

30 additional year for each registration violation;

31 ▶ adds aggravated kidnapping as a lifetime registration offense;

32 ▶ exempts child kidnapping as an offense subject to registration if the offender is the

33 natural parent of the child;

34 ▶ requires that the offender register information regarding:

35 • any secondary residence, as well as the primary residence;

36 • not only the vehicle used, but any vehicle owned or regularly used, and also any

37 vehicle, aircraft, or watercraft that is required to be registered in any jurisdiction;

38 • telephone numbers, Internet identifiers, passport information, immigration

39 documents if the offender is an alien, and all professional licenses held by the

40 offender; and

41 • employment and volunteer locations;

42 ▶ requires that the offender register the offender's Social Security number; and

43 ▶ clarifies the difference between offender information that is available to law

44 enforcement and information that is available to the public on the Sex Offender

45 Notification and Registration website and specifies the offender information that is to

46 be provided on the website.

47 **Monies Appropriated in this Bill:**

48 None

49 **Other Special Clauses:**

50 None

51 **Utah Code Sections Affected:**

52 AMENDS:

53 **53-3-216**, as last amended by Laws of Utah 2006, Chapter 189

54 **53-3-807**, as last amended by Laws of Utah 2007, Chapter 294

55 **62A-7-104**, as last amended by Laws of Utah 2006, Chapter 269

56 **76-3-202**, as last amended by Laws of Utah 2001, Chapter 301

57 **77-18-12**, as last amended by Laws of Utah 2006, Chapters 50, 189, and 269

58 77-27-21.5, as last amended by Laws of Utah 2007, Chapter 337



59
60 *Be it enacted by the Legislature of the state of Utah:*

61 Section 1. Section 53-3-216 is amended to read:

62 **53-3-216. Change of address -- Duty of licensee to notify division within ten days**
63 **-- Change of name -- Proof necessary -- Method of giving notice by division.**

64 (1) If a person, after applying for or receiving a license, moves from the address named
65 in the application or in the license certificate issued to him, the person shall within ten days of
66 moving, notify the division in a manner specified by the division of his new address and the
67 number of any license certificate held by him.

68 (2) If a person requests to change the surname on the applicant's license, the division
69 shall issue a substitute license with the new name upon receiving an application and fee for a
70 duplicate license and any of the following proofs of the applicant's full legal name:

- 71 (a) an original or certified copy of the applicant's marriage certificate;
- 72 (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name,
73 showing the name change;
- 74 (c) an original or certified copy of a birth certificate issued by a government agency;
- 75 (d) a certified copy of a divorce decree or annulment granted the applicant that specifies
76 the name change requested; or
- 77 (e) a certified copy of a divorce decree that does not specify the name change requested
78 together with:
 - 79 (i) an original or certified copy of the applicant's birth certificate;
 - 80 (ii) the applicant's marriage license;
 - 81 (iii) a driver license record showing use of a maiden name; or
 - 82 (iv) other documentation the division finds acceptable.

83 (3) (a) Except as provided in Subsection (3)(c), if a person has applied for and received
84 a license certificate and is currently required to register as a sex offender under Section
85 77-27-21.5:

86 (i) the person's original license or renewal to an original license expires on the next birth
87 date of the licensee beginning on July 1, 2006;

88 (ii) the person shall surrender the person's license to the division on or before the
89 licensee's next birth date beginning on July 1, 2006; and

90 (iii) the person may apply for a license certificate with an expiration date identified in
91 Subsection 53-3-205(8)(h) by:

92 (A) furnishing proper documentation to the division as provided in Section 53-3-205;
93 and

94 (B) paying the fee for a license required under Section 53-3-105.

95 (b) Except as provided in Subsection (3)(c), if a person has applied for and received a
96 license certificate and is subsequently convicted of any offense listed in Subsection
97 77-27-21.5(1)(~~f~~)(m), the person shall surrender the license certificate to the division on the
98 person's next birth date following the conviction and may apply for a license certificate with an
99 expiration date identified in Subsection 53-3-205(8)(h) by:

100 (i) furnishing proper documentation to the division as provided in Section 53-3-205;
101 and

102 (ii) paying the fee for a license required under Section 53-3-105.

103 (c) A person who is unable to comply with the provisions of Subsection (3)(a) or (3)(b)
104 because the person is in the custody of the Department of Corrections or the Division of
105 Juvenile Justice Services, confined in a correctional facility not operated by or under contract
106 with the Department of Corrections, or committed to a state mental facility, shall comply with
107 the provisions of Subsection (3)(a) or (b) within ten days of being released from confinement.

108 (4) (a) If the division is authorized or required to give any notice under this chapter or
109 other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be
110 given by:

111 (i) personal delivery to the person to be notified; or

112 (ii) deposit in the United States mail with postage prepaid, addressed to the person at
113 his address as shown by the records of the division.

114 (b) The giving of notice by mail is complete upon the expiration of four days after the
115 deposit of the notice.

116 (c) Proof of the giving of notice in either manner may be made by the certificate of any
117 officer or employee of the division or affidavit of any person older than 18 years of age, naming
118 the person to whom the notice was given and specifying the time, place, and manner of giving
119 the notice.

120 (5) The division may use state mailing or United States Postal Service information to:

121 (a) verify an address on an application or on records of the division; and

122 (b) correct mailing addresses in the division's records.

123 (6) (a) A violation of the provisions of Subsection (1) is an infraction.

124 (b) A person who knowingly fails to surrender a license certificate under Subsection (3)
125 is guilty of a class A misdemeanor.

126 Section 2. Section **53-3-807** is amended to read:

127 **53-3-807. Expiration -- Address and name change -- Extension for disabled.**

128 (1) An identification card issued on or after July 1, 2006 expires on the birth date of the
129 applicant in the fifth year following the issuance of the identification card.

130 (2) If a person has applied for and received an identification card and subsequently
131 moves from the address shown on the application or on the card, the person shall within ten
132 days notify the division in a manner specified by the division of the person's new address.

