

**House Law Enforcement and Criminal Justice Committee**  
February 14, 2025

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**Bill: 3<sup>rd</sup> substitute SB 81 – Vulnerable**

Sponsor: Senator Jen Plumb

Floor Sponsor: Representative Mark Strong

**UASD Position: Support**

This Bill addresses the sexual misconduct between certain care providers and individuals experiencing a vulnerability.

Discussion: Senator Plumb, with the assistance of Kaye Wooton, Director of Medicare, Fraud, and Patient Abuse at the Attorney General’s Office, presented the Bill, which criminalizes sexual relations between certain care providers and individuals experiencing vulnerability. The sponsor explained that licensed care providers are bound by a code of conduct that prohibits intimate relationships with those under their care, and violations can result in the loss of their license and livelihood. However, the Bill also addresses a gap in the system where unlicensed individuals, who work as care providers, face no consequences for violating the code of conduct or for having a record of predatory behavior. This Bill seeks to close that loophole and protect vulnerable adults from exploitation by their caretakers. The sponsor emphasized that even with consent, there is a power imbalance between a caretaker and a vulnerable adult. Ms. Wooton provided real-world examples of abuse and exploitation her office has investigated involving vulnerable adults. The Bill includes exemptions for pre-existing relationships and spouses, noting that if a patient and caretaker fall in love, the solution is simple: the caretaker must cease being the patient’s caretaker before pursuing an intimate relationship.

Representative Gwynn raised a concern about whether this legislation could potentially negatively impact the funding that care facilities may receive. The response clarified that the Bill would not affect any funding sources. He further emphasized that the legislation pertains to cognitively functioning, consenting adults, not patients who are cognitively impaired. He also questioned whether a facility’s internal policy couldn’t address the issue, to which Senator Plumb responded that the key element of the Bill is the ability to track these types of predators. He explained that while a facility might fire a caretaker for engaging in inappropriate sexual relations with a patient, that same individual could be hired by another facility the very next day or even start their own business. Many caretakers, such as medical assistants and physical therapy aides, are trained but unlicensed. Under current law, there are no provisions to prevent, stop, or track these bad actors.

Representative Wilcox shared his knowledge of a serial predator in the field who takes advantage of older male patients for their money and asked about the prevalence of this issue. Ms. Wooton responded that because there is no law in place, such cases are underreported. She also noted that the Attorney General’s Office has received many cases they are unable to prosecute due to the existing legal loophole. The largest number of service providers in care facilities are unlicensed, so their actions cannot be addressed through license revocation. The Division of Professional Licensing (“DOPL”) does not oversee nursing or physical therapy assistants. Representative Wilcox expressed interest in adding a provision to capture data on these issues, and he may

request an amendment to the Bill on the House floor or propose integrating it into another Bill. The sponsor agreed that would be a friendly amendment.

Detective Alexandra Clayton of the Unified Police Department's Special Victims Unit ("SVU") spoke in support of the Bill on behalf of UPD and other SVU detectives in Salt Lake County. She highlighted the prevalence of such abuse and stressed the importance of the legislation in closing a critical loophole in the law. Additional supporters of the Bill included Jeff Behunan, Executive Director of the Statewide Association of Prosecutors ("SWAP"), Marlesse Jones, Director of the Victim Services Commission, Liz KLC, Policy Director with the Commissions on Criminal and Juvenile Justice ("CCJJ"), and Danica Baird, Policy Director with the Utah Coalition Against Sexual Assault. Andrew Riggle, Public Policy Advocate with the Disability Law Center, spoke in opposition to the Bill, expressing concern that the legislation may inadvertently increase the stigma faced by disabled adults.

Yeas: 7

Nays: 2

N/V: 2

**Outcome: 3<sup>rd</sup> substitute SB 81 passed out of the Committee with a favorable recommendation.**

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