

1 **Child Abuse Amendments**
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ken Ivory

2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses certain crimes committed against children.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ creates the crime of ritual abuse of a child;
- 10 ▶ amends the crimes of rape of a child, object rape of a child, and sodomy on a child; and
- 11 ▶ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **76-1-301**, as last amended by Laws of Utah 2024, Chapter 96

19 **76-3-406**, as last amended by Laws of Utah 2024, Chapter 96

20 **76-5-402.1**, as last amended by Laws of Utah 2024, Chapter 97

21 **76-5-402.3**, as last amended by Laws of Utah 2024, Chapter 97

22 **76-5-403.1**, as last amended by Laws of Utah 2022, Chapter 181

23 **76-5-404.3**, as last amended by Laws of Utah 2024, Chapter 97

24 ENACTS:

25 **76-5-109.4**, Utah Code Annotated 1953

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

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

29 **76-1-301 . Offenses for which prosecution may be commenced at any time.**

30 (1) As used in this section:

31 (a) "Aggravating offense" means any offense incident to which a homicide was

- 32 committed as described in Subsection 76-5-202(2)(a)(iv) or (v) or Subsection
 33 76-5-202(2)(b).
- 34 (b) "Predicate offense" means an offense described in Subsection 76-5-203(1)(a) if a
 35 person other than a party as defined in Section 76-2-202 was killed in the course of
 36 the commission, attempted commission, or immediate flight from the commission or
 37 attempted commission of the offense.
- 38 (2) Notwithstanding any other provisions of this code, prosecution for the following
 39 offenses may be commenced at any time:
- 40 (a) an offense classified as a capital felony under Section 76-3-103;
 41 (b) ritual abuse of a child under Section 76-5-109.4;
 42 [~~(b)~~] (c) aggravated murder under Section 76-5-202;
 43 [~~(e)~~] (d) murder under Section 76-5-203;
 44 [~~(d)~~] (e) manslaughter under Section 76-5-205;
 45 [~~(e)~~] (f) child abuse homicide under Section 76-5-208;
 46 [~~(f)~~] (g) aggravated kidnapping under Section 76-5-302;
 47 [~~(g)~~] (h) child kidnapping under Section 76-5-301.1;
 48 [~~(h)~~] (i) rape under Section 76-5-402;
 49 [~~(i)~~] (j) rape of a child under Section 76-5-402.1;
 50 [~~(j)~~] (k) object rape under Section 76-5-402.2;
 51 [~~(k)~~] (l) object rape of a child under Section 76-5-402.3;
 52 [~~(l)~~] (m) forcible sodomy under Section 76-5-403;
 53 [~~(m)~~] (n) sodomy on a child under Section 76-5-403.1;
 54 [~~(n)~~] (o) sexual abuse of a child under Section 76-5-404.1;
 55 [~~(o)~~] (p) aggravated sexual abuse of a child under Section 76-5-404.3;
 56 [~~(p)~~] (q) aggravated sexual assault under Section 76-5-405;
 57 [~~(q)~~] (r) any predicate offense to a murder or aggravating offense to an aggravated
 58 murder;
 59 [~~(r)~~] (s) aggravated human trafficking under Section 76-5-310;
 60 [~~(s)~~] (t) aggravated human smuggling under Section 76-5-310.1;
 61 [~~(t)~~] (u) aggravated exploitation of prostitution involving a child under Section
 62 76-10-1306; or
 63 [~~(u)~~] (v) human trafficking of a child under Section 76-5-308.5.
- 64 Section 2. Section **76-3-406** is amended to read:
 65 **76-3-406 . Crimes for which probation, suspension of sentence, lower category of**

66 **offense, or hospitalization may not be granted.**

67 (1) Notwithstanding Sections 76-3-201 and 77-18-105 and Title 77, Chapter 16a,
 68 Commitment and Treatment of Individuals with a Mental Condition, and except as
 69 provided in Section 76-5-406.5 or Subsection 77-16a-103(6) or (7), a court may not
 70 grant probation[~~may not be granted~~], suspend the execution or imposition of a sentence[
 71 ~~may not be suspended, the court may not~~], enter a judgment for a lower category of
 72 offense, [~~and~~] or order hospitalization[~~may not be ordered~~], if the effect of which would
 73 in any way shorten the prison sentence for an [~~individual~~] actor who commits:

