

1 **SEX OFFENDERS' CONTACT WITH**
2 **CHILDREN**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Richard A. Greenwood**

6 Senate Sponsor: Ralph Okerlund

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Code of Criminal Procedure and requires a registered sex
11 offender whose offense was against a child younger than age 14 to obtain permission
12 from a child's parent or guardian to allow a child younger than age 14 to accompany
13 the offender.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ provides that it is a class A misdemeanor for any sex offender whose offense was
17 against a child to request or solicit a child younger than age 14 to accompany the
18 sex offender for any purpose unless:

19 • the sex offender:

20 • has advised the parent or guardian that the sex offender is on the state
21 sex offender registry and is required by law to have the written
22 permission; and

23 • has in possession written permission from the child's parent or guardian
24 authorizing the offender to accompany the child;

25 ▶ the child's parent or guardian has given verbal permission and both the child and
26 the sex offender are in the child's home or on the property appurtenant to the child's
27 home; or

28 ▶ the child is the natural child of the sex offender, and the offender is not prohibited
29 by any court order, or probation or parole provision from contact with the child;

- 30 ▶ prohibits a defense of not knowing the actual age of the child; and
- 31 ▶ extends the offender's period of registration as a sex offender for five years for
- 32 violation of this provision.

33 Monies Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 None

37 Utah Code Sections Affected:

38 AMENDS:

39 **77-27-21.5**, as last amended by Laws of Utah 2008, Chapters 133, 342, 355, and 382

40 ENACTS:

41 **77-27-21.8**, Utah Code Annotated 1953



43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **77-27-21.5** is amended to read:

45 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**
46 **Law enforcement and courts to report -- Penalty -- Effect of expungement.**

47 (1) As used in this section:

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

49 (b) "Department" means the Department of Corrections.

50 (c) "Division" means the Division of Juvenile Justice Services.

51 (d) "Employed" or "carries on a vocation" includes employment that is full time or
52 part time, whether financially compensated, volunteered, or for the purpose of government or
53 educational benefit.

54 (e) "Indian Country" means:

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

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

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

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

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

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

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

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

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

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

70 (E) attempting, soliciting, or conspiring to commit any felony offense listed in

71 Subsections (1)(g)(i)(A) through [~~(G)~~] (D);

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

75 (A) a Utah resident; or

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

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

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

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

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

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

93 (i) "Offender" means a kidnap offender as defined in Subsection (1)(g) or a sex
94 offender as defined in Subsection (1)(n).

95 (j) "Online identifier" means any electronic mail, chat, instant messenger, social
96 networking, or similar name used for Internet communication. It does not include date of
97 birth, Social Security number, or PIN number.

98 (k) "Primary residence" means the location where the offender regularly resides, even
99 if the offender intends to move to another location or return to another location at any future
100 date.

101 (l) "Register" means to comply with the requirements of this section and
102 administrative rules of the department made under this section.

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

106 (n) "Sex offender" means any person:

107 (i) convicted in this state of:

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

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

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

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

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

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

- 114 (G) Section 76-5-402.1, rape of a child;
- 115 (H) Section 76-5-402.2, object rape;
- 116 (I) Section 76-5-402.3, object rape of a child;
- 117 (J) a felony violation of Section 76-5-403, forcible sodomy;
- 118 (K) Section 76-5-403.1, sodomy on a child;
- 119 (L) Section 76-5-404, forcible sexual abuse;
- 120 (M) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;
- 121 (N) Section 76-5-405, aggravated sexual assault;
- 122 (O) Section 76-5a-3, sexual exploitation of a minor;
- 123 (P) Section 76-7-102, incest;
- 124 (Q) Section 76-9-702.5, lewdness involving a child;
- 125 (R) Section 76-10-1306, aggravated exploitation of prostitution; or
- 126 (S) attempting, soliciting, or conspiring to commit any felony offense listed in
- 127 Subsection (1)(n)(i);
- 128 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to
- 129 commit a crime in another jurisdiction that is substantially equivalent to the offenses listed in
- 130 Subsection (1)(n)(i) and who is:
- 131 (A) a Utah resident; or
- 132 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
- 133 ten or more days, regardless of whether the offender intends to permanently reside in this state;
- 134 (iii) who is required to register as an offender in any other jurisdiction, and who, in
- 135 any 12 month period, is in the state for a total of ten or more days, regardless of whether or not
- 136 the offender intends to permanently reside in this state;
- 137 (iv) who is a nonresident regularly employed or working in this state or who is a
- 138 student in this state and was convicted of one or more offenses listed in Subsection (1)(n)(i),
- 139 or any substantially equivalent offense in any jurisdiction, or as a result of the conviction, is
- 140 required to register in the person's jurisdiction of residence;
- 141 (v) who is found not guilty by reason of insanity in this state, or in any other

