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76-5-401.3 Unlawful adolescent sexual activity -- Penalties -- Limitations.

- (1)
 - (a) As used in this section, "adolescent" means an individual in the transitional phase of human physical and psychological growth and development between childhood and adulthood who is 12 years old or older, but younger than 18 years old.
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits unlawful sexual activity if the actor:
 - (a) is an adolescent; and
 - (b) has sexual activity with another adolescent.
- (3) A violation of Subsection (2) is a:
 - (a) third degree felony if an actor who is 17 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 or 13 years old;
 - (b) third degree felony if an actor who is 16 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 years old;
 - (c) class A misdemeanor if an actor who is 16 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old;
 - (d) class A misdemeanor if an actor who is 14 or 15 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 years old;
 - (e) class B misdemeanor if an actor who is 17 years old engages in unlawful adolescent sexual activity with an adolescent who is 14 years old;
 - (f) class B misdemeanor if an actor who is 15 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old;
 - (g) class C misdemeanor if an actor who is 12 or 13 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 or 13 years old; and
 - (h) class C misdemeanor if an actor who is 14 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old.
- (4) The offenses referred to in Subsection (2) are:
 - (a) rape, in violation of Section 76-5-402;
 - (b) rape of a child, in violation of Section 76-5-402.1;
 - (c) object rape, in violation of Section 76-5-402.2;
 - (d) object rape of a child, in violation of Section 76-5-402.3;
 - (e) forcible sodomy, in violation of Section 76-5-403;
 - (f) sodomy on a child, in violation of Section 76-5-403.1;
 - (g) sexual abuse of a child, in violation of Section 76-5-404;
 - (h) aggravated sexual assault, in violation of Section 76-5-405;
 - (i) incest, in violation of Section 76-7-102; or
 - (j) an attempt to commit any offense listed in Subsections (4)(a) through (4)(i).
- (5) An offense under this section is not eligible for a nonjudicial adjustment under Section 80-6-304 or a referral to a youth court under Section 80-6-902.
- (6) Except for an offense that is transferred to a district court by the juvenile court in accordance with Section 80-6-504, the district court may enter any sentence or combination of sentences that would have been available in juvenile court but for the delayed reporting or delayed filing of the information in the district court.
- (7) An offense under this section is not subject to registration under Subsection 77-41-102(17).