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

Section 1. Section **76-5b-204** is enacted to read:

76-5b-204. Sexual extortion -- Penalties.

(1) As used in this section:

(a) "Adult" means an individual 18 years of age or older.

(b) "Child" means any individual under the age of 18.

(c) "Distribute" means the same as that term is defined in Section [76-5b-203](#).

(d) "Intimate image" means the same as that term is defined in Section [76-5b-203](#).

(e) "Position of special trust" means the same as that term is defined in Section [76-5-401.1](#).

(f) "Sexually explicit conduct" means the same as that term is defined in Subsection [76-5b-203\(1\)\(c\)](#).

(g) "Simulated sexually explicit conduct" means the same as that term is defined in Section [76-5b-203](#).

(h) "Vulnerable adult" means the same as that term is defined in Section [76-5-111](#).

(2) An individual ~~§~~ → **who is 18 years old or older** ← ~~§~~ commits the offense of sexual extortion if the individual:

(a) with an intent to coerce a victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute an image, video, or other recording of any individual naked or engaged in sexually explicit conduct, communicates in person or by electronic means a threat:

(i) to the victim's person, property, or reputation; or

(ii) to distribute an intimate image or video of the victim; or

(b) knowingly causes a victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute any image, video, or other recording of any individual naked or engaged in sexually explicit conduct ~~§~~ → [:] by **means of a threat:**

(i) **to the victim's person, property, or reputation; or**

(ii) **to distribute an intimate image or video of the victim.** ← ~~§~~

(3) (a) Sexual extortion is a third degree felony.

(b) Aggravated sexual extortion of an adult is a second degree felony.

(c) Aggravated sexual extortion of a child or a vulnerable adult is a first degree felony.

(4) An individual commits aggravated sexual extortion when, in conjunction with the offense described in Subsection (2), any of the following circumstances have been charged and

59 admitted or found true in the action for the offense:

60 (a) the victim is a child or vulnerable adult;

61 (b) the offense was committed by the use of a dangerous weapon, as defined in Section
62 76-1-601, or by violence, intimidation, menace, fraud, or threat of physical harm, or was

63 committed during the course of a kidnapping;

64 (c) the individual caused bodily injury or severe psychological injury to the victim
65 during or as a result of the offense;

66 (d) the individual was a stranger to the victim or became a friend of the victim for the
67 purpose of committing the offense;

68 (e) the individual, before sentencing for the offense, was previously convicted of any
69 sexual offense;

70 (f) the individual occupied a position of special trust in relation to the victim;

71 (g) the individual encouraged, aided, allowed, or benefitted from acts of prostitution or
72 sexual acts by the victim with any other individual, or sexual performance by the victim before
73 any other individual, human trafficking, or human smuggling; or

74 (h) the individual caused the penetration, however slight, of the genital or anal opening
75 of the victim by any part or parts of the human body, or by any other object.

76 (5) An individual commits a separate offense under this section:

77 (a) for each victim the individual subjects to the offense outlined in Subsection (2); and

78 (b) for each separate time the individual subjects a victim to the offense outlined

79 Subsection (2).

80 (6) This section does not preclude an individual from being charged and convicted of a
81 separate criminal act if the individual commits the separate criminal act while the individual
82 violates or attempts to violate this section.

82a **§→ (7) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to**
82b **liability under this section related to content provided by a user of the interactive computer**
82c **service. ←§**

83 Section 2. Section 77-41-102 is amended to read:

84 **77-41-102. Definitions.**

85 As used in this chapter:

86 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public
87 Safety established in section 53-10-201.

88 (2) "Business day" means a day on which state offices are open for regular business.

89 (3) "Certificate of eligibility" means a document issued by the Bureau of Criminal