

SEXUAL OFFENSES - DEFINITIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ron Bigelow

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding sexual offenses.

Highlighted Provisions:

This bill:

- ▶ amends the offense of object rape to clarify the elements of the offense.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-402.2, as last amended by Laws of Utah 2007, Chapter 339

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

Section 1. Section **76-5-402.2** is amended to read:

76-5-402.2. Object rape.

(1) A person who, without the victim's consent, causes the penetration, however slight, of the genital or anal opening of another person who is 14 years of age or older, by any foreign object, substance, instrument, or device, [~~not~~] including a part of the human body other than the mouth or genitals, with intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person, commits an offense which is a first degree felony [~~of the first degree~~], punishable by a term of imprisonment of:

30 (a) except as provided in Subsection (1)(b) or (c), not less than five years and which
31 may be for life;

32 (b) except as provided in Subsection (1)(c) or (2), 15 years and which may be for life, if
33 the trier of fact finds that during the course of the commission of the object rape the defendant
34 caused serious bodily injury to another; or

35 (c) life without parole, if the trier of fact finds that at the time of the commission of the
36 object rape, the defendant was previously convicted of a grievous sexual offense.

37 (2) If, when imposing a sentence under Subsection (1)(b), a court finds that a lesser
38 term than the term described in Subsection (1)(b) is in the interests of justice and states the
39 reasons for this finding on the record, the court may impose a term of imprisonment of not less
40 than:

41 (a) ten years and which may be for life; or

42 (b) six years and which may be for life.

43 (3) The provisions of Subsection (2) do not apply when a person is sentenced under
44 Subsection (1)(a) or (c).

45 (4) Imprisonment under Subsection (1)(b), (1)(c), or (2) is mandatory in accordance
46 with Section 76-3-406.