142 jurisdiction of one or more offenses listed in Subsection (1)(n)(i); or

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

146 (o) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in
147 any jurisdiction.

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

150 (a) develop and operate a system to collect, analyze, maintain, and disseminate
151 information on offenders and sex and kidnap offenses;

152 (b) make information listed in Subsection (25) available to the public; and

153 (c) require that a sex offender provide to the department any password required for use
154 with an online identifier. Passwords provided to the department may not be disclosed to the
155 public.

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

158 (a) the receipt of a report or complaint of an offense listed in Subsection (1)(g) or (n),
159 within three business days; and

160 (b) the arrest of a person suspected of any of the offenses listed in Subsection (1)(g) or
161 (n), within five business days.

162 (4) Upon convicting a person of any of the offenses listed in Subsection (1)(g) or (n),
163 the convicting court shall within three business days forward a copy of the judgment and
164 sentence to the department.

165 (5) An offender in the custody of the department shall be registered by agents of the
166 department upon:

167 (a) placement on probation;

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

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

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

174 (e) termination of probation or parole.

175 (6) An offender who is not in the custody of the department and who is confined in a
176 correctional facility not operated by or under contract to the department shall be registered
177 with the department by the sheriff of the county in which the offender is confined, upon:

178 (a) commitment to the correctional facility; and

179 (b) release from confinement.

180 (7) An offender in the custody of the division shall be registered with the department
181 by the division prior to release from custody.

182 (8) An offender committed to a state mental hospital shall be registered with the
183 department by the hospital upon admission and upon discharge.

184 (9) An offender convicted by any other jurisdiction is required to register under
185 Subsection (1)(g) or (n) and Subsection (10) and shall register with the department within ten
186 days of entering the state, regardless of the offender's length of stay.

187 (10) (a) Except as provided in Subsections (10)(b), (c), and (d), an offender shall, for
188 the duration of the sentence and for ten years after termination of sentence or custody of the
189 division, register every year during the month of the offender's birth, during the month that is
190 the sixth month after the offender's birth month, and also within three business days of every
191 change of the offender's primary residence, any secondary residences, place of employment,
192 vehicle information, or educational information required to be submitted under Subsection
193 (12).

194 (b) Except as provided Subsections (10)(c) and (d), an offender who is convicted in
195 another jurisdiction of an offense listed in Subsection (1)(g)(i) or (n)(i), a substantially similar
196 offense, or any other offense that requires registration in the jurisdiction of conviction, shall:

197 (i) register for the time period, and in the frequency, required by the jurisdiction where

198 the offender was convicted if that jurisdiction's registration period or registration frequency
199 requirement for the offense that the offender was convicted of is greater than the ten years
200 from completion of the sentence registration period that is required under Subsection (10)(a),
201 or is more frequent than every six months; or

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

206 (c) (i) (A) An offender convicted as an adult of any of the offenses listed in Subsection
207 (10)(c)(ii) shall, for the offender's lifetime, register every year during the month of the
208 offender's birth, during the month that is the sixth month after the offender's birth month, and
209 also within three business days of every change of the offender's primary residence, any
210 secondary residences, place of employment, vehicle information, or educational information
211 required to be submitted under Subsection (12).

