

- 28 ▶ removes the offense of unlawful detention from the definition of a kidnap offender;
- 29 and
- 30 ▶ in response to a recent Utah Supreme Court case State v. Briggs, removes the
- 31 requirement that the Department of Corrections include "a description of the
- 32 offender's primary and secondary targets" in the listing of an offender's description
- 33 and history of offenses on the sex offender registry.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **63G-2-302**, as last amended by Laws of Utah 2008, Chapter 91 and renumbered and
41 amended by Laws of Utah 2008, Chapter 382

42 **77-27-21.5**, as last amended by Laws of Utah 2008, Chapters 133, 342, 355, and 382



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

45 Section 1. Section **63G-2-302** is amended to read:

46 **63G-2-302. Private records.**

47 (1) The following records are private:

48 (a) records concerning an individual's eligibility for unemployment insurance benefits,
49 social services, welfare benefits, or the determination of benefit levels;

50 (b) records containing data on individuals describing medical history, diagnosis,
51 condition, treatment, evaluation, or similar medical data;

52 (c) records of publicly funded libraries that when examined alone or with other records
53 identify a patron;

54 (d) records received or generated for a Senate or House Ethics Committee concerning
55 any alleged violation of the rules on legislative ethics, prior to the meeting, and after the
56 meeting, if the ethics committee meeting was closed to the public;

57 (e) records received or generated for a Senate confirmation committee concerning
58 character, professional competence, or physical or mental health of an individual:

59 (i) if prior to the meeting, the chair of the committee determines release of the records:

60 (A) reasonably could be expected to interfere with the investigation undertaken by the
61 committee; or

62 (B) would create a danger of depriving a person of a right to a fair proceeding or
63 impartial hearing; and

64 (ii) after the meeting, if the meeting was closed to the public;

65 (f) employment records concerning a current or former employee of, or applicant for
66 employment with, a governmental entity that would disclose that individual's home address,
67 home telephone number, Social Security number, insurance coverage, marital status, or payroll
68 deductions;

69 (g) records or parts of records under Section 63G-2-303 that a current or former
70 employee identifies as private according to the requirements of that section;

71 (h) that part of a record indicating a person's Social Security number or federal
72 employer identification number if provided under Section 31A-23a-104, 31A-25-202,
73 31A-26-202, 58-1-301, 61-1-4, or 61-2-6;

74 (i) that part of a voter registration record identifying a voter's driver license or
75 identification card number, Social Security number, or last four digits of the Social Security
76 number;

77 (j) a record that:

78 (i) contains information about an individual;

79 (ii) is voluntarily provided by the individual; and

80 (iii) goes into an electronic database that:

81 (A) is designated by and administered under the authority of the Chief Information
82 Officer; and

83 (B) acts as a repository of information about the individual that can be electronically
84 retrieved and used to facilitate the individual's online interaction with a state agency;

85 (k) information provided to the Commissioner of Insurance under:

86 (i) Subsection 31A-23a-115(2)(a); or

87 (ii) Subsection 31A-23a-302(3); ~~and~~

88 (l) information obtained through a criminal background check under Title 11, Chapter
89 40, Criminal Background Checks by Political Subdivisions Operating Water Systems; and

90 (m) information provided by an offender that is:
91 (i) required by the registration requirements of Section 77-27-21.5; and
92 (ii) not required to be made available to the public under Subsection 77-27-21.5(25).
93 (2) The following records are private if properly classified by a governmental entity:
94 (a) records concerning a current or former employee of, or applicant for employment
95 with a governmental entity, including performance evaluations and personal status information
96 such as race, religion, or disabilities, but not including records that are public under Subsection
97 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);
98 (b) records describing an individual's finances, except that the following are public:
99 (i) records described in Subsection 63G-2-301(2);
100 (ii) information provided to the governmental entity for the purpose of complying with
101 a financial assurance requirement; or
102 (iii) records that must be disclosed in accordance with another statute;
103 (c) records of independent state agencies if the disclosure of those records would
104 conflict with the fiduciary obligations of the agency;
105 (d) other records containing data on individuals the disclosure of which constitutes a
106 clearly unwarranted invasion of personal privacy;
107 (e) records provided by the United States or by a government entity outside the state
108 that are given with the requirement that the records be managed as private records, if the
109 providing entity states in writing that the record would not be subject to public disclosure if
110 retained by it; and
111 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
112 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
113 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.
114 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
115 records, statements, history, diagnosis, condition, treatment, and evaluation.
116 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
117 doctors, or affiliated entities are not private records or controlled records under Section
118 63G-2-304 when the records are sought:
119 (i) in connection with any legal or administrative proceeding in which the patient's
120 physical, mental, or emotional condition is an element of any claim or defense; or

121 (ii) after a patient's death, in any legal or administrative proceeding in which any party
122 relies upon the condition as an element of the claim or defense.

