

Sexual Abuse of a Child or Sexual Abuse of a Minor

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If you are facing trial for Sexual Abuse of a Child or Sexual Abuse of a Minor, you need to understand the charges against you, what to expect if you're convicted, and defense options. Utah Code 76-5-404.1 addresses these offenses and the sentencing requirements. Accusations of sex crimes against children or minors are very serious allegations in Utah, which can carry a mandatory prison sentence, depending on the level of the charges.

If you are currently accused of a sex crime against a child or a minor in Utah, you need to work with the best criminal defense lawyer Salt Lake City, UT has available to you.

Conditions Required for Sexual Abuse of a Child / Minor

Nefarious Intent: The adult's actions must be done with the intent to cause the child or someone else substantial physical or emotional pain, or to arouse or gratify someone's sexual desire.

Other Law Not Applicable: When the acts committed do not amount to one of the crimes listed in Utah Code 78-5-4 and the perpetrator commits one or more of the acts described below, he or she is guilty of the crime indicated.

NOTE: Even if the prohibited touching is through the child's clothing, it constitutes the sexual component that constitutes the crime per 76-5-401-2.a.

Who Commits Sexual Abuse of a Child?

Under Utah law regarding Sexual Abuse of a Child, an *adult* is a person 18 years of age or older, and a *child* is a person under the age of 14. An adult in a *position of special trust* means an adoptive parent, coach, babysitter, adult relative, doctor, religious leader, etc. It refers to any person of age 18 or older who is in a position of authority over a child and has an opportunity to influence the child in some unacceptable way. (See exceptions of people in roles listed in 76-5-401.a.iv.)

Taking *indecent liberties* (per 76-5-401.1) means committing sexual acts that are of the same magnitude as the kinds of sexual abuse specified in this section and the next.

An adult is guilty of Sexual Abuse of a Child if he or she touches a child's

- genitals, pubic area, buttocks, or anus,
- touches a female child's breast, or
- takes other sexual liberties with a child.

Sexual Abuse of a Minor

A *minor*, per Utah law regarding Sexual Abuse of a Minor, is a person who is age 14 or older but is under age 16 at the time of the illegal sexual activity. An *adult* is guilty of Sexual Abuse of a Minor if he/she is at least 4 years older than the minor.

All the terms and definitions discussed in the section on Sexual Abuse of a Child and any terms defined in 76-1-101.5 apply to Utah law regarding Sexual Abuse of a Minor. This crime is committed when the perpetrator:

- touches any part of the minor's genitals, pubic area, breast (of a female), buttocks, or anus
- causes a part of the minor's body to touch the perpetrator's or another person in any of the sexualized areas listed above
- Simulates one of the forms of sexual intercourse involving any of the body parts of a minor and an adult as prohibited under 76-5-401.1
- Causing a minor to be involved in simulating sexual intercourse of one of the prohibited forms with anyone (76-5-401.1)
- Taking indecent liberties in any other way with a minor

Signs and Effects of Sexual Abuse on a Child

Generally, child abuse is defined as deliberately mistreating or harming a child (under age 18) is child abuse, under Utah law. There are many forms of child abuse, of which child sexual abuse is one. It is defined as an adult engaging in sexual activity of any type with a child. Sexual touching, intercourse, or other contact may occur, or sexual abuse without physical contact, like exposing the child to pornography, sexual actions, sexually harassing a child, or sex trafficking a child.

Any of the above or other sexual activities involving an adult and child are harmful mistreatment of a child. These sex offenses carry serious punishments for the perpetrator and extreme mental, emotional, and even physical effects for the child victim. Behavioral effects on children serve as indicators of mental and emotional impacts that can ultimately lead to severe long-term physical effects:

Signs of Sexual Abuse of a Child

A child who is being sexually abused might fear telling someone about the abuse that has been happening to him or her. This may be even more problematic if the perpetrator is his/her parent, relative, or friend of his/her parents. Signs of sexual abuse of a child may include:

- Loss of interest in previously favorite activities
- Withdrawn, not spending time with friends
- Depressed, feeling anxiety, new fears
- Diminished performance in school
- Changed behavior – angry, hostile, aggressive
- Has become hyperactive
- Defiant, disobedient, rebellious
- Lost previous self-confidence
- Absent from school frequently
- Problems sleeping, nightmares
- Inflicting self-harm, attempted suicide

