

Exhibit No. 4
Date 2-15-05
Bill No. SB 381

Amendments to Senate Bill No. 381
1st Reading Copy

Requested by Senator Lynda Moss

For the Senate Judiciary Committee

Prepared by Valencia Lane
February 14, 2005 (7:52pm)

1. Page 11, line 4.
Following: the first "child"
Insert: "under 16 years of age"
Following: the second "child"
Insert: "under 16 years of age"

- END -

(OVER)

1 (b) knowingly photographs, films, videotapes, develops or duplicates the photographs, films, or
2 videotapes, or records a child engaging in sexual conduct, actual or simulated;

3 (c) knowingly, by any means of communication, including electronic communication as defined in
4 45-8-213, persuades, entices, counsels, or procures a child ^{under 16 years of age} or a person the offender believes to be a child ^{under} to ¹⁶
5 engage in sexual conduct, actual or simulated, for use as designated in subsection (1)(a), (1)(b), or (1)(d) or for ^{years}
6 the purpose of engaging in sexual conduct; ^{of} age

7 (d) knowingly processes, develops, prints, publishes, transports, distributes, sells, exhibits, or advertises
8 any visual or print medium, including a medium by use of electronic communication, as defined in 45-8-213, in
9 which ~~children are~~ a child is engaged in sexual conduct, actual or simulated;

10 (e) knowingly possesses any visual or print medium, including a medium by use of electronic
11 communication, as defined in 45-8-213, in which ~~children are~~ a child is engaged in sexual conduct, actual or
12 simulated;

13 (f) finances any of the activities described in subsections (1)(a) through (1)(d) and (1)(g), knowing that
14 the activity is of the nature described in those subsections; or

15 (g) possesses with intent to sell any visual or print medium, including a medium by use of electronic
16 communication, as defined in 45-8-213, in which ~~children are~~ a child is engaged in sexual conduct, actual or
17 simulated.

18 (2) (a) A person convicted of the offense of sexual abuse of children shall be punished by life
19 imprisonment or by imprisonment in the state prison for a term not to exceed 100 years and may be fined not
20 more than \$10,000.

21 (b) Except as provided in 46-18-219, if the victim is under 16 years of age, a person convicted of the
22 offense of sexual abuse of children shall be punished by life imprisonment or by imprisonment in the state prison
23 for a term of not less than 4 years or more than 100 years and may be fined not more than \$10,000.

24 (c) Except as provided in 46-18-219, a person convicted of the offense of sexual abuse of children for
25 the possession of material, as provided in subsection (1)(e), shall be fined not to exceed \$10,000 or be
26 imprisoned in the state prison for a term not to exceed 10 years, or both.

27 (3) An offense is not committed under subsections (1)(d) through (1)(g) if the visual or print medium is
28 processed, developed, printed, published, transported, distributed, sold, possessed, or possessed with intent
29 to sell, or if the activity is financed, as part of a sex offender information or treatment course or program
30 conducted or approved by the department of corrections."

31 - END -