

Representative Craig Hall proposes the following substitute bill:

SEX OFFENDER REGISTRY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Curtis S. Bramble

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 a court may accept a guilty plea only if it is in conformity with the statute;
- ▶ 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:

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



26 **78B-9-102**, as last amended by Laws of Utah 2008, Chapter 288 and renumbered and
27 amended by Laws of Utah 2008, Chapter 3



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

30 Section 1. Section **77-41-103** is amended to read:

31 **77-41-103. Department duties.**

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

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

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

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

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

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

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

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

45 (b) the arrest of a person suspected of any of the offenses listed in Subsection
46 **77-41-102(9)** or (17), within five business days.

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

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

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

- 57 ~~[(4)]~~ (6) The department shall:
- 58 (a) provide the following additional information when available:
- 59 (i) the crimes the offender has been convicted of or adjudicated delinquent for;
- 60 (ii) a description of the offender's primary and secondary targets; and
- 61 (iii) any other relevant identifying information as determined by the department;
- 62 (b) maintain the Sex Offender and Kidnap Offender Notification and Registration
- 63 website; and
- 64 (c) ensure that the registration information collected regarding an offender's enrollment
- 65 or employment at an educational institution is:
- 66 (i) (A) promptly made available to any law enforcement agency that has jurisdiction
- 67 where the institution is located if the educational institution is an institution of higher
- 68 education; or
- 69 (B) promptly made available to the district superintendent of the school district where
- 70 the offender is enrolled if the educational institution is an institution of primary education; and
- 71 (ii) entered into the appropriate state records or data system.
- 72 Section 2. Section **78B-9-102** is amended to read:
- 73 **78B-9-102. Replacement of prior remedies.**
- 74 (1) (a) This chapter establishes the sole remedy for any person who challenges a
- 75 conviction or sentence for a criminal offense and who has exhausted all other legal remedies,
- 76 including a direct appeal except as provided in Subsection (2). This chapter replaces all prior
- 77 remedies for review, including extraordinary or common law writs. Proceedings under this
- 78 chapter are civil and are governed by the rules of civil procedure. Procedural provisions for
- 79 filing and commencement of a petition are found in Rule 65C, Utah Rules of Civil Procedure.
- 80 (b) A court may not enter an order to withdraw, modify, vacate or otherwise set aside a
- 81 plea unless it is in conformity with this chapter or Section [77-13-6](#).
- 82 (2) This chapter does not apply to:
- 83 (a) habeas corpus petitions that do not challenge a conviction or sentence for a criminal
- 84 offense;
- 85 (b) motions to correct a sentence pursuant to Rule 22(e), Utah Rules of Criminal
- 86 Procedure; or
- 87 (c) actions taken by the Board of Pardons and Parole.