Effects of Sexual Abuse of a Child

Many children are resilient enough and have strong enough coping skills and social support systems that they are able to overcome the effects of child abuse. But, for many other children, child abuse can lead to mental or emotional health problems that manifest in behavioral health problems. Eventually, even serious long-term physical issues can result in some victims of childhood sexual abuse. For example:

Mental Health Effects

- Depression
- Anxiety
- Eating disorders
- Personality disorders
- Post-traumatic stress disorder (PTSD)
- Behavioral disorders
- Attachment disorders
- Difficulty sleeping (insomnia)
- Frequent nightmares

Emotional Effects

- Trust and intimacy issues
- Problems establishing relationships
- Problems maintaining relationships
- Low self-esteem
- Difficulty coping with frustration and stress
- Accepting violence as normal in relationships
- An unhealthy perception of parenthood

Behavioral Effects

- Withdrawal from people and/or activities
- Difficulty in school or dropping out of high school
- Deficient social skills
- Deficient relationship skills
- Violent behavior
- Illegal behavior
- Risky sexual behaviors
- Problems with work or staying employed
- Self-injury or attempted suicide
- Abusive of others

Long-Term Physical Effects

- Substance abuse
- Learning disability
- Physical disability
- Heart disease
- Chronic lung disease
- Diabetes
- Cancer
- Premature death

Particular symptoms or signs may vary based on the kind of child abuse. Keep in mind that the signs may not indicate that a child is being sexually abused but may be indicators of some other issue(s).

Sexual Abuse of a Child Penalty

A sex offense as specified in 76-5-401-2 is a Second Degree Felony in Utah. Such offenses include:

- Child rape (76-5-402.1)
- Object rape of a child (76-5-402.3)
- Sodomy on a child (76-5-403.1)
- Attempting to commit a crime listed in 4.a – 4.c

Penalties for Conviction: Conviction of one of these crimes carries a mandatory prison sentence. (76-3-406). Prison terms in Utah for a 2nd-degree felony can be from 1 to 15 years. A fine of up to \$10,000 may also be imposed.

Enhanced Sentencing: Conviction of Aggravated Sexual Abuse of a Child carries more severe penalties.

Sexual Abuse of a Minor Penalty

An offense under 76-5-401-2.a is a Class A Misdemeanor. The convicted person under age 21 at the time of the crime is not required to register on the Utah sex offender registry for a first offense. (See 77-41-102.17.a.viii.) Offenses referenced under 401-2.a include:

- Illegal sexual acts with a minor (76-5-401)
- Rape of a minor (76-5-402)
- Object rape (76-5-402.2)
- Forcible sodomy (76-5-403)
- Aggravated sexual assault of a minor (76-5-405)
- Attempting to commit a crime listed in 4.a – 4.e

Penalties for Conviction: A maximum of 364 days in jail and a fine of up to \$2,500.

Enhanced Sentencing: Conviction of Aggravated Sexual Abuse of a Minor carries more severe penalties.

If You are Charged with Sexual Abuse of a Child or a Minor

Being charged with a sex crime against a child or minor in the state of Utah can destroy your reputation and ruin your future. The consequences of a conviction may largely depend on the severity of the charges against you. But, you will have a criminal record of a sex crime conviction which will follow you throughout your life. It can prevent you from working in your chosen field and keep you from renting in a neighborhood where you want to live.

You may be required to have your personal information entered into the Utah sex offender registry. That will mark you in any community where you choose to live or work. It will also force you to obey zone restrictions prohibiting you from entering some public parks and other places and impose other rigid requirements on you as a registered sex offender.

You must protect your future if you are accused of one of these serious crimes. Contact an experienced Salt Lake City UT sex crimes lawyer to develop your best defense.

Wasatch Defense Lawyers Help Sex Crimes Defendants

If you have been charged with a sex crime, you need the best defense possible. Our criminal defense attorneys are highly experienced in the Utah court system. We know the best ways to negotiate to have charges substantially reduced or entirely dropped. We're here to protect your rights, guide you through the trial process, work to build the very best case for your acquittal, and stand to fight for you in court.

For help with sex crimes defense, call Wasatch Defense Lawyers at (801) 845-3427, or contact us on our website for an appointment to discuss your situation.

Guard Your Rights

Do NOT Waive Your Right to Legal Counsel! Authorities will try get you to incriminate yourself and suggest there is no need for an attorney. Stay calm and call us immediately: 801.845.3427

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