

**HUMAN TRAFFICKING REVISIONS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Angela Romero**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Criminal Code regarding the crime of human trafficking of a child.

**Highlighted Provisions:**

This bill:

► provides that mistakenly believing a victim to be 18 years of age or older at the time of the alleged offense is not a defense to the crime of human trafficking of a child.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-2-304.5**, as last amended by Laws of Utah 2013, Chapters 34 and 196

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

Section 1. Section **76-2-304.5** is amended to read:

**76-2-304.5. Mistake as to victim's age not a defense.**

(1) It is not a defense to the crime of child kidnapping, a violation of Section **76-5-301.1**; rape of a child, a violation of Section **76-5-402.1**; object rape of a child, a violation



28 of Section [76-5-402.3](#); sodomy on a child, a violation of Section [76-5-403.1](#); sexual abuse of a  
29 child, a violation of Section [76-5-404.1](#); aggravated sexual abuse of a child, a violation of  
30 Subsection [76-5-404.1\(4\)](#); or an attempt to commit any of these offenses, that the actor  
31 mistakenly believed the victim to be 14 years of age or older at the time of the alleged offense  
32 or was unaware of the victim's true age.

33 (2) It is not a defense to the crime of unlawful sexual activity with a minor, a violation  
34 of Section [76-5-401](#); sexual abuse of a minor, a violation of Section [76-5-401.1](#); or an attempt  
35 to commit either of these offenses, that the actor mistakenly believed the victim to be 16 years  
36 of age or older at the time of the alleged offense or was unaware of the victim's true age.

37 (3) It is not a defense to the crime of aggravated human trafficking or aggravated  
38 human smuggling, a violation of Section [76-5-310](#), or human trafficking of a child, a violation  
39 of Section [76-5-308.5](#), that the actor mistakenly believed the victim to be 18 years of age or  
40 older at the time of the alleged offense or was unaware of the victim's true age.

41 (4) It is not a defense to the crime of unlawful sexual activity with a minor, a violation  
42 of Subsection [76-5-401.2\(2\)\(a\)\(ii\)](#), that the actor mistakenly believed the victim to be 18 years  
43 of age or older at the time of the alleged offense or was unaware of the victim's true age.

44 (5) It is not a defense to any of the following crimes that the actor mistakenly believed  
45 the victim to be 18 years of age or older at the time of the alleged offense or was unaware of  
46 the victim's true age:

- 47 (a) patronizing a prostitute, a violation of Section [76-10-1303](#);
- 48 (b) aggravated exploitation of a prostitute, a violation of Section [76-10-1306](#); or
- 49 (c) sexual solicitation, a violation of Section [76-10-1313](#).