133 (3) If a person has applied for and received an identification card and subsequently
134 changes the person's name under Title 42, Chapter 1, Change of Name, the person:

135 (a) shall surrender the card to the division; and

136 (b) may apply for a new card in the person's new name by:

137 (i) furnishing proper documentation to the division as provided in Section 53-3-804;

138 and

139 (ii) paying the fee required under Section 53-3-105.

140 (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received
141 an identification card and is currently required to register as a sex offender under Section

142 77-27-21.5:

143 (i) the person's identification card expires annually on the next birth date of the
144 cardholder, on and after July 1, 2006;

145 (ii) the person shall surrender the person's identification card to the division on or
146 before the cardholder's next birth date beginning on July 1, 2006; and

147 (iii) the person may apply for an identification card with an expiration date identified in
148 Subsection (8)(b) by:

149 (A) furnishing proper documentation to the division as provided in Section 53-3-804;
150 and

151 (B) paying the fee for an identification card required under Section 53-3-105.

152 (b) Except as provided in Subsection (4)(c), if a person has applied for and received an
153 identification card and is subsequently convicted of any offense listed in Subsection
154 77-27-21.5(1)(~~f~~)(m), the person shall surrender the card to the division on the person's next
155 birth date following the conviction and may apply for a new card with an expiration date
156 identified in Subsection (8)(b) by:

157 (i) furnishing proper documentation to the division as provided in Section 53-3-804;
158 and

159 (ii) paying the fee required under Section 53-3-105.

160 (c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b)
161 because the person is in the custody of the Department of Corrections or Division of Juvenile
162 Justice Services, confined in a correctional facility not operated by or under contract with the
163 Department of Corrections, or committed to a state mental facility, shall comply with the
164 provisions of Subsection (4)(a) or (b) within ten days of being released from confinement.

165 (5) A person older than 21 years of age with a disability, as defined under the
166 Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on an
167 identification card for five years if the person with a disability or an agent of the person with a
168 disability:

169 (a) requests that the division send the application form to obtain the extension or

170 requests an application form in person at the division's offices;

171 (b) completes the application;

172 (c) certifies that the extension is for a person 21 years of age or older with a disability;

173 and

174 (d) returns the application to the division together with the identification card fee

175 required under Section 53-3-105.

176 (6) (a) (i) An identification card may only be extended once, except as prohibited under
177 Subsection (6)(b).

178 (ii) After an extension an application for an identification card must be applied for in
179 person at the division's offices.

180 (b) An identification card issued to a person required to register as a sex offender under
181 Section 77-27-21.5 may not be extended.

182 (7) An identification card issued prior to July 1, 2006 to a person 65 years of age or
183 older does not expire, but continues in effect until the death of that person.

184 (8) Notwithstanding the provisions of this section:

185 (a) an identification card that was obtained without using a Social Security number as
186 required under Subsection 53-3-804(2) expires on July 1, 2005; and

187 (b) an identification card expires on the birth date of the applicant in the first year
188 following the year that the identification card was issued if the applicant is required to register
189 as a sex offender under Section 77-27-21.5.

190 (9) A person who knowingly fails to surrender an identification card under Subsection
191 (4) is guilty of a class A misdemeanor.

192 Section 3. Section **62A-7-104** is amended to read:

193 **62A-7-104. Division responsibilities.**

194 (1) The division is responsible for all youth offenders committed to it by juvenile courts
195 for secure confinement or supervision and treatment in the community.

196 (2) The division shall:

197 (a) establish and administer a continuum of community, secure, and nonsecure

198 programs for all youth offenders committed to the division;

199 (b) establish and maintain all detention and secure facilities and set minimum standards
200 for those facilities;

201 (c) establish and operate prevention and early intervention youth services programs for
202 nonadjudicated youth placed with the division; and

203 (d) establish observation and assessment programs necessary to serve youth offenders
204 committed by the juvenile court for short-term observation under Subsection 78-3a-118(2)(e),
205 and whenever possible, conduct the programs in settings separate and distinct from secure
206 facilities for youth offenders.

207 (3) The division shall place youth offenders committed to it in the most appropriate
208 program for supervision and treatment.

209 (4) In any order committing a youth offender to the division, the juvenile court shall
210 specify whether the youth offender is being committed for secure confinement or placement in a
211 community-based program. The division shall place the youth offender in the most appropriate
212 program within the category specified by the court.

213 (5) The division shall employ staff necessary to:

214 (a) supervise and control youth offenders in secure facilities or in the community;

215 (b) supervise and coordinate treatment of youth offenders committed to the division for
216 placement in community-based programs; and

217 (c) control and supervise nonadjudicated youth placed with the division for temporary
218 services in receiving centers, youth services, and other programs established by the division.

219 (6) Youth in the custody or temporary custody of the division are controlled or
220 detained in a manner consistent with public safety and rules promulgated by the division. In the
221 event of an unauthorized leave from a secure facility, detention center, community-based
222 program, receiving center, home, or any other designated placement, division employees have
223 the authority and duty to locate and apprehend the youth, or to initiate action with local law
224 enforcement agencies for assistance.

225 (7) The division shall establish and operate compensatory-service work programs for

226 youth offenders committed to the division by the juvenile court. The compensatory-service
227 work program shall:

228 (a) provide labor to help in the operation, repair, and maintenance of public facilities,
229 parks, highways, and other programs designated by the division;

230 (b) provide educational and prevocational programs in cooperation with the State
231 Board of Education for youth offenders placed in the program; and

232 (c) provide counseling to youth offenders.

233 (8) The division shall establish minimum standards for the operation of all private
234 residential and nonresidential rehabilitation facilities which provide services to juveniles who
235 have committed a delinquent act, in this state or in any other state.

236 (9) In accordance with policies established by the board, the division shall provide
237 regular training for staff of secure facilities, detention staff, case management staff, and staff of
238 the community-based programs.

239 (10) (a) The division is authorized to employ special function officers, as defined in
240 Section 53-13-105, to locate and apprehend minors who have absconded from division custody,
241 transport minors taken into custody pursuant to division policy, investigate cases, and carry out
242 other duties as assigned by the division.

