

Representative Ken Ivory proposes the following substitute bill:

SEXUAL ABUSE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses certain sexual crimes.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the crime of ritual abuse of a minor;
- ▶ amends the crimes of rape of a child, object rape of a child, and sodomy on a child;
- ▶ addresses civil statutes of limitation for certain sex crimes; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-1-301, as last amended by Laws of Utah 2022, Chapter 181

76-3-406, as last amended by Laws of Utah 2023, Chapter 184

76-5-402.1, as last amended by Laws of Utah 2022, Chapter 181



26 [76-5-402.3](#), as last amended by Laws of Utah 2022, Chapter 181

27 [76-5-403.1](#), as last amended by Laws of Utah 2022, Chapter 181

28 [76-5-404.3](#), as enacted by Laws of Utah 2022, Chapter 181

29 ENACTS:

30 [76-5-109.4](#), Utah Code Annotated 1953

31 [78B-2-402](#), Utah Code Annotated 1953

32 RENUMBERS AND AMENDS:

33 [78B-2-401](#), (Renumbered from 78B-2-119, as enacted by Laws of Utah 2022, Chapter
34 474)

35 REPEALS:

36 [78B-2-308](#), as last amended by Laws of Utah 2022, Chapter 430

37

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

39 Section 1. Section **76-1-301** is amended to read:

40 **76-1-301. Offenses for which prosecution may be commenced at any time.**

41 (1) As used in this section:

42 (a) "Aggravating offense" means any offense incident to which a homicide was
43 committed as described in Subsection [76-5-202\(2\)\(a\)\(iv\)](#) or (v) or Subsection [76-5-202\(2\)\(b\)](#).

44 (b) "Predicate offense" means an offense described in Subsection [76-5-203\(1\)\(a\)](#) if a
45 person other than a party as defined in Section [76-2-202](#) was killed in the course of the
46 commission, attempted commission, or immediate flight from the commission or attempted
47 commission of the offense.

48 (2) Notwithstanding any other provisions of this code, prosecution for the following
49 offenses may be commenced at any time:

50 (a) an offense classified as a capital felony as described in Section [76-3-103](#);

51 (b) ritual abuse of a minor as described in Section [76-5-109.4](#);

52 [~~(b)~~] (c) aggravated murder as described in Section [76-5-202](#);

53 [~~(c)~~] (d) murder as described in Section [76-5-203](#);

54 [~~(d)~~] (e) manslaughter as described in Section [76-5-205](#);

55 [~~(e)~~] (f) child abuse homicide as described in Section [76-5-208](#);

56 [~~(f)~~] (g) aggravated kidnapping as described in Section [76-5-302](#);

