

Senator Todd Weiler proposes the following substitute bill:

CRIMINAL PENALTY ENHANCEMENTS FOR SEXUAL OFFENSES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin L. Fawson

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill enacts provisions to enhance penalties related to sexual offenses without the consent of the victim when the actor is infected with Human Immunodeficiency Virus

~~§~~ [or] , ~~§~~ Acquired Immunodeficiency Virus ~~§~~ , hepatitis B, or hepatitis C ~~§~~ .

Highlighted Provisions:

This bill:

▶ enacts provisions to enhance the classification of a sexual offense if the actor was infected with Human Immunodeficiency Virus ~~§~~ [or] , ~~§~~ Acquired Immunodeficiency Virus ~~§~~ , hepatitis B, or hepatitis C ~~§~~ .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-3-203.12, Utah Code Annotated 1953

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



26 Section 1. Section 76-3-203.12 is enacted to read:

27 76-3-203.12. Enhanced penalty for sexual offenses committed by a person with
28 Human Immunodeficiency Virus ~~§~~ [or] , ~~§~~ Acquired Immunodeficiency Virus ~~§~~ ,
28a hepatitis B, or hepatitis C ~~§~~ .

29 (1) A person convicted of a sexual offense described in Chapter 5, Part 4, Sexual
30 Offenses, is subject to an enhanced penalty if at the time of the sexual offense the person was
31 infected with Human Immunodeficiency Virus ~~§~~ [or] , ~~§~~ Acquired Immunodeficiency Virus
31a ~~§~~ , hepatitis B, or hepatitis C ~~§~~ and the
32 person knew of the infection.

33 (2) (a) Except as provided in Subsection (2)(b), the enhancement of a penalty described
34 in Subsection (1) shall be an enhancement of one classification higher than the root offense for
35 which the person was convicted.

36 (b) A felony of the first degree is not enhanced under this section.