243 (b) Special function officers may be employed through contract with the Department of
244 Public Safety, any P.O.S.T. certified law enforcement agency, or directly hired by the division.

245 (11) The division shall designate employees to obtain the saliva DNA specimens
246 required under Section 53-10-403. The division shall ensure that the designated employees
247 receive appropriate training and that the specimens are obtained in accordance with accepted
248 protocol.

249 (12) The division shall register with the Department of Corrections any person who:

250 (a) has been adjudicated delinquent based on an offense listed in Subsection
251 77-27-21.5(1)(~~f~~)(m)(i);

252 (b) has been committed to the division for secure confinement; and

253 (c) remains in the division's custody 30 days prior to the person's 21st birthday.

254 Section 4. Section **76-3-202** is amended to read:

255 **76-3-202. Paroled persons -- Termination or discharge from sentence -- Time**
256 **served on parole -- Discretion of Board of Pardons and Parole.**

257 (1) (a) Except as ~~[otherwise]~~ provided in ~~[this section]~~ Subsection (1)(b), every person
258 committed to the state prison to serve an indeterminate term and later released on parole shall,
259 upon completion of three years on parole outside of confinement and without violation, be
260 terminated from ~~[his]~~ the person's sentence unless the ~~[person]~~ parole is earlier terminated by
261 the Board of Pardons and Parole~~[- Any person who violates the terms of his parole, while~~
262 ~~serving parole, shall at the discretion of the Board of Pardons and Parole be recommitted to~~
263 ~~prison to serve the portion of the balance of his term as determined by the Board of Pardons and~~
264 ~~Parole, but not to exceed the maximum term].~~

265 (b) Every person committed to the state prison to serve an indeterminate term and later
266 released on parole on or after July 1, 2008, and who was convicted of any felony offense under
267 Title 76, Chapter 5, Offenses Against the Person, or any attempt, conspiracy, or solicitation to
268 commit any of these felony offenses, shall complete a term of parole that extends through the
269 expiration of the person's maximum sentence, unless the parole is earlier terminated by the
270 Board of Pardons and Parole.

271 (2) Every person convicted of a second degree felony for violating Section 76-5-404,
272 forcible sexual abuse, or 76-5-404.1, ~~[or attempting to violate]~~ sexual abuse of a child and
273 aggravated sexual abuse of a child, or attempting, conspiring, or soliciting the commission of a
274 violation of any of those sections, and who is paroled before July 1, 2008, shall, upon
275 completion of ten years parole outside of confinement and without violation, shall be terminated
276 from ~~[his]~~ the sentence unless the person is earlier terminated by the Board of Pardons and
277 Parole. ~~[Any person who violates the terms of his parole, while serving parole, shall at the~~
278 ~~discretion of the Board of Pardons and Parole be recommitted to prison to serve the portion of~~
279 ~~the balance of his term as determined by the Board of Pardons and Parole, but not to exceed the~~
280 ~~maximum term.]~~

281 (3) (a) Every person convicted of a first degree felony for ~~[violating Section~~

282 ~~76-5-301.1, Subsection 76-5-302(1)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2,~~
 283 ~~76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404.1, or 76-5-405;]~~ committing any offense listed in
 284 Subsection (3)(b), or attempting [to violate], conspiring, or soliciting the commission of a
 285 violation of any of those sections, shall complete a term of lifetime parole outside of
 286 confinement and without violation unless the person is earlier terminated by the Board of
 287 Pardons and Parole.

288 (b) The offenses referred to in Subsection (3)(a) are:

289 (i) Section 76-5-301.1, child kidnapping;

290 (ii) Subsection 76-5-302(1)(b)(vi), aggravated kidnapping involving a sexual offense;

291 (iii) Section 76-5-402, rape;

292 (iv) Section 76-5-402.1, rape of a child;

293 (v) Section 76-5-402.2, object rape;

294 (vi) Section 76-5-402.3, object rape of a child;

295 (vii) Subsection 76-5-403(2), forcible sodomy;

296 (viii) Section 76-5-403.1, sodomy on a child;

297 (ix) Section 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a child;

298 or

299 (x) Section 76-5-405, aggravated sexual assault.

300 (4) Any person who violates the terms of [his] parole, while serving parole, for any
 301 offense under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and
 302 Parole be recommitted to prison to serve the portion of the balance of [his] the term as
 303 determined by the Board of Pardons and Parole, but not to exceed the maximum term.

304 ~~[(4)]~~ (5) In order for a parolee convicted on or after May 5, 1997, to be eligible for
 305 early termination from parole, the parolee must provide to the Board of Pardons and Parole:

306 (a) evidence [to the Board of Pardons and Parole] that the parolee has completed high
 307 school classwork and has obtained a high school graduation diploma, a GED certificate, or a
 308 vocational certificate; or

309 (b) documentation of the inability to obtain one of the items listed in Subsection [4)]

310 ~~(5)~~(a) because of:

311 (i) a diagnosed learning disability; or

312 (ii) other justified cause.

313 ~~[(5)]~~ (6) Any person paroled following a former parole revocation may not be
314 discharged from ~~[his]~~ the person's sentence until ~~[either]~~:

315 ~~[(a) he has served three years or ten years as provided in Subsection (2) on parole~~
316 ~~outside of confinement and without violation, or in the case of a person convicted of a first~~
317 ~~degree felony violation of Section 76-5-301.1, Subsection 76-5-302(1)(b)(vi), Section~~
318 ~~76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404.1, or~~
319 ~~76-5-405, or attempting to violate any of those sections, lifetime parole]~~

320 (a) the person has served the applicable period of parole under this section outside of
321 confinement and without violation;

322 (b) ~~[his]~~ the person's maximum sentence has expired; or

323 (c) the Board of Pardons and Parole ~~[so]~~ orders the person to be discharged from the
324 sentence.

