



Office of Utah for Rational Sex Offense Laws

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Senator Brady Brammer
Utah State Senate
320 E Capitol St
Salt Lake City, UT 84114
Via email: bbrammer@le.utah.gov

Position Statement on S.J.R. 1

Dear Senator Brady Brammer,

Utah for Rational Sex Offense Laws (UTRSOL) supports Senate Joint Resolution 1 as a measured enhancement to Utah's evidentiary framework that advances both public safety and procedural fairness.

This resolution strengthens the justice system's ability to protect victims by allowing courts to consider patterns of behavior in cases of habitual offenders, ensuring that repeat offenders cannot evade accountability due to limitations on admissible evidence. By requiring prosecutors to provide notice to the defense, it balances fairness with the need to present relevant context that can demonstrate the likelihood of the charged conduct.

Key Provisions We Support

Expanded Evidence Admissibility (Rule 404(d)): The new provision allows courts to admit evidence of prior sexual assaults in cases where a defendant is accused of sexual assault. This evidence may be considered for any relevant purpose, including demonstrating propensity to commit the charged offense. This change recognizes the reality that sexual offenses often involve patterns of behavior that are probative of guilt.

Mandatory Disclosure Requirements: The resolution requires prosecutors to disclose evidence of other acts of sexual assault to the defense in accordance with Rule 16(a)(5) of the Utah Rules of Criminal Procedure. This includes providing witness statements or summaries of expected testimony. This procedural safeguard ensures defendants receive adequate notice to prepare their defense, protecting constitutional due process rights.

Preservation of Existing Protections: The resolution explicitly states that the new provisions do not limit the admissibility of evidence otherwise admissible under other rules of evidence. This maintains the existing evidentiary framework while expanding tools available to prosecutors in appropriate circumstances.

UTRSOL recognizes that sex offense prosecutions must balance competing interests: protecting communities from dangerous offenders while safeguarding the rights of the accused. SJR001 achieves this balance by:

- Empowering Fact-Finders: Allowing juries and judges to consider relevant behavioral patterns helps ensure accurate verdicts based on complete information rather than artificially limited evidence.
- Maintaining Due Process: Mandatory disclosure requirements prevent unfair surprise and enable defendants to meaningfully challenge evidence presented against them.
- Targeting Repeat Offenders: The focus on pattern evidence is particularly relevant in cases involving serial offenders, where prior conduct is highly probative of current charges.
- Supporting Victim Safety: When courts have access to complete information about a defendant's history, they can make better-informed decisions about bail, sentencing, and protective measures.

Senate Joint Resolution 1 represents thoughtful policy reform that enhances Utah's ability to prosecute sexual offenses effectively while maintaining robust procedural protections for defendants. UTRSOL urges the Legislature to adopt this resolution as an important step toward a more just and effective criminal justice system.

Sincerely

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UTRSOL/lm