

DAVIS COUNTY JUSTICE COURT, DAVIS COUNTY, UTAH
NOTIFICATION OF ENHANCEMENT – LEWDNESS

Defendant: _____, Case No. _____

IF YOU ARE CONVICTED of the offense of Lewdness, this conviction may be used to make a later charge more serious by raising the classification of that offense. This form provides notification of the current provisions of Utah State Law regarding enhancement; minimum/maximum penalties applicable to the different classifications of offenses; and the specific elements of your current charges. It does not notify you of other collateral consequences.

ELEMENTS

Class B misdemeanor - Lewdness 76-9-702(1): A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of these offenses, performs any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older: (a) an act of sexual intercourse or sodomy; (b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area; (c) masturbates; or (d) any other act of lewdness.

ENHANCEMENT

76-9-702(2) (a): A person convicted the first or second time of Lewdness is guilty of a class B misdemeanor, except as provided below under Subsection (2)(b).

76-9-702(2)(b): A person convicted of Lewdness is guilty of a third degree felony if at the time of the violation: (i) the person is a sex offender as defined in Section 77-27-21.7; (ii) the person has been previously convicted two or more times of Lewdness; or (iii) the person has previously been convicted of a violation of Lewdness and has also previously been convicted of Lewdness Involving a Child (76-9-702.5).

76-9-702(2)(c): A plea of guilty or no contest that is held in abeyance is an equivalent of a conviction, whether or not the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

PENALTIES

Minimum/Maximum Sentences

Class B Misdemeanor:	0 days to 6 months jail	AND/OR	\$0 to \$1,950 in fines and surcharges, plus interest
3rd Degree Felony:	0 days to 5 years jail	AND/OR	\$0 to \$9,543 in fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant's signature)