325 ~~[(6)]~~ (7) (a) All time served on parole, outside of confinement and without violation
326 constitutes service of the total sentence but does not preclude the requirement of serving [a
327 ~~three-year, ten-year, or lifetime parole term, as the case may be]~~ the applicable period of parole
328 under this section, outside of confinement and without violation.

329 (b) Any time a person spends outside of confinement after commission of a parole
330 violation does not constitute service of the total sentence unless the person is exonerated at a
331 parole revocation hearing ~~[to revoke the parole]~~.

332 (c) (i) Any time ~~[spent]~~ a person spends in confinement awaiting a hearing before the
333 Board of Pardons and Parole or a decision by the board concerning revocation of parole
334 constitutes service of the sentence.

335 (ii) In the case of exoneration by the board, the time spent ~~[shall be]~~ is included in
336 computing the total parole term.

337 ~~[(7)]~~ (8) When any parolee without authority from the Board of Pardons and Parole

338 absents himself from the state or avoids or evades parole supervision, the period of absence,
339 avoidance, or evasion tolls the parole period.

340 ~~[(8)]~~ (9) (a) While on parole, time spent in confinement outside the state may not be
341 credited toward the service of any Utah sentence.

342 (b) Time in confinement outside the state or in the custody of any tribal authority or the
343 United States government for a conviction obtained in another jurisdiction ~~[shall toll]~~ tolls the
344 expiration of the Utah sentence.

345 ~~[(9)]~~ (10) This section does not preclude the Board of Pardons and Parole from
346 paroling or discharging an inmate at any time within the discretion of the Board of Pardons and
347 Parole unless otherwise specifically provided by law.

348 ~~[(10) The parolee]~~ (11) A parolee sentenced to lifetime parole may petition the Board
349 of Pardons and Parole for termination of lifetime parole ~~[as provided by this section in the case~~
350 ~~of a person convicted of a first degree felony violation Section 76-5-301.1, Subsection~~
351 ~~76-5-302(1)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403,~~
352 ~~76-5-403.1, 76-5-404.1, or 76-5-405, or attempting to violate any of those sections].~~

353 Section 5. Section **77-18-12** is amended to read:

354 **77-18-12. Grounds for denial of certificate of eligibility -- Effect of prior**
355 **convictions.**

356 (1) The division shall issue a certificate of eligibility to a petitioner seeking to obtain
357 expungement for a criminal record unless prior to issuing a certificate of eligibility the division
358 finds, through records of a governmental agency, including national criminal data bases that:

359 (a) the conviction for which expungement is sought is:

360 (i) a capital felony;

361 (ii) a first degree felony;

362 (iii) a second degree forcible felony;

363 (iv) automobile homicide;

364 (v) a felony violation of Section 41-6a-502;

365 (vi) a conviction involving a sexual act against a minor;

366 (vii) any registerable sex offense as defined in Subsection 77-27-21.5(1)(~~f~~)(m); or

367 (viii) an attempt, solicitation, or conspiracy to commit any offense listed in Subsection
368 77-27-21.5(1)(~~f~~)(m);

369 (b) the petitioner's record includes two or more convictions for any type of offense
370 which would be classified as a felony under Utah law, not arising out of a single criminal
371 episode, regardless of the jurisdiction in which the convictions occurred;

372 (c) the petitioner has previously obtained expungement in any jurisdiction of a crime
373 which would be classified as a felony in Utah;

374 (d) the petitioner has previously obtained expungement in any jurisdiction of two or
375 more convictions which would be classified as misdemeanors in Utah unless the convictions
376 would be classified as class B or class C misdemeanors in Utah and 15 years have passed since
377 these misdemeanor convictions;

378 (e) the petitioner was convicted in any jurisdiction, subsequent to the conviction for
379 which expungement is sought and within the time periods as provided in Subsection (2), of a
380 crime which would be classified in Utah as a felony, misdemeanor, or infraction;

381 (f) the petitioner has a combination of three or more convictions not arising out of a
382 single criminal episode including any conviction for an offense which would be classified under
383 Utah law as a class B or class A misdemeanor or as a felony, including any misdemeanor and
384 felony convictions previously expunged, regardless of the jurisdiction in which the conviction or
385 expungement occurred;

386 (g) a proceeding involving a crime is pending or being instituted in any jurisdiction
387 against the petitioner; or

388 (h) the petitioner has not paid the full amount of court ordered restitution pursuant to
389 Section 77-38a-302, or by the Board of Pardons pursuant to Section 77-27-6 on the conviction
390 for which the person is seeking an expungement.

391 (2) A conviction may not be included for purposes of Subsection (1)(e), and a
392 conviction may not be considered for expungement until, after the petitioner's release from
393 incarceration, parole, or probation, whichever occurs last and all fines ordered by the court have

394 been satisfied, at least the following period of time has elapsed:

395 (a) seven years in the case of a felony;

396 (b) ten years in the case of:

397 (i) a misdemeanor conviction or the equivalent of a misdemeanor conviction as defined
398 in Subsection 41-6a-501(2); or

399 (ii) a felony violation of Subsection 58-37-8(2)(g);

400 (c) five years in the case of a class A misdemeanor;

401 (d) three years in the case of any other misdemeanor or infraction under Title 76, Utah
402 Criminal Code; or

403 (e) 15 years in the case of multiple class B or class C misdemeanors.

404 (3) A petitioner who would not be eligible to receive a certificate of eligibility under
405 Subsection (1)(d) or (f) may receive a certificate of eligibility for one additional expungement if
406 at least 15 years have elapsed since the last of any of the following:

407 (a) release from incarceration, parole, or probation relating to the most recent
408 conviction; and

409 (b) any other conviction which would have prevented issuance of a certificate of
410 eligibility under Subsection (1)(e).

411 (4) If, after reasonable research, a disposition for an arrest on the criminal history file is
412 unobtainable, the division may issue a special certificate giving discretion of eligibility to the
413 court.

