

**AGE OF VICTIM FOR UNLAWFUL SEXUAL
INTERCOURSE**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: LeRay McAllister

AN ACT RELATING TO THE CRIMINAL CODE; CHANGING THE AGE OF THE VICTIM
IN DETERMINING THE CRIME OF UNLAWFUL SEXUAL INTERCOURSE; AND
PROVIDING EXCEPTIONS.

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

AMENDS:

76-5-401, as last amended by Chapter 88, Laws of Utah 1983

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

Section 1. Section **76-5-401** is amended to read:

76-5-401. Unlawful sexual intercourse.

(1) A person commits unlawful sexual intercourse if, under circumstances not amounting to a violation of Section 76-5-402, [~~Section 76-5-402.1~~] 76-5-402.2, 76-5-403, or [Section] 76-5-405, that person has sexual intercourse with a person, not that person's spouse, who is [~~under sixteen~~] 14 years of age or older, but younger than 16 years of age.

(2) A person commits unlawful sexual intercourse if, under circumstances not amounting to a violation of Section 76-5-402, 76-5-402.2, 76-5-403, or 76-5-405, that person has sexual intercourse with a person, not that person's spouse, who is 16 years of age or older, but younger than 18 years of age, and the actor is ten or more years older than the victim.

~~[(2)]~~ (3) Unlawful sexual intercourse is a felony of the third degree except when at the time of intercourse the actor is no more than three years older than the victim, in which case it is a class B misdemeanor. Evidence that the actor was not more than three years older than the victim at the time of the intercourse shall be raised by the defendant.

Legislative Review Note
as of 1-12-98 12:58 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel