

**Ryan D. Wilcox** proposes the following substitute bill:

## Coercion Amendments

## 2026 GENERAL SESSION

# STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

### Senate Sponsor:

## LONG TITLE

### **General Description:**

This bill addresses criminal offenses related to coercive conduct.

## **Highlighted Provisions:**

This bill:

- creates the criminal offense of aiding or encouraging suicide that:
  - contains current language regarding aiding suicide moved from the criminal offense of manslaughter; and
  - adds new elements of encouraging suicide in certain circumstances that can be charged criminally;
- amends the surcharge amount a court is required to impose on an individual convicted of aiding or encouraging suicide, sexual extortion, or aggravated sexual extortion;
- separates the criminal offenses of sexual extortion and aggravated sexual extortion into two separate offenses;
- adds additional elements to the criminal offense of sexual extortion;
- adds the criminal offenses of sexual extortion and aggravated sexual extortion to the list of offenses that are eligible to be considered a domestic violence offense; and
- makes technical and conforming changes.

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

None

## Utah Code Sections Affected:

## AMENDS:

**26B-2-120**, as last amended by Laws of Utah 2025, Chapter 63

**51-9-401**, as last amended by Laws of Utah 2021, Chapter 262

29       **53-10-115**, as enacted by Laws of Utah 2018, Chapter 169  
30       **53-29-202**, as enacted by Laws of Utah 2025, Chapter 291  
31       **53-29-203**, as enacted by Laws of Utah 2025, Chapter 291  
32       **53-29-205**, as enacted by Laws of Utah 2025, Chapter 291  
33       **53G-9-207**, as last amended by Laws of Utah 2025, Chapter 388  
34       **76-1-301**, as last amended by Laws of Utah 2025, Chapters 173, 174  
35       **76-3-406.5**, as last amended by Laws of Utah 2008, Chapter 3  
36       **76-5-205**, as last amended by Laws of Utah 2024, Chapter 364  
37       **76-5b-204**, as last amended by Laws of Utah 2025, Chapter 178  
38       **76-17-401**, as renumbered and amended by Laws of Utah 2025, Chapter 173  
39       **77-22-2.5**, as last amended by Laws of Utah 2025, Chapter 173  
40       **77-23a-8**, as last amended by Laws of Utah 2025, Chapters 173, 174  
41       **77-36-1**, as last amended by Laws of Utah 2025, Chapters 173, 208 and 277  
42       **80-6-712**, as last amended by Laws of Utah 2025, Chapters 173, 208  
43       **80-6-804**, as last amended by Laws of Utah 2025, Chapters 173, 208

44 ENACTS:

45       **76-5-211**, Utah Code Annotated 1953  
46       **76-5b-204.1**, Utah Code Annotated 1953

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

49       Section 1. Section **26B-2-120** is amended to read:

50       **26B-2-120 . Background check -- Direct access to children or vulnerable adults.**

51 (1) As used in this section:

52       (a)(i) "Applicant" means an individual who is associated with a certification,  
53           contract, or licensee with the department under this part and has direct access,  
54           including:  
55           (A) an adoptive parent or prospective adoptive parent, including an applicant for  
56              an adoption in accordance with Section 78B-6-128;  
57           (B) a foster parent or prospective foster parent;  
58           (C) an individual who provides respite care to a foster parent or an adoptive parent  
59              on more than one occasion;  
60           (D) an individual who transports a child for a youth transportation company;  
61           (E) an individual who provides certified peer support, as defined in Section  
62              26B-5-610;

63 (F) an individual who provides peer supports, has a disability or a family member  
64 with a disability, or is in recovery from a mental illness or a substance use  
65 disorder;

66 (G) an individual who has lived experience with the services provided by the  
67 department, and uses that lived experience to provide support, guidance, or  
68 services to promote resiliency and recovery;

69 (H) an individual who is identified as a mental health professional, licensed under  
70 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in  
71 the practice of mental health therapy, as defined in Section 58-60-102;

72 (I) an individual, other than the child or vulnerable adult receiving the service,  
73 who is 12 years old or older and resides in a home, that is licensed or certified  
74 by the division;

75 (J) an individual who is 12 years old or older and is associated with a certification,  
76 contract, or licensee with the department under this part and has or will likely  
77 have direct access;

78 (K) a foster home licensee that submits an application for an annual background  
79 screening as required by Subsection 26B-2-105(4)(d)(iii); or

80 (L) a short-term relief care provider.

81 (ii) "Applicant" does not include:

82 (A) an individual who is in the custody of the Division of Child and Family  
83 Services or the Division of Juvenile Justice and Youth Services;

84 (B) an individual who applies for employment with, or is employed by, the  
85 Department of Health and Human Services;

86 (C) a parent of a person receiving services from the Division of Services for  
87 People with Disabilities, if the parent provides direct care to and resides with  
88 the person, including if the parent provides direct care to and resides with the  
89 person pursuant to a court order; or

90 (D) an individual or a department contractor who provides services in an adults  
91 only substance use disorder program, as defined by rule adopted by the  
92 Department of Health and Human Services in accordance with Title 63G,  
93 Chapter 3, Utah Administrative Rulemaking Act, and who is not a program  
94 director or a member, as defined by Section 26B-2-105, of the program.

95 (b) "Application" means a background check application to the office.

96 (c) "Bureau" means the Bureau of Criminal Identification within the Department of

Public Safety, created in Section 53-10-201.

(d) "Criminal finding" means a record of:

(i) an arrest for a criminal offense;

(ii) a warrant for a criminal arrest;

(iii) charges for a criminal offense; or

(iv) a criminal conviction.

(e) "Direct access" means that an individual has, or likely will have:

(i) contact with or access to a child or vulnerable adult by which the individual will

have the opportunity for personal communication or touch with the child or vulnerable adult; or

(ii) an opportunity to view medical, financial, or other confidential personal

identifying information of the child, the child's parent or legal guardian, or the vulnerable adult.

(f)(i) "Direct access qualified" means that the applicant has an eligible determination

by the office within the license and renewal time period; and

(ii) no more than 180 days have passed since the date on which the applicant's

association with a certification, contract, or licensee with the department expire

"Incidental care" means occasional

never overnight, for a foster child.

"License

(i) "Non-criminal finding" means a record maintained in:

(i) the Division of Child and Family Services' Management Information System described in Section 89(2)(1)(a).

(ii) the Division of Child and Family Services' Licensing Information System described in Section 89(2) 1992

(iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation, as described in Section 36-1-1000;

exploitation database described in Section 2.6B & 2.10;

(v) juvenile court arrest, adjudication, and disposition records;

(v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 31, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex offender registry.

Offender Registry, or

(i) "Office" means the Office of Background Processing within the department.

131 (k) "Personal identifying information" means:

132 (i) current name, former names, nicknames, and aliases;

133 (ii) date of birth;

134 (iii) physical address and email address;

135 (iv) telephone number;

136 (v) driver license or other government-issued identification;

137 (vi) social security number;

138 (vii) only for applicants who are 18 years old or older, fingerprints, in a form  
139 specified by the office; and

140 (viii) other information specified by the office by rule made in accordance with Title  
141 63G, Chapter 3, Utah Administrative Rulemaking Act.

142 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the  
143 following to the office:

144 (a) personal identifying information;

145 (b) a fee established by the office under Section 63J-1-504;

146 (c) a disclosure form, specified by the office, for consent for:

147 (i) an initial background check upon association with a certification, contract, or  
148 licensee with the department;

149 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a  
150 certification, contract, or licensee with the department for 180 days;

151 (iii) a background check when the office determines that reasonable cause exists; and

152 (iv) retention of personal identifying information, including fingerprints, for  
153 monitoring and notification as described in Subsections (3)(c) and (4);

154 (d) if an applicant resided outside of the United States and its territories during the five  
155 years immediately preceding the day on which the information described in  
156 Subsections (2)(a) through (c) is submitted to the office, documentation establishing  
157 whether the applicant was convicted of a crime during the time that the applicant  
158 resided outside of the United States or its territories; and

159 (e) an application showing an applicant's association with a certification, contract, or a  
160 licensee with the department, for the purpose of the office tracking the direct access  
161 qualified status of the applicant, which expires 180 days after the date on which the  
162 applicant is no longer associated with a certification, contract, or a licensee with the  
163 department.