414 Section 6. Section **77-27-21.5** is amended to read:

415 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**

416 **Law enforcement and courts to report -- Registration -- Penalty -- Effect of expungement.**

417 (1) As used in this section:

418 (a) "Business day" means a day on which state offices are open for regular business.

419 [~~(a)~~] (b) "Department" means the Department of Corrections.

420 [~~(b)~~] (c) "Division" means the Division of Juvenile Justice Services.

421 [~~(c)~~] (d) "Employed" or "carries on a vocation" includes employment that is full time or

422 part time, whether financially compensated, volunteered, or for the purpose of government or
423 educational benefit.

424 ~~[(d) "Notification" means a person's acquisition of information from the department
425 about a sex offender, including his place of habitation, physical description, and other
426 information as provided in Subsections (12) and (13).]~~

427 (e) "Indian Country" means:

428 (i) all land within the limits of any Indian reservation under the jurisdiction of the United
429 States government, regardless of the issuance of any patent, and includes rights-of-way running
430 through the reservation;

431 (ii) all dependent Indian communities within the borders of the United States whether
432 within the original or subsequently acquired territory, and whether or not within the limits of a
433 state; and

434 (iii) all Indian allotments, including the Indian allotments to which the Indian titles to
435 have not been extinguished, including rights-of-way running through the allotments.

436 (f) "Jurisdiction" means any state, Indian County, or United States Territory.

437 (g) "Kidnap offender" means any person other than a natural parent of the victim who:

438 (i) has been convicted in this state of a violation of:

439 (A) Section 76-5-301, kidnapping;

440 (B) Section 76-5-301.1, child kidnapping;

441 (C) Section 76-5-302, aggravated kidnapping;

442 (D) Section 76-5-304, unlawful detention; or

443 (E) attempting, soliciting, or conspiring to commit any felony offense listed in
444 Subsections (1)(g)(i)(A) through (G);

445 (ii) has been convicted of any crime, or an attempt, solicitation, or conspiracy to
446 commit a crime in another jurisdiction that is substantially equivalent to the offenses listed in
447 Subsection (1)(g)(i) and who is:

448 (A) a Utah resident; or

449 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of

450 ten or more days, regardless of whether or not the offender intends to permanently reside in this
451 state;

452 (iii) is required to register as an offender in any other jurisdiction, and who, in any 12
453 month period, is in this state for a total of ten or more days, regardless of whether or not the
454 offender intends to permanently reside in this state;

455 (iv) is a nonresident regularly employed or working in this state, or who is a student in
456 this state, and was convicted of one or more offenses listed in Subsection (1)(g) or (1)(m), or
457 any substantially equivalent offense in another jurisdiction, or as a result of the conviction, is
458 required to register in the person's state of residence;

459 (v) is found not guilty by reason of insanity in this state or in any other jurisdiction of
460 one or more offenses listed in Subsection (1)(g); or

461 (vi) is adjudicated delinquent based on one or more offenses listed in Subsection
462 (1)(g)(i) and who has been committed to the division for secure confinement and remains in the
463 division's custody 30 days prior to the person's 21st birthday.

464 (h) "Natural parent" means a minor's biological or adoptive parent, and includes the
465 minor's noncustodial parent.

466 (i) "Offender" means a kidnap offender as defined in Subsection (1)(g) or a sex offender
467 as defined in Subsection (1)(m).

468 (j) "Primary residence" means the location where the offender regularly resides, even if
469 the offender intends to move to another location or return to another location at any future date.

470 ~~[(e)]~~ (k) "Register" means to comply with the requirements of this section and
471 administrative rules of the department made under this section.

472 (l) "Secondary residence" means any real property that the offender owns or has a
473 financial interest in, and any location where, in any 12 month period, the offender stays
474 overnight a total of ten or more nights when not staying at the offender's primary residence.

475 ~~[(f)]~~ (m) "Sex offender" means any person:

476 (i) convicted ~~by~~ in this state of:

477 (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor

478 over the Internet;

479 ~~[(B) Section 76-5-301.1, kidnapping of a child;]~~

480 (B) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;

481 (C) a felony violation of Section 76-5-401, unlawful sexual activity with a minor;

482 (D) Section 76-5-401.1, sexual abuse of a minor;

483 (E) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;

484 (F) Section 76-5-402, rape;

485 (G) Section 76-5-402.1, rape of a child;

486 (H) Section 76-5-402.2, object rape;

487 (I) Section 76-5-402.3, object rape of a child;

488 (J) a felony violation of Section 76-5-403, forcible sodomy;

489 (K) Section 76-5-403.1, sodomy on a child;

490 (L) Section 76-5-404, forcible sexual abuse;

491 (M) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;

492 (N) Section 76-5-405, aggravated sexual assault;

493 (O) Section 76-5a-3, sexual exploitation of a minor;

494 (P) Section 76-7-102, incest;

495 (Q) Section 76-9-702.5, lewdness involving a child;

496 (R) Section 76-10-1306, aggravated exploitation of prostitution; or

497 (S) attempting, soliciting, or conspiring to commit any felony offense listed in

498 Subsection (1)~~[(f)]~~(m)(i);

499 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to

500 commit a crime in another ~~[state or by the United States government]~~ jurisdiction that is

501 substantially equivalent to the offenses listed in Subsection (1)~~[(f)]~~(m)(i) and who is:

502 (A) a Utah resident; or

503 ~~[(B) not a Utah resident, but who is in the state for ten days, regardless of whether or~~

504 ~~not the offender intends to permanently reside in this state;]~~

505 ~~[(iii) who is required to register as a sex offender in any other state or United States~~

506 ~~territory, is not a Utah resident, but who is in the state for ten days, regardless of whether or not~~
507 ~~the offender intends to permanently reside in this state;]~~

508 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
509 ten or more days, regardless of whether the offender intends to permanently reside in this state;

510 (iii) who is required to register as an offender in any other jurisdiction, and who, in any
511 12 month period, is in the state for a total of ten or more days, regardless of whether or not the
512 offender intends to permanently reside in this state;

513 (iv) who is a nonresident regularly employed[;] or working[,-or] in this state or who is a
514 student in this state and was convicted of one or more offenses listed in Subsection
515 (1)[~~(f)~~](m)(i), or any substantially equivalent offense in [~~another state or by the United States~~
516 ~~government, and]~~ any jurisdiction, or as a result of the conviction, is required to register in the
517 person's [~~state]~~ jurisdiction of residence;

518 (v) who is found not guilty by reason of insanity in this state, [~~any other state, or by the~~
519 ~~United States government]~~ or in any other jurisdiction of one or more offenses listed in
520 Subsection (1)[~~(f)~~](m)(i); or

521 (vi) who is adjudicated delinquent based on one or more offenses listed in Subsection
522 (1)[~~(f)~~](m)(i) and who has been committed to the division for secure confinement and remains in
523 the division's custody 30 days prior to the person's 21st birthday.

