

Criminal Conduct Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

LONG TITLE**General Description:**

This bill amends the crime of enticing a minor and provisions related to the Sex, Kidnap, and Child Abuse Offender Registry.

Highlighted Provisions:

This bill:

- ▶ amends the crime of enticing a minor;
- ▶ adds factors that a sentencing court must consider in making a determination regarding whether an individual under 21 years old used force or coercion when committing a registrable offense for purposes of determining registration length on the Sex, Kidnap, and Child Abuse Offender Registry;
- ▶ clarifies which prosecuting agency is required to receive a petition from an offender petitioning to be removed from the Sex, Kidnap, and Child Abuse Offender Registry and the responsibilities of that agency in notifying the victim regarding the petition;
- ▶ requires an offender on the Sex, Kidnap, and Child Abuse Offender Registry who is required to register on the registry because of an offense committed in another jurisdiction to be removed from the other jurisdiction's registry in order to be removed from the Sex, Kidnap, and Child Abuse Offender Registry; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-4-401, as last amended by Laws of Utah 2023, Chapter 457

77-41-105, as last amended by Laws of Utah 2024, Chapter 234

77-41-112, as last amended by Laws of Utah 2024, Chapters 116, 234

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

33 Section 1. Section **76-4-401** is amended to read:

34 **76-4-401 . Enticing a minor -- Elements -- Penalties.**

35 (1)(a) As used in this section:

36 (i) "Minor" means an individual who is under 18 years old.

37 (ii) "Electronic communication" means the same as that term is defined in Section
38 76-9-201.

39 (iii) "Electronic communication device" means the same as that term is defined in
40 Section 76-9-201.

41 (b) Terms defined in Section 76-1-101.5 apply to this section.

42 (2) An actor commits enticement of a minor if the actor knowingly:

43 (a) uses an electronic communication or an electronic communication device to:

44 (i) solicit, seduce, lure, or entice a minor, or to attempt to solicit, seduce, lure, or
45 entice a minor, or another person [~~that~~] who the actor believes to be a minor, to
46 engage in sexual activity that is a violation of state criminal law; [~~or~~]

47 (ii) communicate with any individual with the intent to solicit, seduce, lure, or entice
48 a minor, or attempt to solicit, seduce, lure, or entice a minor, to engage in sexual
49 activity that is a violation of state criminal law; or

50 [~~(ii)~~] (iii)(A) initiate contact with a minor or a person the actor believes to be a
51 minor; and

52 (B) subsequent to the action described in Subsection [~~(2)(a)(ii)(A)~~] (2)(a)(iii)(A),
53 by any electronic or written means, solicits, seduces, lures, or entices the minor,
54 or attempts to solicit, seduce, lure, or entice the minor, or a person the actor
55 believes to be the minor, to engage in sexual activity that is a violation of state
56 criminal law; or

57 (b) develops a relationship of trust with [~~the~~] a minor or the minor's parent or guardian
58 with the intent to solicit, seduce, lure, or entice the minor, or attempt to solicit,
59 seduce, lure, or entice the minor, to engage in sexual activity that is a violation of
60 state criminal law.

61 (3) It is not a defense to the crime of enticing a minor under Subsection (2), or an attempt to
62 commit this offense, that a law enforcement officer or an undercover operative who is
63 employed by a law enforcement agency was involved in the detection or investigation of
64 the offense.

65 (4) Enticement of a minor under Subsection (2) is punishable as follows:

