

HB0149S01 compared with HB0149

~~{deleted text}~~ shows text that was in HB0149 but was deleted in HB0149S01.

Inserted text shows text that was not in HB0149 but was inserted into HB0149S01.

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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: _____

LONG TITLE

General Description:

This bill ~~{adds felony offenses to}~~ creates the ~~{previously named "Sex and Kidnap}~~ Child Abuse Offender Registry to be administered by the Department of Human Services. ~~{"~~

Highlighted Provisions:

This bill:

- ▶ ~~{changes the name of the "Sex and Kidnap Offender Registry" to the "Sex, Kidnap, and}~~ creates the Child Abuse Offender Registry~~{"~~;
- ▶ ~~{adds}~~ requires persons convicted of felony ~~{offenses of}~~ child abuse, child endangerment, and human trafficking ~~{of a child to the Sex, Kidnap, and Child Abuse Offender Registry; and~~
→ ~~makes technical and conforming changes}~~ to register;

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- ▶ specifies requirements for registration;
- ▶ sets penalties for failure to register; and
- ▶ places the registry within the Department of Human Services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- ~~{ 13-51-107, as enacted by Laws of Utah 2015, Chapter 461~~
- ~~41-3-205.5, as last amended by Laws of Utah 2012, Chapter 145~~
- ~~41-3-209, as last amended by Laws of Utah 2012, Chapter 145~~
- ~~53-3-205, as last amended by Laws of Utah 2016, Chapter 175~~
- ~~53-3-216, as last amended by Laws of Utah 2015, Chapter 210~~
- ~~53-3-413, as last amended by Laws of Utah 2012, Chapter 145~~
- ~~53-3-804, as last amended by Laws of Utah 2014, Chapters 85 and 252~~
- ‡ 53-3-806.5, as last amended by Laws of Utah 2012, Chapter 145
- ~~{ 53-3-807, as last amended by Laws of Utah 2015, Chapter 210~~
- ~~53-10-403, as last amended by Laws of Utah 2015, Chapter 386~~
- ~~53-10-404, as last amended by Laws of Utah 2014, Chapter 331~~
- ‡ 62A-7-104, as last amended by Laws of Utah 2015, Chapter 210
- 63G-2-302, as last amended by Laws of Utah 2016, Chapter 410
- 76-1-201, as last amended by Laws of Utah 2014, Chapter 105
- 76-1-202, as last amended by Laws of Utah 2014, Chapter 105
- 76-3-402, as last amended by Laws of Utah 2012, Chapter 145
- ~~{ 76-5-401, as last amended by Laws of Utah 2016, Chapter 372~~
- ~~76-5-401.1, as last amended by Laws of Utah 2016, Chapter 372~~
- ~~76-9-702, as last amended by Laws of Utah 2015, Chapter 210~~
- ~~76-9-702.1, as last amended by Laws of Utah 2015, Chapter 210~~
- ~~76-9-702.5, as last amended by Laws of Utah 2013, Chapter 278~~
- ~~77-27-21.7, as last amended by Laws of Utah 2012, Chapter 145~~

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~~77-27-21.8~~, as last amended by Laws of Utah 2015, Chapter 258

~~77-27-21.9~~, as enacted by Laws of Utah 2008, Chapter 309

‡ ~~77-40-105~~, as last amended by Laws of Utah 2016, Chapter 185

ENACTS:

~~{77-41-101, as enacted by Laws of Utah 2012, Chapter 145~~

~~77-41-102, as last amended by Laws of Utah 2016, Chapter 372~~

~~77-41-103, as last amended by Laws of Utah 2015, Chapter 210~~

~~77-41-105, as last amended by Laws of Utah 2016, Chapter 185~~

~~77-41-106, as last amended by Laws of Utah 2015, Chapter 210~~

~~77-41-107, as last amended by Laws of Utah 2015, Chapter 210~~

~~77-41-109, as last amended by Laws of Utah 2015, Chapter 210~~

~~77-41-110, as enacted by Laws of Utah 2012, Chapter 145 and last amended by
Coordination Clause, Laws of Utah 2012, Chapter 382~~

~~77-41-112, as last amended by Laws of Utah 2016, Chapter 185~~

~~78A-2-301, as last amended by Laws of Utah 2015, Chapters 99 and 313~~

~~78B-8-302, as last amended by Laws of Utah 2015, Chapter 210; 62A-1-121, Utah~~

Code Annotated 1953

77-43-101, Utah Code Annotated 1953

77-43-102, Utah Code Annotated 1953

77-43-103, Utah Code Annotated 1953

77-43-104, Utah Code Annotated 1953

77-43-105, Utah Code Annotated 1953

77-43-106, Utah Code Annotated 1953

77-43-107, Utah Code Annotated 1953

77-43-108, Utah Code Annotated 1953

77-43-109, Utah Code Annotated 1953

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

Section 1. Section ~~{13-51-107}~~53-3-806.5 is amended to read:

~~{~~ ~~13-51-107. Driver requirements:~~

~~(1) Before a transportation network company allows an individual to use the~~

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~~transportation network company's software application as a transportation network driver, the transportation network company shall:~~

- ~~—— (a) require the individual to submit to the transportation network company:~~
 - ~~—— (i) the individual's name, address, and age;~~
 - ~~—— (ii) a copy of the individual's driver license, including the driver license number; and~~
 - ~~—— (iii) proof that the vehicle that the individual will use to provide transportation network services is registered with the Division of Motor Vehicles;~~
- ~~—— (b) require the individual to consent to a criminal background check of the individual by the transportation network company or the transportation network company's designee; and~~
- ~~—— (c) obtain and review a report that lists the individual's driving history.~~
- ~~—— (2) A transportation company may not allow an individual to provide transportation network services as a transportation network driver if the individual:~~
 - ~~—— (a) has committed more than three moving violations in the three years before the day on which the individual applies to become a transportation network driver;~~
 - ~~—— (b) has been convicted, in the seven years before the day on which the individual applies to become a transportation network driver, of:~~
 - ~~—— (i) driving under the influence of alcohol or drugs;~~
 - ~~—— (ii) fraud;~~
 - ~~—— (iii) a sexual offense;~~
 - ~~—— (iv) a felony involving a motor vehicle;~~
 - ~~—— (v) a crime involving property damage;~~
 - ~~—— (vi) a crime involving theft;~~
 - ~~—— (vii) a crime of violence; or~~
 - ~~—— (viii) an act of terror;~~
 - ~~—— (c) is required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry;~~
 - ~~—— (d) does not have a valid Utah driver license; or~~
 - ~~—— (e) is not at least 19 years of age.~~
- ~~—— (3) A transportation network company shall prohibit a transportation network driver from accepting a request for a prearranged ride if the motor vehicle that the transportation network driver uses to provide transportation network services fails to comply with:~~

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~~— (a) safety and inspection requirements described in Section 53-8-205;~~

~~— (b) equipment standards described in Section 41-6a-1601; and~~

~~— (c) emission requirements adopted by a county under Section 41-6a-1642.~~

~~— (4) A transportation network driver, while providing transportation network services, shall carry proof, in physical or electronic form, that the transportation network driver is covered by insurance that satisfies the requirements of Section 13-51-108.~~

~~— Section 2. Section 41-3-205.5 is amended to read:~~

~~— **41-3-205.5. Licenses -- Criminal background check required on salesperson's licenses -- Payment of cost:**~~

~~— (1) (a) Every applicant for a salesperson's license shall submit fingerprints with a completed application to the division:~~

~~— (b) A person required to renew a salesperson license on or before June 30, 2010, shall submit fingerprints to the division on or before November 30, 2010.~~

~~— (2) The division shall submit fingerprints for each applicant described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.~~

~~— (3) The Bureau of Criminal Identification shall:~~

~~— (a) check the information submitted by the division for an applicant under Subsection (2) against the applicable state and regional criminal records databases; and~~

~~— (b) release to the division all information obtained under Subsection (3)(a) relating to the applicant.~~

~~— (4) (a) The Bureau of Criminal Identification shall maintain a separate file of fingerprints submitted under Subsection (2) and notify the division when a new entry is made in the applicable state and regional database against a person whose fingerprints are held in the file regarding any matter involving an arrest under state law involving:~~

~~— (i) motor vehicles;~~

~~— (ii) controlled substances;~~

~~— (iii) fraud; or~~

~~— (iv) a registerable [sex] offense under Section 77-41-106.~~

~~— (b) Upon request by the division, the Bureau of Criminal Identification shall inform the division whether a person whose arrest was reported to the division under Subsection (4)(a) was subsequently convicted of the charge for which the person was arrested.~~

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~~———— (5) In addition to any fees imposed under this chapter, the division shall:~~

~~———— (a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Subsections (3) and (4); and~~

~~———— (b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.~~

~~———— (6) The division shall use information received from the Bureau of Criminal Identification under this section to determine whether a license should be denied, suspended, or revoked under Section 41-3-209.~~

~~———— Section 3. Section 41-3-209 is amended to read:~~

~~———— 41-3-209. Administrator's findings -- Suspension and revocation of license.~~

~~———— (1) If the administrator finds that an applicant is not qualified to receive a license, a license may not be granted.~~

~~———— (2) (a) On December 1, 2010, the administrator shall suspend the license of a salesperson who fails to submit to the division fingerprints as required under Subsection 41-3-205.5(1)(b) on or before November 30, 2010.~~

~~———— (b) If the administrator finds that there is reasonable cause to deny, suspend, or revoke a license issued under this chapter, the administrator shall deny, suspend, or revoke the license.~~

~~———— (c) Reasonable cause for denial, suspension, or revocation of a license includes, in relation to the applicant or license holder or any of its partners, officers, or directors:~~

~~———— (i) lack of a principal place of business;~~

~~———— (ii) lack of a sales tax license required under Title 59, Chapter 12, Sales and Use Tax Act;~~

~~———— (iii) lack of a bond in effect as required by this chapter;~~

~~———— (iv) current revocation or suspension of a dealer, dismantler, auction, or salesperson license issued in another state;~~

~~———— (v) nonpayment of required fees;~~

~~———— (vi) making a false statement on any application for a license under this chapter or for special license plates;~~

~~———— (vii) a violation of any state or federal law involving motor vehicles;~~

~~———— (viii) a violation of any state or federal law involving controlled substances;~~

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~~—— (ix) charges filed with any county attorney, district attorney, or U.S. attorney in any court of competent jurisdiction for a violation of any state or federal law involving motor vehicles;~~

~~—— (x) a violation of any state or federal law involving fraud;~~

~~—— (xi) a violation of any state or federal law involving a registerable [sex] offense under Section 77-41-106; or~~

~~—— (xii) having had a license issued under this chapter revoked within five years from the date of application.~~

~~—— (d) Any action taken by the administrator under Subsection (2)(c)(ix) shall remain in effect until a final resolution is reached by the court involved or the charges are dropped.~~

~~—— (3) If the administrator finds that an applicant is not qualified to receive a license under this section, the administrator shall provide the applicant written notice of the reason for the denial.~~

~~—— (4) If the administrator finds that the license holder has been convicted by a court of competent jurisdiction of violating any of the provisions of this chapter or any rules made by the administrator, or finds other reasonable cause, the administrator may, by complying with the emergency procedures of Title 63G, Chapter 4, Administrative Procedures Act:~~

~~—— (a) suspend the license on terms and for a period of time the administrator finds reasonable; or~~

~~—— (b) revoke the license.~~

~~—— (5) (a) After suspending or revoking a license, the administrator may take reasonable action to:~~

~~—— (i) notify the public that the licensee is no longer in business; and~~

~~—— (ii) prevent the former licensee from violating the law by conducting business without a license.~~

~~—— (b) Action under Subsection (5)(a) may include signs, banners, barriers, locks, bulletins, and notices.~~

~~—— (c) Any business being conducted incidental to the business for which the former licensee was licensed may continue to operate subject to the preventive action taken under this subsection.~~

~~—— Section 4. Section 53-3-205 is amended to read:~~

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~~53-3-205. Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.~~

~~(1) An application for any original license, provisional license, or endorsement shall be:~~

~~(a) made upon a form furnished by the division; and~~

~~(b) accompanied by a nonrefundable fee set under Section 53-3-105.~~

~~(2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:~~

~~(a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months of the date of the application;~~

~~(b) a learner permit if needed pending completion of the application and testing process; and~~

~~(c) an original class D license and license certificate after all tests are passed and requirements are completed.~~

~~(3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:~~

~~(a) not more than three attempts to pass both the knowledge and skills tests within six months of the date of the application;~~

~~(b) a motorcycle learner permit after the motorcycle knowledge test is passed; and~~

~~(c) a motorcycle or taxicab endorsement when all tests are passed.~~

~~(4) An application and fees for a commercial class A, B, or C license entitle the applicant to:~~

~~(a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application;~~

~~(b) both a commercial driver instruction permit and a temporary license permit for the license class held before the applicant submits the application if needed after the knowledge test is passed; and~~

~~(c) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.~~

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- ~~—— (5) An application and fee for a CDL endorsement entitle the applicant to:~~
 - ~~—— (a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months of the date of the application; and~~
 - ~~—— (b) a CDL endorsement when all tests are passed.~~
- ~~—— (6) (a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement test within the number of attempts provided in Subsection (4) or (5), each test may be taken two additional times within the six months for the fee provided in Section 53-3-105.~~
- ~~—— (b) (i) Beginning July 1, 2015, an out-of-state resident who holds a valid CDIP issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by the division if the out-of-state resident pays the fee provided in Subsection 53-3-105(2)(b).~~
 - ~~—— (ii) The division shall:~~
 - ~~—— (A) electronically transmit skills test results for an out-of-state resident to the licensing agency in the state or jurisdiction in which the person has obtained a valid CDIP; and~~
 - ~~—— (B) provide the out-of-state resident with documentary evidence upon successful completion of the skills test.~~
- ~~—— (7) (a) Except as provided under Subsections (7)(f), (g), and (h), an original license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.~~
- ~~—— (b) Except as provided under Subsections (7)(f), (g), and (h), a renewal or an extension to a license expires on the birth date of the licensee in the fifth year following the expiration date of the license certificate renewed or extended.~~
- ~~—— (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on the same date as the last license certificate issued.~~
- ~~—— (d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.~~
- ~~—— (e) (i) A regular license certificate and any endorsement to the regular license certificate held by a person described in Subsection (7)(e)(ii), which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated, the person has been discharged, or the person's assignment has been changed or terminated, unless:~~

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- ~~—— (A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or~~
- ~~—— (B) the licensee updates the information or photograph on the license certificate.~~
- ~~—— (ii) The provisions in Subsection (7)(e)(i) apply to a person:~~
 - ~~—— (A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;~~
 - ~~—— (B) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(A) and is residing outside of Utah;~~
 - ~~—— (C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or~~
 - ~~—— (D) who is an immediate family member or dependent of a person described in Subsection (7)(e)(ii)(C) and is residing outside of the United States.~~
- ~~—— (f) (i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:~~
 - ~~—— (A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or~~
 - ~~—— (B) on the date of issuance in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.~~
- ~~—— (ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an approved asylee or a refugee expires on the birth date of the applicant in the fourth year following the year that the limited-term license certificate was issued.~~
- ~~—— (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the birth date of the applicant in the first year following the year that the driving privilege card was issued or renewed.~~
- ~~—— (h) An original license or a renewal to an original license expires on the birth date of the applicant in the first year following the year that the license was issued if the applicant is required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry.~~
- ~~—— (8) (a) In addition to the information required by Title 63G, Chapter 4, Administrative Procedures Act, for requests for agency action, each applicant shall:~~