524 (n) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in
525 any jurisdiction.

526 (2) The department, to assist in investigating sex-related crimes and in apprehending
527 offenders, shall:

528 (a) develop and operate a system to collect, analyze, maintain, and disseminate
529 information on [~~sex~~] offenders and sex and kidnap offenses; and

530 (b) make information [~~collected and developed under this section]~~ listed in Subsection
531 (25) available to the public.

532 (3) Any law enforcement agency shall, in the manner prescribed by the department,
533 inform the department of:

534 (a) the receipt of a report or complaint of an offense listed in Subsection (1)~~(f)~~(g) or
535 (m), within three ~~working~~ business days; and

536 (b) the arrest of a person suspected of any of the offenses listed in Subsection
537 (1)~~(f)~~(g) or (m), within five ~~working~~ business days.

538 (4) Upon convicting a person of any of the offenses listed in Subsection (1)~~(f)~~(g) or
539 (m), the convicting court shall within three ~~working~~ business days forward a copy of the
540 judgment and sentence to the department.

541 (5) ~~A sex~~ An offender in the custody of the department shall be registered by agents
542 of the department upon:

543 (a) ~~being placed~~ placement on probation;

544 (b) commitment to a secure correctional facility operated by or under contract to the
545 department;

546 (c) release from confinement to parole status, termination or expiration of sentence, or
547 escape;

548 (d) entrance to and release from any community-based residential program operated by
549 or under contract to the department; or

550 (e) termination of probation or parole.

551 (6) ~~A sex~~ An offender who is not in the custody of the department and who is
552 confined in a correctional facility not operated by or under contract to the department shall be
553 registered with the department by the sheriff of the county in which the offender is confined,
554 upon:

555 (a) commitment to the correctional facility; and

556 (b) release from confinement.

557 (7) ~~A sex~~ An offender in the custody of the division shall be registered with the
558 department by the division prior to release from custody.

559 (8) ~~A sex~~ An offender committed to a state mental hospital shall be registered with the
560 department by the hospital upon admission and upon discharge.

561 (9) ~~A sex~~ An offender convicted by any other ~~state or by the United States~~

562 ~~government]~~ jurisdiction is required to register under Subsection (1)~~(f)(ii)]~~(g) or (m) and
563 Subsection (10) and shall register with the department within ten days of entering the state,
564 regardless of the offender's length of stay.

565 (10) (a) Except as provided in Subsections (10)(b), (c), and (d), ~~a sex]~~ an offender
566 shall, for the duration of the sentence and for ten years after termination of sentence or custody
567 of the division, register ~~annually]~~ every year during the month of the offender's birth ~~and again~~
568 ~~within five]~~, during the month that is the sixth month after the offender's birth month, and also
569 within three business days of every change of ~~his place of habitation,]~~ the offender's primary
570 residence, any secondary residences, place of employment, vehicle information, or educational
571 information required to be submitted under Subsection (12).

572 (b) Except as provided Subsections (10)(c) and (d), ~~a sex]~~ an offender who is
573 convicted in another jurisdiction of an offense listed in Subsection ~~(1)(f)(i) by another state]~~
574 (1)(g)(i) or (m)(i), a substantially similar offense, or any other offense that requires registration
575 in the jurisdiction of conviction, shall:

576 (i) register for the time period, and in the frequency, required by the ~~state]~~ jurisdiction
577 where the offender was convicted if ~~the state's]~~ that jurisdiction's registration period or
578 registration frequency requirement for the offense that the offender was convicted of is ~~in~~
579 ~~excess of]~~ greater than the ten years from completion of the sentence registration period that is
580 required under Subsection (10)(a)~~:-],~~ or is more frequent than every six months; or

581 (ii) register in accordance with the requirements of Subsection (10)(a), if the
582 jurisdiction's registration period or frequency requirement for the offense that the offender was
583 convicted of is less than the registration period required under Subsection (10)(a), or is less
584 frequent than every six months.

585 (c) (i) ~~A sex]~~ (A) An offender convicted as an adult of any of the offenses listed in
586 Subsection (10)(c)(ii) shall, for the offender's lifetime, register ~~annually]~~ every year during the
587 month of the offender's birth ~~and again within five days of every change of the offender's place~~
588 ~~of habitation,]~~ during the month that is the sixth month after the offender's birth month, and also
589 within three business days of every change of the offender's primary residence, any secondary

590 residences, place of employment, vehicle information, or educational information required to be
591 submitted under Subsection (12).

592 (B) This registration requirement is not subject to exemptions and may not be
593 terminated or altered during the offender's lifetime.