164 (3) The office:

165 (a) shall perform the following duties as part of a background check of an applicant  
166 before the office grants or denies direct access qualified status to an applicant:  
167 (i) check state and regional criminal background databases for the applicant's  
168 criminal history by:  
169 (A) submitting personal identifying information to the bureau for a search; or  
170 (B) using the applicant's personal identifying information to search state and  
171 regional criminal background databases as authorized under Section 53-10-108;  
172 (ii) submit the applicant's personal identifying information and fingerprints to the  
173 bureau for a criminal history search of applicable national criminal background  
174 databases;  
175 (iii) search the Division of Child and Family Services' Licensing Information System  
176 described in Section 80-2-1002;  
177 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title  
178 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national  
179 sex offender registry for an applicant 18 years old or older;  
180 (v) search the Division of Child and Family Services' Management Information  
181 System in Section 80-2-1001, if the applicant is:  
182 (A) a prospective foster or adoptive parent;  
183 (B) an employee of a congregate care program; or  
184 (C) an adult who lives in a foster home.  
185 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,  
186 or exploitation database described in Section 26B-6-210;  
187 (vii) search the juvenile court records for substantiated findings of severe child abuse  
188 or neglect described in Section 80-3-404 or 80-3-504; and  
189 (viii) search the juvenile court arrest, adjudication, and disposition records, as  
190 provided under Section 78A-6-209;

191 (b) may conduct all or portions of a background check in connection with determining  
192 whether an applicant is direct access qualified, as provided by rule, made by the  
193 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:  
194 (i) for an annual renewal; or  
195 (ii) when the office determines that reasonable cause exists;

196 (c) may submit an applicant's personal identifying information, including fingerprints, to  
197 the bureau for checking, retaining, and monitoring of state and national criminal  
198 background databases and for notifying the office of new criminal activity associated

199 with the applicant;

200 (d) shall track the status of an applicant under this section to ensure that the applicant is  
201 not required to duplicate the submission of the applicant's fingerprints if the applicant  
202 is associated with more than one certification, contract, or licensee with the  
203 department;

204 (e) shall notify the bureau when a direct access qualified individual has not been  
205 associated with a certification, contract, or licensee with the department for a period  
206 of 180 days;

207 (f) shall adopt measures to strictly limit access to personal identifying information solely  
208 to the individuals responsible for processing and entering the applications for  
209 background checks and to protect the security of the personal identifying information  
210 the office reviews under this Subsection (3);

211 (g) as necessary to comply with the federal requirement to check a state's child abuse  
212 and neglect registry regarding any applicant working in a congregate care program,  
213 shall:

214 (i) search the Division of Child and Family Services' Licensing Information System  
215 described in Section 80-2-1002; and

216 (ii) require the child abuse and neglect registry be checked in each state where an  
217 applicant resided at any time during the five years immediately preceding the day  
218 on which the application is submitted to the office; and

219 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
220 Rulemaking Act, to implement the provisions of this Subsection (3) relating to  
221 background checks.

222 (4)(a) With the personal identifying information the office submits to the bureau under  
223 Subsection (3), the bureau shall check against state and regional criminal background  
224 databases for the applicant's criminal history.

225 (b) With the personal identifying information and fingerprints the office submits to the  
226 bureau under Subsection (3), the bureau shall check against national criminal  
227 background databases for the applicant's criminal history.

228 (c) Upon direction from the office, and with the personal identifying information and  
229 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:

230 (i) maintain a separate file of the fingerprints for search by future submissions to the  
231 local and regional criminal records databases, including latent prints; and

232 (ii) monitor state and regional criminal background databases and identify criminal

233 activity associated with the applicant.

234 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of  
235 Investigation Next Generation Identification System, to be retained in the Federal  
236 Bureau of Investigation Next Generation Identification System for the purpose of:  
237 (i) being searched by future submissions to the national criminal records databases,  
238 including the Federal Bureau of Investigation Next Generation Identification  
239 System and latent prints; and  
240 (ii) monitoring national criminal background databases and identifying criminal  
241 activity associated with the applicant.

242 (e) The bureau shall notify and release to the office all information of criminal activity  
243 associated with the applicant.

244 (f) Upon notice that an individual who has direct access qualified status will no longer  
245 be associated with a certification, contract, or licensee with the department, the  
246 bureau shall:  
247 (i) discard and destroy any retained fingerprints; and  
248 (ii) notify the Federal Bureau of Investigation when the license has expired or an  
249 individual's direct access to a child or a vulnerable adult has ceased, so that the  
250 Federal Bureau of Investigation will discard and destroy the retained fingerprints  
251 from the Federal Bureau of Investigation Next Generation Identification System.

252 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access  
253 qualified status to an applicant who, within three years from the date on which the  
254 office conducts the background check, was convicted of:  
255 (i) a felony or misdemeanor involving conduct that constitutes any of the following:  
256 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,  
257 cruelty to animals, or bestiality;  
258 (B) a violation of any pornography law, including sexual exploitation of a minor  
259 or aggravated sexual exploitation of a minor;  
260 (C) sexual solicitation or prostitution;  
261 (D) a violent offense committed in the presence of a child, as described in Section  
262 76-3-203.10;  
263 (E) an offense included in Title 76, Chapter 5, Part 1, 2, 3, 4, or 7;  
264 (F) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act, other  
265 than Section 76-5b-206;  
266 (G) an offense included in Title 76, Chapter 7, Offenses Against the Family;

267 (H) an offense included in Title 76, Chapter 12, Part 3, Privacy Offenses;  
268 (I) an offense included in Title 76, Chapter 15, Part 3, Weapons of Mass  
269 Destruction;  
270 (J) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking  
271 Injunctions;  
272 (K) aggravated arson, as described in Section 76-6-103;  
273 (L) aggravated burglary, as described in Section 76-6-203;  
274 (M) aggravated exploitation of prostitution, as described in Section 76-5d-208;  
275 (N) aggravated robbery, as described in Section 76-6-302;  
276 (O) endangering persons in a human services program, as described in Section  
277 26B-2-113;  
278 (P) failure to report, as described in Section 80-2-609;  
279 (Q) identity fraud crime, as described in Section 76-6-1102;  
280 (R) riot, as described in Section 76-9-101; or  
281 (S) threatening with or using a dangerous weapon in a fight or quarrel, as  
282 described in Section 76-11-207; or  
283 (ii) a felony or misdemeanor offense committed outside of the state that, if committed  
284 in the state, would constitute a violation of an offense described in Subsection  
285 (5)(a)(i).  
286 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a  
287 peer support provider or a mental health professional, if the applicant provides  
288 services in a program that serves only adults with a primary mental health  
289 diagnosis, with or without a co-occurring substance use disorder.  
290 (ii) The office shall conduct a comprehensive review of an applicant described in  
291 Subsection (5)(b)(i) in accordance with Subsection (7).  
292 (c) Subject to Subsection (5)(d), the office shall deny direct access qualified status to an  
293 applicant who:  
294 (i) a court order prohibits from having direct access to a child or vulnerable adult; or  
295 (ii) is an applicant for a congregate care program and:  
296 (A) is subject to an open investigation for a non-criminal finding; or  
297 (B) has a supported non-criminal finding, excluding a supported finding for  
298 dependency, as defined in Section 80-1-102, within three years from the date  
299 on which the office conducts the background check.  
300 (d)(i) Subsection (5)(c) does not apply retrospectively for congregate care program

301       employees who have an approved background screening on or before July 1,  
302       2025; or

303       (ii) notwithstanding Subsection (5)(c)(ii)(A), the division may grant temporary direct  
304       access qualified status to an applicant subject to a condition that the applicant is  
305       directly supervised at all times.

306       (6) The office shall conduct a comprehensive review of an applicant's background check if  
307       the applicant:

308       (a) has a felony or class A misdemeanor conviction that is more than three years from  
309       the date on which the office conducts the background check, for an offense described  
310       in Subsection (5)(a);

311       (b) has a felony charge or conviction that is no more than 10 years from the date on  
312       which the office conducts the background check for an offense not described in  
313       Subsection (5)(a);

314       (c) has a felony charge or conviction that is more than 10 years from the date on which  
315       the office conducts the background check, for an offense not described in Subsection  
316       (5)(a), with criminal or non-criminal findings after the date of the felony charge or  
317       conviction;

318       (d) has a class B misdemeanor or class C misdemeanor conviction that is more than  
319       three years and no more than 10 years from the date on which the office conducts the  
320       background check for an offense described in Subsection (5)(a);

321       (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10  
322       years from the date on which the office conducts the background check, for an  
323       offense described in Subsection (5)(a), with criminal or non-criminal findings after  
324       the date of conviction;

325       (f) has a misdemeanor charge or conviction that is no more than three years from the  
326       date on which the office conducts the background check for an offense not described  
327       in Subsection (5)(a);

328       (g) has a misdemeanor charge or conviction that is more than three years from the date  
329       on which the office conducts the background check, for an offense not described in  
330       Subsection (5)(a), with criminal or non-criminal findings after the date of charge or  
331       conviction;

332       (h) is currently subject to a plea in abeyance or diversion agreement for an offense  
333       described in Subsection (5)(a);

334       (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title

335        53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex  
336        offender registry;

337        (j) has a record of an adjudication in juvenile court for an act that, if committed by an  
338        adult, would be a felony or misdemeanor, if the applicant is:  
339            (i) under 28 years old; or  
340            (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is  
341            currently subject to a plea in abeyance or diversion agreement for a felony or a  
342            misdemeanor offense described in Subsection (5)(a);  
343        (k) has a pending charge for an offense described in Subsection (5)(a);  
344        (l) has a supported finding that occurred no more than 15 years from the date on which  
345            the office conducts the background check in the Division of Child and Family  
346            Services' Licensing Information System described in Section 80-2-1002;  
347        (m) has a supported finding that occurred more than 15 years from the date on which the  
348            office conducts the background check in the Division of Child and Family Services'  
349            Licensing Information System described in Section 80-2-1002, with criminal or  
350            non-criminal findings after the date of the listing;  
351        (n) has a listing that occurred no more than 15 years from the date on which the office  
352            conducts the background check in the Division of Aging and Adult Services'  
353            vulnerable adult abuse, neglect, or exploitation database described in Section  
354            26B-6-210;  
355        (o) has a listing that occurred more than 15 years from the date on which the office  
356            conducts the background check in the Division of Aging and Adult Services'  
357            vulnerable adult abuse, neglect, or exploitation database described in Section  
358            26B-6-210, with criminal or non-criminal findings after the date of the listing;  
359        (p) has a substantiated finding that occurred no more than 15 years from the date on  
360            which the office conducts the background check of severe child abuse or neglect  
361            under Section 80-3-404 or 80-3-504; or  
362        (q) has a substantiated finding that occurred more than 15 years from the date on which  
363            the office conducts the background check of severe child abuse or neglect under  
364            Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of  
365            the listing.

