

**Senator Michael K. McKell** proposes the following substitute bill:

**SEXUAL CRIME MODIFICATIONS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates the offense of nonconsensual removal of a sexually protective device.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the criminal offense of nonconsensual removal of a sexually protective device; and
- ▶ imposes criminal penalties.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-5-417**, Utah Code Annotated 1953

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

Section 1. Section **76-5-417** is enacted to read:



26 76-5-417. Nonconsensual removal of sexually protective device.

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

28 (i) "Sexually protective device" means a device intended to prevent pregnancy or  
29 sexually transmitted infection.

30 (ii) "Sexually protective device" includes a male or female condom, spermicide,  
31 diaphragm, cervical cap, contraceptive sponge, or dental dam.

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

33 (2) An actor commits nonconsensual removal of a sexually protective device if the  
34 actor, during consensual sexual activity with an individual, intentionally or knowingly removes  
35 a sexually protective device without the consent of the individual.

36 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class  
37 A misdemeanor.

38 (b) A violation of Subsection (2) is a third degree felony if, as a result of the violation  
39 of Subsection (2), the individual:

40 (i) becomes pregnant; or

41 (ii) contracts a sexually transmitted infection or disease.