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- ~~—— (i) provide:~~
- ~~—— (A) the applicant's full legal name;~~
- ~~—— (B) the applicant's birth date;~~
- ~~—— (C) the applicant's gender;~~
- ~~—— (D) (I) documentary evidence of the applicant's valid social security number;~~
- ~~—— (II) written proof that the applicant is ineligible to receive a social security number;~~
- ~~—— (III) the applicant's temporary identification number (ITIN) issued by the Internal Revenue Service for a person who:~~
- ~~—— (Aa) does not qualify for a social security number; and~~
- ~~—— (Bb) is applying for a driving privilege card; or~~
- ~~—— (IV) other documentary evidence approved by the division;~~
- ~~—— (E) the applicant's Utah residence address as documented by a form or forms acceptable under rules made by the division under Section 53-3-104, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b); and~~
- ~~—— (F) fingerprints and a photograph in accordance with Section 53-3-205.5 if the person is applying for a driving privilege card;~~
- ~~—— (ii) provide evidence of the applicant's lawful presence in the United States by providing documentary evidence:~~
- ~~—— (A) that a person is:~~
- ~~—— (I) a United States citizen;~~
- ~~—— (II) a United States national; or~~
- ~~—— (III) a legal permanent resident alien; or~~
- ~~—— (B) of the applicant's:~~
- ~~—— (I) unexpired immigrant or nonimmigrant visa status for admission into the United States;~~
- ~~—— (II) pending or approved application for asylum in the United States;~~
- ~~—— (III) admission into the United States as a refugee;~~
- ~~—— (IV) pending or approved application for temporary protected status in the United States;~~
- ~~—— (V) approved deferred action status;~~
- ~~—— (VI) pending application for adjustment of status to legal permanent resident or~~

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~~conditional resident; or~~

~~—— (VII) conditional permanent resident alien status;~~

~~—— (iii) provide a description of the applicant;~~

~~—— (iv) state whether the applicant has previously been licensed to drive a motor vehicle and, if so, when and by what state or country;~~

~~—— (v) state whether the applicant has ever had any license suspended, cancelled, revoked, disqualified, or denied in the last 10 years, or whether the applicant has ever had any license application refused, and if so, the date of and reason for the suspension, cancellation, revocation, disqualification, denial, or refusal;~~

~~—— (vi) state whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act, in compliance with Subsection (15);~~

~~—— (vii) state whether the applicant is required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry;~~

~~—— (viii) state whether the applicant is a veteran of the United States military, provide verification that the applicant was granted an honorable or general discharge from the United States Armed Forces, and state whether the applicant does or does not authorize sharing the information with the state Department of Veterans' and Military Affairs;~~

~~—— (ix) provide all other information the division requires; and~~

~~—— (x) sign the application which signature may include an electronic signature as defined in Section 46-4-102.~~

~~—— (b) Each applicant shall have a Utah residence address, unless the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).~~

~~—— (c) Each applicant shall provide evidence of lawful presence in the United States in accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege card.~~

~~—— (d) The division shall maintain on its computerized records an applicant's:~~

~~—— (i) (A) social security number;~~

~~—— (B) temporary identification number (ITIN); or~~

~~—— (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies; and~~

~~—— (ii) indication whether the applicant is required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry.~~

~~—— (9) The division shall require proof of every applicant's name, birthdate, and birthplace~~

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~~by at least one of the following means:~~

~~—— (a) current license certificate;~~

~~—— (b) birth certificate;~~

~~—— (c) Selective Service registration; or~~

~~—— (d) other proof, including church records, family Bible notations, school records, or other evidence considered acceptable by the division.~~

~~—— (10) (a) Except as provided in Subsection (10)(c), if an applicant receives a license in a higher class than what the applicant originally was issued:~~

~~—— (i) the license application shall be treated as an original application; and~~

~~—— (ii) license and endorsement fees shall be assessed under Section 53-3-105.~~

~~—— (b) An applicant that receives a downgraded license in a lower license class during an existing license cycle that has not expired:~~

~~—— (i) may be issued a duplicate license with a lower license classification for the remainder of the existing license cycle; and~~

~~—— (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a duplicate license is issued under Subsection (10)(b)(i).~~

~~—— (c) An applicant who has received a downgraded license in a lower license class under Subsection (10)(b):~~

~~—— (i) may, when eligible, receive a duplicate license in the highest class previously issued during a license cycle that has not expired for the remainder of the existing license cycle; and~~

~~—— (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(22) if a duplicate license is issued under Subsection (10)(c)(i).~~

~~—— (11) (a) When an application is received from a person previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state:~~

~~—— (b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state:~~

~~—— (12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license shall be accompanied by the additional fee or fees specified in Section 53-3-105.~~

~~—— (13) A person who has an appointment with the division for testing and fails to keep~~

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~~the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.~~

~~—— (14) A person who applies for an original license or renewal of a license agrees that the person's license is subject to any suspension or revocation authorized under this title or Title 41, Motor Vehicles.~~

~~—— (15) (a) The indication of intent under Subsection (8)(a)(vi) shall be authenticated by the licensee in accordance with division rule.~~

~~—— (b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all persons who under Subsection (8)(a)(vi) indicate that they intend to make an anatomical gift.~~

~~—— (ii) An organ procurement organization may use released information only to:~~

~~—— (A) obtain additional information for an anatomical gift registry; and~~

~~—— (B) inform licensees of anatomical gift options, procedures, and benefits.~~

~~—— (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans' and Military Affairs the names and addresses of all persons who indicate their status as a veteran under Subsection (8)(a)(viii).~~

~~—— (17) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:~~

~~—— (a) loss;~~

~~—— (b) detriment; or~~

~~—— (c) injury.~~

~~—— (18) A person who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor.~~

~~—— (19) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.~~

~~—— (b) On or after December 1, 2014, a person born on or after December 1, 1964:~~

~~—— (i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and~~

~~—— (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah~~

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~~identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card:~~

~~—— (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (19), the division shall cancel the Utah identification card on December 1, 2014.~~

~~—— (20) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.~~

~~—— (b) On or after December 1, 2017, a person born prior to December 1, 1964:~~

~~—— (i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and~~

~~—— (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card:~~

~~—— (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (20), the division shall cancel the Utah identification card on December 1, 2017.~~

~~—— (21) (a) A person who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the person:~~

~~—— (i) is a resident of the state of Utah;~~

~~—— (ii) (A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or~~

~~—— (B) is an immediate family member or dependent of a person described in Subsection (21)(a)(ii)(A) and is residing outside of Utah;~~

~~—— (iii) has a digitized driver license photo on file with the division;~~

~~—— (iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and~~

~~—— (v) provides the necessary information and documentary evidence required under Subsection (8).~~

~~—— (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:~~

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~~—— (i) establishing the procedures for a person to obtain a motorcycle endorsement under this Subsection (21); and~~

~~—— (ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection (21).~~

~~—— Section 5. Section 53-3-216 is amended to read:~~

~~—— 53-3-216. **Change of address -- Duty of licensee to notify division within 10 days -- Change of name -- Proof necessary -- Method of giving notice by division.**~~

~~—— (1) If a person, after applying for or receiving a license, moves from the address named in the application or in the license certificate issued to him, the person shall within 10 days of moving, notify the division in a manner specified by the division of his new address and the number of any license certificate held by him.~~

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

~~—— (a) an original or certified copy of the applicant's marriage certificate;~~

~~—— (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name, showing the name change;~~

~~—— (c) an original or certified copy of a birth certificate issued by a government agency;~~

~~—— (d) a certified copy of a divorce decree or annulment granted the applicant that specifies the name change requested; or~~

~~—— (e) a certified copy of a divorce decree that does not specify the name change requested together with:~~

~~—— (i) an original or certified copy of the applicant's birth certificate;~~

~~—— (ii) the applicant's marriage license;~~

~~—— (iii) a driver license record showing use of a maiden name; or~~

~~—— (iv) other documentation the division finds acceptable.~~

~~—— (3) (a) Except as provided in Subsection (3)(c), if a person has applied for and received a license certificate and is currently required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry:~~

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

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

~~—— (iii) the person may apply for a license certificate with an expiration date identified in Subsection 53-3-205(7)(h) by:~~

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

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

~~—— (b) Except as provided in Subsection (3)(c), if a person has applied for and received a license certificate and is subsequently convicted of any offense listed in Subsection 77-41-102[(17)](4), (10), or (18), the person shall surrender the license certificate to the division on the person's next birth date following the conviction and may apply for a license certificate with an expiration date identified in Subsection 53-3-205(7)(h) by:~~

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

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

~~—— (c) A person who is unable to comply with the provisions of Subsection (3)(a) or (3)(b) because the person is in the custody of the Department of Corrections or the Division of Juvenile Justice Services, confined in a correctional facility not operated by or under contract with the Department of Corrections, or committed to a state mental facility, shall comply with the provisions of Subsection (3)(a) or (b) within 10 days of being released from confinement.~~

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

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

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

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

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

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~~giving the notice:~~

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

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

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

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

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

~~—— Section 6. Section ~~53-3-413~~ is amended to read:~~

~~—— **53-3-413. Issuance of CDL by division -- Driving record -- Expiration date --
Renewal -- Hazardous materials provision.**~~

~~—— (1) Before the division may grant a CDL, the division shall obtain the driving record information regarding the applicant through the CDLIS, the NDR, and from each state where the applicant has been licensed.~~

~~—— (2) The division shall notify the CDLIS and provide all information required to ensure identification of the CDL holder within 10 days after:~~

~~—— (a) issuing a CDL following application for an original, renewal, transfer, or upgrade of the CDL; or~~

~~—— (b) any change is made to the identifying information of a CDL holder.~~

~~—— (3) (a) The expiration date for a CDL is the birth date of the holder in the fifth year following the year of issuance of the CDL.~~

~~—— (b) A limited-term CDL expires on:~~

~~—— (i) the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided in Subsection (3)(a), whichever is sooner; or~~

~~—— (ii) on the birth date of the applicant in the first year following the year that the limited-term CDL was issued if there is no definite end to the individual's period of authorized stay.~~

~~—— (c) An original CDL or a renewal to an original CDL expires on the birth date of the applicant in the first year following the year that the license was issued if the applicant is required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry.~~

~~—— (d) A CDL held by a person ordered to active duty and stationed outside Utah in any of~~

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~~the armed forces of the United States, which expires during the time period the person is stationed outside of the state, is valid until 90 days after the person has been discharged or has left the service, unless:~~

~~—— (i) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or~~

~~—— (ii) the licensee updates the information or photograph on the license certificate.~~

~~—— (4) (a) The applicant for a renewal of a CDL shall complete the application form required by Section 53-3-410 and provide updated information and required certification.~~

~~—— (b) In addition to the requirements under Subsection (4)(a), the applicant for a renewal of a limited-term CDL shall present documentary evidence that the status by which the individual originally qualified for the limited-term CDL has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.~~

~~—— (5) The division shall distinguish a limited-term CDL by clearly indicating on the document:~~

~~—— (a) that it is temporary; and~~

~~—— (b) its expiration date.~~

~~—— (6) (a) The division may not issue a hazardous materials endorsement on a CDL unless the applicant meets the security threat assessment standards of the federal Transportation Security Administration.~~

~~—— (b) The division shall revoke the hazardous materials endorsement on a CDL upon receiving notice from the federal Transportation Security Administration that the person holding a hazardous materials endorsement does not meet Transportation Security Administration security threat assessment standards.~~

~~—— (c) To obtain an original hazardous materials endorsement or retain a hazardous materials endorsement upon CDL renewal or transfer, the applicant must take and pass the knowledge test for hazardous materials endorsement in addition to any other testing required by the division.~~

~~—— (7) Unless otherwise provided, the provisions, requirements, classes, endorsements, fees, restrictions, and sanctions under this code apply to a limited-term CDL in the same way as a CDL issued under this chapter.~~

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~~Section 7. Section 53-3-804 is amended to read:~~

~~53-3-804. Application for identification card -- Required information -- Release of anatomical gift information -- Cancellation of identification card.~~

~~(1) To apply for a regular identification card or limited-term identification card, the applicant shall:~~

~~(a) be a Utah resident;~~

~~(b) have a Utah residence address; and~~

~~(c) appear in person at any license examining station.~~

~~(2) The applicant shall provide the following information to the division:~~

~~(a) true and full legal name and Utah residence address;~~

~~(b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other satisfactory evidence of birth, which shall be attached to the application;~~

~~(c) (i) social security number; or~~

~~(ii) written proof that the applicant is ineligible to receive a Social Security number;~~

~~(d) place of birth;~~

~~(e) height and weight;~~

~~(f) color of eyes and hair;~~

~~(g) signature;~~

~~(h) photograph;~~

~~(i) evidence of the applicant's lawful presence in the United States by providing documentary evidence:~~

~~(i) that a person is:~~

~~(A) a United States citizen;~~

~~(B) a United States national; or~~

~~(C) a legal permanent resident alien; or~~

~~(ii) of the applicant's:~~

~~(A) unexpired immigrant or nonimmigrant visa status for admission into the United States;~~

~~(B) pending or approved application for asylum in the United States;~~

~~(C) admission into the United States as a refugee;~~

~~(D) pending or approved application for temporary protected status in the United~~

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States;

~~—— (E) approved deferred action status;~~

~~—— (F) pending application for adjustment of status to legal permanent resident or conditional resident; or~~

~~—— (G) conditional permanent resident alien status;~~

~~—— (j) an indication whether the applicant intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act;~~

~~—— (k) an indication whether the applicant is required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry; and~~

~~—— (l) an indication whether the applicant is a veteran of the United States Armed Forces; verification that the applicant has received an honorable or general discharge from the United States Armed Forces; and an indication whether the applicant does or does not authorize sharing the information with the state Department of Veterans' and Military Affairs:~~

~~—— (3) The requirements of Section 53-3-234 apply to this section for each person, age 16 and older, applying for an identification card. Refusal to consent to the release of information shall result in the denial of the identification card.~~

~~—— (4) A person who knowingly fails to provide the information required under Subsection (2)(k) is guilty of a class A misdemeanor.~~

~~—— (5) (a) Until December 1, 2014, a person born on or after December 1, 1964, may hold both an unexpired Utah license certificate and an unexpired Utah identification card.~~

~~—— (b) On or after December 1, 2014, a person born on or after December 1, 1964:~~

~~—— (i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and~~

~~—— (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.~~

~~—— (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (5), the division shall cancel the Utah identification card on December 1, 2014.~~

~~—— (6) (a) Until December 1, 2017, a person born prior to December 1, 1964, may hold~~

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~~both an unexpired Utah license certificate and an unexpired Utah identification card.~~

~~—— (b) On or after December 1, 2017, a person born prior to December 1, 1964:~~

~~—— (i) may not hold both an unexpired Utah license certificate and an unexpired identification card; and~~

~~—— (ii) if the person has both an unexpired Utah license certificate and an unexpired Utah identification card in the person's possession, shall be required to surrender either the unexpired Utah license certificate or the unexpired Utah identification card.~~

~~—— (c) If a person has not surrendered either the Utah license certificate or the Utah identification card as required under this Subsection (6), the division shall cancel the Utah identification card on December 1, 2017.~~

~~—— Section 8. Section 53-3-806.5 is amended to read:~~

~~‡~~ **53-3-806.5. Identification card required if offender does not have driver license.**

(1) (a) If a person is required to register as ~~{f}~~a sex ~~{f an}~~ offender in accordance with Title 77, Chapter 41, Sex ~~{f}~~ and ~~{f}~~ Kidnap ~~{, and Child Abuse}~~ Offender Registry or as a child abuse offender in accordance with Title 77, Chapter 43, Child Abuse Registry, and the person does not hold a current driver license in compliance with Section 53-3-205, the person shall obtain an identification card.

