

**CRIMINAL PENALTY ENHANCEMENTS FOR SEXUAL OFFENSES**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Justin L. Fawson**

Senate Sponsor: Todd Weiler

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**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, 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, 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

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

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

**76-3-203.12. Enhanced penalty for sexual offenses committed by a person with Human Immunodeficiency Virus, Acquired Immunodeficiency Virus, hepatitis B, or hepatitis C.**

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

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

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