594 (ii) Offenses referred to in Subsection (10)(c)(i) are:

595 (A) any offense listed in Subsection (1)~~(f)~~(g) or (m) if, at the time of the conviction,
596 the offender has previously been convicted of an offense listed in Subsection (1)~~(f)~~(g) or (m)
597 or has previously been required to register as a sex offender for an offense committed as a
598 juvenile;

599 ~~[(B) Section 76-4-401, enticing a minor over the Internet, if the offense is a class A or
600 felony violation;]~~

601 (B) a conviction for any of the following offenses, including attempting, soliciting, or
602 conspiring to commit any felony of:

603 ~~[(C)]~~ (I) Section 76-5-301.1, child kidnapping, except if the offender is a natural parent
604 of the victim;

605 ~~[(D)]~~ (II) Section 76-5-402, rape;

606 ~~[(E)]~~ (III) Section 76-5-402.1, rape of a child;

607 ~~[(F)]~~ (IV) Section 76-5-402.2, object rape;

608 ~~[(G)]~~ (V) Section 76-5-402.3, object rape of a child;

609 ~~[(H) Section 76-5-403, forcible sodomy;]~~

610 ~~[(I)]~~ (VI) Section 76-5-403.1, sodomy on a child;

611 ~~[(J) Section 76-5-404.1, sexual abuse of a child;]~~

612 ~~[(K)]~~ (VII) Subsection 76-5-404.1(4), aggravated sexual abuse of a child; or

613 ~~[(L)]~~ (VIII) Section 76-5-405, aggravated sexual assault;

614 ~~[(M) Section 76-5a-3, sexual exploitation of a minor; or]~~

615 ~~[(N) Section 76-7-102, incest.]~~

616 (C) Section 76-4-401, a felony violation of enticing a minor over the Internet;

617 (D) Section 76-5-302, aggravated kidnapping, except if the offender is a natural parent

618 of the victim;

619 (E) Section 76-5-403, forcible sodomy;

620 (F) Section 76-5-404.1, sexual abuse of a child; or

621 (G) Section 76-5a-3, sexual exploitation of a minor.

622 (d) Notwithstanding Subsections (10)(a), (b), and (c), [~~a sex~~] an offender who is
623 confined in a secure facility or in a state mental hospital is not required to register [~~annually~~]
624 during the period of confinement.

625 (e) [~~A sex~~] An offender [~~that~~] who is required to register [~~annually~~] under this
626 Subsection (10) shall surrender the [~~sex~~] offender's license, certificate, or identification card as
627 required under Subsection 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or
628 identification card as provided under Section 53-3-205 or 53-3-804.

629 (11) An agency in the state that registers [~~a sex~~] an offender on probation, [~~a sex~~] an
630 offender who has been released from confinement to parole status or termination, or [~~a sex~~] an
631 offender whose sentence has expired shall inform the offender of the duty to comply with:

632 (a) the continuing registration requirements of this section during the period of
633 registration required in Subsection (10), including:

634 (i) notification to the state agencies in the states where the registrant presently resides
635 and plans to reside when moving across state lines;

636 (ii) verification of address at least every 60 days pursuant to a parole agreement for
637 lifetime parolees; and

638 (iii) notification to the out-of-state agency where the offender is living, whether or not
639 the offender is a resident of that state; and

640 (b) the driver license certificate or identification card surrender requirement under
641 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or
642 53-3-804.

643 (12) [~~A sex offender~~] An offender shall provide the department or the registering entity
644 with the following information:

645 (a) all names [~~or~~] and aliases [~~the sex~~] by which the offender is or has been known [~~by~~];

- 646 ~~[(b) the sex offender's name and residential address;]~~
- 647 (b) the addresses of the offender's primary and secondary residences;
- 648 (c) a physical description, including the [sex] offender's [age] date of birth, height,
- 649 weight, eye and hair color;
- 650 ~~[(d) the type of vehicle or vehicles the sex offender drives;]~~
- 651 (d) the make, model, color, year, plate number, and vehicle identification number of any
- 652 vehicle or vehicles the offender owns or regularly drives;
- 653 (e) a current photograph of the [sex] offender; [and]
- 654 (f) a set of fingerprints, if one has not already been provided;
- 655 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not
- 656 already been provided;
- 657 (h) telephone numbers and any other designations used by the offender for routing or
- 658 self-identification in telephonic communications from fixed locations or cellular telephones;
- 659 (i) Internet identifiers and the addresses the offender uses for routing or
- 660 self-identification in Internet communications or postings;
- 661 (j) a copy of the offender's passport, if a passport has been issued to the offender;
- 662 (k) if the offender is an alien, all documents establishing the offender's immigration
- 663 status;
- 664 (l) all professional licenses that authorize the offender to engage in an occupation or
- 665 carry out a trade or business, including any identifiers, such as numbers;
- 666 ~~[(f)]~~ (m) each educational institution in Utah at which the [sex] offender is employed,
- 667 carries on a vocation, or is a student, and any change of enrollment or employment status of the
- 668 [sex] offender at any educational institution[-];
- 669 (n) the name and the address of any place where the offender is employed or will be
- 670 employed;
- 671 (o) the name and the address of any place where the offender works as a volunteer or
- 672 will work as a volunteer; and
- 673 (p) the offender's Social Security number.

674 (13) The department shall:
675 (a) provide the following additional information when available:
676 (i) the crimes the [sex] offender [was] has been convicted of or adjudicated delinquent
677 for; ~~and~~
678 (ii) a description of the [sex] offender's primary and secondary targets; and
679 (iii) any other relevant identifying information as determined by the department;
680 (b) maintain the Sex Offender Notification and Registration website; and
681 ~~(b)~~ (c) ensure that the registration information collected regarding ~~a sex~~ an
682 offender's enrollment or employment at an educational institution is:
683 (i) (A) promptly made available to any law enforcement agency that has jurisdiction
684 where the institution is located if the educational institution is an institution of higher education;
685 or
686 (B) promptly made available to the district superintendent of the school district where
687 the offender is enrolled if the educational institution is an institution of primary education; and
688 (ii) entered into the appropriate state records or data system.
689 (14) (a) ~~A sex~~ An offender who knowingly fails to register under this section is guilty
690 of:
691 (i) a third degree felony and shall be sentenced to serve a term of incarceration for not
692 less than 90 days and also at least one year of probation if:
693 (A) the [sex] offender is required to register for a felony conviction or adjudicated
694 delinquent for what would be a felony if the juvenile were an adult of an offense listed in
695 Subsection (1)~~(f)(i)~~(g)(i) or (m)(i); or
696 (B) the [sex] offender is required to register for the offender's lifetime under Subsection
697 (10)(c); or
698 (ii) a class A misdemeanor and shall be sentenced to serve a term of incarceration for
699 not fewer than 90 days and also at least one year of probation if the [sex] offender is required to
700 register for a misdemeanor conviction or is adjudicated delinquent for what would be a
701 misdemeanor if the juvenile were an adult of an offense listed in Subsection (1)~~(f)(i)~~(g)(i) or

702 (m)(i).