366        (7)(a) The comprehensive review shall include an examination of:  
367            (i) the date of the offense or incident;  
368            (ii) the nature and seriousness of the offense or incident;

369 (iii) the circumstances under which the offense or incident occurred;  
370 (iv) the age of the perpetrator when the offense or incident occurred;  
371 (v) whether the offense or incident was an isolated or repeated incident;  
372 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable  
373 adult, including:  
374 (A) actual or threatened, nonaccidental physical, mental, or financial harm;  
375 (B) sexual abuse;  
376 (C) sexual exploitation; or  
377 (D) negligent treatment;  
378 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric  
379 treatment received, or additional academic or vocational schooling completed;  
380 (viii) the applicant's risk of harm to clientele in the program or in the capacity for  
381 which the applicant is applying; and  
382 (ix) if the background check of an applicant is being conducted for the purpose of  
383 giving direct access qualified status to an applicant seeking a position in a  
384 congregate care program or to become a prospective foster or adoptive parent, any  
385 listing in the Division of Child and Family Services' Management Information  
386 System described in Section 80-2-1001.

387 (b) At the conclusion of the comprehensive review, the office shall deny direct access  
388 qualified status to an applicant if the office finds the approval would likely create a  
389 risk of harm to a child or vulnerable adult.

390 (8) The office shall grant direct access qualified status to an applicant who is not denied  
391 under this section.

392 (9)(a) The office may conditionally grant direct access qualified status to an applicant,  
393 for a maximum of 60 days after the day on which the office sends written notice,  
394 without requiring that the applicant be directly supervised, if the office:

395 (i) is awaiting the results of the criminal history search of national criminal  
396 background databases; and  
397 (ii) would otherwise grant direct access qualified status to the applicant under this  
398 section.

399 (b) The office may conditionally grant direct access qualified status to an applicant, for a  
400 maximum of one year after the day on which the office sends written notice, without  
401 requiring that the applicant be directly supervised if the office:  
402 (i) is awaiting the results of an out-of-state registry for providers other than foster and

403 adoptive parents; and

404 (ii) would otherwise grant direct access qualified status to the applicant under this  
405 section.

406 (c) Upon receiving the results of the criminal history search of a national criminal  
407 background database, the office shall grant or deny direct access qualified status to  
408 the applicant in accordance with this section.

409 (10)(a) Each time an applicant is associated with a licensee, the department shall review  
410 the current status of the applicant's background check to ensure the applicant is still  
411 eligible for direct access qualified status in accordance with this section.

412 (b) A licensee may not permit an individual to have direct access to a child or a  
413 vulnerable adult without being directly supervised unless:

414 (i) the individual is the parent or guardian of the child, or the guardian of the  
415 vulnerable adult;  
416 (ii) the individual is approved by the parent or guardian of the child, or the guardian  
417 of the vulnerable adult, to have direct access to the child or the vulnerable adult;  
418 (iii) the individual is only permitted to have direct access to a vulnerable adult who  
419 voluntarily invites the individual to visit; or  
420 (iv) the individual only provides incidental care for a foster child on behalf of a foster  
421 parent who has used reasonable and prudent judgment to select the individual to  
422 provide the incidental care for the foster child.

423 (c) Notwithstanding any other provision of this section, an applicant who is denied direct  
424 access qualified status shall not have direct access to a child or vulnerable adult  
425 unless the office grants direct access qualified status to the applicant through a  
426 subsequent application in accordance with this section.

427 (11) If the office denies direct access qualified status to an applicant, the applicant may  
428 request a hearing in the department's Office of Administrative Hearings to challenge the  
429 office's decision.

430 (12)(a) This Subsection (12) applies to an applicant associated with a certification,  
431 contract, or licensee serving adults only.

432 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee  
433 shall comply with this section.

434 (c) The office shall conduct a comprehensive review for an applicant if:

435 (i) the applicant is seeking a position;  
436 (A) as a peer support provider;

437 (B) as a mental health professional; or  
438 (C) in a program that serves only adults with a primary mental health diagnosis,  
439 with or without a co-occurring substance use disorder; and

440 (ii) within three years from the date on which the office conducts the background  
441 check, the applicant has a felony or misdemeanor charge or conviction or a  
442 non-criminal finding.

443 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate  
444 care program, an applicant seeking to provide a prospective foster home, an applicant  
445 seeking to provide a prospective adoptive home, and each adult living in the home of  
446 the prospective foster or prospective adoptive home.

447 (b) As federally required, the office shall:

448 (i) check the child abuse and neglect registry in each state where each applicant  
449 resided in the five years immediately preceding the day on which the applicant  
450 applied to be a foster or adoptive parent, to determine whether the prospective  
451 foster or adoptive parent is listed in the registry as having a substantiated or  
452 supported finding of child abuse or neglect; and

453 (ii) except for applicants seeking a position in a congregate care program, check the  
454 child abuse and neglect registry in each state where each adult living in the home  
455 of the prospective foster or adoptive home resided in the five years immediately  
456 preceding the day on which the applicant applied to be a foster or adoptive parent,  
457 to determine whether the adult is listed in the registry as having a substantiated or  
458 supported finding of child abuse or neglect.

459 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:

460 (i) federal law or rule permits otherwise; or

461 (ii) the requirements would prohibit the Division of Child and Family Services or a  
462 court from placing a child with:

463 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or  
464 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,  
465 or 80-3-303, pending completion of the background check described in  
466 Subsections (5), (6), and (7).

467 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access  
468 qualified status if the applicant has been convicted of:

469 (i) a felony involving conduct that constitutes any of the following:  
470 (A) child abuse, as described in Section 76-5-109;

471 (B) aggravated child abuse, as described in Section 76-5-109.2;  
472 (C) child abandonment, as described in Section 76-5-109.3;  
473 (D) child torture, as described in Section 76-5-109.4;  
474 (E) commission of domestic violence in the presence of a child, as described in  
475 Section 76-5-114;  
476 (F) abuse or neglect of a child with a disability, as described in Section 76-5-110;  
477 (G) intentional aggravated abuse of a vulnerable adult, as described in Section  
478 76-5-111;  
479 (H) endangerment of a child or vulnerable adult, as described in Section  
480 76-5-112.5;  
481 (I) aggravated murder, as described in Section 76-5-202;  
482 (J) murder, as described in Section 76-5-203;  
483 (K) manslaughter, as described in Section 76-5-205;  
484 (L) aiding or encouraging suicide, as described in Section 76-5-211;  
485 [(L)] (M) child abuse homicide, as described in Section 76-5-208;  
486 [(M)] (N) homicide by assault, as described in Section 76-5-209;  
487 [(N)] (O) kidnapping, as described in Section 76-5-301;  
488 [(O)] (P) child kidnapping, as described in Section 76-5-301.1;  
489 [(P)] (Q) aggravated kidnapping, as described in Section 76-5-302;  
490 [(Q)] (R) human trafficking of a child, as described in Section 76-5-308.5;  
491 [(R)] (S) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, other  
492 than Section 76-5-417, 76-5-418, or 76-5-419;  
493 [(S)] (T) sexual exploitation of a minor, as described in Title 76, Chapter 5b,  
494 Sexual Exploitation Act;  
495 [(T)] (U) aggravated exploitation of a minor, as described in Section 76-5b-201.1;  
496 [(U)] (V) aggravated arson, as described in Section 76-6-103;  
497 [(V)] (W) aggravated burglary, as described in Section 76-6-203;  
498 [(W)] (X) aggravated robbery, as described in Section 76-6-302;  
499 [(X)] (Y) incest, as described in Section 76-7-102; or  
500 [(Y)] (Z) domestic violence, as described in Section 77-36-1; or  
501 (ii) an offense committed outside the state that, if committed in the state, would  
502 constitute a violation of an offense described in Subsection (13)(d)(i).  
503 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access  
504 qualified status to an applicant if, within the five years from the date on which the

505 office conducts the background check, the applicant was convicted of a felony  
506 involving conduct that constitutes a violation of any of the following:  
507 (i) aggravated assault, as described in Section 76-5-103;  
508 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;  
509 (iii) mayhem, as described in Section 76-5-105;  
510 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;  
511 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;  
512 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances  
513 Act;  
514 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance  
515 Precursor Act; or  
516 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.

517 (f) In addition to the circumstances described in Subsection (6), the office shall conduct  
518 a comprehensive review of an applicant's background check under this section if the  
519 applicant:  
520 (i) has an offense described in Subsection (5)(a);  
521 (ii) has an infraction conviction entered on a date that is no more than three years  
522 before the date on which the office conducts the background check;  
523 (iii) has a listing in the Division of Child and Family Services' Licensing Information  
524 System described in Section 80-2-1002;  
525 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,  
526 neglect, or exploitation database described in Section 26B-2-210;  
527 (v) has a substantiated finding of severe child abuse or neglect under Section  
528 80-3-404 or 80-3-504; or  
529 (vi) has a listing on the registry check described in Subsection (13)(b) as having a  
530 substantiated or supported finding of a severe type of child abuse or neglect, as  
531 defined in Section 80-1-102.