- 57 ~~[(g)]~~ (h) child kidnapping as described in Section 76-5-301.1;
58 ~~[(h)]~~ (i) rape as described in Section 76-5-402;
59 ~~[(i)]~~ (j) rape of a child as described in Section 76-5-402.1;
60 ~~[(j)]~~ (k) object rape as described in Section 76-5-402.2;
61 ~~[(k)]~~ (l) object rape of a child as described in Section 76-5-402.3;
62 ~~[(l)]~~ (m) forcible sodomy as described in Section 76-5-403;
63 ~~[(m)]~~ (n) sodomy on a child as described in Section 76-5-403.1;
64 ~~[(n)]~~ (o) sexual abuse of a child as described in Section 76-5-404.1;
65 ~~[(o)]~~ (p) aggravated sexual abuse of a child as described in Section 76-5-404.3;
66 ~~[(p)]~~ (q) aggravated sexual assault as described in Section 76-5-405;
67 ~~[(q)]~~ (r) any predicate offense to a murder or aggravating offense to an aggravated
68 murder;
69 ~~[(r)]~~ (s) aggravated human trafficking [~~or aggravated human smuggling in violation of~~]
70 as described in Section 76-5-310;
71 (t) aggravated human smuggling as described in Section 76-5-310.1;
72 ~~[(s)]~~ (u) aggravated exploitation of prostitution involving a child~~[-under]~~ as described
73 in Section 76-10-1306; or
74 ~~[(t)]~~ (v) human trafficking of a child~~[-under]~~ as described in Section 76-5-308.5.
75 Section 2. Section **76-3-406** is amended to read:
76 **76-3-406. Crimes for which probation, suspension of sentence, lower category of**
77 **offense, or hospitalization may not be granted.**
78 (1) Notwithstanding Sections 76-3-201 and 77-18-105 and Title 77, Chapter 16a,
79 Commitment and Treatment of Individuals with a Mental Condition, and except as provided in
80 Section 76-5-406.5 or Subsection 77-16a-103(6) or (7), a court may not grant probation [~~may~~
81 ~~not be granted~~], suspend the execution or imposition of a sentence [~~may not be suspended, the~~
82 ~~court may not~~], enter a judgment for a lower category of offense, [~~and~~] or order hospitalization
83 [~~may not be ordered~~], if the effect of which would in any way shorten the prison sentence for
84 an [~~individual~~] actor who commits:
85 (a) a capital felony or a first degree felony involving:
86 ~~[(a)]~~ (i) [~~Section 76-5-202;~~] aggravated murder as described in Section 76-5-202;
87 ~~[(b)]~~ (ii) [~~Section 76-5-203;~~] murder as described in Section 76-5-203;

88 ~~[(e)]~~ (iii) [~~Section 76-5-301.1, child kidnaping~~] child kidnapping as described in
 89 Section 76-5-301.1;

90 ~~[(d)]~~ (iv) [~~Section 76-5-302, aggravated kidnaping~~] aggravated kidnapping as described
 91 in Subsection 76-5-302(3)(b);

92 ~~[(e)]~~ (v) [~~Section 76-5-402, rape, if the individual is sentenced under~~] rape as described
 93 in Subsection 76-5-402(3)(b), (3)(c), or (4);

94 ~~[(f)]~~ (vi) [~~Section 76-5-402.1;~~] rape of a child as described in Section 76-5-402.1;

95 ~~[(g)]~~ (vii) [~~Section 76-5-402.2, object rape, if the individual is sentenced under~~] object
 96 rape as described in Subsection 76-5-402.2(3)(b), (3)(c), or (4);

97 ~~[(h)]~~ (viii) [~~Section 76-5-402.3;~~] object rape of a child as described in Section
 98 76-5-402.3;

99 ~~[(i)]~~ (ix) [~~Section 76-5-403, forcible sodomy, if the individual is sentenced under~~]
 100 forcible sodomy as described in Subsection 76-5-403(3)(b), (3)(c), or (4);

101 ~~[(j)]~~ (x) [~~Section 76-5-403.1;~~] sodomy on a child as described in Section 76-5-403.1;

102 ~~[(k)]~~ (xi) [~~Section 76-5-404, forcible sexual abuse, if the individual is sentenced under~~]
 103 forcible sexual abuse as described in Subsection 76-5-404(3)(b)(i) or (ii);

104 ~~[(l)]~~ (xii) [~~Section 76-5-404.3;~~] aggravated sexual abuse of a child as described in
 105 Section 76-5-404.3; or

106 ~~[(m)]~~ (xiii) [~~Section 76-5-405;~~] aggravated sexual assault~~[-or]~~ as described in Section
 107 76-5-405.

108 ~~[(n)]~~ (xiv) any attempt to commit a felony listed in Subsection [~~(1)(f), (h), or (j)~~]
 109 (1)(a)(vi), (viii), or (x); or

110 (b) a second degree felony involving ritual abuse of a minor as described in Section
 111 76-5-109.4.

112 (2) Except for an offense before the district court in accordance with Section 80-6-502
 113 or 80-6-504, the provisions of this section do not apply if the sentencing court finds that the
 114 [defendant] actor:

115 (a) was under 18 years old at the time of the offense; and

116 (b) could have been adjudicated in the juvenile court but for the delayed reporting or
 117 delayed filing of the information.