703 (b) Neither the court nor the Board of Pardons and Parole may release a person who
704 violates this section from serving the term required under Subsection (14)(a). This Subsection
705 (14)(b) supersedes any other provision of the law contrary to this section.

706 (c) The offender shall register for an additional year for every year in which the offender
707 does not comply with the registration requirements of this section.

708 (15) Notwithstanding Title 63, Chapter 2, Government Records Access and
709 Management Act, information in [~~Subsections (12) and~~] Subsection (13) collected and released
710 under [~~this section~~] Subsection (25) is public information.

711 (16) (a) If [~~a sex~~] an offender is to be temporarily sent outside a secure facility in which
712 [~~he~~] the offender is confined on any assignment, including, without limitation, firefighting or
713 disaster control, the official who has custody of the offender shall, within a reasonable time
714 prior to removal from the secure facility, notify the local law enforcement agencies where the
715 assignment is to be filled.

716 (b) This Subsection (16) does not apply to any person temporarily released under guard
717 from the institution in which [~~he~~] the person is confined.

718 (17) Notwithstanding Sections 77-18-9 through 77-18-14 regarding expungement, a
719 person convicted of any offense listed in Subsection (1)[~~(f)~~](g) or (m) is not relieved from the
720 responsibility to register as required under this section.

721 (18) Notwithstanding Section 42-1-1, [~~a sex~~] an offender:

722 (a) may not change [~~his~~] the offender's name:

723 (i) while under the jurisdiction of the department; and

724 (ii) until the registration requirements of this statute have expired; [~~or~~] and

725 (b) may not change [~~his~~] the offender's name at any time, if registration is for life under
726 Subsection (10)(c).

727 (19) The department may make administrative rules necessary to implement this
728 section, including:

729 (a) the method for dissemination of the information; and

730 (b) instructions to the public regarding the use of the information.

731 (20) Any information regarding the identity or location of a victim shall be redacted by
732 the department from information provided under Subsections (12) and (13).

733 (21) ~~[Nothing in this section shall be construed to]~~ This section does not create or
734 impose any duty on any person to request or obtain information regarding any sex offender from
735 the department.

736 (22) The department shall ~~[post registry information]~~ maintain a Sex Offender
737 Notification and Registration website on the Internet, ~~[and the website]~~ which shall contain a
738 disclaimer informing the public ~~[of the following]:~~

739 (a) the information contained on the site is obtained from ~~[sex]~~ offenders and the
740 department does not guarantee its accuracy or completeness;

741 (b) members of the public are not allowed to use the information to harass or threaten
742 ~~[sex]~~ offenders or members of their families; and

743 (c) harassment, stalking, or threats against ~~[sex]~~ offenders or their families are
744 prohibited and doing so may violate Utah criminal laws.

745 (23) The Sex Offender Notification and Registration website shall be indexed by both
746 the surname of the offender and by postal codes.

747 (24) The department shall construct the Sex Offender Notification and Registration
748 website so that users, before accessing registry information, must indicate that they have read
749 the disclaimer, understand it, and agree to comply with its terms.

750 (25) The Sex Offender Notification and Registration website shall include the following
751 registry information:

752 (a) all names and aliases by which the offender is or has been known;

753 (b) the addresses of the offender's primary, secondary, and temporary residences;

754 (c) a physical description, including the offender's date of birth, height, weight, and eye
755 and hair color;

756 (d) the make, model, color, year, and plate number of any vehicle or vehicles the
757 offender owns or regularly drives;

- 758 (e) a current photograph of the offender;
- 759 (f) a list of all professional licenses that authorize the offender to engage in an
760 occupation or carry out a trade or business;
- 761 (g) each educational institution in Utah at which the offender is employed, carries on a
762 vocation, or is a student;
- 763 (h) a list of places where the offender works as a volunteer;
- 764 (i) the crimes listed in Subsections (1)(g) and (1)(m) that the offender has been
765 convicted of or for which the offender has been adjudicated delinquent in juvenile court; and
- 766 (j) a description of the offender's primary and secondary targets.

767 ~~[(25)]~~ (26) The department, its personnel, and any individual or entity acting at the
768 request or upon the direction of the department are immune from civil liability for damages for
769 good faith compliance with this section and will be presumed to have acted in good faith by
770 reporting information.

771 ~~[(26)]~~ (27) The department shall redact information that, if disclosed, could reasonably
772 identify a victim.

773 ~~[(27)]~~ (28) (a) Each ~~[sex]~~ offender required to register under Subsection (10)~~[-who is~~
774 ~~not currently under the jurisdiction of the Department of Corrections;]~~ shall, in the month of the
775 offender's birth, pay to the department an annual fee of ~~[\$75]~~ \$100 each year the ~~[sex]~~ offender
776 is subject to the registration requirements of this section.

777 (b) Notwithstanding Subsection (28)(a), an offender who is confined in a secure facility
778 or in a state mental hospital is not required to pay the annual fee.

779 ~~[(b)]~~ (c) The department shall deposit fees under this Subsection ~~[(27)]~~ (28) in the
780 General Fund as a dedicated credit, to be used by the department for maintaining the ~~[sex]~~
781 offender registry under this section and monitoring ~~[sex]~~ offender registration compliance,
782 including the costs of:

- 783 (i) data entry;
- 784 (ii) processing registration packets;
- 785 (iii) updating registry information;

786 (iv) ensuring [~~sex~~] offender compliance with registration requirements under this
787 section; and
788 (v) apprehending offenders who are in violation of the [~~sex~~] offender registration
789 requirements under this section.