532 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
533 office may make rules, consistent with this part, to:  
534 (a) establish procedures for, and information to be examined in, the comprehensive  
535 review described in Subsections (6), (7), and (13); and  
536 (b) determine whether to consider an offense or incident that occurred while an  
537 individual was in the custody of the Division of Child and Family Services or the  
538 Division of Juvenile Justice and Youth Services for purposes of granting or denying

direct access qualified status to an applicant.

Section 2. Section **51-9-401** is amended to read:

## **51-9-401 . Surcharge -- Application.**

(1)(a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by the courts.

(b) The surcharge shall be:

(i) 95% upon conviction of:

(A) aiding or encouraging suicide, as described in Section 76-5-211;

(B) a felony violation of sexual extortion, as described in Section 76-5b-204; or

(C) aggravated sexual extortion, as described in Section 76-5b-204.1;

[**(i)**] **(ii)** 90% upon conviction of[-a]:

(A) except as provided in Subsection (1)(b)(i), a felony;

(B) a class A misdemeanor;

(C) a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or

(D) a class B misdemeanor not classified within Title 41, Motor Vehicles, including violations of sections 11-101 through 11-141.

[(ii)] (iii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge.

(c) The Division of Finance shall deposit into the General Fund an amount equal to the amount that the state retains under Section 80-6-304.

(2) The surcharge may not be imposed:

(a) upon nonmoving traffic violations;

(b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and

- (c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 80-6-304.

(3)(a) The surcharge and the exceptions under Subsections (1) and (2) apply to all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if committed by an adult

(b) Notwithstanding Subsection (3)(a), the surcharge does not include amounts assessed or collected separately by juvenile courts for the Juvenile Restitution Account, which is independent of this part and does not affect the imposition or collection of the surcharge.

573 (4) The surcharge under this section shall be imposed in addition to the fine charged for a  
574 civil or criminal offense, and no reduction may be made in the fine charged due to the  
575 surcharge imposition.

576 (5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be  
577 authorized and managed by this part rather than attached to particular offenses.

578 Section 3. Section **53-10-115** is amended to read:

579 **53-10-115 . Cold case database.**

580 (1) As used in this section, "cold case" means an investigation into any crime listed in  
581 Subsections 76-1-301(2)(a) through ~~(g)~~ (h), or regarding a missing person, that remains  
582 unsolved at least three years after the crime occurred or the individual went missing.

583 (2) The division shall develop a secure database within the Utah Criminal Justice  
584 Information System that contains information related to each cold case that is open in  
585 any jurisdiction in the state.

586 (3) The division shall adopt rules in accordance with Title 63G, Chapter 3, Utah  
587 Administrative Rulemaking Act, to specify:

588 (a) the information to be collected and maintained in the database; and  
589 (b) what information may be accessed by the public.

590 (4) Each law enforcement agency in the state shall provide the information required by the  
591 division for inclusion in the database for each open investigation. The law enforcement  
592 agency shall maintain the physical evidence and investigation file for each case unless  
593 otherwise agreed to by the law enforcement agency and the division.

594 (5) The division shall maintain the information on a cold case indefinitely.

595 Section 4. Section **53-29-202** is amended to read:

596 **53-29-202 . Registrable offenses -- Status as a sex offender, kidnap offender, and  
597 child abuse offender established.**

598 (1) An individual is an offender described in Subsection (2) and subject to the requirements,  
599 restrictions, and penalties described in this chapter if the individual:

600 (a) has been convicted in this state of:

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

602 (ii) child torture under Section 76-5-109.4;

603 (iii) a felony or class A misdemeanor violation of enticing a minor under Section  
604 76-5-417;

605 (iv) sexual exploitation of a vulnerable adult under Section 76-5b-202;

606 (v) human trafficking for sexual exploitation under Section 76-5-308.1;

607 (vi) human trafficking of a child for sexual exploitation under Subsection  
608 76-5-308.5(4)(b);  
609 (vii) aggravated human trafficking for sexual exploitation under Section 76-5-310;  
610 (viii) human trafficking of a vulnerable adult for sexual exploitation under Section  
611 76-5-311;  
612 (ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided  
613 in Subsection 76-5-401(3)(b) or (c);  
614 (x) sexual abuse of a minor under Section 76-5-401.1, on the individual's first offense  
615 unless the individual was younger than 21 years old at the time of the offense then  
616 on the individual's second offense;  
617 (xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;  
618 (xii) rape under Section 76-5-402;  
619 (xiii) rape of a child under Section 76-5-402.1;  
620 (xiv) object rape under Section 76-5-402.2;  
621 (xv) object rape of a child under Section 76-5-402.3;  
622 (xvi) a felony violation of forcible sodomy under Section 76-5-403;  
623 (xvii) sodomy on a child under Section 76-5-403.1;  
624 (xviii) forcible sexual abuse under Section 76-5-404;  
625 (xix) sexual abuse of a child under Section 76-5-404.1;  
626 (xx) aggravated sexual abuse of a child under Section 76-5-404.3;  
627 (xxi) aggravated sexual assault under Section 76-5-405;  
628 (xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is  
629 younger than 18 years old and the offense is committed on or after May 10, 2011;  
630 (xxiii) sexual exploitation of a minor under Section 76-5b-201;  
631 (xxiv) aggravated sexual exploitation of a minor under Section 76-5b-201.1;  
632 (xxv) sexual extortion [or aggravated sexual extortion] under Section 76-5b-204;  
633 (xxvi) aggravated sexual extortion under Section 76-5b-204.1;  
634 [(xxvi)] (xxvii) incest under Section 76-7-102;  
635 [(xxvii)] (xxviii) lewdness under Section 76-5-419, if the individual has been  
636 convicted of the offense four or more times;  
637 [(xxviii)] (xxix) sexual battery under Section 76-5-418, if the individual has been  
638 convicted of the offense four or more times;  
639 [(xxix)] (xxx) any combination of convictions of lewdness under Section 76-5-419,  
640 and of sexual battery under Section 76-5-418, that total four or more convictions;

641 [(~~xxx~~) xxx) lewdness involving a child under Section 76-5-420;  
642 [(~~xxx~~~~i~~) xxx~~i~~) a felony or class A misdemeanor violation of:  
643 (A) voyeurism under Section 76-12-306;  
644 (B) recorded or photographed voyeurism under Section 76-12-307; or  
645 (C) distribution of images obtained through voyeurism under Section 76-12-308;  
646 [(~~xxx~~~~i~~) xxx~~i~~) aggravated exploitation of prostitution under Section 76-5d-208;  
647 [(~~xxx~~~~i~~) xxx~~i~~) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender  
648 was not the natural parent of the child victim;  
649 [(~~xxx~~~~i~~) xxx~~i~~) child kidnapping under Section 76-5-301.1, if the offender was not  
650 the natural parent of the child victim;  
651 [(~~xxx~~~~i~~) xxx~~i~~) aggravated kidnapping under Section 76-5-302, if the offender was  
652 not the natural parent of the child victim;  
653 [(~~xxx~~~~i~~) xxx~~i~~) human trafficking for labor under Section 76-5-308, if the offender  
654 was not the natural parent of the child victim;  
655 [(~~xxx~~~~i~~) xxx~~i~~) human smuggling under Section 76-5-308.3, if the offender was  
656 not the natural parent of the child victim;  
657 [(~~xxx~~~~i~~) xxx~~i~~) human trafficking of a child for labor under Subsection  
658 76-5-308.5(4)(a), if the offender was not the natural parent of the child victim;  
659 [(~~xxx~~~~i~~) xxx~~i~~) aggravated human trafficking for labor under Section 76-5-310, if the  
660 offender was not the natural parent of the child victim;  
661 [(~~xxx~~~~i~~) xxx~~i~~) aggravated human smuggling under Section 76-5-310.1, if the offender  
662 was not the natural parent of the child victim;  
663 [(~~xxx~~~~i~~) xxx~~i~~) human trafficking of a vulnerable adult for labor under Section 76-5-311,  
664 if the offender was not the natural parent of the child victim; or  
665 [(~~xxx~~~~i~~) xxx~~i~~) attempting, soliciting, or conspiring to commit a felony violation of an  
666 offense listed in Subsections (1)(a)(i) through [(~~xxx~~~~i~~) xxx~~i~~];  
667 (b)(i) has been convicted of a criminal offense, or an attempt, solicitation, or  
668 conspiracy to commit a criminal offense in an external jurisdiction that is  
669 substantially equivalent to the offense listed in Subsection (1)(a); and  
670 (ii)(A) is a Utah resident; or  
671 (B) is not a Utah resident and is in this state for a total of 10 days in a 12-month  
672 period, regardless of whether the individual intends to permanently reside in  
673 this state;  
674 (c)(i)(A) is required to register on a registry in an external jurisdiction for

675 individuals who have committed an offense listed in Subsection (1)(a) or a  
676 substantially equivalent offense;

677 (B) is ordered by a court to register on a registry for individuals who have  
678 committed an offense listed in Subsection (1)(a) or a substantially equivalent  
679 offense; or

