

Representative Derrin R. Owens proposes the following substitute bill:

CHILD ABUSE OFFENDER REGISTRY

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill creates the Child Abuse Offender Registry to be administered by the Department of Corrections.

Highlighted Provisions:

This bill:

- ▶ creates the Child Abuse Offender Registry;
- ▶ requires persons convicted of felony child abuse ~~§~~ ~~[-child endangerment,]~~ ~~§~~ and human trafficking to register;
- ▶ specifies requirements for registration;
- ▶ sets penalties for failure to register; and
- ▶ places the registry within the Department of Corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-3-806.5, as last amended by Laws of Utah 2012, Chapter 145



460 (a) three or more felony convictions for drug possession offenses, each of which is
461 contained in a separate criminal episode; or

462 (b) any combination of five or more convictions for drug possession offenses, each of
463 which is contained in a separate criminal episode.

464 (6) If the petitioner's criminal history contains convictions for both a drug possession
465 offense and a non drug possession offense arising from the same criminal episode, that criminal
466 episode shall be counted as provided in Subsection (4) if any non drug possession offense in
467 that episode:

468 (a) is a felony or class A misdemeanor; or

469 (b) has the same or a longer waiting period under Subsection (3) than any drug
470 possession offense in that episode.

471 (7) If, prior to May 14, 2013, the petitioner has received a pardon from the Utah Board
472 of Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned
473 crimes pursuant to Section [77-27-5.1](#).

474 Section 8. Section **77-43-101** is enacted to read:

475 **CHAPTER 43. CHILD ABUSE OFFENDER REGISTRY**

476 **77-43-101. Title.**

477 (1) This chapter is known as the "Child Abuse Offender Registry."

478 (2) This chapter applies to all child abuse offenders in the custody of the Department of
479 Corrections or on parole or probation on May 9, 2017, or who enter this state on or after May 9,
480 2017.

481 Section 9. Section **77-43-102** is enacted to read:

482 **77-43-102. Definitions.**

483 As used in this chapter:

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

485 (2) "Child abuse offender" means any person who:

486 (a) has been convicted in this state of a felony violation of:

487 (i) Subsection [76-5-109\(2\)\(a\)](#) or (b), child abuse;

488 ~~§→ [(ii) Section [76-5-112.5](#), child endangerment;~~

489 ~~— [(iii)] (ii) ←§ Section [76-5-308.5](#), human trafficking of a child; or~~

490 ~~§→ [(iv)] (iii) ←§ attempting, soliciting, or conspiring to commit any felony offense listed in~~

491 Subsections (2)(a)(i) ~~§~~→ [through (iii)] or (ii) ←~~§~~ :

492 (b) has been convicted of any crime, or an attempt, solicitation, or conspiracy to
493 commit a crime in another jurisdiction, including any state, federal, or military court, that is
494 substantially equivalent to the offenses listed in Subsection (2)(a) and who is:

495 (i) a Utah resident; or

496 (ii) not a Utah resident, but who, in any 12-month period, is in this state for a total of
497 10 or more days, regardless of whether the offender intends to permanently reside in this state;

498 (c) (i) is required to register as a child abuse offender in any other jurisdiction of
499 original conviction, who is required to register as a child abuse offender by any state, federal,
500 or military court, or who would be required to register as a child abuse offender if residing in
501 the jurisdiction of the conviction regardless of the date of the conviction or any previous
502 registration requirements; and

503 (ii) in any 12-month period, is in this state for a total of 10 or more days, regardless of
504 whether the offender intends to permanently reside in this state;

505 (d) is a nonresident regularly employed or working in this state, or who is a student in
506 this state, and was convicted of one or more offenses listed in Subsection (2)(a), or any
507 substantially equivalent offense in another jurisdiction, or who, as a result of the conviction, is
508 required to register in the person's state of residence;

509 (e) is found not guilty by reason of insanity in this state or in any other jurisdiction of
510 one or more offenses listed in Subsection (2)(a); or

511 (f) is adjudicated delinquent based on one or more offenses listed in Subsection (2)(a)
512 and who has been committed to the division for secure confinement for that offense and
513 remains in the division's custody 30 days before the person's 21st birthday.

514 (3) "Correctional facility" means the same as that term is defined in Section [64-13-1](#).

515 (4) "Department" means the Department of Corrections.

516 (5) "Division" means the Division of Juvenile Justice Services.

517 (6) "Employed" or "carries on a vocation" includes employment that is full time or part
518 time, whether financially compensated, volunteered, or for the purpose of government or
519 educational benefit.

520 (7) "Indian Country" means:

521 (a) all land within the limits of any Indian reservation under the jurisdiction of the