

PROTECTION AGAINST EXTORTION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Stephen L. Whyte

LONG TITLE

General Description:

This bill expands sexual extortion to include the extortion of items of value.

Highlighted Provisions:

This bill:

- expands sexual extortion to include extortion for money or other valuables.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5b-204, as enacted by Laws of Utah 2017, Chapter 434

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

Section 1. Section 76-5b-204 is amended 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.



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

29 (e) "Position of special trust" means the same as that term is defined in Section
30 76-5-401.1.

31 (f) "Sexually explicit conduct" means the same as that term is defined in Subsection
32 76-5b-203(1)(c).

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

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

36 (2) An [~~individual who is 18 years old or older~~] actor commits the offense of sexual
37 extortion if the [~~individual~~] actor:

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

- 42 (i) to the victim's person, property, or reputation; or
- 43 (ii) to distribute an intimate image or video of the victim; [~~or~~]

44 (b) knowingly causes a victim to engage in sexual contact, in sexually explicit conduct,
45 or in simulated sexually explicit conduct, or to produce, provide, or distribute any image,
46 video, or other recording of any individual naked or engaged in sexually explicit conduct by
47 means of a threat:

- 48 (i) to the victim's person, property, or reputation; or
- 49 (ii) to distribute an intimate image or video of the victim; or
- 50 (c) with the intent to obtain a thing of value from a victim communicates, by any
51 means, a threat to distribute an intimate image or video of the victim.

52 (3) (a) If the actor is an adult:

53 [~~(3)(a)~~] (i) [~~Sexual~~] sexual extortion is a third degree felony.

54 [~~(b)~~] (ii) [~~Aggravated~~] aggravated sexual extortion of an adult is a second degree
55 felony.

56 [~~(c)~~] (iii) [~~Aggravated~~] aggravated sexual extortion of a child or a vulnerable adult is a
57 first degree felony.

58 (b) If the actor is a child:

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

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

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

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

90 liability under this section related to content provided by a user of the interactive computer
91 service.