118 Section 3. Section 76-5-109.4 is enacted to read:

119 76-5-109.4. Ritual abuse of a child.

120 (1) (a) As used in this section:

121 (i) "Child" means an individual who is younger than 18 years old.

122 (ii) "Organic substance or material" means:

123 (A) human bones, blood, or flesh; or

124 (B) human or animal vomit, saliva, urine, semen, fecal material, or other bodily
125 secretion.

126 (iii) "Ritual" means an event or act or a series of events or acts marked by specific
127 actions, gestures, or words, designed to commemorate, celebrate, or solemnize a particular
128 occasion or significance in a religious, cultural, social, institutional, or other context.

129 (b) Terms defined in Section 76-1-101.5 apply to this section.

130 (2) An actor commits ritual abuse of a child if the actor, as part of a ritual, intentionally
131 or knowingly:

132 (a) (i) causes a child to participate in or witness:

133 (A) the torture, mutilation, or sacrifice of an animal;

134 (B) the dissection, mutilation, or incineration of a human corpse;

135 (C) the causing of serious bodily injury to an individual;

136 (D) bestiality;

137 (E) sadistic or masochistic activities;

138 (F) the ingestion or external application of an organic substance or material; or

139 (G) an activity that would constitute a criminal offense;

140 (ii) causes a child to:

141 (A) enter a coffin or open grave containing a human corpse or remains;

142 (B) participate in a mock, unauthorized, or unlawful marriage ceremony as an
143 individual being married to another individual or a fictional representation; or

144 (C) ingest, inject, or otherwise intake a chemical compound, narcotic, drug,
145 hallucinogen, or anesthetic;

146 (iii) threatens a child, or the child's parents, family, pets, or friends with death, serious
147 bodily injury, or other criminal activity;

148 (iv) deprives a child of sleep, food, or water;

149 (v) binds or confines a child; or

150 (vi) otherwise acts to cause to arouse or gratify the sexual desire of any individual; and
151 (b) causes substantial psychological distress or bodily injury to a child through the
152 actions described in Subsection (2)(a).

153 (3) A violation of Subsection (2) is a second degree felony.

154 (4) An actor is not guilty of an offense under this section for conduct that constitutes:

155 (a) legitimate medical care and any related ritual to the legitimate medical care;

156 (b) reasonable discipline or management of a child, including withholding privileges;

157 (c) conduct described in Section [76-2-401](#); or

158 (d) the use of reasonable and necessary physical restraint or force on a child:

159 (i) in self-defense;

160 (ii) in defense of others;

161 (iii) to protect the child; or

162 (iv) to remove a weapon in the possession of a child for any of the reasons described in
163 Subsections (4)(d)(i) through (iii).

164 (5) Imprisonment under this section is mandatory in accordance with Section [76-3-406](#).

165 Section 4. Section **76-5-402.1** is amended to read:

166 **76-5-402.1. Rape of a child -- Penalties.**

167 (1) (a) "Ritual" means the same as that term is defined in Section [76-5-109.4](#).

168 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

169 (2) (a) An actor commits rape of a child if the actor has sexual intercourse with an
170 individual who is younger than 14 years old.

171 (b) Any touching, however slight, is sufficient to constitute the relevant element of a
172 violation of Subsection (2)(a).

173 (3) A violation of Subsection (2) is a first degree felony punishable by a term of
174 imprisonment of:

175 (a) except as provided in Subsections (3)(b) and (5), not less than 25 years and which
176 may be for life; or

177 (b) life without parole, if the trier of fact finds that:

178 (i) during the course of the commission of the rape of a child, the [~~defendant~~] actor
179 caused serious bodily injury to the victim;

180 (ii) the actor committed the rape of a child as part of a ritual or a training or practice to

181 perform a ritual; or

182 [(~~ii~~)] (iii) at the time of the commission of the rape of a child the [~~defendant~~] actor was
183 previously convicted of a grievous sexual offense.

