

1 **Joint Resolution Amending Rules of Evidence Concerning Crimes or Other Acts**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Tyler Clancy

2
3 **LONG TITLE**

4 **Committee Note:**

5 The Judiciary Interim Committee recommended this bill.

6 Legislative Vote: 10 voting for 2 voting against 4 absent

7 **General Description:**

8 This joint resolution amends the Utah Rules of Evidence regarding the admissibility of
9 evidence of crimes and other acts.

10 **Highlighted Provisions:**

11 This resolution:

12 ▶ amends Rule 404 of the Utah Rules of Evidence to address similar crimes in cases
13 involving child molestation or sexual assault.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This resolution provides a special effective date.

18 **Utah Rules of Evidence Affected:**

19 AMENDS:

20 **Rule 404**, Utah Rules of Evidence

21
22 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
23 *of the two houses voting in favor thereof:*

24 As provided in Utah Constitution Article VIII, Section 4, the Legislature may amend rules of
25 procedure and evidence adopted by the Utah Supreme Court upon a two-thirds vote of all
26 members of both houses of the Legislature:

27 Section 1. **Rule 404**, Utah Rules of Evidence is amended to read:

28 **Rule 404 . Character Evidence; Crimes or Other Acts.**

29 **(a) Character Evidence.**

30 ~~[(a)]~~**(1) Prohibited Uses.** Evidence of a person's character or character trait is not

31 admissible to prove that on a particular occasion the person acted in conformity with the
32 character or trait.

33 **[(a)](2) Exceptions for a Defendant or Victim in a Criminal Case.** The following
34 exceptions apply in a criminal case:

35 **[(a)](2)(A)** a defendant may offer evidence of the defendant's pertinent trait, and if
36 the evidence is admitted, the prosecutor may offer evidence to rebut it;

37 **[(a)](2)(B)** subject to the limitations in Rule 412, a defendant may offer evidence of
38 an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:

39 **[(a)](2)(B)(i)** offer evidence to rebut it; and

40 **[(a)](2)(B)(ii)** offer evidence of the defendant's same trait; and

41 **[(a)](2)(C)** in a homicide case, the prosecutor may offer evidence of the alleged
42 victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.

43 **[(a)](3) Exceptions for a Witness.** Evidence of a witness's character may be admitted
44 under Rules 607, 608, and 609.

45 **(b) Crimes, Wrongs, or Other Acts.**

46 **[(b)](1) Prohibited Uses.** Evidence of a crime, wrong, or other act is not admissible to
47 prove a person's character in order to show that on a particular occasion the person acted in
48 conformity with the character.

49 **[(b)](2) Permitted Uses; Notice in a Criminal Case.** This evidence may be admissible
50 for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge,
51 identity, absence of mistake, or lack of accident. On request by a defendant in a criminal case,
52 the prosecutor must:

53 **[(b)](2)(A)** provide reasonable notice of the general nature of any such evidence
54 that the prosecutor intends to offer at trial; and

55 **[(b)](2)(B)** do so before trial, or during trial if the court excuses lack of pretrial
56 notice on good cause shown.

57 **(c) Evidence of Similar Crimes in Child-Molestation Cases.**

58 (1) Definition of "Child Molestation." As used in this paragraph (c), "child
59 molestation" means an act committed in relation to a child who is younger than 14 years old
60 that would, if committed in this state, be a sexual offense or an attempt to commit a sexual
61 offense.

62 **[(e)](1) (2) Permitted Uses.** In a criminal case in which a defendant is accused of child
63 molestation, the court may admit ~~[evidence that the defendant committed any other acts of~~
64 ~~child molestation to prove a propensity to commit the crime charged.]~~ the following evidence

65 to prove propensity to commit the crime charged:

66 (A) evidence that the defendant committed any other acts of child molestation; or

67 (B) evidence that the defendant committed sexual exploitation of a minor, as
 68 described in Utah Code Section 76-5b-201, or aggravated sexual exploitation of a minor, as
 69 described in Utah Code Section 76-5b-201.1.

70 ~~[(e)(2)]~~ **(3) Disclosure to the Defendant.** If the prosecution intends to offer [this
 71 evidencee it] evidence described in paragraph (c)(2), the prosecution shall provide reasonable
 72 notice in advance of trial, or during trial if the court excuses pretrial notice on good cause
 73 shown.

74 ~~[(e)(3) For purposes of this rule “child molestation” means an act committed in~~
 75 ~~relation to a child under the age of 14 which would, if committed in this state, be a sexual~~
 76 ~~offense or an attempt to commit a sexual offense.~~

77 ~~(e)(4) Rule 404(c) does not limit the admissibility of evidence otherwise~~
 78 ~~admissible under Rule 404(a), 404(b), or any other rule of evidence.]~~

79 **(4) Effect on Other Rules.** This paragraph (c) does not limit the admissibility of
 80 evidence otherwise admissible under paragraph (a), paragraph (b), paragraph (d), or any other
 81 rule of evidence.

82 **(d) Evidence of Similar Crimes in Sexual Assault Cases.**

83 **(1) Definition of "Sexual Assault."** As used in this paragraph (d), "sexual assault" means:

84 (A) a sexual offense described in Utah Code Title 76, Chapter 5, Part 4, Sexual
 85 Offenses;

86 (B) an attempt to commit a sexual offense described in Utah Code Title 76, Chapter
 87 5, Part 4, Sexual Offenses; or

88 (C) an offense in another jurisdiction that is substantially similar to an offense
 89 described in paragraph (d)(1)(A) or (d)(1)(B).

90 **(2) Permitted Uses.** In a criminal case in which a defendant is accused of sexual assault,
 91 the court may admit evidence that the defendant committed any other acts of sexual assault.
 92 This evidence may be considered on any matter to which the evidence is relevant, including to
 93 prove a propensity to commit the crime charged.

94 **(3) Disclosure to the Defendant.** If the prosecution intends to offer evidence that the
 95 defendant committed any other acts of sexual assault, the prosecution must disclose the
 96 evidence to the defendant in accordance with Rule 16(a)(5) of the Utah Rules of Criminal
 97 Procedure, including disclosure of a witness's statement or a summary of the witness's
 98 expected testimony. This paragraph (d)(3) does not limit any other disclosure requirements

99 described in Rule 16(a)(5) of the Utah Rules of Criminal Procedure.

100 _____ **(4) Effect on Other Rules.** This paragraph (d) does not limit the admissibility of
101 evidence otherwise admissible under paragraph (a), paragraph (b), paragraph (c), or any other
102 rule of evidence.

103 **Section 2. Effective Date.**

104 As provided in Utah Constitution, Article VIII, Section 4, this resolution takes effect
105 upon a two-thirds vote of all members elected to each house.