

1 **STATUTE OF LIMITATIONS FOR SEXUAL OFFENSES**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kay J. Christofferson**

5 Senate Sponsor: Aaron Osmond

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Utah Criminal Code regarding sexual offenses against a child.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ modifies the definition of aggravated sexual abuse of a child by a person in a
13 position of special trust to provide that a victim of this offense is a minor younger
14 than 18 years of age, rather than the current provision defining the victim as an
15 individual younger than 14 years of age ~~→~~ ; **and**

15a ▶ **provides that a position of trust means a position held by a person who is an adult**
15b **and who is three or more years older than the victim** ←~~→~~ .

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **76-5-404.1**, as last amended by Laws of Utah 2014, Chapters 135 and 141

23

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

25 Section 1. Section **76-5-404.1** is amended to read:

26 **76-5-404.1. Sexual abuse of a child -- Aggravated sexual abuse of a child.**

27 (1) As used in this section:



28 (a) "Adult" means an individual 18 years of age or older.

29 (b) (i) "Child" means an individual [~~under the age of~~] younger than 14 years of age,
30 except as defined under Subsection (1)(b)(ii).

31 (ii) "Child" means an individual younger than 18 years of age who is the victim of an
32 offense committed in violation of Subsection (4)(h).

33 (c) "Position of special trust" means ~~H→~~ **an adult who is three or more years older than**
33a **the victim, and who holds any of the following positions** ~~←H~~ :

34 (i) an adoptive parent;

35 (ii) an athletic manager ~~H→~~ [~~who is an adult~~] ~~←H~~ ;

36 (iii) an aunt;

37 (iv) a babysitter;

38 (v) a coach;

39 (vi) a cohabitant of a parent ~~H→~~ [~~if the cohabitant is an adult~~] ~~←H~~ ;

40 (vii) a counselor;

41 (viii) a doctor or physician;

42 (ix) an employer;

43 (x) a foster parent;

44 (xi) a grandparent;

45 (xii) a legal guardian;

46 (xiii) a natural parent;

47 (xiv) a recreational leader ~~H→~~ [~~who is an adult~~] ~~←H~~ ;

48 (xv) a religious leader;

49 (xvi) a sibling or a stepsibling ~~H→~~ [~~who is an adult~~] ~~←H~~ ;

50 (xvii) a scout leader ~~H→~~ [~~who is an adult~~] ~~←H~~ ;

51 (xviii) a stepparent;

52 (xix) a teacher or any other person employed by or volunteering at a public or private
53 elementary school or secondary school ~~H→~~ [~~, and who is 18 years of age or older~~] ~~←H~~ ;

54 (xx) an uncle;

55 (xxi) a youth leader ~~H→~~ [~~who is an adult~~] ~~←H~~ ; or

56 (xxii) any person in a position of authority, other than those persons listed in
57 Subsections (1)(c)(i) through (xxi), which enables the person to exercise undue influence over
58 the child.