184 (4) Subsection (3)(b) does not apply if the [~~defendant~~] actor was younger than 18 years
185 old at the time of the offense.

186 (5) (a) When imposing a sentence under Subsections (3)(a) and (5)(b), a court may
187 impose a term of imprisonment under Subsection (5)(b) if:

- 188 (i) it is a first time offense for the [~~defendant~~] actor under this section;
- 189 (ii) the [~~defendant~~] actor was younger than 21 years old at the time of the offense; and
- 190 (iii) the court finds that a lesser term than the term described in Subsection (3)(a) is in
191 the interests of justice under the facts and circumstances of the case, including the age of the
192 victim, and states the reasons for this finding on the record.

193 (b) If the conditions of Subsection (5)(a) are met, the court may impose a term of
194 imprisonment of not less than:

- 195 (i) 15 years and which may be for life;
- 196 (ii) 10 years and which may be for life; or
- 197 (iii) six years and which may be for life.

198 (6) Imprisonment under this section is mandatory in accordance with Section [76-3-406](#).
199 Section 5. Section **76-5-402.3** is amended to read:

200 **76-5-402.3. Object rape of a child -- Penalty.**

201 (1) (a) "Ritual" means the same as that term is defined in Section [76-5-109.4](#).

202 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

203 (2) (a) An actor commits object rape of a child if:

204 (i) the actor causes the penetration or touching, however slight, of the genital or anal
205 opening of the individual by, except as provided in Subsection (2)(b):

- 206 (A) a foreign object;
- 207 (B) a substance;
- 208 (C) an instrument; or
- 209 (D) a device;

210 (ii) the actor:

211 (A) intends to cause substantial emotional or bodily pain to the individual; or

212 (B) intends to arouse or gratify the sexual desire of any individual; and
213 (iii) the individual described in Subsection (2)(a)(i) is younger than 14 years old.
214 (b) Subsection (2)(a) does not include penetration or touching by a part of the human
215 body.

216 (3) (a) A violation of Subsection (2) is a first degree felony punishable by a term of
217 imprisonment of:

218 (i) except as provided in Subsections (3)(a)(ii) and (4), not less than 25 years and
219 which may be for life; or

220 (ii) life without parole, if the trier of fact finds that:

221 (A) during the course of the commission of the object rape of a child the [~~defendant~~]
222 actor caused serious bodily injury to the victim;

223 (B) the actor committed the object rape of a child as part of a ritual or a training or
224 practice to perform a ritual; or

225 [~~(B)~~] (C) at the time of the commission of the object rape of a child the [~~defendant~~]
226 actor was previously convicted of a grievous sexual offense.

227 (b) Subsection (3)(a)(ii) does not apply if the [~~defendant~~] actor was younger than 18
228 years old at the time of the offense.

229 (4) (a) When imposing a sentence under Subsections (3)(a)(i) and (4)(b), a court may
230 impose a term of imprisonment under Subsection (4)(b) if:

231 (i) it is a first time offense for the [~~defendant~~] actor under this section;

232 (ii) the [~~defendant~~] actor was younger than 21 years old at the time of the offense; and

233 (iii) the court finds that a lesser term than the term described in Subsection (3)(a)(i) is
234 in the interests of justice under the facts and circumstances of the case, including the age of the
235 victim, and states the reasons for this finding on the record.

236 (b) If the conditions of Subsection (4)(a) are met, the court may impose a term of
237 imprisonment of not less than:

238 (i) 15 years and which may be for life;

239 (ii) 10 years and which may be for life; or

240 (iii) six years and which may be for life.

241 (5) Imprisonment under this section is mandatory in accordance with Section [76-3-406](#).

