

AGE OF VICTIM FOR UNLAWFUL SEXUAL CONDUCT

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: LeRay McAllister**

AN ACT RELATING TO THE CRIMINAL CODE; ESTABLISHING THE CRIME OF UNLAWFUL SEXUAL CONDUCT WITH A 16 OR 17 YEAR OLD.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**76-5-401.2**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-5-401.2** is enacted to read:

**76-5-401.2. Unlawful sexual conduct with a 16 or 17 year old.**

(1) For purposes of this section "minor" means a person who is 16 years of age or older, but younger than 18 years of age, at the time the sexual conduct described in this section occurred.

(2) A person commits unlawful sexual conduct with a minor if, under circumstances not amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, or aggravated sexual assault, in violation of Section 76-5-405, the actor who is ten or more years older than the minor at the time of the sexual conduct:

(a) has sexual intercourse with the minor;

(b) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or

(c) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.

(3) A violation of Subsection (2) is a third degree felony.