

Joint Resolution Amending Rules of Evidence Concerning Crimes or Other Acts
2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This resolution provides a special effective date.

Utah Rules of Evidence Affected:

AMENDS:

Rule 404, Utah Rules of Evidence

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

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

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

Rule 404 . Character Evidence; Crimes or Other Acts.

(a) Character Evidence.

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

[(a)](2) Exceptions for a Defendant or Victim in a Criminal Case. The following

exceptions apply in a criminal case:

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

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

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

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

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

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

(b) Crimes, Wrongs, or Other Acts.

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

[(b)](2) Permitted Uses; Notice in a Criminal Case. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On request by a defendant in a criminal case, the prosecutor must:

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

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

(c) Evidence of Similar Crimes in Child-Molestation Cases.

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

[(c)(1)] (2) Permitted Uses. In a criminal case in which a defendant is accused of child molestation, the court may admit ~~[evidence that the defendant committed any other acts of child molestation to prove a propensity to commit the crime charged.]~~ the following evidence to prove propensity to commit the crime charged:

____ (A) evidence that the defendant committed any other acts of child molestation; or
____ (B) evidence that the defendant committed sexual exploitation of a minor, as
described in Utah Code Section 76-5b-201, or aggravated sexual exploitation of a minor, as
described in Utah Code Section 76-5b-201.1.

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

[(c)(3)] For purposes of this rule “child molestation” means an act committed in
relation to a child under the age of 14 which would, if committed in this state, be a sexual
offense or an attempt to commit a sexual offense.

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

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

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

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

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

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

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

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

____ **(3) Disclosure to the Defendant.** If the prosecution intends to offer evidence that the
defendant committed any other acts of sexual assault, the prosecution must disclose the
evidence to the defendant in accordance with Rule 16(a)(5) of the Utah Rules of Criminal
Procedure, including disclosure of a witness's statement or a summary of the witness's

expected testimony. This paragraph (d)(3) does not limit any other disclosure requirements described in Rule 16(a)(5) of the Utah Rules of Criminal Procedure.

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

Section 2. **Effective Date.**

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