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

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

215 (A) any offense listed in Subsection (1)(g) or (n) if, at the time of the conviction, the
216 offender has previously been convicted of an offense listed in Subsection (1)(g) or (n) or has
217 previously been required to register as a sex offender for an offense committed as a juvenile;

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

220 (I) Section 76-5-301.1, child kidnapping, except if the offender is a natural parent of
221 the victim;

222 (II) Section 76-5-402, rape;

223 (III) Section 76-5-402.1, rape of a child;

224 (IV) Section 76-5-402.2, object rape;

225 (V) Section 76-5-402.3, object rape of a child;

226

227 (VI) Section 76-5-403.1, sodomy on a child;

228 (VII) Subsection 76-5-404.1(4), aggravated sexual abuse of a child; or

229 (VIII) Section 76-5-405, aggravated sexual assault;

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

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

232 of the victim;

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

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

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

236 (d) Notwithstanding Subsections (10)(a), (b), and (c), an offender who is confined in a

237 secure facility or in a state mental hospital is not required to register during the period of

238 confinement.

239 (e) An offender who is required to register under this Subsection (10) shall surrender

240 the offender's license, certificate, or identification card as required under Subsection

241 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as

242 provided under Section 53-3-205 or 53-3-804.

243 (f) A sex offender who violates Section 77-27-21.8 while required to register under

244 this section shall register for an additional five years subsequent to the registration period

245 otherwise required under this section.

246 (11) An agency in the state that registers an offender on probation, an offender who

247 has been released from confinement to parole status or termination, or an offender whose

248 sentence has expired shall inform the offender of the duty to comply with:

249 (a) the continuing registration requirements of this section during the period of

250 registration required in Subsection (10), including:

251 (i) notification to the state agencies in the states where the registrant presently resides

252 and plans to reside when moving across state lines;

253 (ii) verification of address at least every 60 days pursuant to a parole agreement for

254 lifetime parolees; and
255 (iii) notification to the out-of-state agency where the offender is living, whether or not
256 the offender is a resident of that state; and
257 (b) the driver license certificate or identification card surrender requirement under
258 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or
259 53-3-804.

260 (12) An offender shall provide the department or the registering entity with the
261 following information:

- 262 (a) all names and aliases by which the offender is or has been known;
- 263 (b) the addresses of the offender's primary and secondary residences;
- 264 (c) a physical description, including the offender's date of birth, height, weight, eye
265 and hair color;
- 266 (d) the make, model, color, year, plate number, and vehicle identification number of
267 any vehicle or vehicles the offender owns or regularly drives;
- 268 (e) a current photograph of the offender;
- 269 (f) a set of fingerprints, if one has not already been provided;
- 270 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not
271 already been provided;
- 272 (h) telephone numbers and any other designations used by the offender for routing or
273 self-identification in telephonic communications from fixed locations or cellular telephones;
- 274 (i) Internet identifiers and the addresses the offender uses for routing or
275 self-identification in Internet communications or postings;
- 276 (j) the name and Internet address of all websites on which the sex offender is
277 registered using an online identifier, including all online identifiers and passwords used to
278 access those websites;
- 279 (k) a copy of the offender's passport, if a passport has been issued to the offender;
- 280 (l) if the offender is an alien, all documents establishing the offender's immigration
281 status;

282 (m) all professional licenses that authorize the offender to engage in an occupation or
283 carry out a trade or business, including any identifiers, such as numbers;

284 (n) each educational institution in Utah at which the offender is employed, carries on a
285 vocation, or is a student, and any change of enrollment or employment status of the offender at
286 any educational institution;

287 (o) the name and the address of any place where the offender is employed or will be
288 employed;

289 (p) the name and the address of any place where the offender works as a volunteer or
290 will work as a volunteer; and

291 (q) the offender's Social Security number.

