

CRIMINAL PENALTY ENHANCEMENTS FOR SEXUAL OFFENSES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin L. Fawson

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill enacts provisions to enhance penalties related to sexual offenses without the consent of the victim when the actor is infected with Human Immunodeficiency Virus, Acquired Immunodeficiency Virus, hepatitis B, or hepatitis C.

Highlighted Provisions:

This bill:

- ▶ enacts provisions to enhance the classification of a sexual offense if the actor was infected with Human Immunodeficiency Virus, Acquired Immunodeficiency Virus, hepatitis B, or hepatitis C.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-3-203.12, Utah Code Annotated 1953

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

Section 1. Section **76-3-203.12** is enacted to read:

76-3-203.12. Enhanced penalty for sexual offenses committed by a person with Human Immunodeficiency Virus, Acquired Immunodeficiency Virus, hepatitis B, or hepatitis C.

30 (1) A person convicted of a sexual offense described in Chapter 5, Part 4, Sexual
31 Offenses, is subject to an enhanced penalty if at the time of the sexual offense the person was
32 infected with Human Immunodeficiency Virus, Acquired Immunodeficiency Virus, hepatitis B,
33 or hepatitis C and the person knew of the infection.

34 (2) (a) Except as provided in Subsection (2)(b), the enhancement of a penalty described
35 in Subsection (1) shall be an enhancement of one classification higher than the root offense for
36 which the person was convicted.

37 (b) A felony of the first degree is not enhanced under this section.