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**Sexual Crime Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark A. Strong**

Senate Sponsor:

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**LONG TITLE**

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**General Description:**

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5 This bill addresses the sentence length for the crimes of rape, object rape, and forcible  
6 sodomy.

**Highlighted Provisions:**

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8 This bill:

9 ▶ defines terms;

10 ▶ amends the length of a sentence for the crimes of rape, object rape, and forcible sodomy if  
11 the actor committed the crime against an incapacitated adult; and

12 ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

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14 None

**Other Special Clauses:**

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16 None

**Utah Code Sections Affected:**

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18 AMENDS:

19 **76-5-402**, as last amended by Laws of Utah 2022, Chapter 181

20 **76-5-402.2**, as last amended by Laws of Utah 2022, Chapter 181

21 **76-5-403**, as last amended by Laws of Utah 2022, Chapter 181

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

24 Section 3. Section **76-5-402** is amended to read:

25 **76-5-402 . Rape.**

26 (1)(a) As used in this section, "incapacitated adult" means:

27 (i) an individual 14 years old or older with:

28 (A) an intellectual disease or defect;

29 (B) a physical disease or defect;

30 (C) a neurological disease or defect; or

- 31           (D) a cognitive disease or defect; and  
32           (ii) as a result of the disease or defect described in Subsection (1)(a)(i), the individual  
33           is unable to meet two or more of the following requirements:  
34           (A) appraise the nature of an act of sexual intercourse;  
35           (B) resist or escape an act of sexual intercourse; or  
36           (C) report an act of sexual intercourse committed against the individual.  
37       (b) Terms defined in Section 76-1-101.5 apply to this section.  
38       (2)(a) An actor commits rape if the actor has sexual intercourse with another individual  
39       without the individual's consent.  
40       (b) Any sexual penetration, however slight, is sufficient to constitute the relevant  
41       element of a violation of Subsection (2)(a).  
42       (c) This section applies whether or not the actor is married to the individual.  
43       (3) A violation of Subsection (2) is a felony of the first degree, punishable by a term of  
44       imprisonment of:  
45       (a) except as provided in Subsection (3)(b) or (c), not less than five years and which may  
46       be for life;  
47       (b) except as provided in Subsection (3)(c) or (4), 15 years and which may be for life, if  
48       the trier of fact finds that:  
49       (i) during the course of the commission of the rape the defendant caused serious  
50       bodily injury to the victim;[~~or~~]  
51       (ii) at the time of the commission of the rape, the defendant was younger than 18  
52       years old and was previously convicted of a grievous sexual offense; or  
53       (iii) the act committed by the actor described in Subsection (2) was committed  
54       against an incapacitated adult; or  
55       (c) life without parole, if the trier of fact finds that at the time of the commission of the  
56       rape the defendant was previously convicted of a grievous sexual offense.  
57       (4) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term  
58       than the term described in Subsection (3)(b) is in the interests of justice and states the  
59       reasons for this finding on the record, the court may impose a term of imprisonment of  
60       not less than:  
61       (a) 10 years and which may be for life; or  
62       (b) six years and which may be for life.  
63       (5) The provisions of Subsection (4) do not apply when a defendant is sentenced under  
64       Subsection (3)(a) or (c).

65 (6) Imprisonment under Subsection (3)(b), (3)(c), or (4) is mandatory in accordance with  
66 Section 76-3-406.

67 Section 2. Section **76-5-402.2** is amended to read:

68 **76-5-402.2 . Object rape.**

69 (1)(a) As used in this section, "incapacitated adult" means the same as that term is  
70 defined in Section 76-5-402.

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

72 (2) An actor commits object rape if:

73 (a) the actor:

74 (i) acts without an individual's consent;

75 (ii) causes the penetration, however slight, of the genital or anal opening of the  
76 individual by:

77 (A) a foreign object;

78 (B) a substance;

79 (C) an instrument;

80 (D) a device; or

81 (E) a part of the human body other than the mouth or genitals; and

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

83 (B) intends to arouse or gratify the sexual desire of any individual; and

84 (b) the individual described in Subsection (2)(a)(i) is 14 years old or older.

