

Sex, Kidnap, and Child Abuse Offender Registry Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

LONG TITLE**Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 6 absent

General Description:

This bill amends provisions related to the Sex, Kidnap, and Child Abuse Offender Registry.

Highlighted Provisions:

This bill:

- clarifies that the Department of Corrections is the agency that supervises sex offenders who are placed on probation;
 - amends when the Department of Corrections or a county sheriff is required to register an offender on the Sex, Kidnap, and Child Abuse Offender Registry;
 - requires the Department of Corrections to conduct a risk assessment for every individual convicted of a sex offense that would require the individual to register on the Sex, Kidnap, and Child Abuse Offender Registry;
 - requires the Department of Corrections, until January 1, 2030, to submit the results of risk assessments for sex offenders to the State Commission on Criminal and Juvenile Justice;
- and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-277, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

64-13-21, as last amended by Laws of Utah 2024, Chapter 16

77-41-104, as last amended by Laws of Utah 2023, Chapter 128

ENACTS:

32 **77-41-115**, Utah Code Annotated 1953

33

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

35 Section 1. Section **63I-2-277** is amended to read:

36 **63I-2-277 . Repeal dates: Title 77.**

38 (1) Subsection 77-23f-102(2)(a)(ii), regarding a notice for certain reverse-location search
39 warrant applications, is repealed January 1, 2033.

40 (2) Subsection 77-23f-103(2)(a)(ii), regarding a notice for certain reverse-location search
41 warrant applications, is repealed January 1, 2033.

42 (3) Subsection 77-41-115(2), regarding the requirement for the Department of Corrections
43 to submit the results of risk assessments for sex offenders to the State Commission on
44 Criminal and Juvenile Justice, is repealed January 1, 2030.

45 Section 2. Section **64-13-21** is amended to read:

46 **64-13-21 . Supervision of sentenced offenders placed in community --**

47 **Rulemaking -- POST certified parole or probation officers and peace officers -- Duties --**
48 **Supervision fee.**

49 (1)(a) The department, except as otherwise provided by law, shall supervise a sentenced
50 offender placed in the community if the offender:

51 (i)(A) is placed on probation by a court;

52 (B) is released on parole by the Board of Pardons and Parole; or

53 (C) is accepted for supervision under the terms of the Interstate Compact for the
54 Supervision of Parolees and Probationers; and

55 (ii) has been convicted of:

56 (A) a felony;

57 (B) a class A misdemeanor when an element of the offense is the use or attempted
58 use of physical force against an individual or property;

59 (C) a class A misdemeanor when the offense would require the offender to
60 register as a sex offender under Title 77, Chapter 41, Sex, Kidnap, and Child
61 Abuse Offender Registry; or

62 ~~[(C)]~~ (D) ~~[notwithstanding Subsection (1)(a)(ii)(B),]~~ a class A misdemeanor if the
63 department is ordered by a court to supervise the offender under Section
64 77-18-105.

65 (b) If a sentenced offender participates in substance use treatment or a residential,
66 vocational and life skills program, as defined in Section 13-53-102, while under

67 supervision on probation or parole, the department shall monitor the offender's
68 compliance with and completion of the treatment or program.

69 (c) The department shall establish standards for:

70 (i) the supervision of offenders in accordance with sentencing guidelines and
71 supervision length guidelines, including the graduated and evidence-based
72 responses, established by the Utah Sentencing Commission, giving priority, based
73 on available resources, to felony offenders and offenders sentenced under
74 Subsection 58-37-8 (2)(b)(ii); and

75 (ii) the monitoring described in Subsection (1)(b).

76 (2) The department shall apply the graduated and evidence-based responses established by
77 the Utah Sentencing Commission to facilitate a prompt and appropriate response to an
78 individual's violation of the terms of probation or parole, including:

79 (a) sanctions to be used in response to a violation of the terms of probation or parole; and

80 (b) requesting approval from the court or Board of Pardons and Parole to impose a
81 sanction for an individual's violation of the terms of probation or parole, for a period
82 of incarceration of not more than three consecutive days and not more than a total of
83 six days within a period of 30 days.

84 (3) The department shall implement a program of graduated incentives as established by the
85 Utah Sentencing Commission to facilitate the department's prompt and appropriate
86 response to an offender's:

87 (a) compliance with the terms of probation or parole; or

88 (b) positive conduct that exceeds those terms.