(b) The person shall maintain a current identification card during any time the person is required to register as ~~{f}~~a sex ~~{f}~~ fan or child abuse offender and the person does not hold a valid driver license.

(2) Failure to maintain a current identification card as required under Subsection (1) on and after April 30, 2007 is a class A misdemeanor for each month of violation of Subsection (1).

Section ~~{9}~~2. Section ~~{53-3-807 is amended to read:~~

~~—— 53-3-807. Expiration -- Address and name change -- Extension.~~

~~—— (1) (a) A regular identification card issued on or after July 1, 2006, expires on the birth date of the applicant in the fifth year following the issuance of the regular identification card.~~

~~—— (b) A limited-term identification card expires on:~~

~~—— (i) the expiration date of the period of time of the individual's authorized stay in the United States or on the birth date of the applicant in the fifth year following the~~

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~~issuance of the limited-term identification card, whichever is sooner; or~~

~~—— (ii) on the date of issuance in the first year following the year that the limited-term identification card was issued if there is no definite end to the individual's period of authorized stay.~~

~~—— (2) If a person has applied for and received an identification card and subsequently moves from the address shown on the application or on the card, the person shall within 10 days notify the division in a manner specified by the division of the person's new address.~~

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

~~—— (a) shall surrender the card to the division; and~~

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

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

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

~~—— (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is currently required to register as [a sex] an offender in accordance with 62A-1-121 is enacted to read:~~

62A-1-121. Child Abuse Offender Registry.

~~The department shall administer the Child Abuse Offender Registry created in Title 77, Chapter {41}43, { Sex [and], Kidnap, and} Child Abuse Offender Registry{:~~

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

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

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

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

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

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~~—— (b) Except as provided in Subsection (4)(c), if a person has applied for and received an identification card and is subsequently convicted of any offense listed in Subsection 77-41-102[(17)](4), (10), or (18), the person shall surrender the card to the division on the person's next birth date following the conviction and may apply for a new card with an expiration date identified in Subsection (8) by:~~

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

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

~~—— (c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b) because the person is in the custody of the Department of Corrections or Division of Juvenile Justice Services, confined in a correctional facility not operated by or under contract with the Department of Corrections, or committed to a state mental facility, shall comply with the provisions of Subsection (4)(a) or (b) within 10 days of being released from confinement.~~

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

~~—— (a) requests that the division send the application form to obtain the extension or requests an application form in person at the division's offices;~~

~~—— (b) completes the application;~~

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

~~—— (d) returns the application to the division together with the identification card fee required under Section 53-3-105.~~

~~—— (6) The division may extend a valid regular identification card for five years:~~

~~—— (a) (i) at any time within six months before the identification card expires; and~~

~~—— (ii) if the identification card was issued after January 1, 2010.~~

~~—— (b) The application for an extension of a regular identification card shall be accompanied by a fee under Section 53-3-105.~~

~~—— (c) The division shall allow extensions:~~

~~—— (i) by mail, electronic means, or other means as determined by the division at the~~

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~~appropriate extension fee rate under Section 53-3-105; and~~

~~—— (ii) only if the applicant qualifies under this section;~~

~~—— (7) (a) (i) Except as prohibited under Subsection (7)(b), a regular identification card may only be extended once under Subsections (5) and (6):~~

~~—— (ii) After an extension an application for an identification card must be applied for in person at the division's offices:~~

~~—— (b) An identification card issued to a person required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry, may not be extended:~~

~~—— (8) An identification card issued prior to July 1, 2006 to a person 65 years of age or older expires on December 1, 2017:~~

~~—— (9) Notwithstanding the provisions of this section, an identification card expires on the birth date of the applicant in the first year following the year that the identification card was issued if the applicant is required to register as [a sex] an offender in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry:~~

~~—— (10) A person who knowingly fails to surrender an identification card under Subsection (4) is guilty of a class A misdemeanor:~~

~~—— Section 10. Section 53-10-403 is amended to read:~~

~~—— **53-10-403. DNA specimen analysis -- Application to offenders, including minors:**~~

~~—— (1) Sections 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to any person who:~~

~~—— (a) has pled guilty to or has been convicted of any of the offenses under Subsection (2)(a) or (b) on or after July 1, 2002;~~

~~—— (b) has pled guilty to or has been convicted by any other state or by the United States government of an offense which if committed in this state would be punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;~~

~~—— (c) has been booked on or after January 1, 2011, through December 31, 2014, for any offense under Subsection (2)(c):~~

~~—— (d) has been booked:~~

~~—— (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense; or~~

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- ~~— (ii) on or after January 1, 2015, for any felony offense; or~~
- ~~— (e) is a minor under Subsection (3);~~
- ~~— (2) Offenses referred to in Subsection (1) are:~~
 - ~~— (a) any felony or class A misdemeanor under the Utah Code;~~
 - ~~— (b) any offense under Subsection (2)(a):~~
 - ~~— (i) for which the court enters a judgment for conviction to a lower degree of offense under Section 76-3-402; or~~
 - ~~— (ii) regarding which the court allows the defendant to enter a plea in abeyance as defined in Section 77-2a-1; or~~
 - ~~— (c) (i) any violent felony as defined in Section 53-10-403.5;~~
 - ~~— (ii) sale or use of body parts, Section 26-28-116;~~
 - ~~— (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;~~
 - ~~— (iv) driving with any amount of a controlled substance in a person's body and causing serious bodily injury or death, Subsection 58-37-8(2)(g);~~
 - ~~— (v) a felony violation of enticing a minor over the Internet, Section 76-4-401;~~
 - ~~— (vi) a felony violation of propelling a substance or object at a correctional officer, a peace officer, or an employee or a volunteer, including health care providers, Section 76-5-102.6;~~
 - ~~— (vii) aggravated human trafficking and aggravated human smuggling, Section 76-5-310;~~
 - ~~— (viii) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;~~
 - ~~— (ix) a felony violation of sexual abuse of a minor, Section 76-5-401.1;~~
 - ~~— (x) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;~~
 - ~~— (xi) sale of a child, Section 76-7-203;~~
 - ~~— (xii) aggravated escape, Subsection 76-8-309(2);~~
 - ~~— (xiii) a felony violation of assault on an elected official, Section 76-8-315;~~
 - ~~— (xiv) influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole, Section 76-8-316;~~
 - ~~— (xv) advocating criminal syndicalism or sabotage, Section 76-8-902;~~
 - ~~— (xvi) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;~~
 - ~~— (xvii) a felony violation of sexual battery, Section 76-9-702.1;~~

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- ~~—— (xviii) a felony violation of lewdness involving a child, Section 76-9-702.5;~~
- ~~—— (xix) a felony violation of abuse or desecration of a dead human body, Section 76-9-704;~~
- ~~—— (xx) manufacture, possession, sale, or use of a weapon of mass destruction, Section 76-10-402;~~
- ~~—— (xxi) manufacture, possession, sale, or use of a hoax weapon of mass destruction, Section 76-10-403;~~
- ~~—— (xxii) possession of a concealed firearm in the commission of a violent felony, Subsection 76-10-504(4);~~
- ~~—— (xxiii) assault with the intent to commit bus hijacking with a dangerous weapon, Subsection 76-10-1504(3);~~
- ~~—— (xxiv) commercial obstruction, Subsection 76-10-2402(2);~~
- ~~—— (xxv) a felony violation of failure to register as [a sex or kidnap] an offender, Section 77-41-107;~~
- ~~—— (xxvi) repeat violation of a protective order, Subsection 77-36-1.1(2)(c); or~~
- ~~—— (xxvii) violation of condition for release after arrest for domestic violence, Section 77-36-2.5;~~
- ~~—— (3) A minor under Subsection (1) is a minor 14 years of age or older whom a Utah court has adjudicated to be within the jurisdiction of the juvenile court due to the commission of any offense described in Subsection (2), and who is:~~
 - ~~—— (a) within the jurisdiction of the juvenile court on or after July 1, 2002 for an offense under Subsection (2); or~~
 - ~~—— (b) in the legal custody of the Division of Juvenile Justice Services on or after July 1, 2002 for an offense under Subsection (2);~~
- ~~—— Section 11. Section 53-10-404 is amended to read:~~
- ~~—— **53-10-404. DNA specimen analysis -- Requirement to obtain the specimen:**~~
 - ~~—— (1) As used in this section, "person" refers to any person as described under Section 53-10-403;~~
 - ~~—— (2) (a) A person under Section 53-10-403 or any person added to the [sex offender register as defined in Section 77-41-102] registry in Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, shall provide a DNA specimen and shall reimburse the agency~~

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~~responsible for obtaining the DNA specimen \$150 for the cost of obtaining the DNA specimen unless:~~

~~—— (i) the person was booked under Section 53-10-403 and is not required to reimburse the agency under Section 53-10-404.5; or~~

~~—— (ii) the agency determines the person lacks the ability to pay.~~

~~—— (b) (i) (A) The responsible agencies shall establish guidelines and procedures for determining if the person is able to pay the fee.~~

~~—— (B) An agency's implementation of Subsection (2)(b)(i) meets an agency's obligation to determine an inmate's ability to pay.~~

~~—— (ii) An agency's guidelines and procedures may provide for the assessment of \$150 on the inmate's county trust fund account and may allow a negative balance in the account until the \$150 is paid in full.~~

~~—— (3) (a) (i) All fees collected under Subsection (2) shall be deposited in the DNA Specimen Restricted Account created in Section 53-10-407, except that the agency collecting the fee may retain not more than \$25 per individual specimen for the costs of obtaining the saliva DNA specimen.~~

~~—— (ii) The agency collecting the \$150 fee may not retain from each separate fee more than \$25, and no amount of the \$150 fee may be credited to any other fee or agency obligation.~~

~~—— (b) The responsible agency shall determine the method of collecting the DNA specimen. Unless the responsible agency determines there are substantial reasons for using a different method of collection or the person refuses to cooperate with the collection, the preferred method of collection shall be obtaining a saliva specimen.~~

~~—— (c) The responsible agency may use reasonable force, as established by its guidelines and procedures, to collect the DNA sample if the person refuses to cooperate with the collection.~~

~~—— (d) If the judgment places the person on probation, the person shall submit to the obtaining of a DNA specimen as a condition of the probation.~~

~~—— (e) (i) Under this section a person is required to provide one DNA specimen and pay the collection fee as required under this section.~~

~~—— (ii) The person shall provide an additional DNA specimen only if the DNA specimen previously provided is not adequate for analysis.~~

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~~—— (iii) The collection fee is not imposed for a second or subsequent DNA specimen collected under this section.~~

~~—— (f) Any agency that is authorized to obtain a DNA specimen under this part may collect any outstanding amount of a fee due under this section from any person who owes any portion of the fee and deposit the amount in the DNA Specimen Restricted Account created in Section 53-10-407.~~

~~—— (4) (a) The responsible agency shall cause a DNA specimen to be obtained as soon as possible and transferred to the Department of Public Safety:~~

~~—— (i) after a conviction or a finding of jurisdiction by the juvenile court;~~

~~—— (ii) on and after January 1, 2011, through December 31, 2014, after the booking of a person for any offense under Subsection 53-10-403(1)(c); and~~

~~—— (iii) on and after January 1, 2015, after the booking of a person for any felony offense, as provided under Subsection 53-10-403(1)(d)(ii).~~

~~—— (b) On and after May 13, 2014, through December 31, 2014, the responsible agency may cause a DNA specimen to be obtained and transferred to the Department of Public Safety after the booking of a person for any felony offense, as provided under Subsection 53-10-403(1)(d)(i).~~

~~—— (c) If notified by the Department of Public Safety that a DNA specimen is not adequate for analysis, the agency shall, as soon as possible:~~

~~—— (i) obtain and transmit an additional DNA specimen; or~~

~~—— (ii) request that another agency that has direct access to the person and that is authorized to collect DNA specimens under this section collect the necessary second DNA specimen and transmit it to the Department of Public Safety.~~

~~—— (d) Each agency that is responsible for collecting DNA specimens under this section shall establish:~~

~~—— (i) a tracking procedure to record the handling and transfer of each DNA specimen it obtains; and~~

~~—— (ii) a procedure to account for the management of all fees it collects under this section.~~

~~—— (5) (a) The Department of Corrections is the responsible agency whenever the person is committed to the custody of or is under the supervision of the Department of Corrections.~~

~~—— (b) The juvenile court is the responsible agency regarding a minor under Subsection~~

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~~53-10-403(3), but if the minor has been committed to the legal custody of the Division of Juvenile Justice Services, that division is the responsible agency if a DNA specimen of the minor has not previously been obtained by the juvenile court under Section 78A-6-117.~~

~~— (c) The sheriff operating a county jail is the responsible agency regarding the collection of DNA specimens from persons who:~~

~~— (i) have pled guilty to or have been convicted of an offense listed under Subsection 53-10-403(2) but who have not been committed to the custody of or are not under the supervision of the Department of Corrections;~~

~~— (ii) are incarcerated in the county jail:~~

~~— (A) as a condition of probation for a felony offense; or~~

~~— (B) for a misdemeanor offense for which collection of a DNA specimen is required;~~

~~— (iii) on and after January 1, 2011, through May 12, 2014, are booked at the county jail for any offense under Subsection 53-10-403(1)(c); and~~

~~— (iv) are booked at the county jail:~~

~~— (A) by a law enforcement agency that is obtaining a DNA specimen for any felony offense on or after May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b); or~~

~~— (B) on or after January 1, 2015, for any felony offense.~~

~~— (d) Each agency required to collect a DNA specimen under this section shall:~~

~~— (i) designate employees to obtain the saliva DNA specimens required under this section; and~~

~~— (ii) ensure that employees designated to collect the DNA specimens receive appropriate training and that the specimens are obtained in accordance with generally accepted protocol.~~

~~— (6) (a) As used in this Subsection (6), "department" means the Department of Corrections.~~

~~— (b) Priority of obtaining DNA specimens by the department is:~~

~~— (i) first, to obtain DNA specimens of persons who as of July 1, 2002, are in the custody of or under the supervision of the department before these persons are released from incarceration, parole, or probation, if their release date is prior to that of persons under Subsections (6)(b)(ii), but in no case later than July 1, 2004; and~~

~~— (ii) second, the department shall obtain DNA specimens from persons who are~~

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~~committed to the custody of the department or who are placed under the supervision of the department after July 1, 2002, within 120 days after the commitment, if possible, but not later than prior to release from incarceration if the person is imprisoned, or prior to the termination of probation if the person is placed on probation:~~

~~—— (c) The priority for obtaining DNA specimens from persons under Subsection (6)(b)(ii) is:~~

~~—— (i) first, persons on probation;~~

~~—— (ii) second, persons on parole; and~~

~~—— (iii) third, incarcerated persons.~~

~~—— (d) Implementation of the schedule of priority under Subsection (6)(c) is subject to the priority of Subsection (6)(b)(i), to ensure that the Department of Corrections obtains DNA specimens from persons in the custody of or under the supervision of the Department of Corrections as of July 1, 2002, prior to their release.~~

~~—— (7) (a) As used in this Subsection (7):~~

~~—— (i) "Court" means the juvenile court.~~

~~—— (ii) "Division" means the Division of Juvenile Justice Services.~~

~~—— (b) Priority of obtaining DNA specimens by the court from minors under Section 53-10-403 who are under the jurisdiction of the court but who are not in the legal custody of the division shall be:~~

~~—— (i) first, to obtain specimens from minors who as of July 1, 2002, are within the court's jurisdiction, prior to termination of the court's jurisdiction over these minors; and~~

~~—— (ii) second, to obtain specimens from minors who are found to be within the court's jurisdiction after July 1, 2002, within 120 days of the minor's being found to be within the court's jurisdiction, if possible, but not later than prior to termination of the court's jurisdiction over the minor.~~

~~—— (c) Priority of obtaining DNA specimens by the division from minors under Section 53-10-403 who are committed to the legal custody of the division shall be:~~

~~—— (i) first, to obtain specimens from minors who as of July 1, 2002, are within the division's legal custody and who have not previously provided a DNA specimen under this section, prior to termination of the division's legal custody of these minors; and~~

~~—— (ii) second, to obtain specimens from minors who are placed in the legal custody of the~~

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~~division after July 1, 2002, within 120 days of the minor's being placed in the custody of the division, if possible, but not later than prior to termination of the court's jurisdiction over the minor.~~

~~— (8) (a) The Department of Corrections, the juvenile court, the Division of Juvenile Justice Services, and all law enforcement agencies in the state shall by policy establish procedures for obtaining saliva DNA specimens, and shall provide training for employees designated to collect saliva DNA specimens.~~

~~— (b) (i) The department may designate correctional officers, including those employed by the adult probation and parole section of the department, to obtain the saliva DNA specimens required under this section.~~

~~— (ii) The department shall ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol.~~

~~— (c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405. Section 12}.~~

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

62A-7-104. Division responsibilities.