680 (C) would be required to register on a registry in an external jurisdiction for  
681 individuals who have committed an offense listed in Subsection (1)(a), or a  
682 substantially equivalent offense, if residing in the external jurisdiction of the  
683 conviction regardless of the date of the conviction or a previous registration  
684 requirement; and

685 (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether  
686 the individual intends to permanently reside in this state;

687 (d)(i)(A) is a nonresident regularly employed or working in this state; or  
688 (B) who is a student in this state; and

689 (ii)(A) is convicted of an offense listed in Subsection (1)(a) or a substantially  
690 equivalent offense in an external jurisdiction; or

691 (B) is required to register on a sex, kidnap, and child abuse registry, or an  
692 equivalent registry, in the individual's state of residence based on a conviction  
693 for an offense that is not substantially equivalent to an offense listed in  
694 Subsection (1)(a);

695 (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of  
696 an offense listed in Subsection (1)(a) or a substantially equivalent offense; or

697 (f)(i) is adjudicated under Section 80-6-701 for one or more offenses listed in  
698 Subsection (1)(a); and

699 (ii) has been committed to the division for secure care, as defined in Section 80-1-102,  
700 for that offense if:

701 (A) the individual remains in the division's custody until 30 days before the  
702 individual's 21st birthday;

703 (B) the juvenile court extended the juvenile court's jurisdiction over the individual  
704 under Section 80-6-605 and the individual remains in the division's custody  
705 until 30 days before the individual's 25th birthday; or

706 (C) the individual is moved from the division's custody to the custody of the  
707 department before expiration of the division's jurisdiction over the individual.

708 (2) Subject to Subsection (3), an individual is:

709 (a) a child abuse offender if the individual:

710 (i) has committed, attempted, solicited, or conspired to commit an offense described  
711 in Subsection (1)(a)(i) through (ii); or

712 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense  
713 described in Subsection (1)(a)(i) through (ii) or a substantially equivalent offense;

714 (b) a sex offender if the individual:

715 (i) has committed, attempted, solicited, or conspired to commit an offense described  
716 in Subsections (1)(a)(iii) through [(xxxii)] (xxxiii); or

717 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense  
718 described in Subsections (1)(a)(iii) through [(xxxii)] (xxxiii) or a substantially  
719 equivalent offense; or

720 (c) a kidnap offender if the individual:

721 (i) has committed, attempted, solicited, or conspired to commit an offense described  
722 in Subsections [(1)(a)(xxxiii)] (1)(a)(xxxiv) through [(xli)] (xl); or

723 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense  
724 described in Subsections [(1)(a)(xxxiii)] (1)(a)(xxxiv) through [(xli)] (xl) or a  
725 substantially equivalent offense.

726 (3) An individual who has committed a registrable offense described in Subsection  
727 (1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense  
728 described in Subsection (1)(a) and is required to register on a sex, kidnap, and child  
729 abuse registry, or an equivalent registry, in the individual's state of residence is a child  
730 abuse offender, sex offender, or kidnap offender based on the individual's status on the  
731 registry in the individual's state of residence.

732 (4) Notwithstanding Subsection 53-29-101(4)(a), a plea of guilty or nolo contendere to a  
733 charge of sexual battery or lewdness that is held in abeyance under Title 77, Chapter 2a,  
734 Pleas in Abeyance, is the equivalent of a conviction even if the charge is subsequently  
735 reduced or dismissed in accordance with the plea in abeyance agreement.

736 Section 5. Section **53-29-203** is amended to read:

737 **53-29-203 . Registration lengths -- 10 years -- Lifetime.**

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

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

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

- ) child torture under Section 76-5-109.4;
- ) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the natural parent of the child victim;
- ) human trafficking for labor under Section 76-5-308, if the offender was not the natural parent of the child victim;
- ) human smuggling under Section 76-5-308.3, if the offender was not the natural parent of the child victim;
- ) 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;
- i) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the natural parent of the child victim;
- ) aggravated human smuggling under Section 76-5-310.1;
- ) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- ) a felony violation of unlawful sexual activity with a minor under Section 76-5-401;
- ) sexual abuse of a minor under Section 76-5-401.1;
- i) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- v) forcible sexual abuse under Section 76-5-404;
- ) custodial sexual relations under Section 76-5-412;
- i) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- ii) sexual extortion under [Subsection 76-5b-204(2)(a)] Section 76-5b-204;
- iii) incest under Section 76-7-102;
- x) four to seven convictions of lewdness under Section 76-5-419;
- ) four to seven convictions of sexual battery under Section 76-5-418;
- i) 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;
- ii) lewdness involving a child under Section 76-5-420;
- iii) a felony or class A misdemeanor violation of:
  - (A) voyeurism under Section 76-12-306;
  - (B) recorded or photographed voyeurism under Section 76-12-307; or
  - (C) distribution of images obtained through voyeurism under Section 76-12-308;

777 (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on  
778 or before May 9, 2011;

779 (xxv) attempting, soliciting, or conspiring to commit an offense listed in  
780 Subsections(1)(a)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a  
781 registrable offense; or

782 (xxvi) attempting, soliciting, or conspiring to commit:  
783 (A) aggravated kidnapping under Section 76-5-302, if the offender was not the  
784 natural parent of the child victim;  
785 (B) human trafficking for sexual exploitation under Section 76-5-308.1, if the  
786 offender was not the natural parent of the child victim;  
787 (C) human trafficking of a child for sexual exploitation under Subsection  
788 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;  
789 (D) aggravated human trafficking for sexual exploitation under Section 76-5-310,  
790 if the offender was not the natural parent of the child victim;  
791 (E) human trafficking of a vulnerable adult for sexual exploitation under Section  
792 76-5-311, if the offender was not the natural parent of the child victim;  
793 (F) forcible sodomy under Section 76-5-403;  
794 (G) sexual abuse of a child under Section 76-5-404.1;  
795 (H) sexual exploitation of a minor under Section 76-5b-201;  
796 (I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;  
797 (J) aggravated sexual extortion under [Subsection 76-5b-204(2)(b)] Section  
798 76-5b-204.1; or  
799 (K) aggravated exploitation of prostitution under Section 76-5d-208, on or after  
800 May 10, 2011; or

801 (b) the offender's lifetime if the registrable offense is:  
802 (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at  
803 the time of conviction for the offense:  
804 (A) previously been convicted of an offense described in Subsection (1)(a), or a  
805 substantially equivalent offense in an external jurisdiction; or  
806 (B) previously been required to register as an offender for an offense described in  
807 Subsection (1)(a) committed as a juvenile;  
808 (ii) a following offense, including attempting, soliciting, or conspiring to commit a  
809 felony violation of:  
810 (A) child kidnapping under Section 76-5-301.1, if the offender was not the natural

parent of the child victim;

- (B) rape under Section 76-5-402;
- (C) rape of a child under Section 76-5-402.1;
- (D) object rape under Section 76-5-402.2;
- (E) object rape of a child under Section 76-5-402.3;
- (F) sodomy on a child under Section 76-5-403.1;
- (G) aggravated sexual abuse of a child under Section 76-5-404.3; or
- (H) aggravated sexual assault under Section 76-5-405;
- ) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
- ) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the natural parent of the child victim;
- 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;
- ) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the natural parent of the child victim;
- ) 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;
- i) forcible sodomy under Section 76-5-403;
- ) sexual abuse of a child under Section 76-5-404.1;
- sexual exploitation of a minor under Section 76-5b-201;
- ) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- ) aggravated sexual extortion under [Subsection 76-5b-204(2)(b)] Section 76-5b-204.1;
- i) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011; or
- v) 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).

(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, 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.

845 (3)(a) If the sentencing court at any time after an offender is convicted of an offense  
846 requiring lifetime registration described in Subsection (1)(b), and after considering  
847 the factors described in Subsection (3)(b), determines that the offender was under 21  
848 years old at the time the offense was committed and the offense did not involve force  
849 or coercion, the requirement that the offender register for the offender's lifetime does  
850 not apply and the offender shall register for 10 years after the day on which the  
851 offender's sentence for the offense has been terminated.

852 (b) In determining whether an offense committed by an offender involves force or  
853 coercion under Subsection (3)(a), the sentencing court shall consider:  
854 (i) the age of the victim;  
855 (ii) the vulnerability of the victim;  
856 (iii) the physical, mental, psychological, or emotional harm the victim suffered from  
857 the offense;  
858 (iv) whether the offender used fraud or deception to commit the offense;  
859 (v) if any child sexual abuse material, as that term is defined in Section 76-5b-103,  
860 was:  
861 (A) distributed to the victim by the offender; or  
862 (B) distributed, produced, or possessed by the offender at the time of the offense,  
863 that involved force or coercion against a victim depicted in the child sexual  
864 abuse material; and  
865 (vi) any other factor the sentencing court determines is relevant.

866 (4) Except for an individual who is adjudicated for a registrable offense and is an offender  
867 who meets the requirements under Subsection 53-29-202(1)(f), an individual who is  
868 under 18 years old and commits a registrable offense after May 3, 2023, is not subject to  
869 registration requirements under this chapter unless the offender:  
870 (a) is charged by criminal information in juvenile court under Section 80-6-503;  
871 (b) is bound over to district court in accordance with Section 80-6-504; and  
872 (c) is convicted of a registrable offense.

