

CR1616A Conduct Sufficient to Constitute Sexual Intercourse for Unlawful Sexual Activity with a Minor, Unlawful Sexual Conduct with a 16 or 17 year old, or Rape.

~~For purposes of [Unlawful Sexual Activity with a Minor][Unlawful Sexual Conduct with a 16 or 17 year old][Rape], any sexual penetration, however slight, is sufficient to constitute sexual intercourse.~~

You are instructed that any sexual penetration of the penis between the outer folds of the labia, however slight, is sufficient to constitute "sexual intercourse" for purposes of the offense of [Unlawful Sexual Activity with a Minor] [Unlawful Sexual Conduct with a 16 or 17 Year Old] [Rape].

References

Utah Code § 76-5-401

Utah Code § 76-5-401.2

Utah Code § 76-5-402

Utah Code § 76-5-407

[State v. Simmons, 759 P.2d 1152 \(Utah 1988\)](#)

[State v. Patterson, 2017 UT App 194](#)

[State v. Heath, 2019 UT App 186](#)

State v. Martinez, 2002 UT 80

State v. Martinez, 2000 UT App 320

Committee Notes

This instruction contains bracketed language which suggests optional language. Please review and edit before finalizing the instruction.

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