

Brady Brammer proposes the following substitute bill:

1 **Joint Resolution Amending Rules of Evidence Concerning Crimes or Other Acts**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Tyler Clancy

2 **LONG TITLE**

3 **Committee Note:**

4 The Judiciary Interim Committee recommended this bill.

5 Legislative Vote: 10 voting for 2 voting against 4 absent

6 **General Description:**

7 This joint resolution amends the Utah Rules of Evidence regarding the admissibility of
8 evidence of crimes and other acts.

9 **Highlighted Provisions:**

10 This resolution:

11 ▶ amends Rule 404 of the Utah Rules of Evidence to address similar crimes in cases
12 involving child molestation or sexual assault.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 This resolution provides a special effective date.

17 **Utah Rules of Evidence Affected:**

18 **AMENDS:**

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

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

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

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

26 **Rule 404 . Character evidence, crimes or other acts.**

27 **(a) Character Evidence.**

30 **[(a)](1) Prohibited [Uses.] uses.** Evidence of a person's character or character trait is not
31 admissible to prove that on a particular occasion the person acted in conformity with the
32 character or trait.

33 **[(a)](2) Exceptions for a [Defendant or Victim in a Criminal Case.] defendant or victim**

34
35 **in a criminal case.** The following exceptions apply in a criminal case:

36 **[(a)(2)](A)** a defendant may offer evidence of the defendant's pertinent trait, and if
37 the evidence is admitted, the prosecutor may offer evidence to rebut it;

38 **[(a)(2)](B)** subject to the limitations in Rule 412, a defendant may offer evidence of
39 an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:

40 **[(a)(2)(B)](i)** offer evidence to rebut it; and

41 **[(a)(2)(B)](ii)** offer evidence of the defendant's same trait; and

42 **[(a)(2)](C)** in a homicide case, the prosecutor may offer evidence of the alleged
43 victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.

44 **[(a)](3) Exceptions for a [Witness] witness.** Evidence of a witness's character may be
45 admitted under Rules 607, 608, and 609.

46 **(b) Crimes, [Wrongs, or Other Acts] wrongs, or other acts.**

47 **[(b)](1) Prohibited [Uses] uses.** Evidence of a crime, wrong, or other act is not
48 admissible to prove a person's character in order to show that on a particular occasion the
49 person acted in conformity with the character.

50 **[(b)](2) Permitted [Uses; Notice in a Criminal Case] uses; Notice in a criminal case.**

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

54 **[(b)(2)](A)** provide reasonable notice of the general nature of any such evidence
55 that the prosecutor intends to offer at trial; and

56 **[(b)(2)](B)** do so before trial, or during trial if the court excuses lack of pretrial
57 notice on good cause shown.

58 **(c) Evidence of [Similar Crimes in Child-Molestation Cases] similar crimes in**

59 **child-molestation cases.**

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

64 of child molestation, the court may admit [evidence that the defendant committed any other
65 acts of child molestation to prove a propensity to commit the crime charged.] the following
66 evidence to prove propensity to commit the crime charged:

67 (A) evidence that the defendant committed any other acts of child molestation; or

68 (B) evidence that the defendant committed sexual exploitation of a minor, as
69 described in Utah Code Section 76-5b-201, or aggravated sexual exploitation of a minor, as
70 described in Utah Code Section 76-5b-201.1.

71 [(e)(2)] (3) Disclosure to the defendant. If the prosecution intends to offer [this
72 evidence it shall] evidence described in paragraph (c)(2), the prosecution must provide
73 reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good
74 cause shown.

75 (e)(3) For purposes of this rule "child molestation" means an act committed in
76 relation to a child under the age of 14 which would, if committed in this state, be a sexual
77 offense or an attempt to commit a sexual offense.

78 (e)(4) Rule 404(e) does not limit the admissibility of evidence otherwise
79 admissible under Rule 404(a), 404(b), or any other rule of evidence.]

80 (4) Effect on Other Rules. This paragraph (c) does not limit the admissibility of
81 evidence otherwise admissible under paragraph (a), paragraph (b), paragraph (d), or any other
82 rule of evidence.

83 **(d) Evidence of Similar Crimes in Sexual Assault Cases.**

84 (1) Definition of "Sexual Assault." As used in this paragraph (d), "sexual assault" means:

85 (A) a sexual offense described in Utah Code Title 76, Chapter 5, Part 4, Sexual
86 Offenses;

87 (B) an attempt to commit a sexual offense described in Utah Code Title 76, Chapter
88 5, Part 4, Sexual Offenses; or

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

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

95 (3) Disclosure to the Defendant. If the prosecution intends to offer evidence that the

96 defendant committed any other acts of sexual assault, the prosecution must disclose the

97 evidence to the defendant in accordance with Rule 16(a)(5) of the Utah Rules of Criminal

98 Procedure, including disclosure of a witness's statement or a summary of the witness's
99 expected testimony. This paragraph (d)(3) does not limit any other disclosure requirements
100 described in Rule 16(a)(5) of the Utah Rules of Criminal Procedure.

101 (4) Effect on Other Rules. This paragraph (d) does not limit the admissibility of
102 evidence otherwise admissible under paragraph (a), paragraph (b), paragraph (c), or any other
103 rule of evidence.

104 Section 2. **Effective Date.**

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