

**76-7-102 Incest -- Definitions -- Penalty.**

(1) As used in this section:

- (a) "Provider" means a person who provides or makes available his seminal fluid or her human egg.
- (b) "Related person" means a person related to the provider or actor as an ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes:
  - (i) blood relationships of the whole or half blood without regard to legitimacy;
  - (ii) the relationship of parent and child by adoption; and
  - (iii) the relationship of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.

(2)

- (a) An actor is guilty of incest when, under circumstances not amounting to rape, rape of a child, or aggravated sexual assault, the actor knowingly and intentionally:
  - (i) engages in conduct under Subsection (2)(b)(i), (ii), (iii), or (iv); or
  - (ii) provides a human egg or seminal fluid under Subsection (2)(b)(v).
- (b) Conduct referred to under Subsection (2)(a) is:
  - (i) sexual intercourse between the actor and a person the actor knows has kinship to the actor as a related person;
  - (ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
  - (iii) providing or making available his seminal fluid for the purpose of insertion or placement of the fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
  - (iv) a woman 18 years of age or older who:
    - (A) knowingly allows the insertion of the seminal fluid of a provider into her vagina, cervix, or uterus by means other than sexual intercourse; and
    - (B) knows that the seminal fluid is that of a person with whom she has kinship as a related person; or
  - (v) providing the actor's sperm or human egg that is used to conduct in vitro fertilization, or any other means of fertilization, with the human egg or sperm of a person who is a related person.
- (c) This Subsection (2) does not prohibit providing a fertilized human egg if the provider of the fertilizing sperm is not a related person regarding the person providing the egg.

(3) Incest is a third degree felony.

(4) A provider under this section is not a donor under Section 78B-15-702.

Amended by Chapter 84, 2009 General Session