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FL456: Joint Resolution Amending Rules of Evidence Concerning Crimes or Other Acts

This document analyzes a proposed 2026 General Session joint resolution that would expand the admissibility of evidence of prior crimes or acts in child molestation and sexual assault cases.

Key Points

- The joint resolution amends Rule 404 of the Utah Rules of Evidence to expand the admissibility of evidence of prior crimes or acts in child molestation and sexual assault cases.
- The proposed changes would align Utah with federal evidentiary rules and practices in several other states.

Background

Under [Rule 404](#) of the Utah Rules of Evidence, evidence of a defendant's prior bad acts or character is generally inadmissible to prove that the defendant acted in conformity with those bad acts or character on a particular occasion. This general prohibition aims to ensure fair trials by preventing prejudicial evidence from unduly influencing juries.

The rule also provides a limited exception for child molestation cases, allowing courts to admit evidence of other acts of child molestation to prove propensity to commit the crime charged.

Survey of Other Jurisdictions

Most jurisdictions similarly limit admission of evidence of prior crimes or acts. However, a 50-state survey conducted by the Office of Legislative Research and General Counsel identified several jurisdictions with broader exceptions than Utah in child molestation and sexual assault cases:

- **Child Molestation Evidence:** While 16 states, including Utah, and the federal government permit evidence of prior acts of child molestation, seven states go further—allowing evidence of prior child pornography offenses to be admitted as well.
- **Sexual Assault Evidence:** 14 states and the federal government permit the admission of evidence of prior acts of sexual assault in a sexual assault case.

Legislative History

During the 2025 General Session, [Senate Joint Resolution 8](#) sought to permit admission of evidence of prior

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crimes or acts in sexual assault cases but failed to pass. In May 2025, the Judiciary Interim Committee opened a committee joint resolution to revisit the issue.

Policy Analysis

As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend court rules of procedure and evidence upon a two-thirds vote.

The proposed joint resolution makes two key changes to Rule 404 of the Utah Rules of Evidence:

- **Child Molestation Cases:** Expands the admissibility of evidence of prior crimes or acts to include sexual exploitation of a minor or aggravated sexual exploitation of a minor (i.e., possession or distribution of child pornography).
- **Sexual Assault Cases:** Allows admission of evidence that the defendant committed other acts of sexual assault.

The resolution takes effect immediately upon approval by two-thirds of both legislative chambers.