

**Superseded 5/14/2019**

**76-9-702.5 Lewdness involving a child.**

(1) A person is guilty of lewdness involving a child if the person under circumstances not amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse of a child, aggravated sexual abuse of a child, or an attempt to commit any of those offenses, intentionally or knowingly does any of the following to, or in the presence of, a child who is under 14 years of age:

- (a) performs an act of sexual intercourse or sodomy;
- (b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area:
  - (i) in a public place; or
  - (ii) in a private place:
    - (A) under circumstances the person should know will likely cause affront or alarm; or
    - (B) with the intent to arouse or gratify the sexual desire of the actor or the child;
- (c) masturbates;
- (d) under circumstances not amounting to sexual exploitation of a child under Section 76-5b-201, causes a child under the age of 14 years to expose his or her genitals, anus, or breast, if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor or the child; or
- (e) performs any other act of lewdness.

(2)

- (a) Lewdness involving a child is a class A misdemeanor, except under Subsection (2)(b).
- (b) Lewdness involving a child is a third degree felony if at the time of the violation:
  - (i) the person is a sex offender as defined in Section 77-27-21.7; or
  - (ii) the person has previously been convicted of a violation of this section.