

1 ENTICING MINORS OVER INTERNET

2 AMENDMENTS

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 Sponsor: Duane E. Bourdeaux

6 This act modifies the Criminal Code by <sup>h</sup> [~~amending the offense of enticing a minor over the~~  
7 ~~Internet to provide that an attempt, conspiracy, or solicitation to commit this offense may~~  
8 ~~be prosecuted under this provision]~~ ELIMINATING AN UNNECESSARY REFERENCE TO OTHER  
8a CRIMINAL CODE PROVISIONS <sup>h</sup> .

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

10 AMENDS:

11 76-4-401, as enacted by Chapter 353, Laws of Utah 2001

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

13 Section 1. Section 76-4-401 is amended to read:

14 76-4-401. Enticing a minor over the Internet -- Elements -- Penalties.

15 (1) A person commits enticement of a minor over the Internet when [~~not amounting to~~  
16 ~~an attempt, conspiracy, or solicitation under Section 76-4-101, 76-4-201, or 76-4-203;~~] the  
17 person knowingly uses a computer to solicit, seduce, lure, or entice, or [~~attempt~~] attempts to <sup>h</sup> **USE A**  
17a **COMPUTER TO <sup>h</sup>**

18 solicit, seduce, lure, or entice a minor or a person the defendant believes to be a minor to  
19 engage in any sexual activity which is a violation of state criminal law.

20 (2) It is not a defense to the crime of enticing a minor under Subsection (1), or an  
21 attempt to commit this offense, that a law enforcement officer or an undercover operative who  
22 is working with a law enforcement agency was involved in the detection or investigation of the  
23 offense.

24 (3) An enticement of a minor under Subsection (1) with the intent to commit:

- 25 (a) a first degree felony is a second degree felony;
- 26 (b) a second degree felony is a third degree felony;
- 27 (c) a third degree felony is a class A misdemeanor;



- 28           (d) a class A misdemeanor is a class B misdemeanor; and  
29           (e) a class B misdemeanor is a class C misdemeanor.

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**Legislative Review Note**  
**as of 2-7-03 10:14 AM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0334**

**Enticing Minors Over Internet Amendments**

*10-Feb-03*

*11:34 AM*

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**State Impact**

It is estimated that provisions of this bill can be implemented with existing resources.

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**Individual and Business Impact**

No significant fiscal impact.

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**Office of the Legislative Fiscal Analyst**