123 (c) Medical records are subject to production in a legal or administrative proceeding
124 according to state or federal statutes or rules of procedure and evidence as if the medical
125 records were in the possession of a nongovernmental medical care provider.

126 Section 2. Section ~~77-27-21.5~~ is amended to read:

127 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**
128 **Law enforcement and courts to report -- Registration -- Penalty -- Effect of expungement.**

129 (1) As used in this section:

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

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

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

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

136 (e) "Indian Country" means:

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

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

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

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

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

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

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

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

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

151 [~~(D) Section 76-5-304, unlawful detention; or~~]

152 ~~[(E)]~~ (D) attempting, soliciting, or conspiring to commit any felony offense listed in
153 Subsections (1)(g)(i)(A) through ~~[(G)]~~ (C);

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

157 (A) a Utah resident; or

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

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

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

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

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

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

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

177 (j) "Online identifier" or "Internet identifier":

178 (i) means any electronic mail, chat, instant messenger, social networking, or similar
179 name used for Internet communication~~[-It]~~; and

180 (ii) does not include date of birth, Social Security number, ~~[or] PIN number, or Internet~~
181 passwords.

182 (k) "Primary residence" means the location where the offender regularly resides, even

183 if the offender intends to move to another location or return to another location at any future
184 date.

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

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

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

191 (i) convicted in this state of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 Subsection (1)(n)(i);

212 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to
213 commit a crime in another jurisdiction that is substantially equivalent to the offenses listed in

214 Subsection (1)(n)(i) and who is:

215 (A) a Utah resident; or

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

218 (iii) who is required to register as an offender in any other jurisdiction, and who, in any
219 12 month period, is in the state for a total of ten or more days, regardless of whether or not the
220 offender intends to permanently reside in this state;

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

225 (v) who is found not guilty by reason of insanity in this state, or in any other
226 jurisdiction of one or more offenses listed in Subsection (1)(n)(i); or

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

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

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

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

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

237 ~~[(c) require that a sex offender provide to the department any password required for use~~
238 ~~with an online identifier. Passwords provided to the department may not be disclosed to the~~
239 ~~public.]~~

240 (c) share information provided by an offender under this section that may not be made
241 available to the public under Subsection (25), but only:

242 (i) for the purposes under this Subsection (2); or

243 (ii) in accordance with Section 63G-2-206.

244 (3) Any law enforcement agency shall, in the manner prescribed by the department,

245 inform the department of:

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

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

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

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

255 (a) placement on probation;

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

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

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

262 (e) termination of probation or parole.

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

266 (a) commitment to the correctional facility; and

267 (b) release from confinement.

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

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

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

275 (10) (a) Except as provided in Subsections (10)(b), (c), and (d), an offender shall, for

276 the duration of the sentence and for ten years after termination of sentence or custody of the
277 division, register every year during the month of the offender's birth, during the month that is
278 the sixth month after the offender's birth month, and also within three business days of every
279 change of the offender's primary residence, any secondary residences, place of employment,
280 vehicle information, or educational information required to be submitted under Subsection
281 (12).

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

285 (i) register for the time period, and in the frequency, required by the jurisdiction where
286 the offender was convicted if that jurisdiction's registration period or registration frequency
287 requirement for the offense that the offender was convicted of is greater than the ten years from
288 completion of the sentence registration period that is required under Subsection (10)(a), or is
289 more frequent than every six months; or

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

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

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

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

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

306 (B) a conviction for any of the following offenses, including attempting, soliciting, or

307 conspiring to commit any felony of:

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

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

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

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

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

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

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

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

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

318 (D) Section 76-5-302, aggravated kidnapping, except if the offender is a natural parent
319 of the victim;

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

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

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

323 (d) Notwithstanding Subsections (10)(a), (b), and (c), an offender who is confined in a
324 secure facility or in a state mental hospital is not required to register during the period of
325 confinement.

326 (e) An offender who is required to register under this Subsection (10) shall surrender
327 the offender's license, certificate, or identification card as required under Subsection
328 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as
329 provided under Section 53-3-205 or 53-3-804.

