

**76-5-402.3 Object rape of a child -- Penalty.**

- (1) A person commits object rape of a child when the person causes the penetration or touching, however slight, of the genital or anal opening of a child who is under the age of 14 by any foreign object, substance, instrument, or device, not including a part of the human body, with intent to cause substantial emotional or bodily pain to the child or with the intent to arouse or gratify the sexual desire of any person.
- (2) Object 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 object rape of a child the defendant caused serious bodily injury to another; or
    - (ii) at the time of the commission of the object 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