

Effective 7/1/2024

Renumbered 5/7/2025

76-9-702.1 Sexual battery.

- (1) An actor is guilty of sexual battery if the actor, under circumstances not amounting to an offense under Subsection (2), intentionally touches, whether or not through clothing, the anus, buttocks, or any part of the genitals of another individual, or the breast of a female individual, and the actor's conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the individual touched.
- (2) Offenses referred to in Subsection (1) are:
 - (a) rape under Section 76-5-402;
 - (b) rape of a child under Section 76-5-402.1;
 - (c) object rape under Section 76-5-402.2;
 - (d) object rape of a child under Section 76-5-402.3;
 - (e) forcible sodomy under Subsection 76-5-403(2);
 - (f) sodomy on a child under Section 76-5-403.1;
 - (g) forcible sexual abuse under Section 76-5-404;
 - (h) sexual abuse of a child under Section 76-5-404.1;
 - (i) aggravated sexual abuse of a child under Section 76-5-404.3;
 - (j) aggravated sexual assault under Section 76-5-405; and
 - (k) an attempt to commit an offense under this Subsection (2).
- (3) Sexual battery is a class A misdemeanor.
- (4)
 - (a) For purposes of Subsection 77-41-102(19) only, a plea of guilty or nolo contendere to a charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction.
 - (b) This Subsection (4) also applies if the charge under this section has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.