

26 *The following section is affected by a coordination clause at the end of this bill.*

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

28 **76-9-702.5. Lewdness involving a child.**

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

31 (2) ~~[A person is guilty of]~~ An actor commits lewdness involving a child if the ~~[person]~~
32 actor, under circumstances not amounting to rape of a child, object rape of a child, sodomy
33 upon a child, sexual abuse of a child, aggravated sexual abuse of a child, or an attempt to
34 commit any of those offenses, intentionally or knowingly:

35 (a) does any of the following in the presence of a child who is under 14 years ~~[of age]~~
36 old:

37 (i) performs an act of sexual intercourse or sodomy;

38 (ii) exposes ~~[his or her]~~ the actor's genitals, ~~[the]~~ female breast below the top of the
39 areola, ~~[the]~~ buttocks, ~~[the]~~ anus, or ~~[the]~~ pubic area:

40 (A) in a public place; or

41 (B) in a private place under circumstances the ~~[person]~~ actor should know will likely
42 cause affront or alarm or with the intent to arouse or gratify the sexual desire of the actor or the
43 child; or

44 (iii) masturbates; ~~[or]~~

45 ~~[(iv) performs any other act of lewdness; or]~~

46 (b) does any of the following in the presence of a child who is under 14 years old with
47 the intent to cause affront or alarm ~~to the actor~~ **to the child** ~~or the actor~~ or with the intent to arouse or gratify the
47a sexual desire of the
48 actor or the child:

49 (i) simulates masturbation;

50 (ii) performs an act of simulated intercourse or sodomy;

51 (iii) displays the actor's male genitals or prosthetic male genitals in a discernibly turgid
52 state, even if completely and opaquely covered;

53 (iv) engages in erotic touching of the actor's nude breast, regardless of the actor's sex or
54 how the breast was developed or created; or

55 (v) involves a child in an act that would lead a reasonable person to conclude that the
56 child is engaging in an act of: