

# Lewdness Involving a Child

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The State of Utah imposes especially harsh punishments for convictions of sex crimes in which the victims are children. So, it is unsurprising that being charged with Lewdness Involving a Child can lead to extreme penalties. Here we'll discuss what acts constitute this kind of offense and the penalties you can expect if you are convicted of this sex crime in Utah.

**If you are charged with Lewdness Involving a Child in Utah, you will need the best criminal defense attorney Utah has available to you. So, you should contact Wasatch Defense Lawyers before you give a statement to the police.**

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## What Constitutes Lewdness Involving a Child?

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Lewdness Involving a Child, under Utah Code 76-9-702.5, is defined as intentionally or knowingly committing any of the acts listed below in the presence of a minor child who is younger than 14 years of age:

- Exhibiting an act of sexual intercourse
- Committing an act of sodomy
- Displaying the female breast including the areola
- Displaying genitals, pubic area, buttocks, or anus

The charge(s) for this crime may apply to the act committed whether it occurs in a public or private location. It is a crime if the act is committed under circumstances which the defendant should have known could be expected to cause the victim to be alarmed or affronted.

To qualify as the crime named above, under Utah lewdness law, the act must also meet one or more of the following definitional criteria and must be committed with the intention of arousing or gratifying the perpetrator's or the child's sexual desire:

- Masturbating
- Causing a child under age 14 to expose her or his anus, genitals, or breast (if a female)
- Committing any other lewd act

**DEFINITION:** For purposes of this section of the Utah statutes, "in the presence of" refers to having visual contact with a child by using an electronic device.

## **Punishments for Lewdness Involving a Child**

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In cases of lewdness involving a child, Utah law is especially strict. If charged with this offense, you will need to work with a Salt Lake City, UT, lawyer who has strong experience in child sex crimes cases. The charges named below are based on the individual circumstances of lewd conduct towards a child:

*Misdemeanor:* Lewdness involving a child is a Misdemeanor, except under 76-9-702.5(3)(b). The penalties can include one year in jail and a fine of up to \$2,500. If convicted, you would also be required to maintain your information in the Utah sex offender registry.

*Felony:* Lewdness involving a child is a Third Degree Felony, which is punishable in Utah by a maximum of 5 years in prison and a maximum fine of \$5,000. The offense can be classed as this level of a felony if one of these conditions applies at the time the offense is committed:

- The perpetrator is a convicted sex offender per Section 77-27-21.7.
- The perpetrator has a prior conviction for a violation of Utah 76-9-702.5.

## **More Extreme Child Sex Crimes with More Severe Penalties**

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The sex crime a person may commit against a child may be charged as lewdness involving a child if the circumstances of the offense are not such that they amount to one of these crimes:

- Sexually abusing a child
- Raping a child
- Sodomizing a child
- Committing rape of a child with an object
- Aggravated sexual abuse against a child
- Attempting to commit one of the above crimes

This Utah statute is effective as of 5-4-2022.

**If You are Charged with a Sex Crime in Utah, Call Wasatch!**

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You are innocent until proven guilty. So, you deserve the best defense possible. Our team of Salt Lake City lawyers knows the best approaches to having charges dropped or substantially reduced. We make sure that all of your rights are protected, and we build the very best case to prevent you from having a criminal record and being entered on the Utah sex offender registry.

**For sex crimes defense, call Wasatch Defense Lawyers at (801) 845-3509, or contact us here on our website to schedule an appointment to discuss your legal case.**

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