74 (a) [~~]~~ a capital felony or a first degree felony involving:

- 75 [~~(a)~~] (i) aggravated murder as described in Section 76-5-202;
 76 [~~(b)~~] (ii) murder as described in Section 76-5-203;
 77 [~~(c)~~] (iii) child kidnapping as described in Section 76-5-301.1;
 78 [~~(d)~~] (iv) aggravated kidnapping as described in Subsection 76-5-302(3)(b);
 79 [~~(e)~~] (v) rape as described in Subsection 76-5-402(3)(b), (3)(c), or (4);
 80 [~~(f)~~] (vi) rape of a child as described in Section 76-5-402.1;
 81 [~~(g)~~] (vii) object rape as described in Subsection 76-5-402.2(3)(b), (3)(c), or (4);
 82 [~~(h)~~] (viii) object rape of a child as described in Section 76-5-402.3;
 83 [~~(i)~~] (ix) forcible sodomy as described in Subsection 76-5-403(3)(b), (3)(c), or (4);
 84 [~~(j)~~] (x) sodomy on a child as described in Section 76-5-403.1;
 85 [~~(k)~~] (xi) forcible sexual abuse as described in Subsection 76-5-404(3)(b)(i) or (ii);
 86 [~~(l)~~] (xii) aggravated sexual abuse of a child as described in Section 76-5-404.3;
 87 [~~(m)~~] (xiii) aggravated sexual assault as described in Section 76-5-405; or
 88 [~~(n)~~] (xiv) any attempt to commit a felony listed in Subsection [~~(1)(f), (h), or (j).~~]
 89 (1)(a)(vi), (viii), or (x); or

90 (b) a second degree felony involving ritual abuse of a child as described in Section
 91 76-5-109.4.

92 (2) Except for an offense before the district court in accordance with Section 80-6-502 or
 93 80-6-504, the provisions of this section do not apply if the sentencing court finds that the [
 94 defendant] actor:

- 95 (a) was under 18 years old at the time of the offense; and
 96 (b) could have been adjudicated in the juvenile court but for the delayed reporting or
 97 delayed filing of the information.

98 Section 3. Section **76-5-109.4** is enacted to read:

99 **76-5-109.4 . Ritual abuse of a child.**

- 100 (1)(a) As used in this section:
- 101 (i) "Child" means an individual who is younger than 18 years old.
- 102 (ii) "Organic substance or material" means:
- 103 (A) human bones, blood, or flesh; or
- 104 (B) human or animal vomit, saliva, urine, semen, fecal material, or other bodily
- 105 secretion.
- 106 (iii) "Ritual" means an event or act, or a series of events or acts:
- 107 (A) marked by specific actions, specific gestures, ceremonial objects, ceremonial
- 108 clothing, religious texts, or specific words; and
- 109 (B) designed to commemorate, celebrate, or solemnize a particular occasion or
- 110 significance in a religious, cultural, social, institutional, or other context.
- 111 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 112 (2) An actor commits ritual abuse of a child if the actor:
- 113 (a) is 18 years old or older; and
- 114 (b) as part of a ritual, intentionally or knowingly causes psychological distress or bodily
- 115 injury to a child by intentionally or knowingly:
- 116 (i) causing the child to participate in or witness actual or simulated:
- 117 (A) torture, mutilation, or sacrifice of an animal or an individual;
- 118 (B) dissection, mutilation, or incineration of an animal corpse or human corpse;
- 119 (C) causing of serious bodily injury to an animal or individual;
- 120 (D) bestiality;
- 121 (E) sadistic or masochistic activities;
- 122 (F) ingestion or external application of an organic substance or material; or
- 123 (G) activity that would constitute a criminal offense;
- 124 (ii) causing the child to:
- 125 (A) enter a coffin or open grave containing a human corpse or remains;
- 126 (B) touch or otherwise interact with a mutilated animal or human corpse;
- 127 (C) participating in an unlawful, unauthorized, or mock marriage ceremony as an
- 128 individual being married to another individual or a fictional representation; or
- 129 (D) ingest, inject, or otherwise intake a chemical compound, narcotic, drug,
- 130 hallucinogen, or anesthetic;
- 131 (iii) threatening the child, or the child's parents, family, pets, or friends with death,
- 132 serious bodily injury, or other criminal activity;
- 133 (iv) depriving the child of sleep, food, or water;