- 66 (a) enticement to engage in sexual activity that would be a first degree felony for the
67 actor is a:
- 68 (i) second degree felony upon the first conviction for violation of this Subsection
69 (4)(a); and
- 70 (ii) first degree felony punishable by imprisonment for an indeterminate term of not
71 fewer than three years and which may be for life, upon a second or any subsequent
72 conviction for a violation of this Subsection (4)(a);
- 73 (b) enticement to engage in sexual activity that would be a second degree felony for the
74 actor is a third degree felony;
- 75 (c) enticement to engage in sexual activity that would be a third degree felony for the
76 actor is a class A misdemeanor;
- 77 (d) enticement to engage in sexual activity that would be a class A misdemeanor for the
78 actor is a class B misdemeanor; and
- 79 (e) enticement to engage in sexual activity that would be a class B misdemeanor for the
80 actor is a class C misdemeanor.
- 81 (5)(a) When an actor who commits a felony violation of this section has been
82 previously convicted of an offense under Subsection (5)(b), the court may not in any
83 way shorten the prison sentence, and the court may not:
- 84 (i) grant probation;
- 85 (ii) suspend the execution or imposition of the sentence;
- 86 (iii) enter a judgment for a lower category of offense; or
- 87 (iv) order hospitalization.
- 88 (b) The sections referred to in Subsection (5)(a) are:
- 89 (i) Section 76-4-401, enticing a minor;
- 90 (ii) Section 76-5-301.1, child kidnapping;
- 91 (iii) Section 76-5-402, rape;
- 92 (iv) Section 76-5-402.1, rape of a child;
- 93 (v) Section 76-5-402.2, object rape;
- 94 (vi) Section 76-5-402.3, object rape of a child;
- 95 (vii) Section 76-5-403, forcible sodomy;
- 96 (viii) Section 76-5-403.1, sodomy on a child;
- 97 (ix) Section 76-5-404, forcible sexual abuse;
- 98 (x) Section 76-5-404.1, sexual abuse of a child and Section 76-5-404.3, aggravated
99 sexual abuse of a child;

- 100 (xi) Section 76-5-405, aggravated sexual assault;
101 (xii) Section 76-5-308.5, human trafficking of a child;
102 (xiii) any offense in any other state or federal jurisdiction that constitutes or would
103 constitute a crime in Subsections (5)(b)(i) through (xii); or
104 (xiv) the attempt, solicitation, or conspiracy to commit any of the offenses in
105 Subsections (5)(b)(i) through (xiii).

106 Section 2. Section **77-41-105** is amended to read:

107 **77-41-105 . Registration of offenders -- Offender responsibilities.**

- 108 (1)(a) An offender who enters this state from another jurisdiction is required to register
109 under Subsection (3) and Subsection 77-41-102(1), (11), or (19).
110 (b) The offender shall register with the department within 10 days after the day on which
111 the offender enters the state, regardless of the offender's length of stay.
- 112 (2)(a) An offender required to register under Subsection 77-41-102(1), (11), or (19)
113 who is under supervision by the department shall register in person with the Division
114 of Adult Probation and Parole.
115 (b) An offender required to register under Subsection 77-41-102(1), (11), or (19) who is
116 no longer under supervision by the department shall register in person with the police
117 department or sheriff's office that has jurisdiction over the area where the offender
118 resides.
- 119 (3)(a) Except as provided in Subsections (3)(b), (3)(c), and (4), an offender shall, for the
120 duration of the sentence and for 10 years after termination of sentence or custody of
121 the division, register each year during the month of the offender's date of birth,
122 during the month that is the sixth month after the offender's birth month, and within
123 three business days after the day on which there is a change of the offender's primary
124 residence, any secondary residences, place of employment, vehicle information, or
125 educational information required to be submitted under Subsection (7).
126 (b) Except as provided in Subsections (3)(c)(iii), (4), and (5), an offender who is
127 convicted in another jurisdiction of an offense listed in Subsection 77-41-102(1),
128 (11), or (19), a substantially similar offense, another offense that requires registration
129 in the jurisdiction of conviction, or an offender who is ordered by a court of another
130 jurisdiction to register as an offender shall register for the time period required by the
131 jurisdiction where the offender was convicted or ordered to register.
- 132 (c)(i) An offender convicted as an adult of an offense listed in Section 77-41-106
133 shall, for the offender's lifetime, register each year during the month of the

134 offender's birth, during the month that is the sixth month after the offender's birth
135 month, and also within three business days after the day on which there is a
136 change of the offender's primary residence, any secondary residences, place of
137 employment, vehicle information, or educational information required to be
138 submitted under Subsection (7).

139 (ii) Except as provided in Subsection (3)(c)(iii), the registration requirement
140 described in Subsection (3)(c)(i) is not subject to exemptions and may not be
141 terminated or altered during the offender's lifetime, unless a petition is granted
142 under Section 77-41-112.

143 (iii)(A) If the sentencing court at any time after conviction determines, after
144 considering the factors described in Subsection (3)(c)(iv) and any other factor
145 the sentencing court determines is relevant, that the offense does not involve
146 force or coercion, lifetime registration under Subsection (3)(c)(i) does not
147 apply to an offender who commits the offense when the offender is under 21
148 years old.

