

76-5-402.1 Rape of a child.

- (1) A person commits rape of a child when the person has sexual intercourse with a child who is under the age of 14.
- (2) Rape of a child is a first degree felony punishable by a term of imprisonment of:
 - (a) except as provided in Subsection (2)(b), not less than 25 years and which may be for life; or
 - (b) life without parole, if the trier of fact finds that:
 - (i) during the course of the commission of the rape of a child, the defendant caused serious bodily injury to another; or
 - (ii) at the time of the commission of the rape of a child the defendant was previously convicted of a grievous sexual offense.
- (3) Subsection (2)(b) does not apply if the defendant was younger than 18 years of age at the time of the offense.
- (4) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 81, 2013 General Session