

**Sex, Kidnap, and Child Abuse Offender Adjustments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

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**LONG TITLE****General Description:**

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

**Highlighted Provisions:**

This bill:

▸ moves certain criminal offenses from the list of offenses requiring lifetime registration on the Sex, Kidnap, and Child Abuse Offender Registry (the registry) to the list of offenses requiring a 10 year registration requirement;

▸ allows an individual who has been required to register on the registry for life for a conviction before May 7, 2025, to:

- petition for early removal from the registry in accordance with current statute for an individual who is required to register for 10 years; or

- request that the Department of Public Safety remove the individual from the registry if the individual has already met the registration time frame and requirements for an individual who is required to register for 10 years; and

▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:**

**77-41-106**, as last amended by Laws of Utah 2024, Chapter 234

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

**77-41-113**, as last amended by Laws of Utah 2024, Chapter 234

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

Section 1. Section **77-41-106** is amended to read:

**77-41-106 . Offenses requiring lifetime registration.**

- 32 Offenses referred to in Subsection 77-41-105(3)(c)(i) requiring lifetime registration are:
- 33 (1) an offense listed in Subsection 77-41-102(1), (11), or (19) if, at the time of the
- 34 conviction for the offense, the offender has previously been convicted of an offense
- 35 listed in Subsection 77-41-102(1), (11), or (19) or has previously been required to
- 36 register as a sex offender, kidnap offender, or child abuse offender for an offense
- 37 committed as a juvenile;
- 38 (2) a conviction for a following offense, including attempting, soliciting, or conspiring to
- 39 commit a felony of:
- 40 (a) child kidnapping under Section 76-5-301.1, except if the offender is a natural parent
- 41 of the victim;
- 42 (b) rape under Section 76-5-402;
- 43 (c) rape of a child under Section 76-5-402.1;
- 44 (d) object rape under Section 76-5-402.2;
- 45 (e) object rape of a child under Section 76-5-402.3;
- 46 (f) sodomy on a child under Section 76-5-403.1;
- 47 (g) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 48 (h) aggravated sexual assault under Section 76-5-405;
- 49 [~~(3) human trafficking for sexual exploitation under Section 76-5-308.1;~~]
- 50 [~~(4)~~] (3) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5
- 51 (4)(b);
- 52 [~~(5)~~] (4) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 53 [~~(6)~~] (5) human trafficking of a vulnerable adult for sexual exploitation under Section
- 54 76-5-311;
- 55 [~~(7)~~] (6) a first degree felony offense of aggravated kidnapping under Section 76-5-302,
- 56 except if the offender is a natural parent of the victim;
- 57 [~~(8)~~] (7) forcible sodomy under Section 76-5-403;
- 58 [~~(9) sexual abuse of a child under Section 76-5-404.1;~~]
- 59 [~~(10) sexual exploitation of a minor under Section 76-5b-201;~~]
- 60 [~~(11)~~] (8) a first degree felony offense of aggravated sexual exploitation of a minor under
- 61 Section 76-5b-201.1;
- 62 [~~(12)~~] (9) a first degree felony offense of aggravated sexual extortion under Subsection [
- 63 76-5b-204(2)(b)] 76-5b-204(3)(a)(iii); [~~or~~]
- 64 [~~(13)~~] (10) a first degree felony offense of aggravated exploitation of prostitution under [
- 65 Section 76-10-1306] Subsection 76-10-1306(3), on or after May 10, 2011; or

66 [(14)] (11) a first degree felony offense of felony violation of enticing a minor under Section  
67 76-4-401[if the offender enticed the minor to engage in sexual activity that is one of the  
68 offenses described in Subsections (2) through (13)].

69 Section 2. Section **77-41-112** is amended to read:

70 **77-41-112 . Removal from registry -- Requirements -- Procedure.**

71 (1) An offender who is required to register with the Sex, Kidnap, and Child Abuse Offender  
72 Registry may petition the court for an order removing the offender from the Sex,  
73 Kidnap, and Child Abuse Offender Registry if:

- 74 (a)(i) the offender was convicted of an offense described in Subsection (2);  
75 (ii) at least five years have passed after the day on which the offender's sentence for  
76 the offense terminated;  
77 (iii) the offense is the only offense for which the offender was required to register;  
78 (iv) the offender has not been convicted of another offense, excluding a traffic  
79 offense, since the day on which the offender was convicted of the offense for  
80 which the offender is required to register, as evidenced by a certificate of  
81 eligibility issued by the bureau;  
82 (v) the offender successfully completed all treatment ordered by the court or the  
83 Board of Pardons and Parole relating to the offense; and  
84 (vi) the offender has paid all restitution ordered by the court or the Board of Pardons  
85 and Parole relating to the offense;
- 86 (b)(i) ~~subject to Subsection (10)~~, the offender is required to register in accordance  
87 with Subsection 77-41-105(3)(a);  
88 (ii) at least 10 years have passed after the later of:  
89 (A) the day on which the offender was placed on probation;  
90 (B) the day on which the offender was released from incarceration to parole;  
91 (C) the day on which the offender's sentence was terminated without parole;  
92 (D) the day on which the offender entered a community-based residential  
93 program; or  
94 (E) for a minor, as defined in Section 80-1-102, the day on which the division's  
95 custody of the offender was terminated;
- 96 (iii) the offender has not been convicted of another offense that is a class A  
97 misdemeanor, felony, or capital felony within the most recent 10-year period after  
98 the date described in Subsection (1)(b)(ii), as evidenced by a certificate of  
99 eligibility issued by the bureau;

