

# What are Catfishing Lures, and How Can They Get You Arrested?

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So-called catfishing lures land people in jail for solicitation of minors online. To go catfishing in this context is to attempt to lure adults online into engaging in a relationship by using a created persona. Catfishing catches people who are attempting to have sex with underage people. If you are unfairly charged with a sex crime against a child due to catfishing activity online you will need to work with the best sexual assault attorney Utah has to offer.

Topics covered in this blog:

Catfishing can lead to jail time if it results in an adult having sex or attempting to have sex with an underage person — even if the child claimed to be older, and even if you *believe* the child is older.

## What Is the Legal Age of Consent to Sex in Utah?

The age of consent to have sex is 18 years old. The state of Utah does not consider people younger than that age to be capable of being responsible for that kind of judgment decision. Therefore, even in cases in which sexual activity is consensual and not forcible, criminal charges may be brought for “statutory rape.” The specific age of a minor effects which criminal charge(s) the prosecutor will file.

Under Title 76 of the Utah Criminal Code, Chapter 5, Part 4, Section 401.2, a “minor” is defined under Utah law as a person 16 years old or older but under age 18.

A person is committing an illegal sexual act with a minor when:

- someone who is at least 7 years older but under 10 years older than the minor engages in consensual sexual conduct of one of the kinds listed in Utah Code 76-5-4-401.2b
- *and* the adult knew, or it is reasonable find that he or she *should* have known the minor’s age,
- or the adult is at least 10 years older than the minor at the time the sexual activity occurs.

For the offenses described in Subsection (2)(i) through (2)(v) the various criminal charges range from rape to sexual assault, to indecency with a child, to aggravated sexual assault, etc., and penalties can include extreme lengths of prison time.

## **What Happens if There Is a False Claim of Being Older?**

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What happens if an underage person has pretended to be 18 years old or older, and you believed their claim that they were of the legal age of consent. This is not an uncommon occurrence. A child under age 18 may communicate online with an adult and claim to be 18 or even older, to get attention from people over 18.

If you end up having sex with a person claiming to be 18, you can be criminally charged with a sex crime that carries severe penalties. This is because in Utah, not knowing the correct age of a minor is not recognized as an acceptable legal defense against a sex crime charge. Even in a case in which a minor has lied about his or her age, an adult who has consensual sex with the minor can be charged with sexual assault.

## **Be Aware Of Online Lures**

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As you can gather from the information above, there are very important reasons why you need to be aware of catfishing, the online lures that can lead to sex crime charges against you, and potentially lengthy jail time and large fines. Claiming to be older is just one of the false or misleading pretenses that anyone you connect with online can use.

Facebook, Snapchat, Tinder, and other dating apps, and various other kinds of social sites can allow underage users of their platforms to misrepresent themselves as older people than they are. Many underage kids, especially teens, wish they were older and may pretend to be grown adults. That may motivate some to claim they’re older when communicating on social pages with people they don’t know online.

But it is critical that you do not accept claims about age from young people without substantial validation. Being unaware that a person is underage in Utah is not an allowable legal defense for defendants facing criminal charges due to sex with someone who is underage.

## What Is the Crime of Online Solicitation?

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There is another serious sex crime that involves soliciting minors online. Utah Code 76-4-401.2a specifies that online solicitation of a minor for the purpose of sexual contact is a felony committed when someone intentionally attempts or succeeds in soliciting, luring, seducing, enticing a minor or a person he or she believes is a minor, to participate in sexual activity that violates Utah law.

There are highly active undercover operations set up throughout the country to arrest people who are caught allegedly committing solicitation of children online. Even in cases in which the defendant never actually meets the minor, the accused can be prosecuted. In some cases, there might not even actually be a minor participating in these law enforcement operations.

The misrepresentation of the child can go far beyond a lie about age, even to the extent of fabricating a whole identity. The identity may be used by undercover law enforcement agents representing themselves as underage people.

## Ensure That All Your Legal Rights Are Defended

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If you or a loved one is facing a sex crime charge involving a minor, remember that you have rights and that you may have a variety of effective legal defenses. Especially if you have been a victim of mistaken identity, false accusation, entrapment, or any of a number of other circumstances that have caused you to be unjustly charged with a serious crime.

To protect all your rights and build the kind of defense you will need in order to be effective, you will need to work with the best sexual crime lawyer Utah has available to you.

## Wasatch Defense Lawyers, Salt Lake City Utah

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We are Salt Lake City, criminal defense attorneys. We specialize in sex crime defense. Our top Utah sex crimes defense lawyers immediately start working to get your charges reduced or dropped entirely, keep you from going to jail, and keep you from being entered into the sex offender registry. We use an aggressive strategy that gets our client's favorable results. We offer military discounts and payment arrangements.

**If you have been charged with a sex crime, call Wasatch Defense Lawyers, Salt Lake City UT at (801) 980-9965, or contact us online to schedule a free confidential consultation about your case.**

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