- 134 (v) binding or confining the child; or
- 135 (vi) otherwise acting to cause to arouse or gratify the sexual desire of any individual.
- 136 (3) A violation of Subsection (2) is a second degree felony.
- 137 (4) An actor is not guilty of an offense under this section for conduct that constitutes:
- 138 (a) the lawful medical practice of circumcision or other legitimate medical care and any
- 139 related ritual to the circumcision or other legitimate medical care;
- 140 (b) reasonable discipline or management of a child, including withholding privileges;
- 141 (c) conduct described in Section 76-2-401; or
- 142 (d) the use of reasonable and necessary physical restraint or force on a child:
- 143 (i) in self-defense;
- 144 (ii) in defense of others;
- 145 (iii) to protect the child; or
- 146 (iv) to remove a weapon in the possession of a child for any of the reasons described
- 147 in Subsections (4)(d)(i) through (iii).
- 148 (5) Imprisonment under this section is mandatory in accordance with Section 76-3-406.
- 149 Section 4. Section **76-5-402.1** is amended to read:
- 150 **76-5-402.1 . Rape of a child -- Penalties.**
- 151 (1)(a) As used in this section:
- 152 (i) "Child" means an individual who is younger than 14 years old.
- 153 (ii) "Ritual" means the same as that term is defined in Section 76-5-109.4.
- 154 ~~[(ii)]~~ (iii) "Sexual intercourse" means:
- 155 (A) any touching skin-to-skin, however slight, of an individual's genitals to
- 156 another individual's genitals; or
- 157 (B) any penetration, however slight, of an individual's genitals by another
- 158 individual's genitals, whether over or under the clothing.
- 159 ~~[(iii)]~~ (iv) "Simulated intercourse" means rubbing or otherwise stimulating or
- 160 attempting to stimulate an individual's genitals or pubic area by another
- 161 individual's genitals or pubic area whether over or under the clothing.
- 162 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 163 (2) An actor commits rape of a child if the actor:
- 164 (a) has sexual intercourse with a child; or
- 165 (b) intentionally engages in simulated intercourse with a child.
- 166 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
- 167 imprisonment of:

- 168 (a) except as provided in Subsections (3)(b) and (5), not less than 25 years and which
169 may be for life; or
- 170 (b) life without parole, if the trier of fact finds that:
- 171 (i) during the course of the commission of the rape of a child, the [defendant] actor
172 caused serious bodily injury to the victim;[-]
- 173 (ii) the actor committed the rape of a child as part of a ritual or a training or practice
174 to perform a ritual; or
- 175 [~~ii~~] (iii) at the time of the commission of the rape of a child the [defendant] actor was
176 previously convicted of a grievous sexual offense.
- 177 (4) Subsection (3)(b) does not apply if the [defendant] actor was younger than 18 years old
178 at the time of the offense.
- 179 (5)(a) When imposing a sentence under Subsections (3)(a) and (5)(b), a court may
180 impose a term of imprisonment under Subsection (5)(b) if:
- 181 (i) it is a first time offense for the [defendant] actor under this section;
- 182 (ii) the [defendant] actor was younger than 21 years old at the time of the offense; and
- 183 (iii) the court finds that a lesser term than the term described in Subsection (3)(a) is in
184 the interests of justice under the facts and circumstances of the case, including the
185 age of the victim, and states the reasons for this finding on the record.
- 186 (b) If the conditions of Subsection (5)(a) are met, the court may impose a term of
187 imprisonment of not less than:
- 188 (i) 15 years and which may be for life;
- 189 (ii) 10 years and which may be for life; or
- 190 (iii) six years and which may be for life.
- 191 (6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.
192 Section 5. Section **76-5-402.3** is amended to read:
- 193 **76-5-402.3 . Object rape of a child -- Penalty.**
- 194 (1)(a) As used in this section:
- 195 (i) "Child" means an individual who is younger than 14 years old.
- 196 (ii) "Masturbatory contact" means the stimulation or attempted stimulation of an
197 individual's genitals or pubic area by another individual.
- 198 (iii) "Ritual" means the same as that term is defined in Section 76-5-109.4.
- 199 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 200 (2) An actor commits object rape of a child if:
- 201 (a)(i) the actor causes the penetration , however slight, whether over or under the

