

Utah criminalizes human trafficking of a child for sexual exploitation without regard to force, fraud, or coercion and has laws to prosecute demand for commercial sex acts with a minor. State law prohibits the criminalization of minors for “prostitution” and “sexual solicitation.” Instead, law enforcement must refer commercially sexually exploited children to the Division of Child and Family Services for specialized services.

Final Score	93
Final Grade	A

10	25	15	7.5	23	12.5
10	25	15	10	27.5	15

Criminalization of Domestic Minor Sex Trafficking

Utah law criminalizes human trafficking of a child for sexual exploitation without regard to force, fraud, or coercion and includes all forms of commercial sexual activity with a child. State commercial sexual exploitation of children (CSEC) laws include: “aggravated exploitation of prostitution,” “sexual abuse of a child and aggravated sexual abuse of a child,” “sexual exploitation of a minor,” “patronizing a prostitute,” “sexual solicitation,” and “sexual extortion.” The prostitution law acknowledges the intersection of prostitution with trafficking victimization by requiring law enforcement to conduct an investigation regarding possible human trafficking upon encountering a child engaged in commercial sex or sexual solicitation. In addition, the state racketeering and criminal gang laws include “human trafficking of a child” and most CSEC laws as predicate acts.

Criminal Provisions for Demand



The state human trafficking law applies to buyers who patronize and solicit minors for sex. “Human trafficking of a child” and “aggravated human trafficking and aggravated human smuggling” are punishable by 5 years to life imprisonment and a fine up to \$10,000. The CSEC crimes of “patronizing a prostitute” and “sexual solicitation” are punishable by up to 5 years imprisonment and a fine up to \$5,000; both distinguish between purchasing or soliciting commercial sex acts with an adult versus a minor. A separate law prohibits use of the Internet or electronic communications for soliciting a minor to engage in any illegal sexual activity, although not expressly inclusive of commercial sexual activity. Mistake of age defenses are not permitted for child sex trafficking and most CSEC offenses. Though not mandatory, a court may order a convicted buyer to pay restitution to a victim, and Utah’s general forfeiture statute permits assets related to any criminal offense to be forfeited. Possessing child sexual abuse material (CSAM) carries penalties comparable to those for similar federal offenses. Buyers convicted under Utah’s “human trafficking of a child” law are required to register as “child abuse offenders,” and buyers convicted of certain CSEC and CSAM offenses are required to register as “sex offenders.”

Criminal Provisions for Traffickers



“Human trafficking of a child, “aggravated human trafficking,” “aggravated exploitation of prostitution,” and “aggravated sexual extortion” are punishable by 5 years to life imprisonment and a fine up to \$10,000. Traffickers convicted of “aggravated human smuggling” or “sexual exploitation of a minor” face 1–15 years imprisonment and a fine up to \$10,000, while those convicted of “aggravated sexual abuse of a child” face 15 years to life imprisonment and a fine up to \$10,000. A separate law prohibits use of the Internet or text messages for soliciting a minor to engage in any illegal sexual activity. Although only mandatory if pecuniary damages are proven, the court may order victim restitution. Utah’s general forfeiture statute permits assets related to any criminal offense to be forfeited. Traffickers convicted under Utah’s “human trafficking of a child” law are required to register as “child abuse offenders,” and traffickers convicted of certain CSEC and CSAM offenses are required to register as “sex offenders.” Utah law expressly permits the termination of parental rights for the conviction of sex trafficking or CSEC offenses, as parental rights may be terminated for subjecting a minor to “abuse,” defined to include human trafficking of a child and sexual exploitation.

Criminal Provisions for Facilitators

Utah's "human trafficking and human smuggling" law applies to those who benefit financially from participating in the sex trafficking of a minor; a violation is punishable by 1–15 years imprisonment and a fine up to \$10,000. A facilitator who "recruits, harbors, transports, obtains, patronizes, or solicits a child for sexual exploitation" could be convicted of "human trafficking of a child," punishable by 5 years to life imprisonment and a fine up to \$10,000. "Aggravated exploitation of prostitution" involving a minor and "aggravated sexual extortion" are punishable by 5

years to life imprisonment and a fine up to \$10,000, while "aiding prostitution" is punishable by up to 364 days imprisonment and a fine up to \$2,500. Distributing CSAM carries penalties comparable to those for similar federal offenses. Utah's general forfeiture statute permits assets related to any criminal offense to be forfeited. Although not mandatory, a court may order a facilitator to pay victim restitution. No specific laws in Utah criminalize sex tourism, making the state vulnerable to businesses that capitalize on commercial sex activity to sell travel.



Protective Provisions for the Child Victims

All commercially sexually exploited children are identifiable as sex trafficking victims. Utah's sex trafficking laws do not prohibit a defense based on a minor's willingness to engage in a commercial sex act. State law prohibits the criminalization of minors for "prostitution" and "sexual solicitation." Instead, law enforcement must refer commercially sexually exploited children to the Division of Child and Family Services (DCFS) for specialized services. For purposes of child welfare intervention by DCFS, an abused child is defined to include sexual exploitation, sexual abuse, and human trafficking of a child. There is no definition of "caregiver" in the child welfare statutes, but jurisdictional statutes clarify DCFS's responsibility to serve minor victims of sex trafficking and commercial sexual exploitation. Crime victims' compensation is expressly provided for child victims of CSAM and is likely available to other CSEC victims. However, several eligibility factors may prevent CSEC victims from recovering. Victims must report the crime to, and cooperate with, law enforcement, and any victim who may have been sentenced for a crime he or she was forced to commit as a part of the exploitation is ineligible for compensation. The victim-friendly trial procedure of

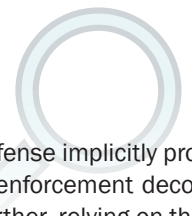
testifying via closed circuit television is limited to victims under 14. However, the "rape-shield" law, which reduces the trauma of cross-examination for victims, is available to all victims of alleged sexual misconduct. Utah law allows child sex trafficking victims to immediately vacate delinquency adjudications for prostitution and other offenses related to their victimization, but proof of force, fraud, or coercion is required for non-prostitution related offenses. Victim restitution is mandatory when pecuniary damages have been shown. Further, child sex trafficking victims may file a civil action against the offender. Prosecutions involving human trafficking of a child, certain other trafficking-related conduct, aggravated sexual abuse of a child, and aggravated exploitation of prostitution involving a child may commence at any time, but prosecutions involving other CSEC offenses must be brought within four years. Civil actions based on child sex trafficking, aggravated human trafficking, human smuggling and aggravated human smuggling, or benefitting from human trafficking must be brought within 10 years, but that time frame may be tolled; those based on sexual abuse may be brought at any time.



Criminal Justice Tools for Investigation and Prosecution

Training or development of training materials for law enforcement on human trafficking or domestic minor sex trafficking is not mandated or authorized by law. Single party consent to audiotaping is permitted, and wiretapping is allowed for investigations of aggravated exploitation of prostitution involving a minor. Although, wiretapping is authorized for human trafficking investigations, it is not authorized for the crime of human trafficking

of a child. Utah's "patronizing a prostitute" offense implicitly prohibits a defense based on the use of a law enforcement decoy posing as a minor during an investigation. Further, relying on the enticement of a minor statute, law enforcement may utilize the Internet or electronic communications to investigate sex trafficking. Utah law requires reporting of missing and located missing children.



The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.