- 100 (iv) the offender successfully completed all treatment ordered by the court or the  
101 Board of Pardons and Parole relating to the offense; and
- 102 (v) the offender has paid all restitution ordered by the court or the Board of Pardons  
103 and Parole relating to the offense; or
- 104 (c)(i) the offender is required to register in accordance with Subsection 77-41-105  
105 (3)(c);
- 106 (ii) at least 20 years have passed after the later of:
- 107 (A) the day on which the offender was placed on probation;
- 108 (B) the day on which the offender was released from incarceration to parole;
- 109 (C) the day on which the offender's sentence was terminated without parole;
- 110 (D) the day on which the offender entered a community-based residential  
111 program; or
- 112 (E) for a minor, as defined in Section 80-1-102, the day on which the division's  
113 custody of the offender was terminated;
- 114 (iii) the offender has not been convicted of another offense that is a class A  
115 misdemeanor, felony, or capital felony within the most recent 20-year period after  
116 the date described in Subsection (1)(c)(ii), as evidenced by a certificate of  
117 eligibility issued by the bureau;
- 118 (iv) the offender completed all treatment ordered by the court or the Board of  
119 Pardons and Parole relating to the offense;
- 120 (v) the offender has paid all restitution ordered by the court or the Board of Pardons  
121 and Parole relating to the offense; and
- 122 (vi) the offender submits to an evidence-based risk assessment to the court, with the  
123 offender's petition, that:
- 124 (A) meets the standards for the current risk assessment, score, and risk level  
125 required by the Board of Pardons and Parole for parole termination requests;
- 126 (B) is completed within the six months before the date on which the petition is  
127 filed; and
- 128 (C) describes the evidence-based risk assessment of the current level of risk to the  
129 safety of the public posed by the offender.
- 130 (2) The offenses referred to in Subsection (1)(a)(i) are:
- 131 (a) enticing a minor under Section 76-4-401, if the offense is a class A misdemeanor;
- 132 (b) kidnapping under Section 76-5-301;
- 133 (c) unlawful detention under Section 76-5-304, if the conviction of violating Section

- 134 76-5-304 is the only conviction for which the offender is required to register;
- 135 (d) unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the  
136 offense, the offender is not more than 10 years older than the victim;
- 137 (e) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the  
138 offender is not more than 10 years older than the victim;
- 139 (f) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, and at  
140 the time of the offense, the offender is not more than 15 years older than the victim;
- 141 (g) voyeurism under Section 76-9-702.7, if the offense is a class A misdemeanor; or
- 142 (h) an offense for which an individual is required to register under Subsection 77-41-102  
143 (1)(c), (11)(c), or (19)(c), if the offense is not substantially equivalent to an offense  
144 described in Subsection 77-41-102(1)(a), (11)(a), or (19)(a).
- 145 (3)(a)(i) An offender seeking removal from the Sex, Kidnap, and Child Abuse  
146 Offender Registry under this section shall apply for a certificate of eligibility from  
147 the bureau.
- 148 (ii) An offender who intentionally or knowingly provides false or misleading  
149 information to the bureau when applying for a certificate of eligibility is guilty of  
150 a class B misdemeanor and subject to prosecution under Section 76-8-504.6.
- 151 (iii) Regardless of whether the offender is prosecuted, the bureau may deny a  
152 certificate of eligibility to an offender who provides false information on an  
153 application.
- 154 (b)(i) The bureau shall:
- 155 (A) perform a check of records of governmental agencies, including national  
156 criminal databases, to determine whether an offender is eligible to receive a  
157 certificate of eligibility; and
- 158 (B) determine whether the offender meets the requirements described in  
159 Subsection (1)(a)(ii), (a)(v), (a)(vi), (b)(ii), (b)(iv), (b)(v), (c)(ii), (c)(iv), or  
160 (c)(v).
- 161 (ii) If the offender meets the requirements described in Subsection (1)(a), (b), or (c),  
162 the bureau shall issue a certificate of eligibility to the offender, which is valid for a  
163 period of 90 days after the day on which the bureau issues the certificate.
- 164 (4)(a)(i) The bureau shall charge application and issuance fees for a certificate of  
165 eligibility in accordance with the process in Section 63J-1-504.
- 166 (ii) The application fee shall be paid at the time the offender submits an application  
167 for a certificate of eligibility to the bureau.