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

(2) The division shall:

(a) establish and administer a continuum of community, secure, and nonsecure programs for all youth offenders committed to the division;

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

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

(d) establish observation and assessment programs necessary to serve youth offenders committed by the juvenile court for short-term observation under Subsection 78A-6-117(2)(e), and whenever possible, conduct the programs in settings separate and distinct from secure facilities for youth offenders.

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

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

(5) The division shall employ staff necessary to:

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

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

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

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

(7) The division shall establish and operate compensatory-service work programs for youth offenders committed to the division by the juvenile court. The compensatory-service work program shall:

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

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

(c) provide counseling to youth offenders.

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

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

(10) (a) The division is authorized to employ special function officers, as defined in

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Section 53-13-105, to locate and apprehend minors who have absconded from division custody, transport minors taken into custody pursuant to division policy, investigate cases, and carry out other duties as assigned by the division.

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

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

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

(a) has been adjudicated delinquent based on an offense listed in Subsection 77-41-102 ~~{(17)}~~(a) ~~{(4), (10), or (18)}~~;

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

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

(13) The division shall register with the department any person who:

(a) has been adjudicated delinquent based on an offense listed in Subsection 77-43-102(2):

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

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

Section ~~{13}~~4. Section **63G-2-302** is amended to read:

63G-2-302. Private records.

(1) The following records are private:

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

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

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

(d) records received by or generated by or for:

(i) the Independent Legislative Ethics Commission, except for:

(A) the commission's summary data report that is required under legislative rule; and

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- (B) any other document that is classified as public under legislative rule; or
- (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record is classified as public under legislative rule;
- (e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;
- (f) records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health of an individual:
 - (i) if, prior to the meeting, the chair of the committee determines release of the records:
 - (A) reasonably could be expected to interfere with the investigation undertaken by the committee; or
 - (B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and
 - (ii) after the meeting, if the meeting was closed to the public;
 - (g) employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;
 - (h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as private according to the requirements of that section;
 - (i) that part of a record indicating a person's social security number or federal employer identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
 - (j) that part of a voter registration record identifying a voter's:
 - (i) driver license or identification card number;
 - (ii) ~~{social security}~~ Social Security number, or last four digits of the ~~{social security}~~ Social Security number;
 - (iii) email address; or
 - (iv) date of birth;
 - (k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-104(4)(f) or 20A-2-101.1(5)(a);

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- (l) a record that:
 - (i) contains information about an individual;
 - (ii) is voluntarily provided by the individual; and
 - (iii) goes into an electronic database that:
 - (A) is designated by and administered under the authority of the Chief Information Officer; and
 - (B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;
 - (m) information provided to the Commissioner of Insurance under:
 - (i) Subsection 31A-23a-115(2)(a);
 - (ii) Subsection 31A-23a-302(3); or
 - (iii) Subsection 31A-26-210(3);
 - (n) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
 - (o) information provided by an offender that is:
 - (i) required by the registration requirements of Title 77, Chapter 41, Sex ~~{f}~~ and ~~{j}~~ Kidnap ~~{, and Child Abuse}~~ Offender Registry or Title 77, Chapter 43, Child Abuse Registry; and
 - (ii) not required to be made available to the public under Subsection 77-41-110(4) or 77-43-108(4);
 - (p) a statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security;
 - (q) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;
 - (r) an email address provided by a military or overseas voter under Section 20A-16-501;
 - (s) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

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(t) records received by or generated by or for the Political Subdivisions Ethics Review Commission established in Section 11-49-201, except for:

(i) the commission's summary data report that is required in Section 11-49-202; and

(ii) any other document that is classified as public in accordance with Title 11, Chapter 49, Political Subdivisions Ethics Review Commission;

(u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was notified of an incident or threat; and

(v) a criminal background check or credit history report conducted in accordance with Section 63A-3-201.

(2) The following records are private if properly classified by a governmental entity:

(a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

(b) records describing an individual's finances, except that the following are public:

(i) records described in Subsection 63G-2-301(2);

(ii) information provided to the governmental entity for the purpose of complying with a financial assurance requirement; or

(iii) records that must be disclosed in accordance with another statute;

(c) records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;

(d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;

(e) records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;

(f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

(g) audio and video recordings created by a body-worn camera, as defined in Section

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77-7a-103, that record sound or images inside a home or residence except for recordings that:

(i) depict the commission of an alleged crime;

(ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

(iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

(iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);

or

(v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.

(3) (a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.

(b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

(i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or

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

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

Section ~~{14}~~5. Section **76-1-201** is amended to read:

76-1-201. Jurisdiction of offenses.

(1) A person is subject to prosecution in this state for an offense which he commits, while either within or outside the state, by his own conduct or that of another for which he is legally accountable, if:

(a) the offense is committed either wholly or partly within the state;

(b) the conduct outside the state constitutes an attempt to commit an offense within the state;

(c) the conduct outside the state constitutes a conspiracy to commit an offense within

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the state and an act in furtherance of the conspiracy occurs in the state; or

(d) the conduct within the state constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction an offense under the laws of both this state and the other jurisdiction.

(2) An offense is committed partly within this state if either the conduct which is any element of the offense, or the result which is an element, occurs within this state.

(3) In homicide offenses, the "result" is either the physical contact which causes death or the death itself.

(a) If the body of a homicide victim is found within the state, the death shall be presumed to have occurred within the state.

(b) If jurisdiction is based on this presumption, this state retains jurisdiction unless the defendant proves by clear and convincing evidence that:

(i) the result of the homicide did not occur in this state; and

(ii) the defendant did not engage in any conduct in this state which is any element of the offense.

(4) (a) An offense which is based on an omission to perform a duty imposed by the law of this state is committed within the state regardless of the location of the offender at the time of the omission.

(b) For the purpose of establishing venue for a violation of Subsection 77-41-105(3) concerning ~~sex~~ offender registration or Subsection 77-43-105(3) for child abuse offender registration, the offense is considered to be committed:

(i) at the most recent registered primary residence of the offender, if the actual location of the offender at the time of the violation is not known; or

(ii) at the location of the offender at the time the offender is apprehended.

(5) (a) If no jurisdictional issue is raised, the pleadings are sufficient to establish jurisdiction.

(b) The defendant may challenge jurisdiction by filing a motion before trial stating which facts exist that deprive the state of jurisdiction.

(c) The burden is upon the state to initially establish jurisdiction over the offense by a preponderance of the evidence by showing under the provisions of Subsections (1) through (4) that the offense was committed either wholly or partly within the borders of the state.

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(d) If after the prosecution has met its burden of proof under Subsection (5)(c) the defendant claims that the state is deprived of jurisdiction or may not exercise jurisdiction, the burden is upon the defendant to prove by a preponderance of the evidence:

- (i) any facts claimed; and
- (ii) why those facts deprive the state of jurisdiction.

(6) Facts that deprive the state of jurisdiction or prohibit the state from exercising jurisdiction include the fact that the:

(a) defendant is serving in a position that is entitled to diplomatic immunity from prosecution and that the defendant's country has not waived that diplomatic immunity;

(b) defendant is a member of the armed forces of another country and that the crime that he is alleged to have committed is one that due to an international agreement, such as a status of forces agreement between his country and the United States, cedes the exercise of jurisdiction over him for that offense to his country;

(c) defendant is an enrolled member of an Indian tribe, as defined in Section 9-9-101, and that the Indian tribe has a legal status with the United States or the state that vests jurisdiction in either tribal or federal courts for certain offenses committed within the exterior boundaries of a tribal reservation, and that the facts establish that the crime is one that vests jurisdiction in tribal or federal court; or

(d) offense occurred on land that is exclusively within federal jurisdiction.

(7) (a) The Legislature finds that identity fraud under Chapter 6, Part 11, Identity Fraud Act, involves the use of personal identifying information which is uniquely personal to the consumer or business victim of that identity fraud and which information is considered to be in lawful possession of the consumer or business victim wherever the consumer or business victim currently resides or is found.

(b) For purposes of Subsection (1)(a), an offense which is based on a violation of Chapter 6, Part 11, Identity Fraud Act, is committed partly within this state, regardless of the location of the offender at the time of the offense, if the victim of the identity fraud resides or is found in this state.

(8) The judge shall determine jurisdiction.

Section ~~15~~6. Section **76-1-202** is amended to read:

76-1-202. Venue of actions.

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(1) Criminal actions shall be tried in the county, district, or precinct where the offense is alleged to have been committed. In determining the proper place of trial, the following provisions shall apply:

(a) If the commission of an offense commenced outside the state is consummated within this state, the offender shall be tried in the county where the offense is consummated.

(b) When conduct constituting elements of an offense or results that constitute elements, whether the conduct or result constituting elements is in itself unlawful, shall occur in two or more counties, trial of the offense may be held in any of the counties concerned.

(c) If a person committing an offense upon the person of another is located in one county and his victim is located in another county at the time of the commission of the offense, trial may be held in either county.

(d) If a cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county.

(e) A person who commits an inchoate offense may be tried in any county in which any act that is an element of the offense, including the agreement in conspiracy, is committed.

(f) Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.

(g) When an offense is committed within this state and it cannot be readily determined in which county or district the offense occurred, the following provisions shall be applicable:

(i) When an offense is committed upon any railroad car, vehicle, watercraft, or aircraft passing within this state, the offender may be tried in any county through which such railroad car, vehicle, watercraft, or aircraft has passed.

(ii) When an offense is committed on any body of water bordering on or within this state, the offender may be tried in any county adjacent to such body of water. The words "body of water" shall include but not be limited to any stream, river, lake, or reservoir, whether natural or man-made.

(iii) A person who commits theft may be tried in any county in which he exerts control over the property affected.

(iv) If an offense is committed on or near the boundary of two or more counties, trial of the offense may be held in any of such counties.

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(v) For any other offense, trial may be held in the county in which the defendant resides, or, if he has no fixed residence, in the county in which he is apprehended or to which he is extradited.

(h) A person who commits an offense based on Chapter 6, Part 11, Identity Fraud Act, may be tried in the county:

(i) where the victim's personal identifying information was obtained;

(ii) where the defendant used or attempted to use the personally identifying information;

(iii) where the victim of the identity fraud resides or is found; or

(iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any county where the victim's identity was used or obtained, or where the victim resides or is found.

(i) For the purpose of establishing venue for a violation of Subsection 77-41-105(3) concerning ~~sex~~ offender registration or Subsection 77-43-105(3) for child abuse offender registration, the offense is considered to be committed:

(i) at the most recent registered primary residence of the offender, if the actual location of the offender at the time of the violation is not known; or

(ii) at the location of the offender at the time the offender is apprehended.

(2) All objections of improper place of trial are waived by a defendant unless made before trial.

Section ~~76-3-402~~. Section **76-3-402** is amended to read:

76-3-402. Conviction of lower degree of offense -- Procedure and limitations.

(1) If at the time of sentencing the court, having regard to the nature and circumstances of the offense of which the defendant was found guilty and to the history and character of the defendant, and after having given any victims present at the sentencing and the prosecuting attorney an opportunity to be heard, concludes it would be unduly harsh to record the conviction as being for that degree of offense established by statute, the court may enter a judgment of conviction for the next lower degree of offense and impose sentence accordingly.

(2) If the court suspends the execution of the sentence and places the defendant on probation, whether or not the defendant is committed to jail as a condition of probation, the court may enter a judgment of conviction for the next lower degree of offense:

(a) after the defendant has been successfully discharged from probation;

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- (b) upon motion and notice to the prosecuting attorney;
- (c) after reasonable effort has been made by the prosecuting attorney to provide notice to any victims;
- (d) after a hearing if requested by either party under Subsection (2)(c); and
- (e) if the court finds entering a judgment of conviction for the next lower degree of offense is in the interest of justice.

(3) (a) An offense may be reduced only one degree under this section, whether the reduction is entered under Subsection (1) or (2), unless the prosecutor specifically agrees in writing or on the court record that the offense may be reduced two degrees.

(b) In no case may an offense be reduced under this section by more than two degrees.

(4) This section does not preclude any person from obtaining or being granted an expungement of his record as provided by law.

(5) The court may not enter judgment for a conviction for a lower degree of offense if:

(a) the reduction is specifically precluded by law; or

(b) if any unpaid balance remains on court ordered restitution for the offense for which the reduction is sought.

(6) When the court enters judgment for a lower degree of offense under this section, the actual title of the offense for which the reduction is made may not be altered.

(7) (a) A person may not obtain a reduction under this section of a conviction that requires the person to register as ~~{} a sex {} an~~ offender until the registration requirements under Title 77, Chapter 41, Sex ~~{} and {}~~ Kidnap ~~, and Child Abuse~~ Offender Registry, have expired.

(b) A person required to register as ~~{} a sex {} an~~ offender for the person's lifetime under Subsection 77-41-105(3)(c) may not be granted a reduction of the conviction for the offense or offenses that require the person to register as ~~{[a sex] an offender~~.

~~(8) a sex offender.~~

(8) (a) A person may not obtain a reduction under this section of a conviction that requires the person to register as a child abuse offender until the registration requirements under Title 77, Chapter 43, Child Abuse Offender Registry, have expired.

(b) A person required to register as a child abuse offender for the person's lifetime under Subsection 77-43-105(3)(c) may not be granted a reduction of the conviction for the

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offense or offenses that require the person to register as a child abuse offender.

~~[(8)] (9)~~ As used in this section, "next lower degree of offense" includes an offense regarding which:

(a) a statutory enhancement is charged in the information or indictment that would increase either the maximum or the minimum sentence; and

(b) the court removes the statutory enhancement pursuant to this section.