873 (5) An offender subject to the 10-year or lifetime registration requirements under  
874 Subsection (1) may petition the court for an order of removal from the registry in  
875 accordance with Section 53-29-204, 53-29-205, or 53-29-206.

876 Section 6. Section **53-29-205** is amended to read:

877 **53-29-205 . Ten-year petition for removal from registry -- Eligibility.**

878 (1) An offender who is required to register on the registry for a registrable offense

879 described in Subsection (3) subject to a 10-year registration period as described in  
880 Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order  
881 of removal from the registry at a 10-year after entrance into the community period  
882 described in Subsection (2) if:

883 (a) the offender has not been convicted of another offense that is a class A misdemeanor,  
884 felony, or capital felony within the most recent 10-year period after the date  
885 described in Subsection (2), as evidenced by a certificate of eligibility issued by the  
886 bureau;

887 (b) the offender successfully completed all treatment ordered by the court or the Board  
888 of Pardons and Parole relating to the offense; and

889 (c) the offender has paid all restitution ordered by the court or the Board of Pardons and  
890 Parole relating to the offense.

891 (2) An offender who qualifies under Subsection (1) may petition the court under Section  
892 53-29-207 for an order of removal from the registry if 10 years have passed after the  
893 later of the following events in which the offender entered into the community:  
894

895 (a) the day on which the offender was placed on probation;  
896 (b) the day on which the offender was released from incarceration to parole;  
897 (c) the day on which the offender's sentence was terminated without parole;  
898 (d) the day on which the offender entered a community-based residential program; or  
899 (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody  
of the offender was terminated.

900 (3) The offenses that qualify for a 10-year petition for an order of removal from the registry  
901 referenced in Subsection (1) are:

902 (a) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed  
903 the minor to engage in sexual activity that is one of the offenses described in  
904 Subsections (3)(b) through (v);

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

906 (c) child torture under Section 76-5-109.4;

907 (d) human trafficking for labor under Section 76-5-308;

908 (e) human smuggling under Section 76-5-308.3;

909 (f) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);

910 (g) aggravated human trafficking for labor under Section 76-5-310;

911 (h) aggravated human smuggling under Section 76-5-310.1;

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

913 (j) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if,  
914 at the time of the offense, the offender is more than 10 years older than the victim;

915 (k) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the  
916 offender is more than 10 years older than the victim;

917 (l) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if, at the  
918 time of the offense, the offender is more than 15 years older than the victim;

919 (m) forcible sexual abuse under Section 76-5-404;

920 (n) custodial sexual relations under Section 76-5-412, if the victim in custody is younger  
921 than 18 years old and the offense is committed on or after May 10, 2011;

922 (o) sexual exploitation of a vulnerable adult under Section 76-5b-202;

923 (p) sexual extortion under [Subsektion 76-5b-204(2)(a)] Section 76-5b-204;

924 (q) incest under Section 76-7-102;

925 (r) four or more convictions of lewdness under Section 76-5-419;

926 (s) four or more convictions of sexual battery under Section 76-5-418;

927 (t) any combination of convictions of lewdness under Section 76-5-419, and of sexual  
928 battery under Section 76-5-418, that total four or more convictions;

929 (u) lewdness involving a child under Section 76-5-420;

930 (v) a felony violation of:  
931 (i) recorded or photographed voyeurism under Section 76-12-307; or  
932 (ii) distribution of images obtained through voyeurism under Section 76-12-308;

933 (w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or  
934 before May 9, 2011;

935 (x) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a)  
936 through (v) if the attempt, solicitation, or conspiracy is a registrable offense;

937 (y) attempting, soliciting, or conspiring to commit:  
938 (i) human trafficking for sexual exploitation under Section 76-5-308.1;  
939 (ii) human trafficking of a child for sexual exploitation under Subsection  
940 76-5-308.5(4)(b);  
941 (iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;  
942 (iv) human trafficking of a vulnerable adult for sexual exploitation under Section  
943 76-5-311;  
944 (v) aggravated kidnapping under Section 76-5-302, except if the offender is a natural  
945 parent of the victim;  
946 (vi) forcible sodomy under Section 76-5-403;

947 (vii) sexual abuse of a child under Section 76-5-404.1;  
948 (viii) sexual exploitation of a minor under Section 76-5b-201;  
949 (ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;  
950 (x) aggravated sexual extortion under [Subsektion 76-5b-204(2)(b)] Section  
951 76-5b-204.1; or  
952 (xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May  
953 10, 2011; or  
954 (z) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject  
955 to a 20-year petition for removal as described in Section 53-29-206, if:  
956 (i) the sentencing court determines that the offender was under 21 years old at the  
957 time the offense was committed; and  
958 (ii) the offense did not involve force or coercion as described in Subsection  
959 53-29-203(3).  
960 (4) An individual who is as an offender under Section 53-29-202 based on a conviction in  
961 an external jurisdiction for a registrable offense, or a substantially equivalent offense,  
962 and is required to register on the external jurisdiction's sex, kidnap, or child abuse  
963 offender registry, or an equivalent registry, may petition for removal from the registry in  
964 accordance with the requirements of this section if the individual:  
965 (a) does not have a lifetime registration requirement on the external jurisdiction's sex,  
966 kidnap, or child abuse offender registry, or an equivalent registry;  
967 (b) meets the requirements described in Subsections (1)(a) through (c);  
968 (c) has resided in this state for at least 183 days in a year for two consecutive years;  
969 (d) intends to primarily reside in this state; and  
970 (e) has received an order from a court in the external jurisdiction where the offender was  
971 initially required to register on a sex, kidnap, and child abuse registry, or an  
972 equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap,  
973 and Child Abuse Offender Registry.

974 Section 7. Section **53G-9-207** is amended to read:

975 **53G-9-207 . Child sexual abuse prevention.**

976 (1) As used in this section:

977 (a)(i) "Age-appropriate instructional material" means materials that provide  
978 instruction on:  
979 (A) the responsibility of adults for the safety of children;  
980 (B) how to recognize uncomfortable inner feelings;

981 (C) how to say no and leave an uncomfortable situation;  
982 (D) how to set clear boundaries;  
983 (E) the risks of sharing intimate images or personal information through electronic  
984 means; and  
985 (F) the importance of discussing uncomfortable situations with parents and other  
986 trusted adults.

987 (ii) "Age-appropriate instructional material" does not include materials that:  
988 (A) invites a student to share personal experiences about abuse during instruction;  
989 (B) gives instruction regarding consent as described in Section 76-5-406; or  
990 (C) includes sexually explicit language or depictions.

991 (b) "Alternative provider" means a provider other than the provider selected by the state  
992 board under Subsection (8) that provides the training and instruction described in  
993 Subsection (4) with instructional materials approved under Subsection (2).  
994 (c) "School personnel" means the same as that term is defined in Section 53G-9-203.  
995 (d) "Sexual extortion" means [the] a criminal offense described in Section 76-5b-204 or  
996 76-5b-204.1.

997 (2) The state board shall approve, in partnership with the Department of Health and Human  
998 Services, age-appropriate instructional materials for the training and instruction  
999 described in Subsections (3)(a) and (4).

1000 (3)(a) An LEA shall provide, once every three years, training and instruction on child  
1001 sexual abuse and human trafficking prevention and awareness to:

1002 (i) school personnel in elementary and secondary schools on:  
1003 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate  
1004 manner;  
1005 (B) identifying children who are victims or may be at risk of becoming victims of  
1006 human trafficking or commercial sexual exploitation;[and]  
1007 (C) the mandatory reporting requirements described in Sections 53E-6-701 and  
1008 80-2-602; and  
1009 (D) appropriate responses to incidents of sexual extortion, including connecting  
1010 victims with support services; and  
1011 (ii) parents of elementary school students on:  
1012 (A) recognizing warning signs of a child who is being sexually abused or who is a  
1013 victim or may be at risk of becoming a victim of human trafficking or  
1014 commercial sexual exploitation;

1015 (B) effective, age-appropriate methods for discussing the topic of child sexual  
1016 abuse with a child; and

1017 (C) resources available for victims of sexual extortion.

1018 (b) An LEA:

1019 (i) shall use the instructional materials approved by the state board under Subsection

1020 (2) to provide the training and instruction under Subsections (3)(a) and (4); or

1021 (ii) may use instructional materials the LEA creates to provide the instruction and  
1022 training described in Subsections (3)(a) and (4), if the LEA's instructional  
1023 materials are approved by the state board under Subsection (2).

1024 (4)(a) In accordance with Subsections (4)(b) and (5), an LEA may provide instruction on  
1025 child sexual abuse and human trafficking prevention and awareness to elementary  
1026 school students using age-appropriate curriculum.

1027 (b) An LEA that provides the instruction described in Subsection (4)(a) shall use the  
1028 instructional materials approved by the state board under Subsection (2) to provide  
1029 the instruction.

1030 (5)(a) An elementary school student may not be given the instruction described in  
1031 Subsection (4) unless the parent of the student is:

1032 (i) notified in advance of the:

1033 (A) instruction and the content of the instruction; and

1034 (B) parent's right to have the student excused from the instruction;

1035 (ii) given an opportunity to review the instructional materials before the instruction  
1036 occurs; and

1037 (iii) allowed to be present when the instruction is delivered.

