

S.B. 192
SEX OFFENSE AMENDMENTS

Senator **Jon J. Greiner** proposes the following amendments:

1. *Page 1, Lines 13 through 17:*

13 { ~~→ provides that a minor who is younger than 16 years of age, and who engages in~~
14 ~~sexual activity with another minor who is less than three years older or younger than~~
15 ~~the acting minor, but who is not older than 17 years, is guilty of a class B~~
16 ~~misdemeanor if the sexual conduct does not involve forcible acts, including rape,~~
17 ~~sexual abuse, and forcible sodomy; and }~~

2. *Page 1, Line 28:*

28 { ~~76-5-401.3, Utah Code Annotated 1953~~ }

3. *Page 3, Lines 62 through 89:*

62 { ~~Section 2. Section 76-5-401.3 is enacted to read:~~
63 ~~—— 76-5-401.3. Unlawful sexual activity between minors -- Elements -- Penalty.~~
64 ~~—— (1) As used in this section, "minor" means an actor who is younger than 16 years of age~~
65 ~~at the time the minor engages in sexual conduct described in Subsection (2);~~
66 ~~—— (2) A minor commits unlawful sexual activity between minors if, under circumstances~~
67 ~~not amounting to any offense listed in Subsection (3), the minor actor engages in any of the~~
68 ~~following conduct with another person who is fewer than three years older or fewer than three~~
69 ~~years younger than the minor, but not older than 17 years of age:~~
70 ~~—— (a) sexual intercourse;~~
71 ~~—— (b) any sexual act involving the genitals of one person and the mouth or anus of~~
72 ~~another person, regardless of the sex of either participant; or~~
73 ~~—— (c) causes the penetration, however slight, of the genital or anal opening of the person~~
74 ~~by any foreign object, substance, instrument, or device, including a part of the human body,~~
75 ~~with the intent to cause substantial emotional or bodily pain to any person or with the intent to~~
76 ~~arouse or gratify the sexual desire of any person, regardless of the sex of any participant;~~
77 ~~—— (3) The offenses referred to in Subsection (2) are:~~
78 ~~—— (a) rape, in violation of Section 76-5-402;~~
79 ~~—— (b) rape of a child, in violation of Section 76-5-402.1;~~
80 ~~—— (c) object rape, in violation of Section 76-5-402.2;~~
81 ~~—— (d) object rape of a child, in violation of Section 76-5-402.3;~~
82 ~~—— (e) forcible sodomy, in violation of Section 76-5-403;~~

83 ~~— (f) sodomy on a child, in violation of Section 76-5-403.1;~~
84 ~~— (g) forcible sexual abuse, in violation of Section 76-5-404;~~
85 ~~— (h) sexual abuse of a child, in violation of Section 76-5-404.1; or~~
86 ~~— (i) any other offense that involves sexual conduct and which would be consensual but~~
87 ~~for the age of one or more of the parties.~~
88 ~~— (4) A violation of Subsection (2), unlawful sexual activity between minors, is a class B~~
89 ~~misdemeanor. }~~