Section ~~{17}~~8. Section ~~{76-5-401}~~77-40-105 is amended to read:

~~{~~ **76-5-401. Unlawful sexual activity with a minor -- Elements -- Penalties -- Evidence of age raised by defendant.**

~~—— (1) For purposes of this section "minor" is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred.~~

~~—— (2) A person commits unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, or aggravated sexual assault, in violation of Section 76-5-405, the actor:~~

~~—— (a) has sexual intercourse with the minor;~~

~~—— (b) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or~~

~~—— (c) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.~~

~~—— (3) (a) Except under Subsection (3)(b), a violation of Subsection (2) is a third degree felony.~~

~~—— (b) If the defendant establishes by a preponderance of the evidence the mitigating factor that the defendant is less than four years older than the minor at the time the sexual activity occurred, the offense is a class B misdemeanor. An offense under this Subsection (3)(b) is not subject to registration under Subsection 77-41-102[(17)](18)(a)(iii).~~

~~—— Section 18. Section 76-5-401.1 is amended to read:~~

~~——~~ **76-5-401.1. Sexual abuse of a minor.**

~~—— (1) For purposes of this section "minor" is a person who is 14 years of age or older, but~~

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~~younger than 16 years of age, at the time the sexual activity described in this section occurred.~~

~~—— (2) A person commits sexual abuse of a minor if the person is four years or more older than the minor or holds a relationship of special trust as an adult teacher, employee, or volunteer, as described in Subsection 76-5-404.1(1)(c)(xix) and, under circumstances not amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, aggravated sexual assault, in violation of Section 76-5-405, unlawful sexual activity with a minor, in violation of Section 76-5-401, or an attempt to commit any of those offenses, the person touches the anus, buttocks, or any part of the genitals of the minor, or touches the breast of a female minor, or otherwise takes indecent liberties with the minor, or causes a minor to take indecent liberties with the actor or another person, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person regardless of the sex of any participant.~~

~~—— (3) (a) Except under Subsection (3)(b), a violation of this section is a class A misdemeanor and is not subject to registration under Subsection 77-41-102[(17)](18)(a)(iv) on a first offense if the offender was younger than 21 years of age at the time of the offense.~~

~~—— (b) A violation of this section is a third degree felony if the actor at the time of the commission of the offense:~~

~~—— (i) is 18 years of age or older;~~

~~—— (ii) held a position of special trust as a teacher or a volunteer at a school, as that position is defined in Subsection 76-5-404.1(1)(c)(xix); and~~

~~—— (iii) committed the offense against an individual who at the time of the offense was enrolled as a student at the school where the actor was employed or was acting as a volunteer.~~

~~—— Section 19. Section ~~76-9-702~~ is amended to read:~~

~~—— **76-9-702. Lewdness.**~~

~~—— (1) A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of these offenses, performs any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older:~~

~~—— (a) an act of sexual intercourse or sodomy;~~

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~~—— (b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area;~~

~~—— (c) masturbates; or~~

~~—— (d) any other act of lewdness.~~

~~—— (2) (a) A person convicted the first or second time of a violation of Subsection (1) is guilty of a class B misdemeanor, except under Subsection (2)(b):~~

~~—— (b) A person convicted of a violation of Subsection (1) is guilty of a third degree felony if at the time of the violation:~~

~~—— (i) the person is [a sex] an offender as defined in Section 77-27-21.7;~~

~~—— (ii) the person has been previously convicted two or more times of violating Subsection (1); or~~

~~—— (iii) the person has previously been convicted of a violation of Subsection (1) and has also previously been convicted of a violation of Section 76-9-702.5.~~

~~—— (c) (i) For purposes of this Subsection (2) and Subsection 77-41-102[(17)](18), a plea of guilty or nolo contendere to a charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction.~~

~~—— (ii) This Subsection (2)(c) also applies if the charge under this Subsection (2) has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.~~

~~—— (3) A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a lewd act, irrespective of whether or not the breast is covered during or incidental to feeding.~~

~~—— Section 20. Section 76-9-702.1 is amended to read:~~

~~—— **76-9-702.1. Sexual battery.**~~

~~—— (1) A person is guilty of sexual battery if the person, under circumstances not amounting to an offense under Subsection (2), intentionally touches, whether or not through clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female person, and the actor's conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the person touched.~~

~~—— (2) Offenses referred to in Subsection (1) are:~~

~~—— (a) rape, Section 76-5-402;~~

~~—— (b) rape of a child, Section 76-5-402.1;~~

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- ~~—— (c) object rape, Section 76-5-402.2;~~
- ~~—— (d) object rape of a child, Section 76-5-402.3;~~
- ~~—— (e) forcible sodomy, Subsection 76-5-403(2);~~
- ~~—— (f) sodomy on a child, Section 76-5-403.1;~~
- ~~—— (g) forcible sexual abuse, Section 76-5-404;~~
- ~~—— (h) sexual abuse of a child, Subsection 76-5-404.1(2);~~
- ~~—— (i) aggravated sexual abuse of a child, Subsection 76-5-404.1(4);~~
- ~~—— (j) aggravated sexual assault, Section 76-5-405; and~~
- ~~—— (k) an attempt to commit any offense under this Subsection (2).~~
- ~~—— (3) Sexual battery is a class A misdemeanor.~~
- ~~—— (4) For purposes of Subsection 77-41-102[(17)](18) only, a plea of guilty or nolo contendere to a charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction. This Subsection (4) also applies if the charge under this section has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.~~

~~—— Section 21. Section 76-9-702.5 is amended to read:~~

~~—— 76-9-702.5. Lewdness involving a child.~~

~~—— (1) A person is guilty of lewdness involving a child if the person under circumstances not amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse of a child, aggravated sexual abuse of a child, or an attempt to commit any of those offenses, intentionally or knowingly does any of the following to, or in the presence of, a child who is under 14 years of age:~~

- ~~—— (a) performs an act of sexual intercourse or sodomy;~~
- ~~—— (b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area:~~
 - ~~—— (i) in a public place; or~~
 - ~~—— (ii) in a private place:~~
 - ~~—— (A) under circumstances the person should know will likely cause affront or alarm; or~~
 - ~~—— (B) with the intent to arouse or gratify the sexual desire of the actor or the child;~~
 - ~~—— (c) masturbates;~~
 - ~~—— (d) under circumstances not amounting to sexual exploitation of a child under Section~~

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~~76-5b-201, causes a child under the age of 14 years to expose his or her genitals, anus, or breast, if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor or the child; or~~

~~—— (c) performs any other act of lewdness.~~

~~—— (2) (a) Lewdness involving a child is a class A misdemeanor, except under Subsection (2)(b):~~

~~—— (b) Lewdness involving a child is a third degree felony if at the time of the violation:~~

~~—— (i) the person is [a sex] an offender as defined in Section 77-27-21.7; or~~

~~—— (ii) the person has previously been convicted of a violation of this section.~~

~~—— Section 22. Section 77-27-21.7 is amended to read:~~

~~—— **77-27-21.7. Sex, kidnap, and child abuse offender restrictions.**~~

~~—— (1) As used in this section:~~

~~—— (a) "Offender" means an adult or juvenile who is required to register in accordance with Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, due to a conviction for any offense that is committed against a person younger than 18 years of age.~~

~~—— [(a)] (b) "Protected area" means the premises occupied by:~~

~~—— (i) any licensed day care or preschool facility;~~

~~—— (ii) a swimming pool that is open to the public;~~

~~—— (iii) a public or private primary or secondary school that is not on the grounds of a correctional facility;~~

~~—— (iv) a community park that is open to the public; and~~

~~—— (v) a playground that is open to the public, including those areas designed to provide children space, recreational equipment, or other amenities intended to allow children to engage in physical activity.~~

~~—— [(b)] (c) (i) Except under Subsection (1)[(b)](c)(ii), "protected area" also includes any area that is 1,000 feet or less from the residence of a victim of the [sex] offender's offense under Subsection (1)[(c)](a) if:~~

~~—— (A) the [sex] offender is on probation or parole for an offense under Subsection (1)[(c)](a);~~

~~—— (B) the victim or the victim's parent or guardian has advised the Department of Corrections that the victim desires that the [sex] offender be restricted from the area under this~~

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~~Subsection (1)(b)(c)(i) and authorizes the Department of Corrections to advise the [sex] offender of the area where the victim resides for purposes of this Subsection (1)(b)(c); and~~
~~—— (C) the Department of Corrections has notified the [sex] offender in writing that the [sex] offender is prohibited from being in the protected area under Subsection (1)(b)(c)(i) and has also provided a description of the location of the protected area to the [sex] offender.~~

~~—— (ii) "Protected area" under Subsection (1)(b)(c)(i) does not apply to the residence and area surrounding the residence of a victim if:~~

~~—— (A) the victim is a member of the immediate family of the [sex] offender; and~~

~~—— (B) the terms of the [sex] offender's agreement of probation or parole allow the [sex] offender to reside in the same residence as the victim.~~

~~—— [(c) "Sex offender" means an adult or juvenile who is required to register in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry, due to a conviction for any offense that is committed against a person younger than 18 years of age.]~~

~~—— (2) It is a class A misdemeanor for any [sex] offender to be in any protected area on foot or in or on any vehicle, including vehicles that are not motorized, except for:~~

~~—— (a) those specific periods of time when the [sex] offender must be present within a protected area in order to carry out necessary parental responsibilities;~~

~~—— (b) when the protected area is a school building:~~

~~—— (i) under Subsection (1)(a)(b)(iii);~~

~~—— (ii) being opened for or being used for a public activity; and~~

~~—— (iii) not being used for any school-related function that involves persons younger than 18 years of age; or~~

~~—— (c) when the protected area is a licensed day care or preschool facility:~~

~~—— (i) under Subsection (1)(a)(b)(i); and~~

~~—— (ii) located within a building that is open to the public for purposes, services, or functions that are operated separately from the day care or preschool facility located in the building, except that the [sex] offender may not be in any part of the building occupied by the day care or preschool facility.~~

~~—— Section 23. Section 77-27-21.8 is amended to read:~~

~~—— 77-27-21.8. Sex, kidnap, and child abuse offender in presence of a child ==~~

~~**Definitions -- Penalties:**~~

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~~—— (1) As used in this section:~~

~~—— (a) "Accompany" means:~~

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

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

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

~~—— (2) [A sex] An offender subject to registration in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse Offender Registry, for an offense committed or attempted to be committed against a child younger than 14 years of age is guilty of a class A misdemeanor if the [sex] offender requests, invites, or solicits a child to accompany the [sex] offender, under circumstances that do not constitute an attempt to violate Section 76-5-301.1, child kidnapping, unless:~~

~~—— (a) (i) the [sex] offender, prior to accompanying the child:~~

~~—— (A) verbally advises the child's parent or legal guardian that the [sex] offender is on the [state sex offender registry] state's Sex, Kidnap, and Child Abuse Offender Registry and is required by state law to obtain written permission in order for the [sex] offender to accompany the child; and~~

~~—— (B) requests that the child's parent or legal guardian provide written authorization for the [sex] offender to accompany the child, including the specific dates and locations;~~

~~—— (ii) the child's parent or legal guardian has provided to the [sex] offender written authorization, including the specific dates and locations, for the [sex] offender to accompany the child; and~~

~~—— (iii) the [sex] offender has possession of the written authorization and is accompanying the child only at the dates and locations specified in the authorization;~~

~~—— (b) the child's parent or guardian has verbally authorized the [sex] offender to accompany the child either in the child's residence or on property appurtenant to the child's residence, but in no other locations; or~~

~~—— (c) the child is the natural child of the [sex] offender, and the offender is not prohibited by any court order, or probation or parole provision, from contact with the child.~~

~~—— (3) (a) [A sex] An offender convicted of a violation of Subsection (2) is subject to registration in accordance with Title 77, Chapter 41, Sex [and], Kidnap, and Child Abuse~~

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~~Offender Registry, for an additional five years subsequent to the required registration under Section 77-41-105:~~

~~—— (b) The period of additional registration imposed under Subsection (3)(a) is also in addition to any period of registration imposed under Subsection 77-41-107(3) for failure to comply with registration requirements:~~

~~—— (4) It is not a defense to a prosecution under this section that the defendant mistakenly believed the individual to be 14 years of age or older at the time of the offense or was unaware of the individual's true age:~~

~~—— (5) This section does not apply if [a sex] an offender is acting to rescue a child who is in an emergency and life-threatening situation:~~

~~—— Section 24. Section 77-27-21.9 is amended to read:~~

~~—— **77-27-21.9. Sex, kidnap, and child abuse offender assessment:**~~

~~—— (1) As used in this section:~~

~~—— (a) "Dynamic factors" means a person's individual characteristics, issues, resources, or circumstances that:~~

~~—— (i) can change or be influenced; and~~

~~—— (ii) affect the risk of recidivism or the risk of violating conditions of probation or parole:~~

~~—— (b) "Multi-domain assessment" means an evaluation process or tool which reports in quantitative and qualitative terms an offender's condition, stability, needs, resources, and dynamic factors affecting the offender's transition into the community and compliance with conditions of probation or parole, such as the following:~~

~~—— (i) alcohol and other drug use;~~

~~—— (ii) mental health status;~~

~~—— (iii) physical health;~~

~~—— (iv) criminal behavior;~~

~~—— (v) education;~~

~~—— (vi) emotional health and barriers;~~

~~—— (vii) employment;~~

~~—— (viii) family dynamics;~~

~~—— (ix) housing;~~

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- ~~—— (x) physical health and nutrition;~~
- ~~—— (xi) spirituality;~~
- ~~—— (xii) social support systems;~~
- ~~—— (xiii) special population needs, including:~~
 - ~~—— (A) co-existing disorders;~~
 - ~~—— (B) domestic violence;~~
 - ~~—— (C) drug of choice;~~
 - ~~—— (D) gender, ethnic, and cultural considerations;~~
 - ~~—— (E) other health issues;~~
 - ~~—— (F) sexual abuse; and~~
 - ~~—— (G) sexual orientation;~~
- ~~—— (xiv) transportation; and~~
- ~~—— (xv) treatment involvement.~~
- ~~—— (c) "Qualitative terms" means written summaries used to describe meaning, enrich, or explain significant quantitative indicators or benchmarks within the areas defined in Subsection (1)(b).~~
- ~~—— (d) "Quantitative terms" means numerical distinctions or benchmarks used to describe conditions within the areas defined in Subsection (1)(b).~~
- ~~—— (2) The department shall issue a request for proposals to provide a periodic multi-domain assessment tool, as defined in Subsection (1)(b) and implement the tool for a three-year trial period in the management of [sex] offenders being supervised in the community in the department's Region 3.~~
- ~~—— (3) The request for proposals shall include a requirement that the multi-domain assessment tool be designed to be administered:~~
 - ~~—— (a) every 16 weeks during the first year [a sex] an offender is supervised in the community; and~~
 - ~~—— (b) every 12 to 26 weeks during the second and subsequent years [a sex] an offender is supervised in the community, as determined appropriate by the department's supervisory personnel and the [sex] offender's treatment team.~~
- ~~—— (4) The department shall promptly make results of the multi-domain assessment available to:~~

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- ~~_____ (a) the [sex] offender's treatment team; and~~
- ~~_____ (b) the corrections personnel responsible for supervising the offender.~~
- ~~_____ (5) The department shall provide to the legislative Law Enforcement and Criminal Justice Interim Committee at the conclusion of the trial period a written report of the results of the use of the multi-domain assessments, including:~~
 - ~~_____ (a) the impact on recidivism;~~
 - ~~_____ (b) other indicators of the effect of the use of the assessments;~~
 - ~~_____ (c) the number of assessments administered annually;~~
 - ~~_____ (d) the number of individuals who were assessed during the year; and~~
 - ~~_____ (e) any recommended legislative or policy changes.~~
- ~~_____ Section 25. Section 77-40-105 is amended to read:~~

‡ **77-40-105. Eligibility for expungement of conviction -- Requirements.**

- (1) A person convicted of an offense may apply to the bureau for a certificate of eligibility to expunge the record of conviction as provided in this section.
- (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau if:
 - (a) the conviction for which expungement is sought is:
 - (i) a capital felony;
 - (ii) a first degree felony;
 - (iii) a violent felony as defined in Subsection 76-3-203.5(1)(c)(i);
 - (iv) felony automobile homicide;
 - (v) a felony violation of Subsection 41-6a-501(2); ~~[or]~~
 - (vi) a registerable ~~{}sex{}~~ offense as defined in Subsection 77-41-102~~{(17)}(4)~~
~~(10), or (18);~~ (17); or
(vii) a registerable child abuse offense as defined in Subsection 77-43-102(2);
 - (b) a criminal proceeding is pending against the petitioner; or
 - (c) the petitioner intentionally or knowingly provides false or misleading information on the application for a certificate of eligibility.
- (3) A petitioner seeking to obtain expungement for a record of conviction is not eligible to receive a certificate of eligibility from the bureau until all of the following have occurred:
 - (a) all fines and interest ordered by the court have been paid in full;

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(b) all restitution ordered by the court pursuant to Section 77-38a-302, or by the Board of Pardons and Parole pursuant to Section 77-27-6, has been paid in full; and

(c) the following time periods have elapsed from the date the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for each conviction the petitioner seeks to expunge:

(i) 10 years in the case of a misdemeanor conviction of Subsection 41-6a-501(2) or a felony conviction of Subsection 58-37-8(2)(g);

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

(iii) five years in the case of any class A misdemeanor or a felony drug possession offense;

(iv) four years in the case of a class B misdemeanor; or

(v) three years in the case of any other misdemeanor or infraction.