85 (3) A violation of Subsection (2) is a first degree felony, punishable by a term of  
86 imprisonment of:

87 (a) except as provided in Subsection (3)(b) or (c), not less than five years and which may  
88 be for life;

89 (b) except as provided in Subsection (3)(c) or (4), 15 years and which may be for life, if  
90 the trier of fact finds that:

91 (i) during the course of the commission of the object rape the defendant caused  
92 serious bodily injury to the victim;[~~or~~]

93 (ii) at the time of the commission of the object rape, the defendant was younger than  
94 18 years old and was previously convicted of a grievous sexual offense; or

95 (iii) the act committed by the actor described in Subsection (2) was committed  
96 against an incapacitated adult; or

97 (c) life without parole, if the trier of fact finds that at the time of the commission of the  
98 object rape, the defendant was previously convicted of a grievous sexual offense.

- 99 (4) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term  
 100 than the term described in Subsection (3)(b) is in the interests of justice and states the  
 101 reasons for this finding on the record, the court may impose a term of imprisonment of  
 102 not less than:
- 103 (a) 10 years and which may be for life; or  
 104 (b) six years and which may be for life.
- 105 (5) The provisions of Subsection (4) do not apply if a defendant is sentenced under  
 106 Subsection (3)(a) or (c).
- 107 (6) Imprisonment under Subsection (3)(b), (3)(c), or (4) is mandatory in accordance with  
 108 Section 76-3-406.
- 109 Section 4. Section **76-5-403** is amended to read:
- 110 **76-5-403 . Forcible sodomy.**
- 111 (1)(a) As used in this section[~~]~~ :
- 112 (i) "Incapacitated adult" means the same as that term is defined in Section 76-5-402.  
 113 (ii) [~~"sodomy"~~] "Sodomy" means engaging in any sexual act with an individual who  
 114 is 14 years old or older involving the genitals of one individual and the mouth or  
 115 anus of another individual.
- 116 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 117 (2)(a) An actor commits forcible sodomy when the actor commits sodomy upon another  
 118 individual without the other individual's consent.
- 119 (b) Any touching, however slight, is sufficient to constitute the relevant element of a  
 120 violation of Subsection (2)(a).
- 121 (3) A violation of Subsection (2) is a first degree felony, punishable by a term of  
 122 imprisonment of:
- 123 (a) except as provided in Subsection (3)(b) or (c), not less than five years and which may  
 124 be for life;
- 125 (b) except as provided in Subsection (3)(c) or (4), 15 years and which may be for life, if  
 126 the trier of fact finds that:
- 127 (i) during the course of the commission of the forcible sodomy the defendant caused  
 128 serious bodily injury to the victim;[~~or~~]
- 129 (ii) at the time of the commission of the ~~it~~ → **[rape] forcible sodomy** ← ~~it~~ , the  
 129a defendant was younger than 18  
 130 years old and was previously convicted of a grievous sexual offense; or  
 131 (iii) the act committed by the actor described in Subsection (2) was committed

- 132                    against an incapacitated adult; or
- 133            (c) life without parole, if the trier of fact finds that at the time of the commission of the
- 134            forcible sodomy the defendant was previously convicted of a grievous sexual offense.
- 135 (4) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term
- 136            than the term described in Subsection (3)(b) is in the interests of justice and states the
- 137            reasons for this finding on the record, the court may impose a term of imprisonment of
- 138            not less than:
- 139            (a) 10 years and which may be for life; or
- 140            (b) six years and which may be for life.
- 141 (5) The provisions of Subsection (4) do not apply when a defendant is sentenced under
- 142            Subsection (3)(a) or (c).
- 143 (6) Imprisonment under Subsection (3)(b), (3)(c), or (4) is mandatory in accordance with
- 144            Section 76-3-406.
- 145            Section 5. **Effective date.**
- 146            This bill takes effect on May 7, 2025.