- 202 clothing, of the genitals or anus of a child by:
- 203 (A) a foreign object;
- 204 (B) a substance;
- 205 (C) an instrument;
- 206 (D) a device; or
- 207 (E) a part of the human body other than the mouth or genitals;
- 208 (ii) the actor causes the touching, however slight, of the skin of the genitals or anus of
- 209 a child by:
- 210 (A) a foreign object;
- 211 (B) a substance;
- 212 (C) an instrument;
- 213 (D) a device; or
- 214 (E) a part of the human body other than the mouth or genitals; or
- 215 (iii) the actor causes the masturbatory contact over or under the clothing of the
- 216 genitals or anus of a child by:
- 217 (A) a foreign object;
- 218 (B) a substance;
- 219 (C) an instrument;
- 220 (D) a device; or
- 221 (E) a part of the human body other than the mouth or genitals; and
- 222 (b) the actor:
- 223 (i) intends to cause substantial emotional or bodily pain to the child; or
- 224 (ii) intends to arouse or gratify the sexual desire of any individual.
- 225 (3)(a) A violation of Subsection (2) is a first degree felony punishable by a term of
- 226 imprisonment of:
- 227 (i) except as provided in Subsections (3)(a)(ii) and (4), not less than 25 years and
- 228 which may be for life; or
- 229 (ii) life without parole, if the trier of fact finds that:
- 230 (A) during the course of the commission of the object rape of a child the [
- 231 ~~defendant~~] actor caused serious bodily injury to the victim;[-]
- 232 (B) the actor committed the object rape of a child as part of a ritual or a training or
- 233 practice to perform a ritual; or
- 234 [~~B~~] (C) at the time of the commission of the object rape of a child the [defendant]
- 235 actor was previously convicted of a grievous sexual offense.

- 236 (b) Subsection (3)(a)(ii) does not apply if the [defendant] actor was younger than 18
237 years old at the time of the offense.
- 238 (4)(a) When imposing a sentence under Subsections (3)(a)(i) and (4)(b), a court may
239 impose a term of imprisonment under Subsection (4)(b) if:
- 240 (i) it is a first time offense for the [defendant] actor under this section;
 - 241 (ii) the [defendant] actor was younger than 21 years old at the time of the offense; and
 - 242 (iii) the court finds that a lesser term than the term described in Subsection (3)(a)(i) is
243 in the interests of justice under the facts and circumstances of the case, including
244 the age of the victim, and states the reasons for this finding on the record.
- 245 (b) If the conditions of Subsection (4)(a) are met, the court may impose a term of
246 imprisonment of not less than:
- 247 (i) 15 years and which may be for life;
 - 248 (ii) 10 years and which may be for life; or
 - 249 (iii) six years and which may be for life.
- 250 (5) Imprisonment under this section is mandatory in accordance with Section 76-3-406.
251 Section 6. Section **76-5-403.1** is amended to read:
- 252 **76-5-403.1 . Sodomy on a child -- Penalties.**
- 253 (1)(a) As used in this section, "ritual" means the same as that term is defined in Section
254 76-5-109.4.
- 255 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 256 (2)(a) An actor commits sodomy on a child if:
- 257 (i) the actor engages in any sexual act upon or with another individual;
 - 258 (ii) the individual is younger than 14 years old; and
 - 259 (iii) the sexual act involves the genitals or anus of the actor or the individual and the
260 mouth or anus of either the actor or individual.
- 261 (b) Any touching, even if accomplished through clothing, is sufficient to constitute the
262 relevant element of a violation of Subsection (2)(a).
- 263 (3) A violation of Subsection (2)(a) is a first degree felony punishable by a term of
264 imprisonment of:
- 265 (a) except as provided in Subsections (3)(b) and (5), not less than 25 years and which
266 may be for life; or
 - 267 (b) life without parole, if the trier of fact finds that:
268 (i) during the course of the commission of the sodomy on a child the [defendant] actor
269 caused serious bodily injury to the victim;

