

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

29 Section 1. Section **76-5-402.1** is amended to read:

30 **76-5-402.1. Rape of a child.**

31 (1) A person commits rape of a child when the person has sexual intercourse with a
32 child who is under the age of 14.

33 (2) Rape of a child is a first degree felony punishable by a term of imprisonment of:

34 (a) except as provided in [~~Subsection~~] Subsections (2)(b) and (4), not less than 25 years
35 and which may be for life; or

36 (b) life without parole, if the trier of fact finds that:

37 (i) during the course of the commission of the rape of a child, the defendant caused
38 serious bodily injury to another; or

39 (ii) at the time of the commission of the rape of a child the defendant was previously
40 convicted of a grievous sexual offense.

41 (3) Subsection (2)(b) does not apply if the defendant was younger than 18 years of age
42 at the time of the offense.

43 (4) If, when imposing a sentence under Subsection (2)(a), a court finds that a lesser
44 term than the term described in Subsection (2)(a) is in the interests of justice and states the
45 reasons for this finding on the record, the court may impose a term of imprisonment of not less
46 than:

47 (a) 15 years and which may be for life;

48 (b) 10 years and which may be for life; or

49 (c) six years and which may be for life.

50 [~~(4)~~] (5) ~~It~~→ [f] Imprisonment [f] ~~[Subject to Subsection (4), imprisonment]~~ ←~~It~~ under
50a this section is
51 mandatory in accordance with Section 76-3-406.

52 Section 2. Section **76-5-402.3** is amended to read:

53 **76-5-402.3. Object rape of a child -- Penalty.**

54 (1) A person commits object rape of a child when the person causes the penetration or
55 touching, however slight, of the genital or anal opening of a child who is under the age of 14 by
56 any foreign object, substance, instrument, or device, not including a part of the human body,
57 with intent to cause substantial emotional or bodily pain to the child or with the intent to arouse
58 or gratify the sexual desire of any person.

59 (2) Object rape of a child is a first degree felony punishable by a term of imprisonment
60 of:

61 (a) except as provided in [~~Subsection~~] Subsections (2)(b) and (4), not less than 25 years
62 and which may be for life; or

63 (b) life without parole, if the trier of fact finds that:

64 (i) during the course of the commission of the object rape of a child the defendant
65 caused serious bodily injury to another; or

66 (ii) at the time of the commission of the object rape of a child the defendant was
67 previously convicted of a grievous sexual offense.

68 (3) Subsection (2)(b) does not apply if the defendant was younger than 18 years of age
69 at the time of the offense.

70 (4) If, when imposing a sentence under Subsection (2)(a), a court finds that a lesser
71 term than the term described in Subsection (2)(a) is in the interests of justice and states the
72 reasons for this finding on the record, the court may impose a term of imprisonment of not less
73 than:

74 (a) 15 years and which may be for life;

75 (b) 10 years and which may be for life; or

76 (c) six years and which may be for life.

77 [~~(4)~~] (5) ~~H~~→ [f] Imprisonment [f] [~~Subject to Subsection (4), imprisonment~~] ←~~H~~ under
77a this section is

78 mandatory in accordance with Section 76-3-406.

79 Section 3. Section **76-5-403.1** is amended to read:

80 **76-5-403.1. Sodomy on a child.**

81 (1) A person commits sodomy upon a child if the actor engages in any sexual act upon
82 or with a child who is under the age of 14, involving the genitals or anus of the actor or the
83 child and the mouth or anus of either person, regardless of the sex of either participant.

84 (2) Sodomy upon a child is a first degree felony punishable by a term of imprisonment
85 of:

86 (a) except as provided in [~~Subsection~~] Subsections (2)(b) and (4), not less than 25 years
87 and which may be for life; or

88 (b) life without parole, if the trier of fact finds that:

89 (i) during the course of the commission of the sodomy upon a child the defendant

90 caused serious bodily injury to another; or

91 (ii) at the time of the commission of the sodomy upon a child, the defendant was
92 previously convicted of a grievous sexual offense.

93 (3) Subsection (2)(b) does not apply if the defendant was younger than 18 years of age
94 at the time of the offense.

95 (4) If, when imposing a sentence under Subsection (2)(a), a court finds that a lesser
96 term than the term described in Subsection (2)(a) is in the interests of justice and states the
97 reasons for this finding on the record, the court may impose a term of imprisonment of not less
98 than:

99 (a) 15 years and which may be for life;

100 (b) 10 years and which may be for life; or

101 (c) six years and which may be for life.

102 [~~4~~] (5) ~~H~~→ [f] Imprisonment [f] [~~Subject to Subsection (4), imprisonment~~] ←~~H~~ under
102a this section is

103 mandatory in accordance with Section 76-3-406.

104 Section 4. Section **77-41-105** is amended to read:

105 **77-41-105. Registration of offenders -- Offender responsibilities.**

106 (1) An offender convicted by any other jurisdiction is required to register under
107 Subsection (3) and Subsection 77-41-102(9) or (17). The offender shall register with the
108 department within 10 days of entering the state, regardless of the offender's length of stay.

109 (2) (a) An offender required to register under Subsection 77-41-102(9) or (17) who is
110 under supervision by the department shall register in person with Division of Adult Probation
111 and Parole.

112 (b) An offender required to register under Subsection 77-41-102(9) or (17) who is no
113 longer under supervision by the department shall register in person with the police department
114 or sheriff's office that has jurisdiction over the area where the offender resides.

115 (3) (a) Except as provided in Subsections (3)(b), (c), and (4), and Section 77-41-106,
116 an offender shall, for the duration of the sentence and for 10 years after termination of sentence
117 or custody of the division, register every year during the month of the offender's date of birth,
118 during the month that is the sixth month after the offender's birth month, and also within three
119 business days of every change of the offender's primary residence, any secondary residences,
120 place of employment, vehicle information, or educational information required to be submitted