

Ryan D. Wilcox proposes the following substitute bill:

Child Sexual Abuse Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses an aggravating factor to certain sexual offenses that are committed against children.

Highlighted Provisions:

This bill:

▸ creates an aggravating factor for certain sexual offenses that are committed against a child if the actor:

- traveled more than 45 miles from the actor's residence to commit the offense; or
- paid a child to travel more than 45 miles from the child's residence for the actor to commit the offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-3-203.19, Utah Code Annotated 1953

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

Section 1. Section **76-3-203.19** is enacted to read:

76-3-203.19 . Aggravating factor if actor traveled to commit a child sexual offense.

(1) As used in this section:

(a) "Child sexual offense" means one of the following offenses:

(i) human trafficking of a child as described in Section 76-5-308.5;

(ii) unlawful sexual activity with a minor as described in Section 76-5-401;

- (iii) sexual abuse of a minor as described in Section 76-5-401.1;
- (iv) unlawful sexual conduct with a 16- or 17-year-old as described in Section 76-5-401.2;
- (v) rape of a child as described in Section 76-5-402.1;
- (vi) object rape of a child as described in Section 76-5-402.3;
- (vii) sodomy on a child as described in Section 76-5-403.1;
- (viii) sexual abuse of a child as described in Section 76-5-404.1;
- (ix) aggravated sexual abuse of a child as described in Section 76-5-404.3;
- (x) unlawful kissing of a child as described in Section 76-5-416.2; or
- (xi) unlawful kissing of a minor as described in Section 76-5-416.4.

(b) "Principal place of residence" means the single location where an individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning, as evidenced by:

- (i) the intent expressed by the individual; and
- (ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.

(2) For a defendant convicted of a child sexual offense, it is an aggravating factor if the sentencing court finds that the defendant:

- (a) traveled more than 45 miles from the defendant's principal place of residence for the purpose of the defendant committing, or attempting to commit, the child sexual offense; or
- (b) paid for, or otherwise facilitated, the victim to travel more than 45 miles from the victim's principal place of residence, for the purpose of the defendant committing, or attempting to commit, the child sexual offense.

(3) When sentencing a defendant convicted of a child sexual offense subject to the aggravating factor described in Subsection (2), the sentencing court shall consider the aggravating factor and include the aggravating factor in the judgment of commitment.

(4) In determining the length of imprisonment for a defendant imprisoned for a conviction of an offense against a child or minor subject to the aggravating factor described in Subsection (2), the Board of Pardons and Parole shall consider the aggravating factor.

Section 2. Effective date.

This bill takes effect on May 7, 2025.