(4) The bureau may not issue a certificate of eligibility if, at the time the petitioner seeks a certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:

(a) two or more felony convictions other than for drug possession offenses, each of which is contained in a separate criminal episode;

(b) any combination of three or more convictions other than for drug possession offenses that include two class A misdemeanor convictions, each of which is contained in a separate criminal episode;

(c) any combination of four or more convictions other than for drug possession offenses that include three class B misdemeanor convictions, each of which is contained in a separate criminal episode; or

(d) five or more convictions other than for drug possession offenses of any degree whether misdemeanor or felony, excluding infractions and any traffic offenses, each of which is contained in a separate criminal episode.

(5) The bureau may not issue a certificate of eligibility if, at the time the petitioner seeks a certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:

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

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

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

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

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

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

Section ~~{26}~~9. Section ~~{77-41-101}~~77-43-101 is ~~{amended}~~enacted to read:

CHAPTER ~~{41}~~43. ~~{SEX, KIDNAP, AND}~~ CHILD ABUSE OFFENDER REGISTRY

~~{77-41-101}~~77-43-101. ~~{ Title}~~ Title.

(1) This chapter is known as the "~~{Sex [and], Kidnap, and }~~Child Abuse Offender Registry."

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

Section ~~{27}~~10. Section ~~{77-41-102}~~77-43-102 is ~~{amended}~~enacted to read:

~~{77-41-102}~~77-43-102. ~~{ Definitions}~~ Definitions.

As used in this chapter:

~~(1)~~ "Bureau" means the bureau of Criminal Identification of the Department of Public Safety established in section 53-10-201.

~~(2)~~ "Business day" means a day on which state offices are open for regular business.

~~(3)~~ "Certificate of eligibility" means a document issued by the Bureau of Criminal Identification showing that the offender has met the requirements of Section 77-41-112.

~~(4)~~ (2) "Child abuse offender" means any person who:

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

(i) Subsection 76-5-109(2)(a) or (b), child abuse;

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(ii) Section 76-5-112.5, child endangerment;

(iii) Section 76-5-308.5, human trafficking of a child; or

(iv) attempting, soliciting, or conspiring to commit any felony offense listed in Subsections ~~(4)2~~(a)(i) through ~~(iv)iii~~;

(b) has been convicted of any crime, or an attempt, solicitation, or conspiracy to commit a crime in another jurisdiction, including any state, federal, or military court, that is substantially equivalent to the offenses listed in Subsection ~~(4)2~~(a) and who is:

(i) a Utah resident; or

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

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

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

(d) is a nonresident regularly employed or working in this state, or who is a student in this state, and was convicted of one or more offenses listed in Subsection ~~(4)2~~(a), or any substantially equivalent offense in another jurisdiction, or who, as a result of the conviction, is required to register in the person's state of residence;

(e) is found not guilty by reason of insanity in this state or in any other jurisdiction of one or more offenses listed in Subsection ~~(4)2~~(a); or

(f) is adjudicated delinquent based on one or more offenses listed in Subsection ~~(4)2~~(a) and who has been committed to the division for secure confinement for that offense and remains in the division's custody 30 days before the person's 21st birthday.

~~(4)5~~(3) "Correctional facility" means the same as that term is defined in Section 64-13-1.

(4) "Department" means the Department of ~~Corrections~~ Human Services.

~~(5)6~~ "Division" means the Division of Juvenile Justice Services.

~~(6)7~~ "Employed" or "carries on a vocation" includes employment that is full

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

~~[(7)]~~~~[(8)]~~ "Indian Country" means:

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

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

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

~~[(8)]~~~~[(9)]~~ "Jurisdiction" means any state, Indian Country, United States Territory, or any property under the jurisdiction of the United States military, Canada, the United Kingdom, Australia, or New Zealand.~~;~~

~~[(9)]~~~~[(10)]~~ "Kidnap offender" means any person other than a natural parent of the victim who:

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

~~(i) Subsection 76-5-301(1)(c) or (d), kidnapping;~~

~~(ii) Section 76-5-301.1, child kidnapping;~~

~~(iii) Section 76-5-302, aggravated kidnapping;~~

~~(iv) Section 76-5-310, aggravated human trafficking, on or after May 10, 2011; or~~

~~(v) attempting, soliciting, or conspiring to commit any felony offense listed in~~

~~Subsections [(9)] (10)(a)(i) through (iv);~~

~~(b) has been convicted of any crime, or an attempt, solicitation, or conspiracy to commit a crime in another jurisdiction, including any state, federal, or military court that is substantially equivalent to the offenses listed in Subsection [(9)] (10)(a) and who is:~~

~~(i) a Utah resident; or~~

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

~~(c) (i) is required to register as a kidnap offender in any other jurisdiction of original~~

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~~conviction, who is required to register as a kidnap offender by any state, federal, or military court, or who would be required to register as a kidnap offender if residing in the jurisdiction of the conviction regardless of the date of the conviction or any previous registration requirements; and~~

~~—— (ii) in any 12-month period, is in this state for a total of 10 or more days, regardless of whether or not the offender intends to permanently reside in this state;~~

~~—— (d) is a nonresident regularly employed or working in this state, or who is a student in this state, and was convicted of one or more offenses listed in Subsection [(9)] (10), or any substantially equivalent offense in another jurisdiction, or as a result of the conviction, is required to register in the person's state of residence;~~

~~—— (e) is found not guilty by reason of insanity in this state or in any other jurisdiction of one or more offenses listed in Subsection [(9)] (10); or~~

~~—— (f) is adjudicated delinquent based on one or more offenses listed in Subsection [(9)] (10)(a) and who has been committed to the division for secure confinement for that offense and remains in the division's custody 30 days prior to the person's 21st birthday.~~

~~—— [(10)] (11);~~

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

~~{[(11)]} {(12)} 10~~ "Offender" means a child abuse offender as defined in Subsection ~~(4)~~, a kidnap offender as defined in Subsection [(9)] (10), or a sex offender as defined in Subsection [(17)] (18).

~~—— [(12)] (13)} 2.~~

(11) "Online identifier" or "Internet identifier":

(a) means any electronic mail, chat, instant messenger, social networking, or similar name used for Internet communication; and

(b) does not include date of birth, ~~{social security}~~ Social Security number, PIN number, or Internet passwords.

~~{[(13)]} {(14)} 12~~ "Primary residence" means the location where the offender regularly resides, even if the offender intends to move to another location or return to another location at any future date.

~~{[(14)]} {(15)} 13~~ "Register" means to comply with the requirements of this chapter

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and administrative rules of the department made under this chapter.

~~{{(15)}}~~ ~~(16)~~14 "Registration website" means the ~~{Sex [and], Kidnap, and }~~Child Abuse Offender Notification and Registration website described in Section ~~{77-41-110}~~77-43-108 and the information on the website.

~~{{(16)}}~~ ~~(17)~~15 "Secondary residence" means any real property that the offender owns or has a financial interest in, or any location where, in any ~~{12-month}~~12-month period, the offender stays overnight a total of 10 or more nights when not staying at the offender's primary residence.f

~~[(17)]~~ (18) "Sex offender" means any person:

~~(a) convicted in this state of:~~

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

~~(ii) Section 76-5b-202, sexual exploitation of a vulnerable adult, on or after May 10, 2011;~~

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

~~(iv) Section 76-5-401.1, sexual abuse of a minor, except under Subsection 76-5-401.1(3)(a);~~

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

~~(vi) Section 76-5-402, rape;~~

~~(vii) Section 76-5-402.1, rape of a child;~~

~~(viii) Section 76-5-402.2, object rape;~~

~~(ix) Section 76-5-402.3, object rape of a child;~~

~~(x) a felony violation of Section 76-5-403, forcible sodomy;~~

~~(xi) Section 76-5-403.1, sodomy on a child;~~

~~(xii) Section 76-5-404, forcible sexual abuse;~~

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

~~(xiv) Section 76-5-405, aggravated sexual assault;~~

~~(xv) Section 76-5-412, custodial sexual relations, when the person in custody is younger than 18 years of age, if the offense is committed on or after May 10, 2011;~~

~~(xvi) Section 76-5b-201, sexual exploitation of a minor;~~

~~(xvii) Section 76-7-102, incest;~~

~~(xviii) Section 76-9-702, lewdness, if the person has been convicted of the offense four~~

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or more times:

~~—— (xix) Section 76-9-702.1, sexual battery, if the person has been convicted of the offense four or more times;~~

~~—— (xx) any combination of convictions of Section 76-9-702, lewdness, and of Section 76-9-702.1, sexual battery, that total four or more convictions;~~

~~—— (xxi) Section 76-9-702.5, lewdness involving a child;~~

~~—— (xxii) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;~~

~~—— (xxiii) Section 76-10-1306, aggravated exploitation of prostitution; or~~

~~—— (xxiv) attempting, soliciting, or conspiring to commit any felony offense listed in Subsection [(17)] (18)(a);~~

~~—— (b) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to commit a crime in another jurisdiction, including any state, federal, or military court that is substantially equivalent to the offenses listed in Subsection [(17)] (18)(a) and who is:~~

~~—— (i) a Utah resident; or~~

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

~~—— (c) (i) who is required to register as a sex offender in any other jurisdiction of original conviction, who is required to register as a sex offender by any state, federal, or military court, or who would be required to register as a sex offender if residing in the jurisdiction of the original conviction regardless of the date of the conviction or any previous registration requirements; and~~

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

~~—— (d) who is a nonresident regularly employed or working in this state or who is a student in this state and was convicted of one or more offenses listed in Subsection [(17)] (18)(a), or any substantially equivalent offense in any jurisdiction, or as a result of the conviction, is required to register in the person's jurisdiction of residence;~~

~~—— (e) who is found not guilty by reason of insanity in this state, or in any other jurisdiction of one or more offenses listed in Subsection [(17)] (18)(a); or~~

~~—— (f) who is adjudicated delinquent based on one or more offenses listed in Subsection [(17)] (18)(a) and who has been committed to the division for secure confinement for that~~

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offense and remains in the division's custody 30 days prior to the person's 21st birthday:

~~[(18)](19)}~~

(16) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

~~{(19)}(17)}~~~~{(20)}~~ "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in any jurisdiction.

Section ~~{28}~~11. Section ~~{77-41-103}~~77-43-103 is ~~{amended}~~enacted to read:

~~{77-41-103}~~~~77-43-103~~, ~~{Department}~~ Department duties.

(1) The department ~~{, to assist in investigating kidnapping and sex-related crimes, and in apprehending offenders.}~~ shall:

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

(b) make information listed in Subsection ~~{77-41-110}~~77-43-108(4) available to the public; and

(c) share information provided by an offender under this chapter that may not be made available to the public under Subsection ~~{77-41-110}~~77-43-108(4), but only:

(i) for the purposes under this chapter; or

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

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

(a) the receipt of a report or complaint of an offense listed in Subsection ~~{77-41-102}~~77-43-102(~~{9}~~2) ~~{or}~~ ~~{(17)a}~~ ~~{(4), (10), or (18)}~~, within three business days;

and

(b) the arrest of a person suspected of any of the offenses listed in Subsection ~~{77-41-102}~~77-43-102(~~{9}~~2) ~~{or}~~ ~~{(17)a}~~ ~~{(4), (10), or (18)}~~, within five business days.

(3) Upon convicting and sentencing a person of any of the offenses listed in Subsection ~~{77-41-102}~~77-43-102(~~{9}~~2) ~~{or}~~ ~~{(17)a}~~ ~~{(4), (10), or (18)}~~, the convicting court shall within three business days forward a signed copy of the judgment and sentence to the ~~{Sex [and], Kidnap, and }Child Abuse Offender Registry office within the {Department of Corrections}~~department.

(4) The department shall:

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(a) provide the following additional information when available:

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

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

~~(iii) and~~

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

(b) maintain the ~~{Sex [Offender and], Kidnap, and }~~Child Abuse Offender Notification and Registration website; and

(c) ensure that the registration information collected regarding an offender's

~~{enrollment or }~~employment at an educational institution is ~~;~~

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

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

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

Section ~~{29}~~12. Section ~~{77-41-105}~~77-43-104 is ~~{amended}~~enacted to read:

~~{77-41-105}~~77-43-104. ~~{Registration}~~ **Registration** of offenders -- ~~{Offender responsibilities}~~**Department and agency requirements**.

(1) An offender ~~{convicted by any other jurisdiction is required to register under Subsection (3) and Subsection 77-41-102[(9) or (17)](4), (10), or (18)}~~. The offender shall register with the department within 10 days of entering the state, regardless of the offender's length of stay.

~~(2) (a) An offender required to register under Subsection 77-41-102[(9) or (17)](4), (10), or (18) who is under supervision by the department shall register in person with;~~ in the custody of the Department of Corrections shall be registered by agents of the Department of Corrections upon:

(a) placement on probation;

(b) commitment to a secure correctional facility operated by or under contract to the Department of Corrections;

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

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(d) entrance to and release from any community-based residential program operated by or under contract to the Department of Corrections; or

(e) termination of probation or parole.

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

(a) commitment to the correctional facility; and

(b) release from confinement.

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

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

(5) (a) (i) A municipal or county law enforcement agency shall register an offender who resides within the agency's jurisdiction and is not under the supervision of the Division of Adult Probation and Parole.

~~(b) An offender required to register under Subsection 77-41-102[(9) or (17)](4), (10), or (18) who is no longer under supervision by~~ ii) In order to conduct offender registration under this chapter, the agency shall ensure the agency staff responsible for registration:

(A) has received initial training by the department and has been certified as qualified and authorized to conduct registrations and enter offender registration information into the registry database; and

(B) certify annually with the department.

