurse specialist, or

substance abuse counselor.

(b) "Religious counselor" means a minister, priest, rabbi, bishop, or other recognized member of the clergy.

(c) "To retaliate" includes threats of physical force, kidnapping, or extortion.

(2) An act of sexual intercourse, rape, attempted rape, rape of a child, attempted rape of a child, object rape, attempted object rape, object rape of a child, attempted object rape of a child, forcible sodomy, attempted forcible sodomy, sodomy on a child, attempted sodomy on a child, forcible sexual abuse, attempted forcible sexual abuse, sexual abuse of a child, attempted sexual abuse of a child, aggravated sexual abuse of a child, attempted aggravated sexual abuse of a child, or simple sexual abuse is without consent of the victim under any of the following circumstances:

(a) the victim expresses lack of consent through words or conduct;

(b) the actor overcomes the victim through the actual application of physical force or violence;

(c) the actor is able to overcome the victim through concealment or by the element of surprise;

(d)(i) the actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceives at the time that the actor has the ability to execute this threat; or

(ii) the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person, and the victim believes at the time that the actor has the ability to execute this threat;

(e) the actor knows the victim is unconscious, unaware that the act is occurring, or is physically unable to resist;

(f) the actor knows or reasonably should know that the victim has a mental disease or defect, which renders the victim unable to:

(i) appraise the nature of the act;

(ii) resist the act;

(iii) understand the possible consequences to the victim's health or safety; or

(iv) appraise the nature of the relationship between the actor and the victim;

(g) the actor knows that the victim participates because the victim erroneously believes that the actor is someone else;

(h) the actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim's knowledge;

- 439 (i) the victim is younger than 14 years [~~of age~~] old;
- 440 (j) the victim is younger than 18 years [~~of age~~] old and at the time of the offense the actor
- 441 was the victim's parent, stepparent, adoptive parent, or legal guardian or occupied a
- 442 position of special trust in relation to the victim as defined in Section [~~76-5-404.1~~]
- 443 76-5-404.3;
- 444 (k) the victim is 14 years [~~of age~~] old or older, but younger than 18 years [~~of age~~] old, and
- 445 the actor is more than three years older than the victim and entices or coerces the
- 446 victim to submit or participate, under circumstances not amounting to the force or
- 447 threat required under Subsection (2)(b) or (d); or
- 448 (l) the actor is a health professional or religious counselor, the act is committed under
- 449 the guise of providing professional diagnosis, counseling, or treatment, and at the
- 450 time of the act the victim reasonably believed that the act was for medically or
- 451 professionally appropriate diagnosis, counseling, or treatment to the extent that
- 452 resistance by the victim could not reasonably be expected to have been manifested.
- 453 (3) Consent to any sexual act or prior consensual activity between or with any party does
- 454 not necessarily constitute consent to any other sexual act. Consent may be initially given
- 455 but may be withdrawn through words or conduct at any time prior to or during sexual
- 456 activity.

457 Section 7. Section **76-5b-204** is amended to read:

458 **76-5b-204 . Sexual extortion.**

- 459 (1)(a) As used in this section:
- 460 (i) "Adult" means an individual 18 years old or older.
- 461 (ii) "Child" means any individual under 18 years old.
- 462 (iii) "Counterfeit intimate image" means the same as that term is defined in Section
- 463 76-5b-205.
- 464 (iv) "Intimate image" means the same as that term is defined in Section 76-5b-203.
- 465 (v) "Position of special trust" means the same as that term is defined in Section [
- 466 ~~76-5-404.1~~] 76-5-404.3.
- 467 (vi) "Sexually explicit conduct" means the same as that term is defined in Section
- 468 76-5b-203.
- 469 (vii) "Simulated sexually explicit conduct" means the same as that term is defined in
- 470 Section 76-5b-203.
- 471 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 472 (2)(a) An actor commits the offense of sexual extortion if the actor:

- 473 (i) with an intent to coerce a victim to engage in sexual contact, in sexually explicit  
474 conduct, or in simulated sexually explicit conduct, or to produce, provide, or  
475 distribute an image, video, or other recording of any individual naked or engaged  
476 in sexually explicit conduct, communicates by any means a threat:  
477 (A) to the victim's person, property, or reputation; or  
478 (B) to distribute an intimate image, counterfeit intimate image, or video of the  
479 victim;
- 480 (ii) knowingly causes a victim to engage in sexual contact, in sexually explicit  
481 conduct, or in simulated sexually explicit conduct, or to produce, provide, or  
482 distribute any image, video, or other recording of any individual naked or engaged  
483 in sexually explicit conduct by means of a threat:  
484 (A) to the victim's person, property, or reputation; or  
485 (B) to distribute an intimate image, counterfeit intimate image, or video of the  
486 victim; or
- 487 (iii) with intent to obtain a thing of value from a victim communicates, by any means,  
488 a threat to distribute an intimate image, counterfeit intimate image, or video of the  
489 victim.
- 490 (b) An actor commits aggravated sexual extortion when, in conjunction with the offense  
491 described in Subsection (2)(a), any of the following circumstances have been charged  
492 and admitted or found true in the action for the offense:
- 493 (i) the victim is a child or vulnerable adult;
- 494 (ii) the offense was committed by the use of a dangerous weapon or by violence,  
495 intimidation, menace, fraud, or threat of physical harm, or was committed during  
496 the course of a kidnapping;
- 497 (iii) the victim suffered bodily injury or severe psychological injury during, or as a  
498 result of, the offense;
- 499 (iv) the actor was a stranger to the victim, or became a friend of the victim, for the  
500 purpose of committing the offense;
- 501 (v) the actor, before sentencing for the offense, was previously convicted of any  
502 sexual offense;
- 503 (vi) the actor occupied a position of special trust in relation to the victim;
- 504 (vii) the actor encouraged, aided, allowed, or benefitted from acts of prostitution or  
505 sexual acts by the victim with any other individual, or sexual performance by the  
506 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) is a third degree felony;

(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) 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.

(c) An actor commits a separate offense under this section:

(i) for each victim the actor subjects to the offense outlined in Subsection (2)(a); and

(ii) for each separate time the actor subjects a victim to the offense outlined Subsection (2)(a).

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

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

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

This bill takes effect on May 6, 2026.