330 (11) An agency in the state that registers an offender on probation, an offender who has
331 been released from confinement to parole status or termination, or an offender whose sentence
332 has expired shall inform the offender of the duty to comply with:

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

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

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

338 lifetime parolees; and

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

341 (b) the driver license certificate or identification card surrender requirement under
342 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or
343 53-3-804.

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

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

347 (b) the addresses of the offender's primary and secondary residences;

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

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

352 (e) a current photograph of the offender;

353 (f) a set of fingerprints, if one has not already been provided;

354 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not
355 already been provided;

356 (h) telephone numbers and any other designations used by the offender for routing or
357 self-identification in telephonic communications from fixed locations or cellular telephones;

358 (i) Internet identifiers and the addresses the offender uses for routing or
359 self-identification in Internet communications or postings;

360 (j) the name and Internet address of all websites on which the sex offender is registered
361 using an online identifier, including all online identifiers [~~and passwords~~] used to access those
362 websites;

363 (k) a copy of the offender's passport, if a passport has been issued to the offender;

364 (l) if the offender is an alien, all documents establishing the offender's immigration
365 status;

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

368 (n) each educational institution in Utah at which the offender is employed, carries on a

369 vocation, or is a student, and any change of enrollment or employment status of the offender at
370 any educational institution;

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

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

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

376 (13) The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

399 (ii) a class A misdemeanor and shall be sentenced to serve a term of incarceration for

400 not fewer than 90 days and also at least one year of probation if the offender is required to
401 register for a misdemeanor conviction or is adjudicated delinquent for what would be a
402 misdemeanor if the juvenile were an adult of an offense listed in Subsection (1)(g)(i) or (n)(i).

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

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

408 (15) Notwithstanding Title 63G, Chapter 2, Government Records Access and
409 Management Act, information [in] under Subsection (13) that is collected and released under
410 Subsection (25) is public information, unless otherwise restricted under Subsection (2)(c).

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

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

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

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

422 (a) may not change the offender's name:

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

424 (ii) until the registration requirements of this statute have expired; and

425 (b) may not change the offender's name at any time, if registration is for life under
426 Subsection (10)(c).

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

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

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

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

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

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

437 (a) the information contained on the site is obtained from offenders and the department
438 does not guarantee its accuracy or completeness;

439 (b) members of the public are not allowed to use the information to harass or threaten
440 offenders or members of their families; and

441 (c) harassment, stalking, or threats against offenders or their families are prohibited and
442 doing so may violate Utah criminal laws.

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

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

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

450 (a) all names and aliases by which the offender is or has been known, but not including
451 any online or Internet identifiers;

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

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

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

457 (e) a current photograph of the offender;

458 (f) a list of all professional licenses that authorize the offender to engage in an
459 occupation or carry out a trade or business;

460 (g) each educational institution in Utah at which the offender is employed, carries on a
461 vocation, or is a student;

462 (h) a list of places where the offender works as a volunteer; and
463 (i) the crimes listed in Subsections (1)(g) and (1)(n) that the offender has been
464 convicted of or for which the offender has been adjudicated delinquent in juvenile court[~~;~~ and].
465 [~~(j) a description of the offender's primary and secondary targets.~~]

466 (26) The department, its personnel, and any individual or entity acting at the request or
467 upon the direction of the department are immune from civil liability for damages for good faith
468 compliance with this section and will be presumed to have acted in good faith by reporting
469 information.

470 (27) The department shall redact information that, if disclosed, could reasonably
471 identify a victim.

472 (28) (a) Each offender required to register under Subsection (10) shall, in the month of
473 the offender's birth, pay to the department an annual fee of \$100 each year the offender is
474 subject to the registration requirements of this section.

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

477 (c) The department shall deposit fees under this Subsection (28) in the General Fund as
478 a dedicated credit, to be used by the department for maintaining the offender registry under this
479 section and monitoring offender registration compliance, including the costs of:

- 480 (i) data entry;
- 481 (ii) processing registration packets;
- 482 (iii) updating registry information;
- 483 (iv) ensuring offender compliance with registration requirements under this section;

484 and

485 (v) apprehending offenders who are in violation of the offender registration
486 requirements under this section.

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

489 (a) the offender's online identifier and password used exclusively for the offender's
490 employment on equipment provided by an employer and used to access the employer's private
491 network; or

492 (b) online identifiers for the offender's financial accounts, including any bank,

493 retirement, or investment accounts.

Legislative Review Note
as of 1-13-09 1:33 PM

Office of Legislative Research and General Counsel

Fiscal Note

**H.B. 247 - Amendments to Email Information Required of Registered Sex
Offenders**

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