(b) (i) When the department receives offender registration information regarding a change of an offender's primary residence location, the department shall ~~register in person with the police department or sheriff's office that has~~ within five days electronically notify the law enforcement agencies that have jurisdiction over the area where ~~the offender resides.~~

~~(3) (a) Except as provided in Subsections (3)(b), (c), and (4), and Section 77-41-106, an offender shall, for the duration of the sentence and for 10 years after termination of sentence or custody of the division, register every year during the month of the offender's date of birth, during the month that is the sixth month after the offender's birth month, and also within three~~

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~~business days of every change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection (8):~~

~~—— (b) Except as provided in Subsections (4) and (5), and Section 77-41-106, an offender who is convicted in another jurisdiction of an offense listed in Subsection 77-41-102[(9)(a) or (17)(a)](4)(a), (10)(a), or (18)(a), a substantially similar offense, or any other offense that requires registration in the jurisdiction of conviction, shall:~~

~~—— (i) register for the time period, and in the frequency, required by the jurisdiction where the offender was convicted if that jurisdiction's registration period or registration frequency requirement for the offense};~~

~~(A) the residence that the offender {was convicted of is greater than the 10 years from completion of the sentence registration period that is required under Subsection (3)(a), or is more frequent than every six months; or~~

~~—— (ii) register in accordance with the requirements of Subsection (3)(a), if the jurisdiction's registration period or frequency requirement for the offense that the offender was convicted of is less than the registration period required under Subsection (3)(a), or is less frequent than every six months:~~

~~—— (c) (i) An offender convicted as an adult of any of the offenses listed in Section 77-41-106 shall, for the offender's lifetime, register every year during the month of the offender's birth, during the month that is the sixth month after the offender's birth month, and also within three business days of every change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection (8):~~

~~—— (ii) This registration requirement is not subject to exemptions and may not be terminated or altered during the offender's lifetime, unless a petition is granted under Section 77-41-112:~~

~~—— (d) For the purpose of establishing venue for a violation of} is leaving is located; and
(B) the residence to which the offender is moving is located.~~

~~(ii) The department shall provide notification under this Subsection (~~{3}~~), ~~the violation is considered to be committed:~~~~

~~—— (i) at the most recent registered primary residence of the offender or at the location of~~

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~~the offender, if the actual location of the offender at the time of the violation is not known; or~~

~~—— (ii) at the location of the offender at the time the offender is apprehended;~~

~~—— (4) Notwithstanding Subsection (3) and Section 77-41-106, an offender who is confined in a secure facility or in a state mental hospital is not required to register during the period of confinement.~~

~~—— (5) In the case of an offender adjudicated in another jurisdiction as a juvenile and }5)(b) if the offender's change of address is between law enforcement agency jurisdictions, or is within one jurisdiction.~~

(c) The department shall make available to offenders required to register under this chapter {,} the name of the agency, whether it is a local law enforcement agency or the department, that the offender {shall register in the time period and in the frequency consistent with the} should contact to register, the location for registering, and the requirements of registration.

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

(a) the continuing registration requirements of this chapter during the period of registration required in Subsection {(5). However, if the jurisdiction of the offender's adjudication does not publish the offender's information on a public website, the department shall maintain, but not publish the offender's information on the Sex [Offender and], Kidnap, and Child Abuse Offender Notification and Registration website.

~~—— (6) An offender who is required to register under Subsection (3) shall surrender the offender's license, certificate, or identification card as required }77-43-105(3), including:~~

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

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

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

(b) the identification card requirement under Section 53-3-806.5.

(7) The department may make administrative rules necessary to implement this

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chapter, including:

(a) training requirements for agency staff responsible for conducting offender registration;

(b) the method for dissemination of the information; and

(c) instructions to the public regarding the use of the information.

(8) Any information regarding the identity or location of a victim shall be redacted by the department from information provided under ~~{Subsection 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as provided under Section 53-3-205 or 53-3-804.~~

~~—— (7) [A sex] An offender who violates Section 77-27-21.8 regarding being in the presence of a child while required to register under this chapter shall register for an additional five years subsequent to the registration period otherwise required under this chapter.~~

~~—— (8) An offender shall provide the department or the registering entity with the following information:~~

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

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

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

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

~~—— (e) a current photograph of the offender;~~

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

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

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

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

~~—— (j) the name and Internet address of all websites on which the offender is registered using an online identifier, including all online identifiers used to access those websites;~~

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

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

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

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

~~(o) the name, the telephone number, and the address of any place where the offender is employed or will be employed;~~

~~(p) the name, the telephone number, and the address of any place where the offender works as a volunteer or will work as a volunteer; and~~

~~(q) the offender's social security number.~~

~~(9) Notwithstanding Section 42-1-1, an offender:~~

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

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

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

~~(b) may not change the offender's name at any time, if registration is for life under Subsection [77-41-105](3)(c):~~

~~(10) Notwithstanding Subsections (8)(i) and (j) and 77-41-103(1)(c), an offender is not required to provide the department with:~~

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

~~(b) online identifiers for the offender's financial accounts, including any bank, retirement, or investment accounts.~~

~~Section 30} Subsections 77-43-103(4) and 77-43-105(8).~~

~~(9) This chapter does not create or impose any duty on any person to request or obtain information regarding any offender from the department.~~

Section 13. Section ~~{77-41-106}~~77-43-105 is ~~{amended}~~enacted to read:

~~{77-41-106}~~77-43-105. ~~f~~ Registerable offenses.

~~Offenses referred to in}~~ Registration of offenders -- Offender responsibilities.

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(1) An offender convicted by any other jurisdiction is required to register under Subsection (3) and Subsection ~~77-41-105(3)(c)(i)~~ are:

~~— (1) any offense listed ~~77-43-102(2)~~.~~ The offender shall register with the department within 10 days of entering the state, regardless of the offender's length of stay.

(2) (a) An offender required to register under this chapter who is under supervision by the department shall register in person with Division of Adult Probation and Parole.

(b) An offender required to register under this chapter who is no longer under supervision by the department shall register in person with the police department or sheriff's office that has jurisdiction over the area where the offender resides.

(3) (a) Except as provided in ~~Subsection 77-41-102[(9) or (17)](10) or (18) if, at the time of the conviction, the offender has previously been convicted;~~ Subsections (3)(b), (c), and (4), an offender shall, for the duration of the sentence and for 10 years after termination of sentence or custody of the division, register every year during the month of the offender's date of birth, during the month that is the sixth month after the offender's birth month, and also within three business days of every change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection (8).

(b) Except as provided in Subsections (4) and (5), an offender who is convicted in another jurisdiction of an offense listed in Subsection ~~77-41-102[(9) or (17)](10) or (18) or has previously been required to register as [a sex] an offender for an offense committed as a juvenile;~~

~~— (2) ~~77-43-102(2)(a)~~, a substantially similar offense, or any other offense that requires registration in the jurisdiction of conviction, shall:~~

(i) register for the time period, and in the frequency, required by the jurisdiction where the offender was convicted if that jurisdiction's registration period or registration frequency requirement for the offense that the offender was convicted of is greater than the 10 years from completion of the sentence registration period that is required under Subsection (2)(a), or is more frequent than every six months; or

(ii) register in accordance with the requirements of Subsection (2)(a), if the jurisdiction's registration period or frequency requirement for the offense that the offender was convicted of is less than the registration period required under Subsection (2)(a), or is less

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frequent than every six months.

(c) (i) An offender convicted as an adult of any first degree felony offense listed in Subsection ~~{77-41-102(4)}~~ if the person is convicted of the first degree felony offense:

~~— (2) (3) a conviction for any of the following offenses, including attempting, soliciting, or conspiring to commit any felony of:~~

~~— (a) Section 76-5-301.1, child kidnapping, except if ~~77-43-102(2)(a)~~ shall, for the offender's lifetime, register every year during the month of the offender's birth, during the month that is the sixth month after the offender's birth month, and also within three business days of every change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection (6).~~

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

(d) For the purpose of establishing venue for a violation of this Subsection (3), the violation is considered to be committed:

(i) at the most recent registered primary residence of the offender or at the location of the offender, if the actual location of the offender at the time of the violation is not known; or

(ii) at the location of the offender at the time the offender is ~~{a natural parent of the victim};~~

~~— (b) Section 76-5-402, rape;~~

~~— (c) Section 76-5-402.1, rape of a child;~~

~~— (d) Section 76-5-402.2, object rape;~~

~~— (e) Section 76-5-402.3, object rape of a child;~~

~~— (f) Section 76-5-403.1, sodomy on a child;~~

~~— (g) Subsection 76-5-404.1(4), aggravated sexual abuse of a child; or~~

~~— (h) Section 76-5-405, aggravated sexual assault;~~

~~— (3) (4) Section 76-4-401, a felony violation of enticing a minor over the Internet;~~

~~— (4) (5) Section 76-5-302, aggravated kidnapping, except if the offender is a natural parent of the victim;~~

~~— (5) (6) Section 76-5-403, forcible sodomy;~~

~~— (6) (7) Section 76-5-404.1, sexual abuse of a child;~~

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~~— (7) (8) Section 76-5b-201, sexual exploitation of a minor; or~~

~~— (8) (9) Section 76-10-1306, aggravated exploitation of prostitution, on or after May 10, 2011.~~

~~— Section 31. Section 77-41-107 is amended to read:~~

~~— 77-41-107. Penalties:~~

~~— (1) An offender who knowingly fails to~~apprehended.

(4) Notwithstanding Subsection (3), an offender who is confined in a secure facility or in a state mental hospital is not required to register during the period of confinement.

(5) In the case of an offender adjudicated in another jurisdiction as a juvenile and required to register under this chapter ~~or provides false or incomplete information is guilty of:~~

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

~~— (i) the offender is required to register for a felony conviction or adjudicated delinquent for what would be a felony if the juvenile were an adult of an offense listed in Subsection 77-41-102(9)(a) or (17)(a)(4)(a), (10)(a), or (18)(a); or~~

~~— (ii) the offender is required to register for the offender's lifetime under Subsection 77-41-105(3)(c); or~~

~~— (b) a class A misdemeanor and shall be sentenced to serve a term of incarceration for not fewer than 90 days and also at least one year of probation if the offender is required to register for a misdemeanor conviction or is adjudicated delinquent for what would be a misdemeanor if the juvenile were an adult of an offense listed in Subsection 77-41-102(9)(10)(a) or (17)(18)(a).~~

~~— (2) Neither the court nor the Board of Pardons and Parole may release a person who violates this chapter from serving the term required under Subsection (1). This Subsection (2) supersedes any other provision of the law contrary to this chapter.~~

~~— (3) The~~, the offender shall register ~~for an additional year for every year in which the offender does not comply with the registration~~ in the time period and in the frequency consistent with the requirements of this ~~chapter.~~

~~— Section 32. Section 77-41-109 is amended to read:~~

~~— 77-41-109. Miscellaneous provisions:~~

~~— (1) (a) If an offender is to be temporarily sent on any assignment outside a secure~~

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~~facility in which the offender is confined on any assignment, including, without limitation, firefighting or disaster control, the official who has custody}~~ Subsection (5). However, if the jurisdiction of the {offender shall, within a reasonable time prior to removal from the secure facility, notify the local law enforcement agencies where the assignment is to be filled:

~~—— (b) This Subsection (1) does not apply to any person temporarily released under guard from the institution in which the person is confined.~~

~~—— (2) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, a person convicted of any offense listed in Subsection 77-41-102{(9) or (17)}(10) or (18) is not relieved from the responsibility to register as required under this section, unless the offender is removed from the registry under Section 77-41-112.~~

~~—— Section 33. Section 77-41-110 is amended to read:~~

~~—— 77-41-110. Sex, Kidnap, and}~~ offender's adjudication does not publish the offender's information on a public website, the department shall maintain, but not publish the offender's information on the Child Abuse Offender ~~{Registry -- Department to maintain.~~

~~—— (1) The department shall maintain a Sex [Offender and], Kidnap, and Child Abuse Offender Notification and Registration website on the Internet, which shall contain a disclaimer informing the public:~~

~~—— (a) the information contained on the site is obtained from offenders and}~~ Registration website.

(6) An offender shall provide the department ~~{does not guarantee its accuracy or completeness:~~

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

~~—— (c) harassment, stalking, or threats against offenders or their families are prohibited and doing so may violate Utah criminal laws:~~

~~—— (2) The Sex [Offender and], Kidnap, and Child Abuse Offender Notification and Registration website shall be indexed by both the surname of the offender and by postal codes.~~

~~—— (3) The department shall construct the Sex, Kidnap, and Child Abuse Offender Notification and Registration website so that users, before accessing registry information, must indicate that they have read the disclaimer, understand it, and agree to comply with its terms.~~

~~—— (4) Except as provided in Subsection (5), the Sex [Offender and], Kidnap, and Child~~

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~~Abuse Offender Notification and Registration website shall include the following registry information:~~

~~_____} or the registering entity with the following information:~~

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

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

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

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

(e) a current photograph of the offender;

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

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

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

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

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

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

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

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

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

~~(f,h) a list of places}; o) the name, the telephone number, and the address of any place where the offender is employed or will be employed;~~

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

~~{(i) the crimes listed in Subsections 77-41-102[(9) and (16)](10) and (18) that the offender has been convicted of or for which the offender has been adjudicated delinquent in juvenile court.~~

~~— (5) The department, its personnel, and any individual or entity acting at the request or upon the direction}~~ (q) the offender's social security number.

(7) Notwithstanding Section 42-1-1, an offender:

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

(i) while under the jurisdiction of the department ~~{ are immune from civil liability for damages for good faith compliance with this chapter and will be presumed to have acted in good faith by reporting information.~~

~~— (6) The department shall redact information that, if disclosed, could reasonably identify a victim.~~

~~— Section 34}~~; and

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

(b) may not change the offender's name at any time, if registration is for life under Subsection (3)(c).

(8) Notwithstanding Subsections (6)(i) and (j) and 77-43-103(1)(c), an offender is not required to provide the department with:

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

(b) online identifiers for the offender's financial accounts, including any bank, retirement, or investment accounts.