1038 (b) Upon the written request of the parent of an elementary school student, the student  
1039 shall be excused from the instruction described in Subsection (4).

1040 (c) Participation of a student requires compliance with Sections 53E-9-202 and  
1041 53E-9-203.

1042 (6) An LEA may determine the mode of delivery for the training and instruction described  
1043 in Subsections (3) and (4).

1044 (7) Upon request of the state board, an LEA shall provide evidence of compliance with this  
1045 section.

1046 (8) The state board shall select a provider to provide the training and instruction described  
1047 in Subsection (4), including requiring the provider selected to:

1048 (a) engage in outreach efforts to support more schools to participate in the training and

1049 instruction;

1050 (b) provide materials for the instruction involving students in accordance with  
1051 Subsection (4);

1052 (c) provide an outline of how many LEAs, schools, and students the provider could  
1053 service; and

1054 (d) submit a report to the state board that includes:

1055 (i) information on the LEAs the provider engaged with in the outreach efforts,  
1056 including:

1057 (A) how many schools within an LEA increased instructional offerings for  
1058 training and instruction; and

1059 (B) the reasons why an LEA chose to participate or not in the offered training or  
1060 instruction;

1061 (ii) the number of schools and students that received the training and instruction;

1062 (iii) budgetary information regarding how the provider utilized any funds the state  
1063 board allocated; and

1064 (iv) additional information the state board requests.

1065 (9) Subject to legislative appropriation, there is created a grant program to support an LEA  
1066 that chooses to use an alternative provider other than the provider selected by the state  
1067 board under Subsection (8) to provide the training and instruction described in  
1068 Subsection (4).

1069 (10) The state board shall:

1070 (a) establish a process to select alternative providers for an LEA to use, including:

1071 (i) an application process for a provider to become an alternative provider;

1072 (ii) required criteria for a provider to become an alternative provider; and

1073 (iii) relevant timelines;

1074 (b) create a process for an LEA to receive a grant award described in Subsection (9),  
1075 including:

1076 (i) an application process;

1077 (ii) relevant timelines; and

1078 (iii) a scoring rubric and corresponding formula for determining a grant amount; and

1079 (c) make grant awards on a first come first served basis until the state board distributes  
1080 all appropriated funds.

1081 (11) An LEA that receives a grant award described in Subsection (10)(b) shall:

1082 (a) use the grant award to cover the costs needed for implementation of the training or

1083 instruction described in Subsection (4); and  
1084 (b) upon request of the state board, provide an itemized list of the uses of the grant  
1085 award.

1086 Section 8. Section **76-1-301** is amended to read:

1087 **76-1-301 . Offenses for which prosecution may be commenced at any time.**

1088 (1) As used in this section:  
1089 (a) "Aggravating offense" means any offense incident to which a homicide was  
1090 committed as described in Subsection 76-5-202(2)(a)(iv) or (v) or Subsection  
1091 76-5-202(2)(b).  
1092 (b) "Predicate offense" means an offense described in Subsection 76-5-203(1)(a) if a  
1093 person other than a party as defined in Section 76-2-202 was killed in the course of  
1094 the commission, attempted commission, or immediate flight from the commission or  
1095 attempted commission of the offense.  
1096 (2) Notwithstanding any other provisions of this code, prosecution for the following  
1097 offenses may be commenced at any time:  
1098 (a) an offense classified as a capital felony under Section 76-3-103;  
1099 (b) aggravated murder under Section 76-5-202;  
1100 (c) murder under Section 76-5-203;  
1101 (d) manslaughter under Section 76-5-205;  
1102 (e) child abuse homicide under Section 76-5-208;  
1103 (f) aiding or encouraging suicide under Section 76-5-211;  
1104 [(f)] (g) aggravated kidnapping under Section 76-5-302;  
1105 [(g)] (h) child kidnapping under Section 76-5-301.1;  
1106 [(h)] (i) rape under Section 76-5-402;  
1107 [(i)] (j) rape of a child under Section 76-5-402.1;  
1108 [(j)] (k) object rape under Section 76-5-402.2;  
1109 [(k)] (l) object rape of a child under Section 76-5-402.3;  
1110 [(l)] (m) forcible sodomy under Section 76-5-403;  
1111 [(m)] (n) sodomy on a child under Section 76-5-403.1;  
1112 [(n)] (o) sexual abuse of a child under Section 76-5-404.1;  
1113 [(o)] (p) aggravated sexual abuse of a child under Section 76-5-404.3;  
1114 [(p)] (q) aggravated sexual assault under Section 76-5-405;  
1115 [(q)] (r) any predicate offense to a murder or aggravating offense to an aggravated  
1116 murder;

1117 [¶] (s) aggravated human trafficking under Section 76-5-310;  
1118 [¶] (t) aggravated human smuggling under Section 76-5-310.1;  
1119 [¶] (u) human trafficking of a child under Section 76-5-308.5; or  
1120 [¶] (v) aggravated exploitation of prostitution involving a child under Section 76-5d-208.

1121 Section 9. Section **76-3-406.5** is amended to read:

1122 **76-3-406.5 . Aggravating factors in imprisonment for certain criminal homicide**  
1123 **cases.**

1124 (1) As used in this section:

1125 (a) "Cohabitant" has the same definition as in Section 78B-7-102.

1126 (b) "Position of trust" includes the position of a spouse, parent, or cohabitant.

1127 (2) It is an aggravating factor that the [person] actor occupied a position of trust in relation  
1128 to the victim.

1129 (3) The Board of Pardons and Parole shall consider the aggravating factor in Subsection (2)  
1130 in determining the length of imprisonment for [a person] an actor convicted of:

1131 (a) aggravated murder under Section 76-5-202;

1132 (b) murder under Section 76-5-203;[-or]

1133 (c) manslaughter under Section 76-5-205[.]; or

1134 (d) aiding or encouraging suicide under Section 76-5-211.

1135 (4) The sentencing court shall consider the aggravating factor in Subsection (2) in  
1136 sentencing [a person] an actor convicted of:

1137 (a) [-]manslaughter under Section 76-5-205; or

1138 (b) aiding or encouraging suicide under Section 76-5-211.

1139 Section 10. Section **76-5-205** is amended to read:

1140 **76-5-205 . Manslaughter.**

1141 (1)[(a) As used in this section:]

1142 [(i)(A) "Aid" means the act of providing the physical means.]

1143 [(B) "Aid" does not include the withholding or withdrawal of life sustaining  
1144 treatment procedures to the extent allowed under Title 75A, Chapter 3, Health  
1145 Care Decisions, or any other laws of this state.]

1146 [(ii) "Practitioner" means an individual currently licensed, registered, or otherwise  
1147 authorized by law to administer, dispense, distribute, or prescribe medications or  
1148 procedures in the course of professional practice.]

1149 [(iii) "Provides" means to administer, prescribe, distribute, or dispense.]

1150 [(b)] Terms defined in Section 76-1-101.5 apply to this section.

1151 (2) [Except as provided in Subsection (5), an] An actor commits manslaughter if the actor:

1152 (a) recklessly causes the death of another individual; or

1153 [(b) intentionally, and with knowledge that another individual intends to commit suicide

1154 or attempt to commit suicide, aids the individual to commit suicide; or]

1155 [(e)] (b) commits a homicide which would be murder, but the offense is reduced in

1156 accordance with Subsection 76-5-203(4).

1157 (3) A violation of Subsection (2) is a [felony of the] second degree felony.

1158 (4)(a) In addition to the penalty described under this section or any other section, [a

1159 defendant] an actor who is convicted of violating this section shall have the [

1160 defendant's] actor's driver license revoked under Section 53-3-220 if the death of

1161 another individual results from driving a motor vehicle.

1162 (b) The court shall forward the report of the conviction resulting from driving a motor

1163 vehicle to the Driver License Division in accordance with Section 53-3-218.

1164 [(5)(a) A practitioner does not violate Subsection (2)(b) if the practitioner provides

1165 medication or a procedure to treat an individual's illness or relieve an individual's

1166 pain or discomfort, regardless of whether the medication or procedure may hasten or

1167 increase the risk of death to the individual to whom the practitioner provides the

1168 medication or procedure.]

1169 [(b) Notwithstanding Subsection (5)(a), a practitioner violates Subsection (2)(b) if the

1170 practitioner intentionally and knowingly provides the medication or procedure to aid

1171 the individual to commit suicide or attempt to commit suicide.]

1172 Section 11. Section **76-5-211** is enacted to read:

1173 **76-5-211 . Aiding or encouraging suicide.**

1174 (1)(a) As used in this section:

1175 (i)(A) "Aid" means the act of providing the physical means.

1176 (B) "Aid" does not include the withholding or withdrawal of life sustaining

1177 treatment procedures to the extent allowed under Title 75A, Chapter 9,

1178 Uniform Health Care Decisions Act, or any other laws of this state.

1179 (ii) "Practitioner" means an individual currently licensed, registered, or otherwise

1180 authorized by law to administer, dispense, distribute, or prescribe medications or

1181 procedures in the course of professional practice.

1182 (iii) "Provides" means to administer, prescribe, distribute, or dispense.

1183 (b) Terms defined in Section 76-1-101.5 apply to this section.

