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## S.B. 72, Obscene Animal Abuse Material Amendments

This document provides a summary of [S.B. 72, Obscene Animal Abuse Material Amendments](#), which

- **separates depictions of animal sexual abuse from the current definition of pornographic material**, also known as obscene material, and creates a new definition of obscene animal abuse material to cover these depictions;
- **adds depictions of animal crushing to the new definition of obscene animal abuse material**;
- **creates a standalone offense of distributing obscene animal abuse material**; and
- **ensures obscene animal abuse material is treated similarly as pornographic material**, i.e. other obscene material, throughout Utah's code.

## Utah's Current Laws on Obscene Animal Abuse Material

In [Utah Code 76-5c-101](#) the term pornographic encompasses the three prong test for obscenity established in the United State Supreme Court's 1973 opinion *Miller v. California*. As part of that test, for a material or performance to be pornographic (or obscene) the material or performance must be "patently offensive in the description or depiction of... sexual conduct." Sexual conduct is currently defined as "sexual acts between humans, **or between humans and animals.**" According to these definitions, depictions of sexual acts between humans and animals may fall under current Utah laws like Distributing Pornographic Material ([76-5c-202](#)).

## Defining Obscene Animal Abuse Material

S.B. 72 creates new definitions of "obscene animal abuse material", "sexual conduct with an animal", and "animal crushing". The definitions of "obscene animal abuse material" and "sexual conduct with an animal" are essentially covered under current law, but **creating standalone definitions for these terms provides clarity for law enforcement investigating and prosecuting the offense of distributing obscene material, along with other related offenses, where depictions of sexual conduct with animals may rise to the level of obscenity.** The addition of "animal crushing" to obscene animal abuse material mirrors federal code [18 U.S. Code § 48 - Animal crushing](#) and captures further depictions that may fall under the category of obscenity.

**Obscene Animal Abuse Material:** "material that depicts animal crushing; or sexual conduct with an animal... and that, taken as a whole, appeals to prurient interest in sex, is patently offensive, and does not have serious literary, artistic, political, or scientific value."