149 (B) For an offense listed in Section 77-41-106, an offender who commits the
150 offense when the offender is under 21 years old shall register for the
151 registration period required under Subsection (3)(a), unless a petition is granted
152 under Section 77-41-112.

153 (iv) In determining whether an offense committed by an offender involves force or
154 coercion under Subsection (3)(c)(iii)(A), the sentencing court shall consider:

155 (A) the age of the victim;

156 (B) the vulnerability of the victim;

157 (C) the physical, mental, psychological, or emotional harm the victim suffered
158 from the offense;

159 (D) whether the offender used fraud or deception to commit the offense; and

160 (E) if any child sexual abuse material, as that term is defined in Section 76-5b-103,
161 was:

162 (I) distributed to the victim by the offender; or

163 (II) distributed, produced, or possessed by the offender at the time of the
164 offense that involved force or coercion against a victim depicted in the child
165 sexual abuse material.

166 (d) For the purpose of establishing venue for a violation of this Subsection (3), the
167 violation is considered to be committed:

- 168 (i) at the most recent registered primary residence of the offender or at the location of
169 the offender, if the actual location of the offender at the time of the violation is not
170 known; or
- 171 (ii) at the location of the offender at the time the offender is apprehended.
- 172 (4) Notwithstanding Subsection (3) and Section 77-41-106, an offender who is confined in
173 a secure facility or in a state mental hospital is not required to register during the period
174 of confinement.
- 175 (5)(a) Except as provided in Subsection (5)(b), in the case of an offender adjudicated in
176 another jurisdiction as a juvenile and required to register under this chapter, the
177 offender shall register in the time period and in the frequency consistent with the
178 requirements of Subsection (3).
- 179 (b) If the jurisdiction of the offender's adjudication does not publish the offender's
180 information on a public website, the department shall maintain, but not publish the
181 offender's information on the registration website.
- 182 (6) A sex offender who violates Section 77-27-21.8 regarding being in the presence of a
183 child while required to register under this chapter shall register for an additional five
184 years subsequent to the registration period otherwise required under this chapter.
- 185 (7) An offender shall provide the department or the registering entity with the following
186 information:
- 187 (a) all names and aliases by which the offender is or has been known;
- 188 (b) the addresses of the offender's primary and secondary residences;
- 189 (c) a physical description, including the offender's date of birth, height, weight, eye and
190 hair color;
- 191 (d) the make, model, color, year, plate number, and vehicle identification number of a
192 vehicle or vehicles the offender owns or drives more than 12 times per year;
- 193 (e) a current photograph of the offender;
- 194 (f) a set of fingerprints, if one has not already been provided;
- 195 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not already
196 been provided;
- 197 (h) telephone numbers and any other designations used by the offender for routing or
198 self-identification in telephonic communications from fixed locations or cellular
199 telephones;
- 200 (i) Internet identifiers and the addresses the offender uses for routing or
201 self-identification in Internet communications or postings;

- 202 (j) the name and Internet address of all websites on which the offender is registered
203 using an online identifier, including all online identifiers used to access those
204 websites;
- 205 (k) a copy of the offender's passport, if a passport has been issued to the offender;
- 206 (l) if the offender is an alien, all documents establishing the offender's immigration
207 status;
- 208 (m) all professional licenses that authorize the offender to engage in an occupation or
209 carry out a trade or business, including any identifiers, such as numbers;
- 210 (n) each educational institution in Utah at which the offender is employed, carries on a
211 vocation, or is a student, and a change of enrollment or employment status of the
212 offender at an educational institution;
- 213 (o) the name, the telephone number, and the address of a place where the offender is
214 employed or will be employed;
- 215 (p) the name, the telephone number, and the address of a place where the offender works
216 as a volunteer or will work as a volunteer; and
- 217 (q) the offender's social security number.
- 218 (8)(a) An offender may change the offender's name in accordance with Title 42,
219 Chapter 1, Change of Name, if the name change is not contrary to the interests of the
220 public.
- 221 (b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department
222 at least 30 days before the day on which the hearing for the name change is held.
- 223 (c) The court shall provide a copy of the order granting the offender's name change to
224 the department within 10 days after the day on which the court issues the order.
- 225 (d) If the court orders an offender's name changed, the department shall publish on the
226 registration website the offender's former name, and the offender's changed name as
227 an alias.
- 228 (9) Notwithstanding Subsections (7)(i) and (j) and 77-41-103(1)(c), an offender is not
229 required to provide the department with:
- 230 (a) the offender's online identifier and password used exclusively for the offender's
231 employment on equipment provided by an employer and used to access the
232 employer's private network; or
- 233 (b) online identifiers for the offender's financial accounts, including a bank, retirement,
234 or investment account.
- 235 Section 3. Section **77-41-112** is amended to read:

236 **77-41-112 . Removal from registry -- Requirements -- Procedure.**

- 237 (1) ~~[Añ]~~ Subject to Subsections (8) and (9), an offender who is required to register with the
238 Sex, Kidnap, and Child Abuse Offender Registry may petition the court for an order
239 removing the offender from the Sex, Kidnap, and Child Abuse Offender Registry if:
- 240 (a)(i) the offender was convicted of an offense described in Subsection (2);
 - 241 (ii) at least five years have passed after the day on which the offender's sentence for
242 the offense terminated;
 - 243 (iii) the offense is the only offense for which the offender was required to register;
 - 244 (iv) the offender has not been convicted of another offense, excluding a traffic
245 offense, since the day on which the offender was convicted of the offense for
246 which the offender is required to register, as evidenced by a certificate of
247 eligibility issued by the bureau;
 - 248 (v) the offender successfully completed all treatment ordered by the court or the
249 Board of Pardons and Parole relating to the offense; and
 - 250 (vi) the offender has paid all restitution ordered by the court or the Board of Pardons
251 and Parole relating to the offense;
- 252 (b)(i) the offender is required to register in accordance with Subsection 77-41-105
- 253 (3)(a);
 - 254 (ii) at least 10 years have passed after the later of:
 - 255 (A) the day on which the offender was placed on probation;
 - 256 (B) the day on which the offender was released from incarceration to parole;
 - 257 (C) the day on which the offender's sentence was terminated without parole;
 - 258 (D) the day on which the offender entered a community-based residential
259 program; or
 - 260 (E) for a minor, as defined in Section 80-1-102, the day on which the division's
261 custody of the offender was terminated;
 - 262 (iii) the offender has not been convicted of another offense that is a class A
263 misdemeanor, felony, or capital felony within the most recent 10-year period after
264 the date described in Subsection (1)(b)(ii), as evidenced by a certificate of
265 eligibility issued by the bureau;
 - 266 (iv) the offender successfully completed all treatment ordered by the court or the
267 Board of Pardons and Parole relating to the offense; and
 - 268 (v) the offender has paid all restitution ordered by the court or the Board of Pardons
269 and Parole relating to the offense; or

- 270 (c)(i) the offender is required to register in accordance with Subsection 77-41-105
271 (3)(c);
272 (ii) at least 20 years have passed after the later of:
273 (A) the day on which the offender was placed on probation;
274 (B) the day on which the offender was released from incarceration to parole;
275 (C) the day on which the offender's sentence was terminated without parole;
276 (D) the day on which the offender entered a community-based residential
277 program; or
278 (E) for a minor, as defined in Section 80-1-102, the day on which the division's
279 custody of the offender was terminated;
- 280 (iii) the offender has not been convicted of another offense that is a class A
281 misdemeanor, felony, or capital felony within the most recent 20-year period after
282 the date described in Subsection (1)(c)(ii), as evidenced by a certificate of
283 eligibility issued by the bureau;
- 284 (iv) the offender completed all treatment ordered by the court or the Board of
285 Pardons and Parole relating to the offense;
- 286 (v) the offender has paid all restitution ordered by the court or the Board of Pardons
287 and Parole relating to the offense; and
- 288 (vi) the offender submits to an evidence-based risk assessment to the court, with the
289 offender's petition, that:
290 (A) meets the standards for the current risk assessment, score, and risk level
291 required by the Board of Pardons and Parole for parole termination requests;
292 (B) is completed within the six months before the date on which the petition is
293 filed; and
294 (C) describes the evidence-based risk assessment of the current level of risk to the
295 safety of the public posed by the offender.
- 296 (2) The offenses referred to in Subsection (1)(a)(i) are:
297 (a) enticing a minor under Section 76-4-401, if the offense is a class A misdemeanor;
298 (b) kidnapping under Section 76-5-301;
299 (c) unlawful detention under Section 76-5-304, if the conviction of violating Section
300 76-5-304 is the only conviction for which the offender is required to register;
301 (d) unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the
302 offense, the offender is not more than 10 years older than the victim;
303 (e) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the