- 168 (iii) If the bureau determines that the issuance of a certificate of eligibility is  
169 appropriate, the offender will be charged an additional fee for the issuance of a  
170 certificate of eligibility.
- 171 (b) Funds generated under this Subsection (4) shall be deposited into the General Fund  
172 as a dedicated credit by the department to cover the costs incurred in determining  
173 eligibility.
- 174 (5)(a) The offender shall file the petition, including original information, the court  
175 docket, the certificate of eligibility from the bureau, and the document from the  
176 department described in Subsection (3)(b)(iv) with the court, and deliver a copy of  
177 the petition to the office of the prosecutor.
- 178 (b) Upon receipt of a petition for removal from the Sex, Kidnap, and Child Abuse  
179 Offender Registry, the office of the prosecutor shall provide notice of the petition by  
180 first-class mail to the victim at the most recent address of record on file or, if the  
181 victim is still a minor under 18 years old, to the parent or guardian of the victim.
- 182 (c) The notice described in Subsection (5)(b) shall include a copy of the petition, state  
183 that the victim has a right to object to the removal of the offender from the registry,  
184 and provide instructions for registering an objection with the court.
- 185 (d) The office of the prosecutor shall provide the following, if available, to the court  
186 within 30 days after the day on which the office receives the petition:
- 187 (i) presentencing report;
- 188 (ii) an evaluation done as part of sentencing; and
- 189 (iii) other information the office of the prosecutor determines the court should  
190 consider.
- 191 (e) The victim, or the victim's parent or guardian if the victim is a minor under 18 years  
192 old, may respond to the petition by filing a recommendation or objection with the  
193 court within 45 days after the day on which the petition is mailed to the victim.
- 194 (6)(a) The court shall:
- 195 (i) review the petition and all documents submitted with the petition; and  
196 (ii) hold a hearing if requested by the prosecutor or the victim.
- 197 (b)(i) Except as provided in Subsections (6)(b)(ii) and (iii), the court may grant the  
198 petition and order removal of the offender from the registry if the court determines  
199 that the offender has met the requirements described in Subsection (1)(a) or (b)  
200 and removal is not contrary to the interests of the public.
- 201 (ii) When considering a petition filed under Subsection (1)(c), the court shall

- 202 determine whether the offender has demonstrated, by clear and convincing  
203 evidence, that the offender is rehabilitated and does not pose a threat to the safety  
204 of the public.
- 205 (iii) In making the determination described in Subsection (6)(b)(ii), the court may  
206 consider:
- 207 (A) the nature and degree of violence involved in the offense that requires  
208 registration;
- 209 (B) the age and number of victims of the offense that requires registration;
- 210 (C) the age of the offender at the time of the offense that requires registration;
- 211 (D) the offender's performance while on supervision for the offense that requires  
212 registration;
- 213 (E) the offender's stability in employment and housing;
- 214 (F) the offender's community and personal support system;
- 215 (G) other criminal and relevant noncriminal behavior of the offender both before  
216 and after the offense that requires registration;
- 217 (H) the level of risk posed by the offender as evidenced by the evidence-based risk  
218 assessment described in Subsection (1)(c)(vi); and
- 219 (I) any other relevant factors.
- 220 (c) In determining whether removal is contrary to the interests of the public, the court  
221 may not consider removal unless the offender has substantially complied with all  
222 registration requirements under this chapter at all times.
- 223 (d) If the court grants the petition, the court shall forward a copy of the order directing  
224 removal of the offender from the registry to the department and the office of the  
225 prosecutor.
- 226 (e)(i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the  
227 offender may not submit another petition for three years.
- 228 (ii) If the offender files a petition under Subsection (1)(c) and the court denies the  
229 petition, the offender may not submit another petition for eight years.
- 230 (7) The court shall notify the victim and the Sex, Kidnap, and Child Abuse Offender  
231 Registry office in the department of the court's decision within three days after the day  
232 on which the court issues the court's decision in the same manner described in  
233 Subsection (5).
- 234 (8) Except as provided in Subsection (9), an offender required to register under Subsection  
235 77-41-105(3)(b) may petition for early removal from the registry under Subsection

