

Criminal Sexual Conduct Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Verona Mauga

Senate Sponsor: Karen Kwan

LONG TITLE

General Description:

This bill concerns criminal sexual conduct.

Highlighted Provisions:

This bill:

- defines terms;
- creates the criminal offense of:
 - custodial solicitation of sexually explicit conduct from a person in custody;
 - unlawful sexual activity with a child using virtual reality; and
 - unlawful sexual activity with a minor using virtual reality; and
- provides criminal penalties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-5-412.4, Utah Code Annotated 1953

76-5-417, Utah Code Annotated 1953

76-5-418, Utah Code Annotated 1953

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

Section 1. Section **76-5-412.4** is enacted to read:

76-5-412.4 . Custodial solicitation of sexually explicit conduct from a person in custody.

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

- 29 (i) "Actor" means the same as that term is defined in Section 76-5-412.
- 30 (ii) "Person in custody" means an individual who is:
- 31 (A) 18 years old or older; and
- 32 (B) otherwise meets the definition of a person in custody as that term is defined in
- 33 Section 76-5-412.
- 34 (iii) "Sexually explicit conduct" means actual or simulated:
- 35 (A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or
- 36 oral-anal, whether between individuals of the same or opposite sex;
- 37 (B) masturbation;
- 38 (C) bestiality;
- 39 (D) sadistic or masochistic activities;
- 40 (E) exhibition of the genitals, pubic region, buttocks, or female breast of any
- 41 individual;
- 42 (F) visual depiction of nudity or partial nudity;
- 43 (G) fondling or touching of the genitals, pubic region, buttocks, or female breast;
- 44 or
- 45 (H) the visual depiction of defecation or urination for the purpose of causing
- 46 sexual arousal of any individual.
- 47 (iv) "Simulated sexually explicit conduct" means a feigned or pretended act of
- 48 sexually explicit conduct that duplicates, within the perception of an average
- 49 person, the appearance of an actual act of sexually explicit conduct.
- 50 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 51 (2) An actor commits custodial solicitation of sexually explicit conduct from a person in
- 52 custody if:
- 53 (a) the actor knowingly requests, demands, or otherwise solicits from a person in
- 54 custody:
- 55 (i) a photograph, image, live video, or a recording of the person in custody engaging
- 56 in sexually explicit conduct or simulated sexually explicit conduct; or
- 57 (ii) a live demonstration or performance by the person in custody engaging in
- 58 sexually explicit conduct or simulated sexually explicit conduct; and
- 59 (b)(i) the actor knows that the individual described in Subsection (2)(a) is a person in
- 60 custody; or
- 61 (ii) a reasonable person in the actor's position should have known under the
- 62 circumstances that the individual described in Subsection (2)(a) was a person in

63 custody.

64 (3) A violation of Subsection (2) is a class A misdemeanor.

65 (4) If the act committed under Subsection (2) amounts to an offense subject to a greater
66 penalty under another provision of state law than is provided under this section, this
67 section does not prohibit prosecution and sentencing for the more serious offense.

68 (5) Consent of the person in custody is not a defense to any violation or attempted violation
69 of Subsection (2).

70 (6) This section does not apply to an actor who is acting within the course and scope of the
71 actor's legitimate duties, including documenting photographic evidence.

72 Section 2. Section **76-5-417** is enacted to read:

73 **76-5-417 . Unlawful sexual activity with a child using virtual reality.**

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

75 (i) "Avatar" means a three-dimensional character that represents a human user in a
76 virtual reality environment.

77 (ii) "Child" means an individual who is younger than 14 years old.

78 (iii) "Haptic technology" means technology that can create an experience of touch by
79 applying force, vibration, or motion to the human user.

80 (iv) "Virtual reality" means a three-dimensional environment in which the human
81 user is fully immersed in a computer-generated simulation through the use of an
82 avatar, regardless of whether the human user is using haptic technology.

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

84 (2) An actor commits unlawful sexual activity with a child using virtual reality if the actor:

85 (a) is 18 years old or older;

86 (b) knows that the human user of an avatar is a child; and

87 (c) for the purpose of arousing or gratifying the sexual desire of any individual,
88 intentionally uses the actor's avatar to engage in sexual activity or simulated sexual
89 activity with the child's avatar involving:

90 (i) the genitals, pubic area, or anus of the actor's avatar or the child's avatar; and

91 (ii) the mouth, buttocks, pubic area, genitals, or anus of either the actor's avatar or the
92 child's avatar.

93 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third
94 degree felony.

95 (b) A violation of Subsection (2) is a class A misdemeanor if the actor is less than 10
96 years older than the child.

(4) Consent of the child to engage in the sexual activity is not a defense to a violation of Subsection (2).

Section 3. Section **76-5-418** is enacted to read:

76-5-418 . Unlawful sexual activity with a minor using virtual reality.

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

(i) "Avatar" means the same as that term is defined in Section 76-5-417.

(ii) "Haptic technology" means the same as that term is defined in Section 76-5-417.

(iii) "Minor" means an individual who is 14 years old or older but younger than 18 years old.

(iv) "Virtual reality" means the same as that term is defined in Section 76-5-417.

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

(2) An actor commits unlawful sexual activity with a minor using virtual reality if the actor:

(a) knows that the human user of an avatar is a minor;

(b) is older than the minor by 10 years or more; and

(c) for the purpose of arousing or gratifying the sexual desire of any individual, intentionally uses the actor's avatar to engage in sexual activity or simulated sexual activity with the minor's avatar involving:
(i) the genitals, pubic area, or anus of the actor's avatar or the minor's avatar; and
(ii) the mouth, buttocks, pubic area, genitals, or anus of either the actor's avatar or the minor's avatar.

(3) A violation of Subsection (2) is a class A misdemeanor.

(4) Consent of the minor to engage in the sexual activity is not a defense to a violation of Subsection (2).

Section 4. **Effective Date.**

This bill takes effect on May 7, 2025.