- 304 offender is not more than 10 years older than the victim;
- 305 (f) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, and at
306 the time of the offense, the offender is not more than 15 years older than the victim;
- 307 (g) voyeurism under Section 76-9-702.7, if the offense is a class A misdemeanor; or
- 308 (h) an offense for which an individual is required to register under Subsection 77-41-102
309 (1)(c), (11)(c), or (19)(c), if the offense is not substantially equivalent to an offense
310 described in Subsection 77-41-102(1)(a), (11)(a), or (19)(a).
- 311 (3)(a)(i) An offender seeking removal from the Sex, Kidnap, and Child Abuse
312 Offender Registry under this section shall apply for a certificate of eligibility from
313 the bureau.
- 314 (ii) An offender who intentionally or knowingly provides false or misleading
315 information to the bureau when applying for a certificate of eligibility is guilty of
316 a class B misdemeanor and subject to prosecution under Section 76-8-504.6.
- 317 (iii) Regardless of whether the offender is prosecuted, the bureau may deny a
318 certificate of eligibility to an offender who provides false information on an
319 application.
- 320 (b)(i) The bureau shall:
- 321 (A) perform a check of records of governmental agencies, including national
322 criminal databases, to determine whether an offender is eligible to receive a
323 certificate of eligibility; and
- 324 (B) determine whether the offender meets the requirements described in
325 Subsection (1)(a)(ii), (a)(v), (a)(vi), (b)(ii), (b)(iv), (b)(v), (c)(ii), (c)(iv), or
326 (c)(v).
- 327 (ii) If the offender meets the requirements described in Subsection (1)(a), (b), or (c),
328 the bureau shall issue a certificate of eligibility to the offender, which is valid for a
329 period of 90 days after the day on which the bureau issues the certificate.
- 330 (4)(a)(i) The bureau shall charge application and issuance fees for a certificate of
331 eligibility in accordance with the process in Section 63J-1-504.
- 332 (ii) The application fee shall be paid at the time the offender submits an application
333 for a certificate of eligibility to the bureau.
- 334 (iii) If the bureau determines that the issuance of a certificate of eligibility is
335 appropriate, the offender will be charged an additional fee for the issuance of a
336 certificate of eligibility.
- 337 (b) Funds generated under this Subsection (4) shall be deposited into the General Fund

338 as a dedicated credit by the department to cover the costs incurred in determining
339 eligibility.

340 (5)(a) The offender shall file the petition, including original information, the court
341 docket, the certificate of eligibility from the bureau, and the document from the
342 department described in Subsection [~~(3)(b)(iv)~~] (3)(b)(ii) with the court, and deliver a
343 copy of the petition to:

344 (i) [-] if the offender is required to register on the Sex, Kidnap, and Child Abuse
345 Offender Registry for a conviction of an offense committed in this state, the office
346 of the prosecutor[-] that prosecuted the offender for the offense; or

347 (ii) if the offender is required to register on the Sex, Kidnap, and Child Abuse
348 Offender Registry for a conviction of an offense committed in another
349 jurisdiction, the attorney general's office.

350 (b) Upon receipt of a petition for removal from the Sex, Kidnap, and Child Abuse
351 Offender Registry[-] under Subsection (5)(a):

352 (i) [-]the office of the prosecutor shall provide notice of the petition by first-class mail
353 to the victim at the most recent address of record on file or, if the victim is still a
354 minor under 18 years old, to the most recent address of record on file for the
355 victim's parent or guardian[-of the victim] ; or

356 (ii) the attorney general's office shall, if reasonably practicable, provide notice of the
357 petition by first-class mail to the most recent address of record for the victim or, if
358 the victim is still a minor under 18 years old, to the most recent address of record
359 for the victim's parent or guardian.

360 (c) The notice described in Subsection (5)(b) shall include a copy of the petition, state
361 that the victim has a right to object to the removal of the offender from the registry,
362 and provide instructions for registering an objection with the court.

363 (d) The office of the prosecutor shall provide the following, if available, to the court
364 within 30 days after the day on which the office receives the petition:

365 (i) presentencing report;

366 (ii) an evaluation done as part of sentencing; and

367 (iii) other information the office of the prosecutor determines the court should
368 consider.