- 270 (ii) the actor committed the sodomy on a child as part of a ritual or a training or
271 practice to perform a ritual; or
272 [(ii)] (iii) at the time of the commission of the sodomy on a child, the [defendant] actor
273 was previously convicted of a grievous sexual offense.
- 274 (4) Subsection (3)(b) does not apply if the [defendant] actor was younger than 18 years old
275 at the time of the offense.
- 276 (5)(a) When imposing a sentence under Subsections (3)(a) and (5)(b), a court may
277 impose a term of imprisonment under Subsection (5)(b) if:
- 278 (i) it is a first time offense for the [defendant] actor under this section;
279 (ii) the [defendant] actor was younger than 21 years old at the time of the offense; and
280 (iii) the court finds that a lesser term than the term described in Subsection (3)(a) is in
281 the interests of justice under the facts and circumstances of the case, including the
282 age of the victim, and states the reasons for this finding on the record.
- 283 (b) If the conditions of Subsection (5)(a) are met, the court may impose a term of
284 imprisonment of not less than:
- 285 (i) 15 years and which may be for life;
286 (ii) 10 years and which may be for life; or
287 (iii) six years and which may be for life.
- 288 (6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.
289 Section 7. Section **76-5-404.3** is amended to read:
290 **76-5-404.3 . Aggravated sexual abuse of a child -- Penalties.**
- 291 (1)(a) As used in this section:
- 292 (i) "Adult" means the same as that term is defined in Section 76-5-404.1.
293 (ii) "Child" means the same as that term is defined in Section 76-5-404.1.
294 (iii) "Position of special trust" means the same as that term is defined in Section
295 76-5-404.1.
296 (iv) "Ritual" means the same as that term is defined in Section 76-5-109.4.
- 297 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 298 (2) An actor commits aggravated sexual abuse of a child if, in conjunction with the offense
299 described in Subsection 76-5-404.1(2)(a), any of the following circumstances have been
300 charged and admitted or found true in the action for the offense:
- 301 (a) the actor committed the offense:
- 302 (i) by the use of a dangerous weapon;
303 (ii) by force, duress, violence, intimidation, coercion, menace, or threat of harm; or

- 304 (iii) during the course of a kidnapping;
- 305 (b) the actor caused bodily injury or severe psychological injury to the child during or as
306 a result of the offense;
- 307 (c) the actor was a stranger to the child or made friends with the child for the purpose of
308 committing the offense;
- 309 (d) the actor used, showed, or displayed pornography or caused the child to be
310 photographed in a lewd condition during the course of the offense;
- 311 (e) the actor, prior to sentencing for this offense, was previously convicted of any sexual
312 offense;
- 313 (f) the actor committed the same or similar sexual act upon two or more individuals at
314 the same time or during the same course of conduct;
- 315 (g) the actor committed, in Utah or elsewhere, more than five separate acts, which if
316 committed in Utah would constitute an offense described in this chapter, and were
317 committed at the same time, or during the same course of conduct, or before or after
318 the instant offense;
- 319 (h) the actor occupied a position of special trust in relation to the child; or
- 320 (i) the actor encouraged, aided, allowed, or benefitted from acts of prostitution or sexual
321 acts by the child with any other individual, sexual performance by the child before
322 any other individual, human trafficking, or human smuggling; or
- 323 (j) the actor committed the act as part of a ritual or of a training or practice to perform a
324 ritual.
- 325 (3) Except as provided in Subsection (6), a violation of Subsection (2) is a first degree
326 felony punishable by a term of imprisonment of:
- 327 (a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and
328 which may be for life;
- 329 (b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact
330 finds that during the course of the commission of the aggravated sexual abuse of a
331 child the [defendant] actor caused serious bodily injury to another; or
- 332 (c) life without parole, if the trier of fact finds that at the time of the commission of the
333 aggravated sexual abuse of a child, the [defendant] actor was previously convicted of
334 a grievous sexual offense.
- 335 (4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a lesser
336 term than the term described in Subsection (3)(a) or (b) is in the interests of justice and
337 states the reasons for this finding on the record, the court may impose a term of

- 338 imprisonment of not less than:
- 339 (a) for purposes of Subsection (3)(b), 15 years and which may be for life; or
- 340 (b) for purposes of Subsection (3)(a) or (b):
- 341 (i) 10 years and which may be for life; or
- 342 (ii) six years and which may be for life.
- 343 (5) The provisions of Subsection (4) do not apply if [~~a defendant~~] an actor is sentenced
- 344 under Subsection (3)(c).
- 345 (6) Subsection (3)(b) or (3)(c) does not apply if the [~~defendant~~] actor was younger than 18
- 346 years old at the time of the offense.
- 347 (7) Imprisonment under this section is mandatory in accordance with Section 76-3-406.
- 348 Section 8. **Effective date.**
- 349 This bill takes effect on May 7, 2025.