

HUMAN TRAFFICKING SAFE HARBOR AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding a child engaged in prostitution or sexual solicitation.

Highlighted Provisions:

This bill:

- ▶ requires the Division of Child and Family Services to provide services to a child who is engaged in prostitution or sexual solicitation and has been referred to the division;
- ▶ provides that any child engaged in the offense of prostitution or sexual solicitation may be subject to delinquency proceedings only if the division finds delinquency proceedings are in the best interest of the child; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-10-1302, as last amended by Laws of Utah 2015, Chapter 363



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

29 Section 1. Section **76-10-1302** is amended to read:

30 **76-10-1302. Prostitution -- Referral of a minor to social services.**

31 (1) An individual is guilty of prostitution when the individual:

32 (a) engages in any sexual activity with another individual for a fee, or the functional
33 equivalent of a fee;

34 (b) is an inmate of a house of prostitution; or

35 (c) loiters in or within view of any public place for the purpose of being hired to
36 engage in sexual activity.

37 (2) (a) Except as provided in Subsection (2)(b) or Section **76-10-1309**, prostitution is a
38 class B misdemeanor.

39 (b) Except as provided in Section **76-10-1309**, an individual who is convicted a second
40 time, and on all subsequent convictions, of a subsequent offense of prostitution under this
41 section or under a local ordinance adopted in compliance with Section **76-10-1307**, is guilty of
42 a class A misdemeanor.

43 (3) (a) As used in this Subsection (3):

44 (i) "Child" [~~is as~~] means the same as that term is defined in Section **76-10-1301**.

45 (ii) "Child engaged in prostitution" means a child who engages in conduct described in
46 Subsection (1).

47 (iii) "Child engaged in sexual solicitation" means a child who offers or agrees to
48 commit or engage in any sexual activity with another person for a fee under Subsection
49 **76-10-1313(1)(a)** or (c).

50 (iv) "Division" means the Division of Child and Family Services created in Section
51 **62A-4a-103**.

52 (v) "Receiving center" [~~is as~~] means the same as that term is defined in Section
53 **62A-7-101**.

54 (b) Upon encountering a child engaged in prostitution or sexual solicitation, a law
55 enforcement officer shall:

56 (i) conduct an investigation;

57 (ii) refer the child to the division;

58 (iii) if an arrest is made, bring the child to a receiving center, if available; and

- 59 (iv) contact the child's parent or guardian, if practicable.
- 60 (c) If a law enforcement officer refers a child to the division under Subsection
- 61 (3)(b)(ii), the division shall:
 - 62 (i) check the division's records to verify whether law enforcement referred the child to
 - 63 the division under Subsection (3)(b)(ii) on a prior occasion; and
 - 64 (ii) provide the information described in Subsection (3)(c)(i) to the law enforcement
 - 65 officer to assist in conducting an investigation.
 - 66 (d) [~~H~~] When law enforcement has [~~not~~] referred the child to the division under
 - 67 Subsection (3)(b)(ii) [~~on at least one prior occasion;~~];
 - 68 (i) the division shall provide services to the child under Title 62A, Chapter 4a, Child
 - 69 and Family Services; and
 - 70 (ii) the child is exempt from delinquency proceedings under Title 62A, Chapter 7,
 - 71 Juvenile Justice Services, and Sections 78A-6-601 through Section 78A-6-704, unless the
 - 72 division determines that the best interest of the child would be served through delinquency
 - 73 proceedings.
 - 74 [~~(e) If law enforcement has referred the child to the division under Subsection (3)(b)(ii)~~
 - 75 ~~on at least one prior occasion the child may be subject to delinquency proceedings under Title~~
 - 76 ~~62A, Chapter 7, Juvenile Justice Services, and Section 78A-6-601 through Section 78A-6-704.]~~

Legislative Review Note
Office of Legislative Research and General Counsel