369 (e) The victim, or the victim's parent or guardian if the victim is a minor under 18 years
370 old, may respond to the petition by filing a recommendation or objection with the
371 court within 45 days after the day on which the petition is mailed to the victim.

- 372 (6)(a) The court shall:
- 373 (i) review the petition and all documents submitted with the petition; and
- 374 (ii) hold a hearing if requested by the prosecutor or the victim.
- 375 (b)(i) Except as provided in Subsections (6)(b)(ii) and (iii), the court may grant the
- 376 petition and order removal of the offender from the registry if the court determines
- 377 that the offender has met the requirements described in Subsection (1)(a) or (b)
- 378 and removal is not contrary to the interests of the public.
- 379 (ii) When considering a petition filed under Subsection (1)(c), the court shall
- 380 determine whether the offender has demonstrated, by clear and convincing
- 381 evidence, that the offender is rehabilitated and does not pose a threat to the safety
- 382 of the public.
- 383 (iii) In making the determination described in Subsection (6)(b)(ii), the court may
- 384 consider:
- 385 (A) the nature and degree of violence involved in the offense that requires
- 386 registration;
- 387 (B) the age and number of victims of the offense that requires registration;
- 388 (C) the age of the offender at the time of the offense that requires registration;
- 389 (D) the offender's performance while on supervision for the offense that requires
- 390 registration;
- 391 (E) the offender's stability in employment and housing;
- 392 (F) the offender's community and personal support system;
- 393 (G) other criminal and relevant noncriminal behavior of the offender both before
- 394 and after the offense that requires registration;
- 395 (H) the level of risk posed by the offender as evidenced by the evidence-based risk
- 396 assessment described in Subsection (1)(c)(vi); and
- 397 (I) any other relevant factors.
- 398 (c) In determining whether removal is contrary to the interests of the public, the court
- 399 may not consider removal unless the offender has substantially complied with all
- 400 registration requirements under this chapter at all times.
- 401 (d) If the court grants the petition, the court shall forward a copy of the order directing
- 402 removal of the offender from the registry to the department and the office of the
- 403 prosecutor.
- 404 (e)(i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the
- 405 offender may not submit another petition for three years.

- 406 (ii) If the offender files a petition under Subsection (1)(c) and the court denies the
407 petition, the offender may not submit another petition for eight years.
- 408 (7) The court shall notify the victim and the Sex, Kidnap, and Child Abuse Offender
409 Registry office in the department of the court's decision within three days after the day
410 on which the court issues the court's decision in the same manner described in
411 Subsection (5).
- 412 (8) Except as provided in Subsection (9), an offender required to register under Subsection
413 77-41-105(3)(b) may petition for early removal from ~~[the registry]~~ the Sex, Kidnap, and
414 Child Abuse Offender Registry under Subsection ~~[(1)(b) if the offender:]~~ (1)(a) or (b) if
415 the offender:
- 416 (a) meets the applicable requirements of Subsections (1)(a) or (1)(b)(ii) through (v);
 - 417 (b) has resided in this state for at least 183 days in a year for two consecutive years;~~[and]~~
 - 418 (c) intends to primarily reside in this state~~[-]~~ ; and
 - 419 (d) has received an order from a court in the external jurisdiction where the offender was
420 initially required to register on a sex, kidnap, and child abuse registry, or an
421 equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap,
422 and Child Abuse Offender Registry.
- 423 (9) An offender required to register under Subsection 77-41-105(3)(b) for life may petition
424 for early removal from ~~[the registry]~~ the Sex, Kidnap, and Child Abuse Offender Registry
425 under Subsection (1)(c) if:
- 426 (a) the offense requiring the offender to register is substantially equivalent to an offense
427 listed in Section 77-41-106;
 - 428 (b) the offender meets the requirements of Subsections (1)(c)(ii) through (vi);
 - 429 (c) the offender has resided in this state for at least 183 days in a year for two
430 consecutive years;~~[and]~~
 - 431 (d) the offender intends to primarily reside in this state~~[-]~~ ; and
 - 432 (e) the offender has received an order from a court in the external jurisdiction where the
433 offender was initially required to register on a sex, kidnap, and child abuse registry,
434 or an equivalent registry, that authorizes the offender to be removed from the Sex,
435 Kidnap, and Child Abuse Offender Registry.
- 436 Section 4. **Effective Date.**
437 This bill takes effect on May 7, 2025.