89 (4)(a) The department shall, in collaboration with the State Commission on Criminal
90 and Juvenile Justice and the Division of Substance Abuse and Mental Health, create
91 standards and procedures for the collection of information, including cost savings
92 related to recidivism reduction and the reduction in the number of inmates, related to
93 the use of the graduated and evidence-based responses and graduated incentives, and
94 offenders' outcomes.

95 (b) The collected information shall be provided to the State Commission on Criminal
96 and Juvenile Justice not less frequently than annually on or before August 31.

97 (5) Employees of the department who are POST certified as law enforcement officers or
98 correctional officers and who are designated as parole and probation officers by the
99 executive director have the following duties:

100 (a) monitoring, investigating, and supervising a parolee's or probationer's compliance

- 101 with the conditions of the parole or probation agreement;
- 102 (b) investigating or apprehending any offender who has escaped from the custody of the
103 department or absconded from supervision;
- 104 (c) supervising any offender during transportation; or
- 105 (d) collecting DNA specimens when the specimens are required under Section 53-10-404.
- 106 (6)(a)(i) A monthly supervision fee of \$30 shall be collected from each offender on
107 probation or parole.
- 108 (ii) The fee described in Subsection (6)(a)(i) may be suspended or waived by the
109 department upon a showing by the offender that imposition would create a
110 substantial hardship or if the offender owes restitution to a victim.
- 111 (b)(i) The department shall make rules in accordance with Title 63G, Chapter 3,
112 Utah Administrative Rulemaking Act, specifying the criteria for suspension or
113 waiver of the supervision fee and the circumstances under which an offender may
114 request a hearing.
- 115 (ii) In determining whether the imposition of the supervision fee would constitute a
116 substantial hardship, the department shall consider the financial resources of the
117 offender and the burden that the fee would impose, with regard to the offender's
118 other obligations.
- 119 (7)(a) For offenders placed on probation under Section 77-18-105 or parole under
120 Subsection 76-3-202(2)(a) on or after October 1, 2015, but before January 1, 2019,
121 the department shall establish a program allowing an offender to earn credits for the
122 offender's compliance with the terms of the offender's probation or parole, which
123 shall be applied to reducing the period of probation or parole as provided in this
124 Subsection (7).
- 125 (b) The program shall provide that an offender earns a reduction credit of 30 days from
126 the offender's period of probation or parole for each month the offender completes
127 without any violation of the terms of the offender's probation or parole agreement,
128 including the case action plan.
- 129 (c) The department shall maintain a record of credits earned by an offender under this
130 Subsection (7) and shall request from the court or the Board of Pardons and Parole
131 the termination of probation or parole not fewer than 30 days prior to the termination
132 date that reflects the credits earned under this Subsection (7).
- 133 (d) This Subsection (7) does not prohibit the department from requesting a termination
134 date earlier than the termination date established by earned credits under Subsection

- 135 (7)(c).
- 136 (e) The court or the Board of Pardons and Parole shall terminate an offender's probation
 137 or parole upon completion of the period of probation or parole accrued by time
 138 served and credits earned under this Subsection (7) unless the court or the Board of
 139 Pardons and Parole finds that termination would interrupt the completion of a
 140 necessary treatment program, in which case the termination of probation or parole
 141 shall occur when the treatment program is completed.
- 142 (f) The department shall report annually to the State Commission on Criminal and
 143 Juvenile Justice on or before August 31:
- 144 (i) the number of offenders who have earned probation or parole credits under this
 145 Subsection (7) in one or more months of the preceding fiscal year and the
 146 percentage of the offenders on probation or parole during that time that this
 147 number represents;
- 148 (ii) the average number of credits earned by those offenders who earned credits;
- 149 (iii) the number of offenders who earned credits by county of residence while on
 150 probation or parole;
- 151 (iv) the cost savings associated with sentencing reform programs and practices; and
- 152 (v) a description of how the savings will be invested in treatment and
 153 early-intervention programs and practices at the county and state levels.

