

HB0123S02 compared with HB0123S03

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **53-29-203** , as enacted by Laws of Utah 2025, Chapter 291

20

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

22 Section 1. Section **53-29-203** is amended to read:

23 **53-29-203. Registration lengths -- 10 years -- Lifetime.**

26 (1) Except as provided in Subsection [~~(2)~~] (2)(a), (3), or (4), an individual who commits a registrable
offense is required to register on the registry for:

28 (a) 10 years after the day on which the offender's sentence for the offense has been terminated if the
registrable offense is for:

30 (i) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417, if the
offender enticed the minor to engage in sexual activity that is one of the offenses described in
Subsections (1)(a)(ii) through (xxiv);

33 (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);

34 (iii) child torture under Section 76-5-109.4;

35 (iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the natural parent of the
child victim;

37 (v) human trafficking for labor under Section 76-5-308, if the offender was not the natural parent of the
child victim;

39 (vi) human smuggling under Section 76-5-308.3, if the offender was not the natural parent of the child
victim;

41 (vii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the offender was not
the natural parent of the child victim;

43 (viii) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the natural
parent of the child victim;

45 (ix) aggravated human smuggling under Section 76-5-310.1;

46 (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;

47 (xi) a felony violation of unlawful sexual activity with a minor under Section 76-5-401;

49 (xii) sexual abuse of a minor under Section 76-5-401.1;

50 (xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;

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- 51 (xiv) forcible sexual abuse under Section 76-5-404;
- 52 (xv) custodial sexual relations under Section 76-5-412;
- 53 (xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 54 (xvii) sexual extortion under Subsection 76-5b-204(2)(a);
- 55 (xviii) incest under Section 76-7-102;
- 56 (xix) four to seven convictions of lewdness under Section 76-5-419;
- 57 (xx) four to seven convictions of sexual battery under Section 76-5-418;
- 58 (xxi) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under
Section 76-5-418, that total four to seven convictions;
- 60 (xxii) lewdness involving a child under Section 76-5-420;
- 61 (xxiii) a felony or class A misdemeanor violation of:
- 62 (A) voyeurism under Section 76-12-306;
- 63 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 64 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 65 (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9,
2011;
- 67 (xxv) attempting, soliciting, or conspiring to commit an offense listed in Subsections(1)(a)(i) through
(xxiv) if the attempt, solicitation, or conspiracy is a registrable offense; or
- 70 (xxvi) attempting, soliciting, or conspiring to commit:
- 71 (A) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the
child victim;
- 73 (B) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the
natural parent of the child victim;
- 75 (C) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the
offender was not the natural parent of the child victim;
- 77 (D) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was
not the natural parent of the child victim;
- 79 (E) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the
offender was not the natural parent of the child victim;
- 81 (F) forcible sodomy under Section 76-5-403;
- 82 (G) sexual abuse of a child under Section 76-5-404.1;

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- 83 (H) sexual exploitation of a minor under Section 76-5b-201;
- 84 (I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 85 (J) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- 86 (K) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
- 88 (b) the offender's lifetime if the registrable offense is:
- 89 (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at the time of conviction for the offense:
- 91 (A) previously been convicted of an offense described in Subsection (1)(a), or a substantially equivalent offense in an external jurisdiction; or
- 93 (B) previously been required to register as an offender for an offense described in Subsection (1)(a) committed as a juvenile;
- 95 (ii) a following offense, including attempting, soliciting, or conspiring to commit a felony violation of:
- 97 (A) child kidnapping under Section 76-5-301.1, if the offender was not the natural parent of the child victim;
- 99 (B) rape under Section 76-5-402;
- 100 (C) rape of a child under Section 76-5-402.1;
- 101 (D) object rape under Section 76-5-402.2;
- 102 (E) object rape of a child under Section 76-5-402.3;
- 103 (F) sodomy on a child under Section 76-5-403.1;
- 104 (G) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 105 (H) aggravated sexual assault under Section 76-5-405;
- 106 (iii) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
- 108 (iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the natural parent of the child victim;
- 110 (v) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;
- 112 (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the natural parent of the child victim;
- 114 (vii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the offender was not the natural parent of the child victim;

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- 116 (viii) forcible sodomy under Section 76-5-403;
- 117 (ix) sexual abuse of a child under Section 76-5-404.1;
- 118 (x) sexual exploitation of a minor under Section 76-5b-201;
- 119 (xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 120 (xii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);
- 121 (xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
- 123 (xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to
engage in sexual activity that is one of the offenses described in Subsections (1)(b)(ii) through (xiii).
- 126 (2) An individual who qualifies as an offender based on a conviction in an external jurisdiction for a
registrable offense~~[-or a substantially equivalent offense,]~~ is required to register:
- 129 (a) ~~[and is on an external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry,
is required to register on the registry]~~for the time period required by the external jurisdiction if the
offender:
- 132 (i) is on, or required to be on, the external jurisdiction's sex, kidnap, and child abuse registry, or an
equivalent registry; or
- 134 (ii) would otherwise be on the external jurisdiction's sex, kidnap, and child abuse registry, or an
equivalent registry, if the individual still resided in the external jurisdiction; or
- 137 (b) for the applicable time period required under Subsection (1) if the offender is not on, or required to
be on, the external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry.
- 140 (3)
- (a) If the sentencing court at any time after an offender is convicted of an offense requiring lifetime
registration described in Subsection (1)(b), and after considering the factors described in Subsection
(3)(b), determines that the offender was under 21 years old at the time the offense was committed
and the offense did not involve force or coercion, the requirement that the offender register for the
offender's lifetime does not apply and the offender shall register for 10 years after the day on which
the offender's sentence for the offense has been terminated.
- 147 (b) In determining whether an offense committed by an offender involves force or coercion under
Subsection (3)(a), the sentencing court shall consider:
- 149 (i) the age of the victim;
- 150 (ii) the vulnerability of the victim;
- 151 (iii) the physical, mental, psychological, or emotional harm the victim suffered from the offense;

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- 153 (iv) whether the offender used fraud or deception to commit the offense;
- 154 (v) if any child sexual abuse material, as that term is defined in Section 76-5b-103, was:
- 156 (A) distributed to the victim by the offender; or
- 157 (B) distributed, produced, or possessed by the offender at the time of the offense, that involved force or coercion against a victim depicted in the child sexual abuse material; and
- 160 (vi) any other factor the sentencing court determines is relevant.
- 161 (4) ~~{[Except for an individual who is adjudicated for a registrable offense and is an offender who meets the requirements under Subsection 53-29-202(1)(f), an {} An}individual {[who is under 18 years old and commits a registrable offense {} convicted}after May 3, 2023, {of an offense committed when the individual was under 18 years old,-}~~is not subject to registration requirements under this chapter unless the ~~{[offender{}]} individual~~:
- 166 (a) is charged by criminal information in juvenile court under Section 80-6-503;
- 167 (b) is bound over to district court in accordance with Section 80-6-504; and
- 168 (c) is convicted of a registrable offense.
- 169 (5) An offender subject to the 10-year or lifetime registration requirements under Subsection (1) may petition the court for an order of removal from the registry in accordance with Section 53-29-204, 53-29-205, or 53-29-206.

169 Section 2. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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