

Representative Jennifer M. Seelig proposes the following substitute bill:

SEXUAL SOLICITATION AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer M. Seelig

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding the offense of sexual solicitation.

Highlighted Provisions:

This bill:

► clarifies the acts that constitute sexual solicitation with the intent to engage in prostitution.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-1313, as enacted by Laws of Utah 1993, Chapter 179

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

Section 1. Section **76-10-1313** is amended to read:

76-10-1313. Sexual solicitation -- Penalty.

(1) A person is guilty of sexual solicitation when the person:



26 (a) ~~he~~ offers or agrees to commit any sexual activity with another person for a fee;
 27 ~~or~~

28 (b) ~~he~~ pays or offers or agrees to pay a fee to another person to commit any sexual
 29 activity ~~[for a fee.]; or~~

30 (c) with intent to engage in sexual activity for a fee or to pay another person to commit
 31 any sexual activity for a fee engages in, offers or agrees to engage in, or requests or directs
 32 another to engage in any of the following acts:

33 (i) exposure of a person's genitals ~~→ [the female breast below the top of the areola]~~ ~~←~~ .
 33a the
 34 buttocks, the anus, ~~→ [or]~~ ~~←~~ the pubic area ~~→~~ , or the female breast below the top of the
 35 areola ~~←~~ ;

35 (ii) masturbation;

36 (iii) touching of a person's genitals, ~~→ [the female breast,]~~ ~~←~~ the buttocks, the anus,
 36a → [or] ~~←~~
 37 pubic area ~~→~~ , or the female breast ~~←~~ ; or

38 (iv) any act of lewdness.

39 (2) An intent to engage in sexual activity for a fee may be inferred from a person's
 40 engaging in, offering or agreeing to engage in, or requesting or directing another to engage in
 41 any of the acts described in Subsection (1)(c) under the totality of the existing circumstances.

42 ~~(2)~~ (3) (a) Sexual solicitation is a class B misdemeanor[. However, any], except
 43 under Subsection (3)(b).

44 (b) Any person who is convicted a second [time, and on all subsequent convictions,] or
 45 subsequent time under this section or under a local ordinance adopted in compliance with
 46 Section 76-10-1307, is guilty of a class A misdemeanor, except as provided in Section
 47 76-10-1309.

FISCAL NOTE

H.B. 121 1st Sub. (Buff)

SHORT TITLE: **Sexual Solicitation Amendments**

SPONSOR: **Seelig, J.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Courts \$6,000 in General Fund annually beginning FY 2012. The bill will increase ongoing state General Fund revenues by \$3,200 annually.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	\$3,200	\$3,200
Total Revenue	\$0	\$3,200	\$3,200
Expenditure:			
General Fund	\$0	\$6,000	\$6,000
Total Expenditure	\$0	\$6,000	\$6,000
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$2,800)	(\$2,800)
Net Impact, General/Education Funds	\$0	(\$2,800)	(\$2,800)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

There will be 32 convictions annually beginning FY 2012, at \$100 per conviction providing \$3,200 in state revenues each year in General Funds.