

AGE DIFFERENCE IN SEXUAL OFFENSES

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies the Criminal Code regarding sexual offenses against children who are 16 and 17 years of age.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-401.2, as last amended by Laws of Utah 2008, Chapter 275

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

Section 1. Section **76-5-401.2** is amended to read:

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



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

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

34 (a) has sexual intercourse with the minor;

35 (b) engages in any sexual act with the minor involving the genitals of one person and
36 the mouth or anus of another person, regardless of the sex of either participant;

37 (c) causes the penetration, however slight, of the genital or anal opening of the minor
38 by any foreign object, substance, instrument, or device, including a part of the human body,
39 with the intent to cause substantial emotional or bodily pain to any person or with the intent to
40 arouse or gratify the sexual desire of any person, regardless of the sex of any participant; or

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

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

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

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

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

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

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

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

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

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

Legislative Review Note
as of 12-5-11 7:07 AM

Office of Legislative Research and General Counsel