242 Section 6. Section **76-5-403.1** is amended to read:

243 **76-5-403.1. Sodomy on a child -- Penalties.**

244 (1) (a) "Ritual" means the same as that term is defined in Section [76-5-109.4](#).

245 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

246 (2) (a) An actor commits sodomy on a child if:

247 (i) the actor engages in any sexual act upon or with another individual;

248 (ii) the individual is younger than 14 years old; and

249 (iii) the sexual act involves the genitals or anus of the actor or the individual and the
250 mouth or anus of either the actor or individual.

251 (b) Any touching, even if accomplished through clothing, is sufficient to constitute the
252 relevant element of a violation of Subsection (2)(a).

253 (3) A violation of Subsection (2)(a) is a first degree felony punishable by a term of
254 imprisonment of:

255 (a) except as provided in Subsections (3)(b) and (5), not less than 25 years and which
256 may be for life; or

257 (b) life without parole, if the trier of fact finds that:

258 (i) during the course of the commission of the sodomy on a child the [~~defendant~~] actor
259 caused serious bodily injury to the victim;

260 (ii) the actor committed the act as part of a ritual or a training or practice to perform a
261 ritual; or

262 [~~(ii)~~] (iii) at the time of the commission of the sodomy on a child, the [~~defendant~~] actor
263 was previously convicted of a grievous sexual offense.

264 (4) Subsection (3)(b) does not apply if the [~~defendant~~] actor was younger than 18 years
265 old at the time of the offense.

266 (5) (a) When imposing a sentence under Subsections (3)(a) and (5)(b), a court may
267 impose a term of imprisonment under Subsection (5)(b) if:

268 (i) it is a first time offense for the [~~defendant~~] actor under this section;

269 (ii) the [~~defendant~~] actor was younger than 21 years old at the time of the offense; and

270 (iii) the court finds that a lesser term than the term described in Subsection (3)(a) is in
271 the interests of justice under the facts and circumstances of the case, including the age of the
272 victim, and states the reasons for this finding on the record.

273 (b) If the conditions of Subsection (5)(a) are met, the court may impose a term of

274 imprisonment of not less than:

275 (i) 15 years and which may be for life;

276 (ii) 10 years and which may be for life; or

277 (iii) six years and which may be for life.

278 (6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

279 Section 7. Section 76-5-404.3 is amended to read:

280 **76-5-404.3. Aggravated sexual abuse of a child -- Penalties.**

281 (1) (a) As used in this section:

282 (i) "Adult" means the same as that term is defined in Section 76-5-404.1.

283 (ii) "Child" means the same as that term is defined in Section 76-5-404.1.

284 (iii) "Position of special trust" means the same as that term is defined in Section
285 76-5-404.1.

286 (iv) "Ritual" means the same as that term is defined in Section 76-5-109.4.

287 (b) Terms defined in Section 76-1-101.5 apply to this section.

288 (2) (a) An actor commits aggravated sexual abuse of a child if, in conjunction with the
289 offense described in Subsection 76-5-404.1(2)(a), any of the following circumstances have
290 been charged and admitted or found true in the action for the offense:

291 (i) the actor committed the offense:

292 (A) by the use of a dangerous weapon;

293 (B) by force, duress, violence, intimidation, coercion, menace, or threat of harm; or

294 (C) during the course of a kidnaping;

295 (ii) the actor caused bodily injury or severe psychological injury to the child during or
296 as a result of the offense;

297 (iii) the actor was a stranger to the child or made friends with the child for the purpose
298 of committing the offense;

299 (iv) the actor used, showed, or displayed pornography or caused the child to be
300 photographed in a lewd condition during the course of the offense;

301 (v) the actor, prior to sentencing for this offense, was previously convicted of any
302 sexual offense;

303 (vi) the actor committed the same or similar sexual act upon two or more individuals at
304 the same time or during the same course of conduct;

305 (vii) the actor committed, in Utah or elsewhere, more than five separate acts, which if
306 committed in Utah would constitute an offense described in this chapter, and were committed
307 at the same time, or during the same course of conduct, or before or after the instant offense;

