

59 (i) sexual extortion is a class A misdemeanor.

60 (ii) aggravated sexual extortion is a third degree felony ~~§~~ → if there is more than a two-
60a year age gap between the actor and the victim ~~←§~~ .

61 ~~§~~ → [(iii) aggravated sexual extortion of a victim under 14 years old is a second degree
62 felony:] ~~←§~~

63 (4) An [individual] actor commits aggravated sexual extortion when, in conjunction
64 with the offense described in Subsection (2), any of the following circumstances have been
65 charged and admitted or found true in the action for the offense:

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

67 (b) the offense was committed by the use of a dangerous weapon, as defined in Section
68 76-1-601, or by violence, intimidation, menace, fraud, or threat of physical harm, or was
69 committed during the course of a kidnapping;

70 (c) the [individual] actor caused bodily injury or severe psychological injury to the
71 victim during or as a result of the offense;

72 (d) the [individual] actor was a stranger to the victim or became a friend of the victim
73 for the purpose of committing the offense;

74 (e) the [individual] actor, before sentencing for the offense, was previously convicted
75 of any sexual offense;

76 (f) the [individual] actor occupied a position of special trust in relation to the victim;

77 (g) the [individual] actor encouraged, aided, allowed, or benefitted from acts of
78 prostitution or sexual acts by the victim with any other individual, or sexual performance by the
79 victim before any other individual, human trafficking, or human smuggling; or

80 (h) the [individual] actor caused the penetration, however slight, of the genital or anal
81 opening of the victim by any part or parts of the human body, or by any other object.

82 (5) An [individual] actor commits a separate offense under this section:

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

84 (b) for each separate time the individual subjects a victim to the offense outlined
85 Subsection (2).

86 (6) This section does not preclude an [individual] actor from being charged and
87 convicted of a separate criminal act if the [individual] actor commits the separate criminal act
88 while the [individual] actor violates or attempts to violate this section.

89 (7) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to