

Bill: 2nd Substitute SB 144 – Sexual Crimes Amendments

Sponsor: Senator Karen Kwan

Floor Sponsor: TBD

UASD Position: Support

This Bill addresses sexual crimes and the sentencing for sexual crimes.

Discussion: Senator Kwan presented the 2nd substitute, which was adopted by the Committee. The substitute removes language related to mandatory minimum prison sentences, which is addressed in HB 207. An attorney from the Attorney General's Internet Crimes Against Children Taskforce testified in support, explaining that the Bill aims to fill gaps in current laws on child sex abuse material and allows for enhanced prosecution of its creation and distribution. It extends protection to children ages 14 to 18, whereas previous laws applied only to those 13 and younger.

The Bill defines a female breast for certain sexual exploitation offenses, including undeveloped or partially developed breasts, and expands the definition of "child sexual abuse material" to include minors observing or being used in sexually explicit conduct. It broadens the definition of "sexually explicit conduct" regarding certain bodily functions, changes the mental state required for the offense of sexual exploitation of a minor, and includes cases where an actor accesses such material with intent to view it. The Bill also provides a safe harbor for certain employees and independent contractors who must access or view such material as part of their work. Additionally, it modifies the mental state for committing aggravated sexual exploitation of a minor, removing lesser penalties for material depicting children 14 or older or pubescent. The Bill is designed to protect children from ongoing abuse and the distribution of abuse material. It ensures law enforcement and Children's Justice Centers have access to necessary information for investigations. Reoffending with such material will become a first-degree felony.

The AG's Office testified that the Bill addresses gaps, particularly concerning distribution. Mark Moffat from the Utah Defense Bar opposed the Bill. Senator Weiler, though supportive of the sponsor's intent, raised concerns about further legal changes after a compromise law passed two years ago. Senator Brammer defended the AG's Office's right to pursue stronger penalties for abusive material.

Yeas: 5

Nays: 2

N/V: 2

Outcome: 2nd Substitute SB 144 passed out of the Committee with a favorable recommendation.