308 (viii) the actor occupied a position of special trust in relation to the child;

309 (ix) the actor encouraged, aided, allowed, or benefitted from acts of prostitution or
310 sexual acts by the child with any other individual, sexual performance by the child before any
311 other individual, human trafficking, or human smuggling;

312 (x) the actor committed the act as part of a ritual or of a training or practice to perform
313 a ritual; or

314 [~~(x)~~] (xi) the actor caused the penetration, however slight, of the genital or anal
315 opening of the child by any part or parts of the human body other than the genitals or mouth.

316 (b) Any touching, even if accomplished through clothing, is sufficient to constitute the
317 relevant element of a violation of Subsection (2)(a).

318 (3) Except as provided in Subsection (6), a violation of Subsection (2) is a first degree
319 felony punishable by a term of imprisonment of:

320 (a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and
321 which may be for life;

322 (b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact
323 finds that during the course of the commission of the aggravated sexual abuse of a child the
324 [~~defendant~~] actor caused serious bodily injury to another; or

325 (c) life without parole, if the trier of fact finds that at the time of the commission of the
326 aggravated sexual abuse of a child, the [~~defendant~~] actor was previously convicted of a
327 grievous sexual offense.

328 (4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a
329 lesser term than the term described in Subsection (3)(a) or (b) is in the interests of justice and
330 states the reasons for this finding on the record, the court may impose a term of imprisonment
331 of not less than:

332 (a) for purposes of Subsection (3)(b), 15 years and which may be for life; or

333 (b) for purposes of Subsection (3)(a) or (b):

334 (i) 10 years and which may be for life; or

335 (ii) six years and which may be for life.

336 (5) The provisions of Subsection (4) do not apply if [~~a defendant~~] an actor is sentenced
337 under Subsection (3)(c).

338 (6) Subsection (3)(b) or (3)(c) does not apply if the [~~defendant~~] actor was younger than
339 18 years old at the time of the offense.

340 (7) Imprisonment under this section is mandatory in accordance with Section 76-3-406.
341 Section 8. Section **78B-2-401**, which is renumbered from Section 78B-2-119 is
342 renumbered and amended to read:

343 **Part 4. Civil Actions Arising Out of Criminal Conduct**

344 [~~78B-2-119~~]. **78B-2-401. Statute of limitations for civil actions after**
345 **criminal proceeding.**

346 (1) As used in this section:

347 (a) "Cause of action" means [~~any~~] a civil claim that a victim [~~could~~] may bring against
348 a defendant for criminal conduct committed against the victim.

349 (b) "Criminal conduct" means [~~any~~] an act that is charged as a felony under:

350 (i) Title 76, Chapter 5, Offenses Against the Individual, except for conduct described in
351 Subsection 78B-2-402(1)(f); or

352 (ii) Title 76, Chapter 4, Inchoate Offenses, that is directly related to prohibited conduct
353 under Title 76, Chapter 5, Offenses Against the Individual, except for conduct described in
354 Subsection 78B-2-402(1)(f).

355 (c) "Victim" means an individual directly harmed by criminal conduct or the
356 individual's representative.

357 (2) (a) Notwithstanding any statute of limitations, a victim may bring a cause of action
358 arising out of criminal conduct if:

359 (i) the defendant to the cause of action was charged by a criminal complaint,
360 indictment, or information for that criminal conduct;

361 (ii) the cause of action is brought within one year [~~from~~] after the day on which a final
362 disposition for the criminal proceeding is issued;

363 (iii) the cause of action is brought to address any harm resulting from the criminal
364 conduct that was at issue in the criminal proceeding described in Subsection (2)(a)(ii); and

365 (iv) the applicable statute of limitations that would apply to the conduct at issue in the
366 cause of action did not expire before May 4, 2022.