154 Section 3. Section **77-41-104** is amended to read:

155 **77-41-104 . Registration of offenders -- Department and agency requirements.**

- 156 (1) The Department of Corrections shall register an offender in the custody of the
 157 Department of Corrections as required under this chapter upon:
- 158 (a) placement on probation;
- 159 (b) commitment to a secure correctional facility operated by or under contract to the
 160 Department of Corrections or escape from a secure correctional facility operated by
 161 or under contract to the Department of Corrections;
- 162 (c) release from confinement to parole status, termination or expiration of sentence, or [
 163 escape] absconding from supervision;
- 164 (d) entrance to and release from any community-based residential program operated by
 165 or under contract to the Department of Corrections; or
- 166 (e) termination of probation or parole.
- 167 (2) The sheriff of the county in which an offender is confined shall register an offender with
 168 the department, as required under this chapter, if the offender is not in the custody of the

- 169 Department of Corrections and is confined in a correctional facility not operated by or
170 under contract to the Department of Corrections upon:
- 171 (a) commitment to the correctional facility; [~~and~~]
172 (b) escape from the secure correctional facility; or
173 [~~(b)~~] (c) release from confinement.
- 174 (3) The division shall register an offender in the custody of the division with the
175 department, as required under this chapter, before the offender's release from custody of
176 the division.
- 177 (4) A state mental hospital shall register an offender committed to the state mental hospital
178 with the department, as required under this chapter, upon the offender's admission and
179 upon the offender's discharge.
- 180 (5)(a)(i) A municipal or county law enforcement agency shall register an offender
181 who resides within the agency's jurisdiction and is not under the supervision of the
182 Division of Adult Probation and Parole within the Department of Corrections.
- 183 (ii) In order to conduct offender registration under this chapter, the agency shall
184 ensure the agency staff responsible for registration:
- 185 (A) has received initial training by the department and has been certified by the
186 department as qualified and authorized to conduct registrations and enter
187 offender registration information into the registry database; and
188 (B) certify annually with the department.
- 189 (b)(i) When the department receives offender registration information regarding a
190 change of an offender's primary residence location, the department shall within
191 five days after the day on which the department receives the information
192 electronically notify the law enforcement agencies that have jurisdiction over the
193 area where:
- 194 (A) the residence that the offender is leaving is located; and
195 (B) the residence to which the offender is moving is located.
- 196 (ii) The department shall provide notification under this Subsection (5)(b) if the
197 offender's change of address is between law enforcement agency jurisdictions, or
198 is within one jurisdiction.
- 199 (c) The department shall make available to offenders required to register under this
200 chapter the name of the agency, whether the agency is a local law enforcement
201 agency or the department, that the offender should contact to register, the location for
202 registering, and the requirements of registration.

- 203 (6) An agency in the state that registers an offender on probation, an offender who has been
 204 released from confinement to parole status or termination, or an offender whose
 205 sentence has expired shall inform the offender of the duty to comply with the continuing
 206 registration requirements of this chapter during the period of registration required in
 207 Subsection 77-41-105(3), including:
- 208 (a) notification to the state agencies in the states where the registrant presently resides
 209 and plans to reside when moving across state lines;
 - 210 (b) verification of address at least every 60 days pursuant to a parole agreement for
 211 lifetime parolees; and
 - 212 (c) notification to the out-of-state agency where the offender is living, regardless of
 213 whether the offender is a resident of that state.
- 214 (7) The department may make administrative rules necessary to implement this chapter,
 215 including:
- 216 (a) the method for dissemination of the information; and
 - 217 (b) instructions to the public regarding the use of the information.
- 218 (8) The department shall redact information regarding the identity or location of a victim
 219 from information provided under Subsections 77-41-103(4) and 77-41-105(7).
- 220 (9) This chapter does not create or impose any duty on any person to request or obtain
 221 information regarding any offender from the department.

222 Section 4. Section **77-41-115** is enacted to read:

223 **77-41-115 . Sex offender risk assessment -- Department of Corrections**
 224 **responsibilities.**

225 The Department of Corrections shall:

- 226 (1) for a sex offender convicted after May 7, 2025, of an offense committed in this state
 227 described in Subsection 77-41-102(19)(a), conduct a risk assessment to ascertain the risk
 228 that the individual may commit another offense described in Subsection
 229 77-41-102(19)(a); and
- 230 (2) 30 days after the day on which a calendar quarterly period ends, submit the results of
 231 any risk assessments completed under Subsection (1) during the preceding quarter to the
 232 State Commission on Criminal and Juvenile Justice.

233 Section 1. **Effective Date.**

234 This bill takes effect on May 7, 2025.