Section 14. Section ~~{77-41-112}~~ 77-43-106 is ~~{amended}~~ enacted to read:

~~{77-41-112}~~ 77-43-106. ~~{~~ Removal from registry -- Requirements -- Procedure:

~~— (1) An offender may petition the court where the offender was convicted of the offense requiring registration for an order removing the offender from the Sex [Offender and], Kidnap, and Child Abuse Offender Registry if:~~

~~— (a) the offender was convicted of an offense under Subsection (2);~~

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- ~~(b) at least five years have passed since the completion of the offender's sentence for the offense;~~
- ~~(c) the offense is the only conviction for which the offender is required to register;~~
- ~~and~~
- ~~(d) the offender has not been convicted, subsequently to the offense for which the offender was placed on the registry, of a violation listed in:~~
- ~~(i) Subsection 77-41-102(4), which defines a child abuse offender;~~
- ~~[(i)] (ii) Subsection 77-41-102[(9)](10), which defines a kidnap offender; or~~
- ~~[(ii)] (iii) Subsection 77-41-102[(17)](18), which defines a sex offender;~~
- ~~(2) The offenses referred to in Subsection (1)(a) are:~~
- ~~(a) Section 76-4-401, Enticing a minor, if the offense is a class A misdemeanor;~~
- ~~(b) Section 76-5-301, Kidnapping, and the conviction of violating Section 76-5-301;~~
- ~~(c) Section 76-5-304, Unlawful detention, and the conviction of violating Section 76-5-304 is the only conviction for which the offender is required to register;~~
- ~~(d) Section 76-5-401, Unlawful sexual activity with a minor and, at the time of the offense, was not more than 10 years older than the victim;~~
- ~~(e) Section 76-5-401.2, Unlawful sexual conduct with a 16 or 17 year old, and at the time of the offense, was not more than 15 years older than the victim; or~~
- ~~(f) Section 76-9-702.7, Voyeurism, if the offense is a class A misdemeanor;~~
- ~~(3) Penalties.~~
- ~~(1) An offender who {meets the requirements under Subsection (1) shall also complete all of the following requirements:~~
- ~~(a) the offender has successfully completed all treatment ordered by the court or} knowingly fails to register under this chapter or provides false or incomplete information is guilty of a third degree felony and shall be sentenced to serve a term of incarceration for not less than 90 days and also at least one year of probation.~~
- ~~(2) Neither the court nor the Board of Pardons and Parole {relating to the conviction;~~
- ~~(b) (i) the offender has not been convicted of any other crime, excluding traffic offenses, as evidenced by a certificate of eligibility issued by the bureau; and~~
- ~~(ii) as used in this section, "traffic offense" does not include a violation of Title 41;~~

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~~Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;~~

~~—— (c) the offender has paid all restitution ordered by the court;~~

~~—— (d) the offender has complied with all; may release a person who violates this chapter from serving the term required under Subsection (1). This Subsection (2) supersedes any other provision of the law contrary to this chapter.~~

~~(3) The offender shall register for an additional year for every year in which the offender does not comply with the registration requirements ~~{at all times as required in this chapter, as evidenced by a document obtained by the offender from the Utah Department of Corrections, which confirms compliance; and~~~~

~~—— (e) the office that prosecuted the offender, and the victim, or if the victim is still a minor, the victim's parent, are notified and provided with an opportunity to respond in accordance with Subsection (6)(a):~~

~~—— (4) (a) (i) An offender seeking removal from the Sex [Offender or], Kidnap, and Child Abuse Offender Registry shall apply for a certificate of eligibility from the bureau:~~

~~—— (ii) An offender who intentionally or knowingly provides any false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.~~

~~—— (iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate of eligibility to anyone providing false information on an application:~~

~~—— (b) (i) The bureau shall perform a check of records of governmental agencies, including national criminal databases, to determine whether an offender is eligible to receive a certificate of eligibility under this section:~~

~~—— (ii) If the offender meets all of the criteria under Subsections (1), (2), and (3), the bureau shall issue a certificate of eligibility to the offender, which shall be valid for a period of 90 days from the date the certificate is issued.~~

~~—— (5) (a) (i) The bureau shall charge application and issuance fees for a certificate of eligibility in accordance with the process in Section 63J-1-504:~~

~~—— (ii) The application fee shall be paid at the time the offender submits an application for a certificate of eligibility to the bureau:~~

~~—— (iii) If the bureau determines that the issuance of a certificate of eligibility is appropriate, the offender will be charged an additional fee for the issuance of a certificate of~~

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eligibility:

~~—— (b) Funds generated under Subsection (5) shall be deposited in the General Fund as a dedicated credit by the department to cover the costs incurred in determining eligibility:~~

~~—— (6) (a) The offender shall file the petition, original information, and court docket with the court, and deliver a copy of the petition to the office of the prosecutor:~~

~~—— (i) Upon receipt of a petition for removal from the Sex [Offender and], Kidnap, and Child Abuse Offender Registry, the office of the prosecutor shall provide notice of the petition:~~

~~—— (A) by first-class mail to the victim at the most recent address of record on file or, if the victim is still a minor, to the parent or guardian of the victim; and~~

~~—— (B) to the Sex [and], Kidnap, and Child Abuse Offender Registry office in the Department of Corrections:~~

~~—— (ii) The notice shall include a copy of the petition, state that the victim has a right to object to the removal of the offender from the registry, and provide instructions for registering an objection with the court:~~

~~—— (b) The office of the prosecutor shall provide the following, if available, to the court within 30 days after receiving the petition:~~

~~—— (i) presentencing report;~~

~~—— (ii) any evaluation done as part of sentencing; and~~

~~—— (iii) any other information the office of the prosecutor feels the court should consider:~~

~~—— (c) The victim, or the victim's parent or guardian if the victim is a minor, may respond to the petition by filing a recommendation or objection with the court within 45 days after the mailing of the petition to the victim:~~

~~—— (7) (a) The court shall:~~

~~—— (i) review the petition and all documents submitted with the petition; and~~

~~—— (ii) hold a hearing if requested by the prosecutor or the victim:~~

~~—— (b) The court shall consider whether the offender has paid all restitution ordered by the court or the Board of Pardons:~~

~~—— (c) If the court determines that it is not contrary to the interests of the public to do so, it may grant the petition and order removal of the offender from the registry:~~

~~—— (d) If the court grants the petition, it shall forward a copy of the order directing removal of the offender from the registry to the department and the office of the prosecutor:~~

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~~_____ (e) If the court denies the petition, the offender may not submit another petition for three years:~~

~~_____ (8) The office of the prosecutor shall notify the victim and the Sex [and], Kidnap, and Child Abuse Offender Registry office in the Department of Corrections of the court's decision in the same manner as notification was provided in Subsection (6)(a):~~

~~_____ Section 35. Section 78A-2-301 is amended to read:~~

~~_____ 78A-2-301. Civil fees of the courts of record -- Courts complex design:~~

~~_____ (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is \$360:~~

~~_____ (b) The fee for filing a complaint or petition is:~~

~~_____ (i) \$75 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;~~

~~_____ (ii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;~~

~~_____ (iii) \$360 if the claim for damages or amount in interpleader is \$10,000 or more;~~

~~_____ (iv) \$310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance;~~

~~_____ (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5;~~

~~_____ (vi) \$125 if the petition is for removal from the Sex [Offender and], Kidnap, and Child Abuse Offender Registry under Section 77-41-112; and~~

~~_____ (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or adoptive child of the petitioner:~~

~~_____ (c) The fee for filing a small claims affidavit is:~~

~~_____ (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;~~

~~_____ (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and~~

~~_____ (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$7,500 or more:~~

~~_____ (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party complaint, or other claim for relief against an existing or joined party other than the original~~

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complaint or petition is:

~~—— (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;~~

~~—— (ii) \$150 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;~~

~~—— (iii) \$155 if the original petition is filed} of this chapter.~~

Section 15. Section 77-43-107 is enacted to read:

77-43-107. Classification of information.

Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, information under Subsection 77-43-103(4) that is collected and released under Subsection {(1)(a), the claim for relief is \$10,000 or more, or the party seeks relief other than monetary damages; and

~~—— (iv) \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance;~~

~~—— (e) The fee for filing a small claims counter affidavit is:~~

~~—— (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;~~

~~—— (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and~~

~~—— (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is \$7,500 or more;~~

~~—— (f) The fee for depositing funds under Section 57-1-29 when not associated with an action already before the court is determined} 77-43-108(4) is public information, unless otherwise restricted under Subsection {(1)(b) based on the amount deposited;~~

~~—— (g) The fee for filing a petition is:~~

~~—— (i) \$225 for trial de novo of an adjudication of the justice court or of the small claims department; and~~

~~—— (ii) \$65 for an appeal of a municipal administrative determination in accordance with Section 10-3-703.7;~~

~~—— (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or petition for writ of certiorari is \$225;~~

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- ~~(i) The fee for filing a petition for expungement is \$135.~~
- ~~(j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement Act.~~
- ~~(ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by the state treasurer to be deposited in the restricted account, Children's Legal Defense Account, as provided in Section 51-9-408.~~
- ~~(iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided in Section 78B-6-209.~~
- ~~(iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.~~
- ~~(v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.~~
- ~~(k) The fee for filing a judgment, order, or decree of a court of another state or of the United States is \$35.~~
- ~~(l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is 50% of the fee for filing an original action seeking the same relief.~~
- ~~(m) The fee for filing probate or child custody documents from another state is \$35.~~
- ~~(n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the Utah State Tax Commission is \$30.~~
- ~~(ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing officer of this state or of its political subdivisions other than the Utah State Tax Commission, is \$50.~~
- ~~(o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.~~

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- ~~_____ (p) The fee for filing an award of arbitration for confirmation, modification, or vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is \$35.~~
- ~~_____ (q) The fee for filing a petition or counter-petition to modify a domestic relations order other than a protective order or stalking injunction is \$100.~~
- ~~_____ (r) The fee for filing any accounting required by law is:~~
 - ~~_____ (i) \$15 for an estate valued at \$50,000 or less;~~
 - ~~_____ (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;~~
 - ~~_____ (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;~~
 - ~~_____ (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and~~
 - ~~_____ (v) \$175 for an estate valued at more than \$168,000.~~
- ~~_____ (s) The fee for filing a demand for a civil jury is \$250.~~
- ~~_____ (t) The fee for filing a notice of deposition in this state concerning an action pending in another state under Utah Rules of Civil Procedure, Rule 30 is \$35.~~
- ~~_____ (u) The fee for filing documents that require judicial approval but are not part of an action before the court is \$35.~~
- ~~_____ (v) The fee for a petition to open a sealed record is \$35.~~
- ~~_____ (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to any fee for a complaint or petition.~~
- ~~_____ (x) (i) The fee for a petition for authorization for a minor to marry required by Section 30-1-9 is \$5.~~
- ~~_____ (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6, Part 8, Emancipation, is \$50.~~
- ~~_____ (y) The fee for a certificate issued under Section 26-2-25 is \$8.~~
- ~~_____ (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.~~
- ~~_____ (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.~~
- ~~_____ (bb) The Judicial Council shall by rule establish a schedule of fees for copies of documents and forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records Access and Management Act. Fees under this Subsection (1)(bb) shall~~

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~~be credited to the court as a reimbursement of expenditures:~~

~~—— (cc) There is no fee for services or the filing of documents not listed in this section or otherwise provided by law:~~

~~—— (dd) Except as provided in this section, all fees collected under this section are paid to the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts the pleading for filing or performs the requested service:~~

~~—— (ee) The filing fees under this section may not be charged to the state, its agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ee) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law:~~

~~—— (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts shall transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction and Management Capital Projects Fund:~~

~~—— (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction and Management shall use up to \$3,750,000 of the revenue deposited in the Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a courts complex in Salt Lake City:~~

~~—— (B) If the Legislature approves funding for construction of a courts complex in Salt Lake City in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use the revenue deposited in the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City:~~

~~—— (C) After the courts complex is completed and all bills connected with its construction have been paid, the Division of Facilities Construction and Management shall use any money remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building:~~

~~—— (iii) The Division of Facilities Construction and Management may enter into agreements and make expenditures related to this project before the receipt of revenues provided for under this Subsection (2)(a)(iii):~~

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- ~~(iv) The Division of Facilities Construction and Management shall:~~
- ~~(A) make those expenditures from unexpended and unencumbered building funds already appropriated to the Capital Projects Fund; and~~
- ~~(B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this Subsection (2).~~
- ~~(b) After June 30, 1998, the administrator of the courts shall ensure that all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.~~
- ~~(c) The Division of Finance shall deposit all revenues received from the court administrator into the restricted account created by this section.~~
- ~~(d) (i) From May 1, 1995, until June 30, 1998, the administrator of the courts shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Facilities Construction and Management Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.~~
- ~~(ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Finance for deposit in the restricted account created by this section. The division of money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.~~
- ~~(3) (a) There is created within the General Fund a restricted account known as the State Courts Complex Account.~~
- ~~(b) The Legislature may appropriate money from the restricted account to the administrator of the courts for the following purposes only:~~
- ~~(i) to repay costs associated with the construction of the court complex that were funded from sources other than revenues provided for under this Subsection (3)(b)(i); and~~
- ~~(ii) to cover operations and maintenance costs on the court complex.~~
- ~~Section 36. Section 78B-8-302 is amended to read:~~
- ~~**78B-8-302. Process servers.**~~
- ~~(1) Complaints, summonses, and subpoenas may be served by a person who is:~~

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~~(a) 18 years of age or older at the time of service; and~~

~~(b) not a party to the action or a party's attorney;~~

~~(2) 77-43-103(1).~~

Section 16. Section 77-43-108 is enacted to read:

77-43-108. Child Abuse Offender Registry -- Department to maintain.

(1) The department shall maintain a Child Abuse Offender Notification and Registration website on the Internet, which shall contain a disclaimer informing the public:

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

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

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

(2) The Child Abuse Offender Notification and Registration website shall be indexed by both the surname of the offender and by postal codes.

(3) The department shall construct the Child Abuse Notification and Registration website so that users, before accessing registry information, must indicate that they have read the disclaimer, understand it, and agree to comply with its terms.

(4) Except as provided in Subsection (5), the following may serve all process issued by the courts of this state:

~~(a) a peace officer employed by a political subdivision of the state acting within the scope and jurisdiction of the peace officer's employment;~~

~~(b) a sheriff or appointed deputy sheriff employed by a county of the state;~~

~~(c) a constable, or the constable's deputy, serving in compliance with applicable law;~~

~~(d) an investigator employed by the state and authorized by law to serve civil process;~~
~~and~~

~~(e) a private investigator licensed in accordance with Title 53, Chapter 9, Private Investigator Regulation Act.~~

~~(3) A private investigator licensed in accordance with Title 53, Chapter 9, Private Investigator Regulation Act, may not make an arrest pursuant to a bench warrant.~~

~~(4) While serving process, a private investigator shall:~~

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~~(a) have on the investigator's person a visible form of credentials and identification identifying:~~

~~(i) the investigator's name;~~

~~(ii) that the investigator is a licensed private investigator; and~~

~~(iii) the name and address of the agency employing the investigator or, if the investigator is self-employed, the address of the investigator's place of business;~~

~~(b) verbally communicate to the person being served that the investigator is acting as a process server; and~~

~~(c) print on the first page of each document served:~~

~~(i) the investigator's name and identification number as a private investigator; and~~

~~(ii) the address and phone number for the investigator's place of business;~~

~~(5) Any service under this section when the use of force is authorized on the face of the document, or when a breach of the peace is imminent or likely under the totality of the circumstances, may only be served by:~~

~~(a) a law enforcement officer, as defined in Section 53-13-103; or~~

~~(b) a constable, as defined in Subsection 53-13-105(1)(b)(ii).~~

~~(6) The following may not serve process issued by a court:~~

~~(a) a person convicted of a felony violation of an offense; } Child Abuse Offender~~

Notification and Registration website shall include the following registry information:

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

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

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

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

(e) a current photograph of the offender;

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

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

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(h) a list of places where the offender works as a volunteer; and

(i) the crimes listed in Subsection ~~{77-41-102[(17)](4), (10), or (18); or~~

~~— (b) a person who is a respondent in a proceeding described in Title 78B, Chapter 7, Protective Orders, in which a court has granted the petitioner a protective order.~~

~~— (7) A person serving process shall:~~

~~— (a) legibly document the date and time of service on the front page of the document being served;~~

~~— (b) legibly print the process server's name, address, and telephone number on the return of service;~~

~~— (c) sign the return of service in substantial 77-43-102(2) that the offender has been convicted of or for which the offender has been adjudicated delinquent in juvenile court.~~

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

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

Section 17. Section 77-43-109 is enacted to read:

77-43-109. Fees.

(1) Each offender required to register under Section ~~{78B-5-705;~~

~~— (d) if the process server is a peace officer, sheriff, or deputy sheriff, legibly print the badge number of the process server on the return of service; and~~

~~— (e) if the process server is a private investigator, legibly print the private investigator's identification number on the return of service.~~

Legislative Review Note

Office of Legislative Research and General Counsel: ~~77-43-105 shall, in the month of the offender's birth:~~

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(a) pay to the department an annual fee of \$100 each year the offender is subject to the registration requirements of this chapter; and

(b) pay to the registering agency, if it is an agency other than the Department of Corrections, an annual fee of not more than \$25, which may be assessed by that agency for providing registration.

(2) Notwithstanding Subsection (1), an offender who is confined in a secure facility or in a state mental hospital is not required to pay the annual fee.

(3) The department shall deposit fees collected in accordance with this chapter in the General Fund as a dedicated credit, to be used by the department for maintaining the offender registry under this chapter and monitoring offender registration compliance, including the costs of:

(a) data entry;

(b) processing registration packets;

(c) updating registry information; and

(d) ensuring offender compliance with registration requirements under this chapter.