

- 59 (xi) a grandparent;
 60 (xii) a legal guardian;
 61 (xiii) a natural parent;
 62 (xiv) a recreational leader who is an adult;
 63 (xv) a religious leader;
 63a **Ĥ→ (xvi) a sibling or a step-sibling who is an adult; ←Ĥ**
 64 **Ĥ→ [~~(xvi)~~ (xvii) ←Ĥ** a scout leader who is an adult;
 65 **Ĥ→ [~~(xvii)~~ (xviii) ←Ĥ** a stepparent;
 66 **Ĥ→ [~~(xviii)~~ (xix) ←Ĥ** a teacher;
 67 **Ĥ→ [~~(xix)~~ (xx) ←Ĥ** an uncle;
 68 **Ĥ→ [~~(xx)~~ (xxi) ←Ĥ** a youth leader who is an adult; or
 69 **Ĥ→ [~~(xxi)~~ (xxii) ←Ĥ** any person in a position of authority, other than those persons listed in
 70 Subsections (1)(c)(i) through **Ĥ→ [~~(xx)~~ (xxi) ←Ĥ** , which enables the person to exercise
 70a undue influence over
 71 the child.

72 (2) A person commits sexual abuse of a child if, under circumstances not amounting to
 73 rape of a child, object rape of a child, sodomy on a child, or an attempt to commit any of these
 74 offenses, the actor touches the anus, buttocks, or genitalia of any child, the breast of a female
 75 child, or otherwise takes indecent liberties with a child, or causes a child to take indecent
 76 liberties with the actor or another with intent to cause substantial emotional or bodily pain to
 77 any person or with the intent to arouse or gratify the sexual desire of any person regardless of
 78 the sex of any participant.

79 (3) Sexual abuse of a child is [~~punishable as~~] a second degree felony.

80 (4) A person commits aggravated sexual abuse of a child when in conjunction with the
 81 offense described in Subsection (2) any of the following circumstances have been charged and
 82 admitted or found true in the action for the offense:

83 (a) the offense was committed by the use of a dangerous weapon as defined in Section
 84 76-1-601, or by force, duress, violence, intimidation, coercion, menace, or threat of harm, or
 85 was committed during the course of a kidnapping;

86 (b) the accused caused bodily injury or severe psychological injury to the victim during
 87 or as a result of the offense;

88 (c) the accused was a stranger to the victim or made friends with the victim for the
 89 purpose of committing the offense;

90 (d) the accused used, showed, or displayed pornography or caused the victim to be
91 photographed in a lewd condition during the course of the offense;

92 (e) the accused, prior to sentencing for this offense, was previously convicted of any
93 ~~felony, or of a misdemeanor involving a~~ sexual offense;

94 (f) the accused committed the same or similar sexual act upon two or more victims at
95 the same time or during the same course of conduct;

96 (g) the accused committed, in Utah or elsewhere, more than five separate acts, which if
97 committed in Utah would constitute an offense described in this chapter, and were committed
98 at the same time, or during the same course of conduct, or before or after the instant offense;

99 (h) the offense was committed by a person who occupied a position of special trust in
100 relation to the victim; [~~"position of special trust" means that position occupied by a person in a~~
101 ~~position of authority, who, by reason of that position is able to exercise undue influence over~~
102 ~~the victim, and includes, but is not limited to, a youth leader or recreational leader who is an~~
103 ~~adult, adult athletic manager, adult coach, teacher, counselor, religious leader, doctor,~~
104 ~~employer, foster parent, babysitter, adult scout leader, natural parent, stepparent, adoptive~~
105 ~~parent, legal guardian, grandparent, aunt, uncle, or adult cohabitant of a parent;]~~

106 (i) the accused encouraged, aided, allowed, or benefitted from acts of prostitution or
107 sexual acts by the victim with any other person, or sexual performance by the victim before any
108 other person, human trafficking, or human smuggling; or

109 (j) the accused caused the penetration, however slight, of the genital or anal opening of
110 the child by any part or parts of the human body other than the genitals or mouth.

111 (5) Aggravated sexual abuse of a child is a first degree felony punishable by a term of
112 imprisonment of:

113 (a) except as provided in Subsection (5)(b), (5)(c), or (6), not less than 15 years and
114 which may be for life;

115 (b) except as provided in Subsection (5)(c) or (6), life without parole, if the trier of fact
116 finds that during the course of the commission of the aggravated sexual abuse of a child the
117 defendant caused serious bodily injury to another; or

118 (c) life without parole, if the trier of fact finds that at the time of the commission of the
119 aggravated sexual abuse of a child, the defendant was previously convicted of a grievous
120 sexual offense.