

UTAH AGE OF CONSENT LAWS

DISCLAIMER: This is merely a summary of Utah laws on Sexual Offenses and is not intended to be legal advice.

Please consult an attorney for specific legal advice.

Age	Sexual Intercourse	Oral/Anal Sexual Activity	Vaginal/Anal Penetration	Fondling/Sexual Touching
16-17	Cannot consent to person 7+ years older but less than 10 years older if person knew or reasonably should have known the age of the minor Cannot consent to person 10+ years older Penalty: 3 rd Degree Felony U.C.A 76-5-401.2(2)(a), 2(b)(i), (4)	Cannot consent to person 7+ years older but less than 10 years older if person knew or reasonably should have known the age of the minor Cannot consent to person 10+ years older Penalty: 3 rd Degree Felony U.C.A 76-5-401.2(2)(a), 2(b)(ii), (4)	Cannot consent to person 7+ years older but less than 10 years older if person knew or reasonably should have known the age of the minor Cannot consent to person 10+ years older Penalty: 3 rd Degree Felony U.C.A 76-5-401.2(2)(a), 2(b)(iii), (4)	Cannot consent to person 7+ years older but less than 10 years older if person knew or reasonably should have known the age of the minor Cannot consent to person 10+ years older Penalty: Class A Misdemeanor U.C.A 76-5-401.2(2)(a), 2(b)(iv), (4)
14-15*	Never can consent Penalty: 3 rd Degree Felony (unless <4 year age difference, then class B misdemeanor) U.C.A. 76-5-401(2)(a), (3)	Never can consent Penalty: 3 rd Degree Felony (unless <4 year age difference, then class B misdemeanor) U.C.A. 76-5-401(2)(b), (3)	Never can consent Penalty: 3 rd Degree Felony (unless <4 year age difference, then class B misdemeanor) U.C.A. 76-5-401(2)(c), (3)	Cannot consent to person 4+ years older Penalty: Class A misdemeanor (not subject to registration on a first offense if offender is <21) U.C.A. 401.1(2)-(3)
<14*	Never can consent. Penalty: 1 st degree felony U.C.A. 76-5-402.1(1)-(2)	Never can consent Penalty: 1 st degree felony U.C.A. 76-5-403.1(1)-(2)	Never can consent Penalty: 1 st degree felony U.C.A. 76-5-402.3(1)-(2)	Never can consent. Penalty: 2 nd degree felony. (1 st depending on aggravating factors). U.C.A. 76-5-404.1(2)-(5)

IMPORTANT: There is no lawful defense to that the person did not know or was mistaken about the victim being under the age of 16.
See U.C.A. 76-2-304.5.

WITHOUT CONSENT OF VICTIM**

Age	Sexual Intercourse	Oral/Anal Sexual Activity	Vaginal/Anal Penetration	Fondling/Sexual Touching
14+	Rape Penalty: 1 st degree felony U.C.A. 76-5-402(1)-(3)	Forcible Sodomy Penalty: 1 st degree felony U.C.A. 76-5-403(1)-(2), (4)	Object Rape Penalty: 1 st degree felony U.C.A. 76-5-402.2(1)	Forcible Sexual Abuse Penalty: 2 nd degree felony (1 st depending on bodily injury) U.C.A. 76-5-404(1)-(2)

**** Regardless of the victim's age, sexual activity is without the consent of the victim under the following circumstances:**

- The victim expresses lack of consent through words or conduct
- The actor used physical force or violence
- The actor used concealment or the element of surprise
- The actor threatens to retaliate in the immediate future against victim or any other person and the victim perceives the actor is able to execute the threat
- The actor threatens to retaliate in the future against the victim or any other person and the victim believes the actor is able to execute the threat
- The victim has not consented and the actor knows the victim is unconscious or otherwise physically unable to resist.
- The actor knows or reasonably should have known that as a result of mental disease or defect the victim is incapable of appraising the nature of the act, resisting the act, understanding the possible health/safety consequences, or appraising the nature of the actor/victim relationship
- The actor knows the victim submits out of an erroneous belief that the actor is the victim's spouse
- The actor intentionally impairs the power of the victim by administering any substance without the victim's knowledge.
- The victim is younger than 14
- The victim was under the age of 18 and the actor held a position of special trust over the victim
- The victim was over the age of 14 but under the age of 18, the actor was more than 3 years older, and the actor used some form of improper enticement/coercion on the victim.
- The actor was a health professional or religious counselor and committed the act under a guise of providing professional services.

See U.C.A. 76-5-406

If you have questions consult your local law enforcement agency or call your local Children's Justice Center and they will refer you to the proper agency.