

**Representative Merrill F. Nelson** proposes the following substitute bill:

**CONSENSUAL SEXUAL ACTIVITY OF A MINOR**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Merrill F. Nelson**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Criminal Code regarding abuse of a minor.

**Highlighted Provisions:**

This bill:

- ▶ modifies the definition of sexual abuse of a minor regarding the age differential between the offender and the victim.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-5-401.1**, as last amended by Laws of Utah 2014, Chapter 135

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

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

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

(1) For purposes of this section "minor" is a person who is 14 years of age or older, but



26 younger than 16 years of age, at the time the sexual activity described in this section occurred.

27 (2) A person commits sexual abuse of a minor if the person is [~~seven~~] four years or  
28 more older than the minor or holds a relationship of special trust as an adult teacher, employee,  
29 or volunteer, as described in Subsection 76-5-404.1(1)(c)(xix) and, under circumstances not  
30 amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section  
31 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, aggravated sexual assault, in  
32 violation of Section 76-5-405, unlawful sexual activity with a minor, in violation of Section  
33 76-5-401, or an attempt to commit any of those offenses, the person touches the anus, buttocks,  
34 or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise  
35 takes indecent liberties with the minor, or causes a minor to take indecent liberties with the  
36 actor or another person, with the intent to cause substantial emotional or bodily pain to any  
37 person or with the intent to arouse or gratify the sexual desire of any person regardless of the  
38 sex of any participant.

39 (3) (a) A violation of this section is a class A misdemeanor, except under Subsection  
40 (3)(b).

41 (b) A violation of this section is a third degree felony if the actor at the time of the  
42 commission of the offense:

43 (i) is 18 years of age or older;

44 (ii) held a position of special trust as a teacher or a volunteer at a school, as that  
45 position is defined in Subsection 76-5-404.1(1)(c)(xix); and

46 (iii) committed the offense against an individual who at the time of the offense was  
47 enrolled as a student at the school where the actor was employed or was acting as a volunteer.