- 236 (1)(b) if the offender:
- 237 (a) meets the requirements of Subsections (1)(b)(ii) through (v);
- 238 (b) has resided in this state for at least 183 days in a year for two consecutive years; and
- 239 (c) intends to primarily reside in this state.
- 240 (9) An offender required to register under Subsection 77-41-105(3)(b) for life may petition
- 241 for early removal from the registry under Subsection (1)(c) if:
- 242 (a) the offense requiring the offender to register is substantially equivalent to an offense
- 243 listed in Section 77-41-106;
- 244 (b) the offender meets the requirements of Subsections (1)(c)(ii) through (vi);
- 245 (c) the offender has resided in this state for at least 183 days in a year for two
- 246 consecutive years; and
- 247 (d) the offender intends to primarily reside in this state.
- 248 (10) Subsection (1)(b) applies to:
- 249 (a) an offender who was sentenced before May 7, 2025, for an offense that required the
- 250 offender, at the time the offender's sentence was entered, to register for the offender's
- 251 lifetime in accordance with Subsection 77-41-105(3)(c) and Section 77-41-106; and
- 252 (b) the offense for which the offender was convicted is no longer listed as an offense that
- 253 requires lifetime registration as described in Section 77-41-106.
- 254 Section 3. Section **77-41-113** is amended to read:
- 255 **77-41-113 . Removal for offenses or convictions for which registration is no**
- 256 **longer required.**
- 257 (1) The department shall automatically remove an individual who is [~~currently~~]on the Sex,
- 258 Kidnap, and Child Abuse Offender Registry because of a conviction if:
- 259 (a) the only offense or offenses for which the individual is on the registry are listed in
- 260 Subsection (2);[~~or~~]
- 261 (b) the department receives a formal notification or order from the court or the Board of
- 262 Pardons and Parole that the conviction for the offense or offenses for which the
- 263 individual is on the registry have been reversed, vacated, or pardoned.
- 264 (2) The offenses described in Subsection (1)(a) are:
- 265 (a) a class B or class C misdemeanor for enticing a minor under Section 76-4-401;
- 266 (b) kidnapping under Subsection 76-5-301(2)(a) or (b);
- 267 (c) child kidnapping under Section 76-5-301.1, if the offender was the natural parent of
- 268 the child victim;
- 269 (d) unlawful detention under Section 76-5-304;



- 270 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B  
271 misdemeanor for unlawful sexual intercourse, under Section 76-5-401; or  
272 (f) sodomy, but not forcible sodomy, under Section 76-5-403.
- 273 (3)(a) The department shall notify an individual who has been removed from the registry  
274 in accordance with Subsection (1).
- 275 (b) The notice described in Subsection (3)(a) shall include a statement that the individual  
276 is no longer required to register as a sex offender or kidnap offender.
- 277 (4) An individual who is currently on the Sex, Kidnap, and Child Abuse Offender Registry  
278 may submit a request to the department to be removed from the registry if the individual  
279 believes that the individual qualifies for removal under ~~[this section]~~ Subsection (1).
- 280 (5) The department shall remove an individual who is on the Sex, Kidnap, and Child Abuse  
281 Offender Registry if:
- 282 (a) the department receives a request from an offender who was sentenced for an offense  
283 before May 7, 2025, that required the offender, at the time the offender's sentence  
284 was entered, to register for the offender's lifetime in accordance with Subsection  
285 77-41-105(3)(c) and Section 77-41-106;
- 286 (b) the offense described in Subsection (5)(a) is no longer listed as an offense that  
287 requires lifetime registration as described in Section 77-41-106;
- 288 (c) the offender has met the registration requirements described in Subsection  
289 77-41-105(3)(a) for the duration of the offender's sentence and for 10 years after  
290 termination of the offender's sentence; and
- 291 (d) the offender is not required to register on the Sex, Kidnap, and Child Abuse Offender  
292 Registry for another offense.
- 293 ~~[(5)]~~ (6) The department, upon receipt of a request for removal from the registry shall:
- 294 (a) check the registry for the individual's current status;
- 295 (b) determine whether the individual qualifies for removal based upon this section; and
- 296 (c) notify the individual in writing of the department's determination and whether the  
297 individual:
- 298 (i) qualifies for removal from the registry; or
- 299 (ii) does not qualify for removal.
- 300 ~~[(6)]~~ (7) If the department determines that the individual qualifies for removal from the  
301 registry, the department shall remove the offender from the registry.
- 302 ~~[(7)]~~ (8) If the department determines that the individual does not qualify for removal from  
303 the registry, the department shall provide an explanation in writing for the department's

304 determination. The department's determination is final and not subject to administrative  
305 review.

306 [~~8~~] (9) Neither the department nor an employee of the department may be civilly liable for  
307 a determination made in good faith in accordance with this section.

308 [~~9~~] (10)(a) The department shall provide a response to a request for removal within 30  
309 days of receipt of the request.

310 (b) If the response under Subsection [~~9~~](a) (10)(a) cannot be provided within 30 days,  
311 the department shall notify the individual that the response may be delayed up to 30  
312 additional days.

313 Section 4. **Effective Date.**

314 This bill takes effect on May 7, 2025.