

**SEX OFFENDER REGISTRY AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Craig Hall**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows the Department of Corrections to receive notification of actions that affect a person's registry requirements.

**Highlighted Provisions:**

This bill:

- ▶ specifies that guilty pleas withdrawn not in conformity with the statute are void and unenforceable;
- ▶ requires a court that modifies a conviction for a sex or kidnap offense to notify the department; and
- ▶ allows the department to intervene in matters that affect a person's registration requirement.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-13-6**, as last amended by Laws of Utah 2008, Chapter 3

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



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

29 Section 1. Section 77-13-6 is amended to read:

30 **77-13-6. Withdrawal of plea.**

31 (1) A plea of not guilty may be withdrawn at any time [~~prior to~~] before conviction.

32 (2) (a) A plea of guilty or no contest may be withdrawn only upon leave of the court  
33 and a showing that it was not knowingly and voluntarily made.

34 (b) A request to withdraw a plea of guilty or no contest, except for a plea held in  
35 abeyance, shall be made by motion before sentence is announced. Sentence may not be  
36 announced unless the motion is denied. For a plea held in abeyance, a motion to withdraw the  
37 plea shall be made within 30 days of pleading guilty or no contest.

38 (c) Any challenge to a guilty plea not made within the time period specified in  
39 Subsection (2)(b) shall be pursued under Title 78B, Chapter 9, Postconviction Remedies Act,  
40 and Rule 65C, Utah Rules of Civil Procedure.

41 (3) Any order not in conformity with this section or Title 78B, Chapter 9,  
42 Postconviction Remedies Act, that purports to withdraw, modify, vacate, or otherwise set aside  
43 a plea, is void and unenforceable.

44 Section 2. Section 77-41-103 is amended to read:

45 **77-41-103. Department duties.**

46 (1) The department, to assist in investigating kidnapping and sex-related crimes, and in  
47 apprehending offenders, shall:

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

50 (b) make information listed in Subsection 77-41-110(4) available to the public; and

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

53 (i) for the purposes under this chapter; or

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

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

57 (a) the receipt of a report or complaint of an offense listed in Subsection 77-41-102(9)  
58 or (17), within three business days; and

59 (b) the arrest of a person suspected of any of the offenses listed in Subsection  
60 77-41-102(9) or (17), within five business days.

61 (3) Upon convicting a person of any of the offenses listed in Subsection 77-41-102(9)  
62 or (17), the convicting court shall within three business days forward a signed copy of the  
63 judgment and sentence to the Sex and Kidnap Offender Registry office within the Department  
64 of Corrections.

65 (4) Upon modifying, withdrawing, setting aside, vacating, or otherwise altering a  
66 conviction for any offense listed in Subsection 77-41-102(9) or (17), the court shall, within  
67 three business days, forward a signed copy of the order to the Sex and Kidnap Offender  
68 Registry office within the Department of Corrections.

69 (5) The department may intervene in any matter, including a criminal action, where the  
70 matter purports to affect a person's registration requirement.

71 [~~4~~] (6) The department shall:

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

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

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

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

76 (b) maintain the Sex Offender and Kidnap Offender Notification and Registration  
77 website; and

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

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

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

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