

1 **UNLAWFUL SEXUAL CONDUCT WITH A MINOR**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca P. Edwards**

5 Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

7 **General Description:**

8 This bill modifies the Criminal Code regarding sexual offenses against children who are  
9 14 through 17 years of age.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ changes the offense of sexual abuse of a minor who is 14 or 15 years of age to  
13 provide that the offense applies to a defendant who is four or more years older than  
14 the victim, rather than the current provision of seven or more years older than the  
15 victim; and

16 ▶ changes the offense of unlawful sexual conduct with a minor who is 16 or 17 years  
17 of age to provide that the offense applies to a defendant who is four or more years  
18 older than the victim, rather than the current provision of 10 or more years older  
19 than the victim.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **76-5-401.1**, as enacted by Laws of Utah 1998, Chapter 82  
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28 76-5-401.2, as last amended by Laws of Utah 2008, Chapter 275



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

31 Section 1. Section 76-5-401.1 is amended to read:

32 **76-5-401.1. Sexual abuse of a minor.**

33 (1) For purposes of this section "minor" is a person who is 14 years of age or older, but  
34 younger than 16 years of age, at the time the sexual activity described in this section occurred.

35 (2) A person commits sexual abuse of a minor if the person is [~~seven~~] four years or  
36 more older than the minor and, under circumstances not amounting to rape, in violation of  
37 Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation  
38 of Section 76-5-403, aggravated sexual assault, in violation of Section 76-5-405, unlawful  
39 sexual activity with a minor, in violation of Section 76-5-401, or an attempt to commit any of  
40 those offenses, the person touches the anus, buttocks, or any part of the genitals of the minor,  
41 or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, or  
42 causes a minor to take indecent liberties with the actor or another person, with the intent to  
43 cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify  
44 the sexual desire of any person regardless of the sex of any participant.

45 (3) A violation of this section is a class A misdemeanor.

46 Section 2. Section 76-5-401.2 is amended to read:

47 **76-5-401.2. Unlawful sexual conduct with a 16 or 17 year old.**

48 (1) As used in this section, "minor" means a person who is 16 years of age or older, but  
49 younger than 18 years of age, at the time the sexual conduct described in Subsection (2)  
50 occurred.

51 (2) A person commits unlawful sexual conduct with a minor if, under circumstances  
52 not amounting to an offense listed under Subsection (3), an actor who is [~~10~~] four or more  
53 years older than the minor at the time of the sexual conduct:

- 54 (a) has sexual intercourse with the minor;
- 55 (b) engages in any sexual act with the minor involving the genitals of one person and  
56 the mouth or anus of another person, regardless of the sex of either participant;
- 57 (c) causes the penetration, however slight, of the genital or anal opening of the minor  
58 by any foreign object, substance, instrument, or device, including a part of the human body,

59 with the intent to cause substantial emotional or bodily pain to any person or with the intent to  
60 arouse or gratify the sexual desire of any person, regardless of the sex of any participant; or

61 (d) touches the anus, buttocks, or any part of the genitals of the minor, or touches the  
62 breast of a female minor, or otherwise takes indecent liberties with the minor, or causes a  
63 minor to take indecent liberties with the actor or another person, with the intent to cause  
64 substantial emotional or bodily pain to any person or with the intent to arouse or gratify the  
65 sexual desire of any person regardless of the sex of any participant.

66 (3) The offenses referred to in Subsection (2) are:

67 (a) (i) rape, in violation of Section 76-5-402;

68 (ii) object rape, in violation of Section 76-5-402.2;

69 (iii) forcible sodomy, in violation of Section 76-5-403;

70 (iv) forcible sexual abuse, in violation of Section 76-5-404; or

71 (v) aggravated sexual assault, in violation of Section 76-5-405; or

72 (b) an attempt to commit any offense under Subsection (3)(a).

73 (4) A violation of Subsection (2)(a), (b), or (c) is a third degree felony.

74 (5) A violation of Subsection (2)(d) is a class A misdemeanor.

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**Legislative Review Note**  
as of 12-2-10 1:28 PM

**Office of Legislative Research and General Counsel**