292 (13) The department shall:

293 (a) provide the following additional information when available:

294 (i) the crimes the offender has been convicted of or adjudicated delinquent for;

295 (ii) a description of the offender's primary and secondary targets; and

296 (iii) any other relevant identifying information as determined by the department;

297 (b) maintain the Sex Offender Notification and Registration website; and

298 (c) ensure that the registration information collected regarding an offender's
299 enrollment or employment at an educational institution is:

300 (i) (A) promptly made available to any law enforcement agency that has jurisdiction
301 where the institution is located if the educational institution is an institution of higher
302 education; or

303 (B) promptly made available to the district superintendent of the school district where
304 the offender is enrolled if the educational institution is an institution of primary education; and

305 (ii) entered into the appropriate state records or data system.

306 (14) (a) An offender who knowingly fails to register under this section or provides false
307 or incomplete information is guilty of:

308 (i) a third degree felony and shall be sentenced to serve a term of incarceration for not
309 less than 90 days and also at least one year of probation if:

310 (A) the offender is required to register for a felony conviction or adjudicated
311 delinquent for what would be a felony if the juvenile were an adult of an offense listed in
312 Subsection (1)(g)(i) or (n)(i); or

313 (B) the offender is required to register for the offender's lifetime under Subsection
314 (10)(c); or

315 (ii) a class A misdemeanor and shall be sentenced to serve a term of incarceration for
316 not fewer than 90 days and also at least one year of probation if the offender is required to
317 register for a misdemeanor conviction or is adjudicated delinquent for what would be a
318 misdemeanor if the juvenile were an adult of an offense listed in Subsection (1)(g)(i) or (n)(i).

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

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

324 (15) Notwithstanding Title 63G, Chapter 2, Government Records Access and
325 Management Act, information in Subsection (13) collected and released under Subsection (25)
326 is public information.

327 (16) (a) If an offender is to be temporarily sent outside a secure facility in which the
328 offender is confined on any assignment, including, without limitation, firefighting or disaster
329 control, the official who has custody of the offender shall, within a reasonable time prior to
330 removal from the secure facility, notify the local law enforcement agencies where the
331 assignment is to be filled.

332 (b) This Subsection (16) does not apply to any person temporarily released under
333 guard from the institution in which the person is confined.

334 (17) Notwithstanding Sections 77-18-9 through 77-18-14 regarding expungement, a
335 person convicted of any offense listed in Subsection (1)(g) or (n) is not relieved from the
336 responsibility to register as required under this section.

337 (18) Notwithstanding Section 42-1-1, an offender:

338 (a) may not change the offender's name:
339 (i) while under the jurisdiction of the department; and
340 (ii) until the registration requirements of this statute have expired; and
341 (b) may not change the offender's name at any time, if registration is for life under
342 Subsection (10)(c).

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

345 (a) the method for dissemination of the information; and
346 (b) instructions to the public regarding the use of the information.

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

349 (21) This section does not create or impose any duty on any person to request or obtain
350 information regarding any sex offender from the department.

351 (22) The department shall maintain a Sex Offender Notification and Registration
352 website on the Internet, which shall contain a disclaimer informing the public:

353 (a) the information contained on the site is obtained from offenders and the
354 department does not guarantee its accuracy or completeness;
355 (b) members of the public are not allowed to use the information to harass or threaten
356 offenders or members of their families; and
357 (c) harassment, stalking, or threats against offenders or their families are prohibited
358 and doing so may violate Utah criminal laws.

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

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

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

- 366 (a) all names and aliases by which the offender is or has been known;
 - 367 (b) the addresses of the offender's primary, secondary, and temporary residences;
 - 368 (c) a physical description, including the offender's date of birth, height, weight, and
369 eye and hair color;
 - 370 (d) the make, model, color, year, and plate number of any vehicle or vehicles the
371 offender owns or regularly drives;
 - 372 (e) a current photograph of the offender;
 - 373 (f) a list of all professional licenses that authorize the offender to engage in an
374 occupation or carry out a trade or business;
 - 375 (g) each educational institution in Utah at which the offender is employed, carries on a
376 vocation, or is a student;
 - 377 (h) a list of places where the offender works as a volunteer;
 - 378 (i) the crimes listed in Subsections (1)(g) and (1)(n) that the offender has been
379 convicted of or for which the offender has been adjudicated delinquent in juvenile court; and
 - 380 (j) a description of the offender's primary and secondary targets.
- 381 (26) The department, its personnel, and any individual or entity acting at the request or
382 upon the direction of the department are immune from civil liability for damages for good
383 faith compliance with this section and will be presumed to have acted in good faith by
384 reporting information.
- 385 (27) The department shall redact information that, if disclosed, could reasonably
386 identify a victim.
- 387 (28) (a) Each offender required to register under Subsection (10) shall, in the month of
388 the offender's birth, pay to the department an annual fee of \$100 each year the offender is
389 subject to the registration requirements of this section.
- 390 (b) Notwithstanding Subsection (28)(a), an offender who is confined in a secure
391 facility or in a state mental hospital is not required to pay the annual fee.
- 392 (c) The department shall deposit fees under this Subsection (28) in the General Fund
393 as a dedicated credit, to be used by the department for maintaining the offender registry under

