

LEWDNESS STATUTE MODIFICATION

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Walt Brooks**

Senate Sponsor: Deidre M. Henderson

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**LONG TITLE**

**General Description:**

This bill modifies a provision relating to the offense of lewdness involving a child.

**Highlighted Provisions:**

This bill:

► modifies language relating to the actions that constitute the offense of lewdness involving a child.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-9-702.5**, as last amended by Laws of Utah 2013, Chapter 278

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

Section 1. Section **76-9-702.5** is amended to read:

**76-9-702.5. Lewdness involving a child.**

(1) As used in this section, "in the presence of" includes within visual contact through an electronic device.

[(+)] (2) A person is guilty of lewdness involving a child if the person under circumstances not amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse of a child, aggravated sexual abuse of a child, or an attempt to commit any of

30 those offenses, intentionally or knowingly:

31 (a) does any of the following [~~to, or~~] in the presence of[;] a child who is under 14 years  
32 of age:

33 [~~(a)~~] (i) performs an act of sexual intercourse or sodomy;

34 [~~(b)~~] (ii) exposes his or her genitals, the female breast below the top of the areola, the  
35 buttocks, the anus, or the pubic area:

36 [~~(i)~~] (A) in a public place; or

37 [~~(ii)~~] (B) in a private place[~~:(A)~~] under circumstances the person should know will  
38 likely cause affront or alarm[~~:(B)~~] or with the intent to arouse or gratify the sexual desire of  
39 the actor or the child;

40 [~~(c)~~] (iii) masturbates; or

41 (iv) performs any other act of lewdness; or

42 [~~(d)~~] (b) under circumstances not amounting to sexual exploitation of a child under  
43 Section [76-5b-201](#), causes a child under the age of 14 years to expose his or her genitals, anus,  
44 or breast, if female, to the actor, with the intent to arouse or gratify the sexual desire of the  
45 actor or the child[~~:(or)~~].

46 [~~(e)~~ ~~performs any other act of lewdness.~~]

47 [~~(2)~~] (3) (a) Lewdness involving a child is a class A misdemeanor, except under  
48 Subsection [~~(2)~~] (3)(b).

49 (b) Lewdness involving a child is a third degree felony if at the time of the violation:

50 (i) the person is a sex offender as defined in Section [77-27-21.7](#); or

51 (ii) the person has previously been convicted of a violation of this section.