367 (b) A defendant does not need to be convicted of the criminal conduct for an individual
368 to bring a cause of action under Subsection (2)(a).

369 (3) Subsection (2)(a) does not:

370 (a) shorten an applicable statute of limitations or an applicable tolling provision;

371 (b) toll or extend an applicable statute of limitations for an action that is brought
372 against an employer or former employer of a defendant described in Subsection (2)(a)(i); or

373 (c) require an insurer to defend or indemnify a defendant for a cause of action that
374 would otherwise be barred if not for Subsection (2)(a).

375 Section 9. Section **78B-2-402** is enacted to read:

376 **78B-2-402. Statute of limitations for civil actions arising out of sexual abuse.**

377 (1) As used in this section:

378 (a) "Cause of action" means a civil claim that a victim may bring against an individual
379 for sexual abuse committed against the victim.

380 (b) "Child" means an individual who is under 18 years old.

381 (c) "Discovers" means when an individual knows or should know that sexual abuse
382 occurred.

383 (d) (i) "Negligent sexual abuse" means when an individual fails to prevent the sexual
384 abuse of a child from occurring, or to report the sexual abuse of a child, when the individual
385 discovers the sexual abuse.

386 (ii) "Negligent sexual abuse" does not include the non reporting of sexual abuse of a
387 child by a member of the clergy or an attorney who is acting in accordance with Subsection
388 80-2-602(3).

389 (e) "Perpetrator" means an individual who commits sexual abuse.

390 (f) "Sexual abuse" means:

391 (i) rape under Section 76-5-402;

392 (ii) rape of a child under Section 76-5-402.1;

393 (iii) object rape under Section 76-5-402.2;

394 (iv) object rape of a child under Section 76-5-402.3;

395 (v) forcible sodomy under Section 76-5-403;

396 (vi) sodomy on a child under Section 76-5-403.1;

397 (vii) sexual abuse of a child under Section 76-5-404.1;

398 (viii) aggravated sexual abuse of a child under Section 76-5-404.3; or

399 (ix) aggravated sexual assault under Section 76-5-405.

400 (g) (i) "Victim" means an individual against whom sexual abuse is committed or
401 allegedly committed.

402 (ii) "Victim" does not include an individual whose claims are derived through another
403 individual against whom sexual abuse is committed or allegedly committed.

404 (2) (a) Notwithstanding other provisions of this code, a victim has a right of action at
405 any time against:

406 (i) a perpetrator of sexual abuse committed or allegedly committed against the victim;
407 or

408 (ii) an individual who would be criminally responsible under Section 76-2-202 for
409 sexual abuse committed or allegedly committed against the victim.

410 (b) A victim may only bring an action described in Subsection (2)(a) against an
411 individual for negligent sexual abuse within the later of four years after the day on which:

412 (i) the victim turns 18 years old; or

413 (ii) the victim discovers the sexual abuse.

414 (3) A victim may bring an action described in Subsection (2) regardless of whether
415 criminal charges are filed or the perpetrator is convicted of sexual abuse.

416 (4) For purposes of establishing the discovery of sexual abuse under Subsection
417 (2)(b)(ii):

418 (a) if there is more than one alleged act of sexual abuse in an action, the date of
419 discovery is computed from the day on which the victim discovers the last alleged act of sexual
420 abuse by the perpetrator; and

421 (b) the discovery by a parent or guardian of sexual abuse may not be imputed to a
422 victim who is a child at the time of the sexual abuse.

423 (5) (a) This section extends the statute of limitations for an action described in
424 Subsection (2) that is not time barred on or before May 1, 2024.

425 (b) This section does not revive an action that is time barred on or before May 1, 2024.

426 Section 10. **Repealer.**

427 This bill repeals:

428 Section **78B-2-308**, Legislative findings -- Civil actions for sexual abuse of a child --

429 **Window for revival of time barred claims.**

430 Section 11. **Effective date.**

431 This bill takes effect on May 1, 2024.