394 this section and monitoring offender registration compliance, including the costs of:
395 (i) data entry;
396 (ii) processing registration packets;
397 (iii) updating registry information;
398 (iv) ensuring offender compliance with registration requirements under this section;
399 and
400 (v) apprehending offenders who are in violation of the offender registration
401 requirements under this section.

402 (29) Notwithstanding Subsections (2)(c) and (12)(i) and (j), a sex offender is not
403 required to provide the department with:

- 404 (a) the offender's online identifier and password used exclusively for the offender's
405 employment on equipment provided by an employer and used to access the employer's private
406 network; or
- 407 (b) online identifiers for the offender's financial accounts, including any bank,
408 retirement, or investment accounts.

409 Section 2. Section **77-27-21.8** is enacted to read:

410 **77-27-21.8. Sex offender in presence of a child -- Definitions -- Penalties.**

411 (1) As used in this section:

412 (a) "Accompany" means:

413 (i) to be in the presence of an individual; and

414 (ii) to move or travel with that individual from one location to another, whether
415 outdoors, indoors, or in or on any type of vehicle.

416 (b) "Child" means an individual younger than 14 years of age.

417 (2) A sex offender subject to registration under Section 77-27-21.5 for an offense
418 committed or attempted to be committed against a child younger than 14 years of age is guilty
419 of a class A misdemeanor if the sex offender requests, invites, or solicits a child to accompany
420 the sex offender, under circumstances that do not constitute an attempt to violate Section
421 76-5-301.1, child kidnapping, unless:

422 (a) (i) the sex offender, prior to accompanying the child:
423 (A) verbally advises the child's parent or legal guardian that the sex offender is on the
424 state sex offender registry and is required by state law to obtain written permission in order for
425 the sex offender to accompany the child; and
426 (B) requests that the child's parent or legal guardian provide written authorization for
427 the sex offender to accompany the child, including the specific dates and locations;
428 (ii) the child's parent or legal guardian has provided to the sex offender written
429 authorization, including the specific dates and locations, for the sex offender to accompany the
430 child; and
431 (iii) the sex offender has possession of the written authorization and is accompanying
432 the child only at the dates and locations specified in the authorization;
433 (b) the child's parent or guardian has verbally authorized the sex offender to
434 accompany the child either in the child's residence or on property appurtenant to the child's
435 residence, but in no other locations; or
436 (c) the child is the natural child of the sex offender, and the offender is not prohibited
437 by any court order, or probation or parole provision, from contact with the child.
438 (3) (a) A sex offender convicted of a violation of Subsection (2) is subject to
439 registration under Section 77-27-21.5 for an additional five years subsequent to the required
440 registration under Section 77-27-21.5.
441 (b) The period of additional registration imposed under Subsection (3)(a) is also in
442 addition to any period of registration imposed under Subsection 77-27-21.5(14)(c) for failure
443 to comply with registration requirements.
444 (4) It is not a defense to a prosecution under this section that the defendant mistakenly
445 believed the individual to be 14 years of age or older at the time of the offense or was unaware
446 of the individual's true age.
447 (5) This section does not apply if a sex offender is acting to rescue a child who is in an
448 emergency and life-threatening situation.