1184 (2) An actor commits aiding or encouraging suicide if:

1185 (a) the actor intentionally, and with knowledge that another individual intends to die by  
1186 suicide or attempt to die by suicide, aids the individual to die by suicide; or  
1187 (b)(i) the actor, on four or more separate occasions, intentionally encourages another  
1188 individual to die by suicide;  
1189 (ii) the actor is reckless as to whether the actor's course of conduct described in  
1190 Subsection (2)(b)(i) would imminently cause the individual to die by suicide or  
1191 attempt to die by suicide after a fourth or subsequent encouragement to die by  
1192 suicide; and  
1193 (iii) the individual described in Subsection (2)(b)(i) dies by suicide or attempts to die  
1194 by suicide.

1195 (3) A violation of Subsection (2) is a second degree felony.

1196 (4)(a) A practitioner does not violate Subsection (2)(a) if the practitioner provides  
1197 medication or a procedure to treat an individual's illness or relieve an individual's  
1198 pain or discomfort, regardless of whether the medication or procedure may hasten or  
1199 increase the risk of death to the individual to whom the practitioner provides the  
1200 medication or procedure.

1201 (b) Notwithstanding Subsection (4)(a), a practitioner violates Subsection (2)(a) if the  
1202 practitioner knowingly provides the medication or procedure to aid the individual to  
1203 die by suicide or attempt to die by suicide.

1204 Section 12. Section **76-5b-204** is amended to read:

1205 **76-5b-204 . Sexual extortion.**

1206 (1)(a) As used in this section:  
1207 (i) "Adult" means an individual 18 years old or older.  
1208 (ii) "Child" means [any] an individual under 18 years old.  
1209 (iii) "Counterfeit intimate image" means the same as that term is defined in Section  
1210 76-5b-205.  
1211 (iv) "Intimate image" means the same as that term is defined in Section 76-5b-203.  
1212 [(v) "Position of speelial trust" means the same as that term is defined in Seetion  
1213 76-5-404.1.]  
1214 [(vi) "Sexually explicit conduct" means the same as that term is defined in  
1215 Section 76-5b-203.  
1216 [(vii) (vi) "Simulated sexually explicit conduct" means the same as that term is  
1217 defined in Section 76-5b-203.  
1218 (b) Terms defined in Section 76-1-101.5 apply to this section.

1219 (2)[(a)] An actor commits the offense of sexual extortion if the actor:

1220 [¶] (a) with an intent to coerce a victim to engage in sexual contact, in sexually explicit  
1221 conduct, or in simulated sexually explicit conduct, or to produce, provide, or  
1222 distribute an image, video, or other recording of any individual naked or engaged in  
1223 sexually explicit conduct:

1224 (i) [–]communicates, by any means, a threat:

1225 (A) to the victim's person, property, or reputation; or

1226 (B) to distribute an intimate image[,] or counterfeit intimate image[, or video] of  
1227 the victim; or

1228 (ii) after a request from the victim or a third party acting at the direction of the victim:

1229 (A) declines to delete an intimate image or counterfeit intimate image of the  
1230 victim from the actor's possession; or

1231 (B) declines to remove or retract from an account managed by the actor on any  
1232 website, application, or other electronic sharing platform, an intimate image or  
1233 counterfeit intimate image of the victim previously posted or shared on the  
1234 website, application, or other electronic sharing platform;

1235 [¶] (b) knowingly causes a victim to engage in sexual contact, in sexually explicit  
1236 conduct, or in simulated sexually explicit conduct, or to produce, provide, or  
1237 distribute any image, video, or other recording of any individual naked or engaged in  
1238 sexually explicit conduct:

1239 (i) [by means of] by communicating, through any means, a threat:

1240 (A) to the victim's person, property, or reputation; or

1241 (B) to distribute an intimate image[,] or counterfeit intimate image[, or video] of  
1242 the victim; or

1243 (ii) by declining, after receiving a request from the victim or a third party acting at  
1244 the direction of the victim:

1245 (A) to delete an intimate image or counterfeit intimate image of the victim from  
1246 the actor's possession; or

1247 (B) to remove or retract from an account managed by the actor on any website,  
1248 application, or other electronic sharing platform, an intimate image or  
1249 counterfeit intimate image of the victim previously posted or shared on the  
1250 website, application, or other electronic sharing platform; or

1251 [¶] (c) with intent to obtain a thing of value from a victim or compel the victim to do  
1252 any act or refrain from doing any act against the victim's will:

1253 (i) [-]communicates, by any means, a threat to distribute an intimate image[-] or  
1254 counterfeit intimate image[,- or video] of the victim[-] ; or  
1255 (ii) after a request from the victim or a third party acting at the direction of the victim:  
1256 (A) declines to delete an intimate image or counterfeit intimate image of the  
1257 victim from the actor's possession; or  
1258 (B) declines to remove or retract from an account managed by the actor on any  
1259 website, application, or other electronic sharing platform, an intimate image or  
1260 counterfeit intimate image of the victim previously posted or shared on the  
1261 website, application, or other electronic sharing platform.

1262 [(b) An actor commits aggravated sexual extortion when, in conjunction with the offense  
1263 described in Subsection (2)(a), any of the following circumstances have been charged  
1264 and admitted or found true in the action for the offense:]  
1265 [(i) the victim is a child or vulnerable adult;]  
1266 [(ii) the offense was committed by the use of a dangerous weapon or by violence,  
1267 intimidation, menace, fraud, or threat of physical harm, or was committed during  
1268 the course of a kidnapping;]  
1269 [(iii) the victim suffered bodily injury or severe psychological injury during, or as a  
1270 result of, the offense;]  
1271 [(iv) the actor was a stranger to the victim, or became a friend of the victim, for the  
1272 purpose of committing the offense;]  
1273 [(v) the actor, before sentencing for the offense, was previously convicted of any  
1274 sexual offense;]  
1275 [(vi) the actor occupied a position of special trust in relation to the victim;]  
1276 [(vii) the actor encouraged, aided, allowed, or benefitted from acts of prostitution or  
1277 sexual acts by the victim with any other individual, or sexual performance by the  
1278 victim before any other individual, human trafficking, or human smuggling; or]  
1279 [(viii) the actor caused the penetration, however slight, of the genital or anal opening  
1280 of the victim by any part or parts of the human body, or by any other object.]

1281 (3)(a) If the actor is an adult[:]  
1282 [(i) a violation of Subsection [(2)(a)] (2) is a third degree felony[:] .  
1283 [(ii) a violation of Subsection (2)(b)(i), (ii), (iv), (v), (vi), (vii), or (viii) in which the  
1284 victim is an adult is a second degree felony;]  
1285 [(iii) a violation of Subsection (2)(b)(iii) in which the victim is an adult is a first  
1286 degree felony; or]

1287 [iv) a violation of Subsection (2)(b) in which the victim is a child or a vulnerable  
1288 adult is a first degree felony.]

1289 (b) If the actor is a child[.]

1290 [(i) a violation of Subsection [(2)(a)] (2) is a class A misdemeanor[; or].

1291 [(ii) a violation of Subsection (2)(b) is a third degree felony if there is more than a  
1292 two-year age gap between the actor and the victim.]

1293 [(e)] (4) An actor commits a separate offense under this section:

1294 [(i)] (a) for each victim the actor subjects to the offense [outlined] described in Subsection [(2)(a)] (2); and

1295 [(ii)] (b) for each separate time the actor subjects a victim to the offense [outlined]  
1296 described in Subsection [(2)(a)] (2).

1297 [(d)] (5) This section does not preclude an actor from being charged and convicted of a  
1298 separate criminal act if the actor commits the separate criminal act while the [individual]  
1300 actor violates or attempts to violate this section.

1301 [(e)] (6) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to  
1302 liability under this section related to content provided by a user of the interactive  
1303 computer service.

1304 Section 13. Section **76-5b-204.1** is enacted to read:

1305 **76-5b-204.1 . Aggravated sexual extortion.**

1306 (1)(a) As used in this section:

1307 (i) "Adult" means an individual 18 years old or older.

1308 (ii) "Child" means an individual under 18 years old.

1309 (iii) "Position of special trust" means the same as that term is defined in Section  
1310 76-5-404.1.

1311 (b) Terms defined in Section 76-1-101.5 apply to this section.

1312 (2) An actor commits aggravated sexual extortion when, in conjunction with the offense  
1313 described in Subsection 76-5b-204(2), any of the following circumstances have been  
1314 charged and admitted or found true in the action for the offense:

1315 (a) the victim is a child or vulnerable adult;

1316 (b) the offense was committed by the use of a dangerous weapon or by violence,  
1317 intimidation, menace, fraud, or threat of physical harm, or was committed during the  
1318 course of a kidnapping;

1319 (c) the victim suffered bodily injury or severe psychological injury during, or as a result  
1320 of, the offense;

1321 (d) the actor was a stranger to the victim, or became a friend of the victim, for the  
1322 purpose of committing the offense;  
1323 (e) the actor, before sentencing for the offense, was previously convicted of any sexual  
1324 offense;  
1325 (f) the actor occupied a position of special trust in relation to the victim;  
1326 (g) the actor encouraged, aided, allowed, or benefited from:  
1327 (i) acts of prostitution or sexual acts by the victim with any other individual;  
1328 (ii) a sexual performance by the victim before any other individual; or  
1329 (iii) human trafficking or human smuggling; or  
1330 (h) the actor caused the penetration, however slight, of the genital or anal opening of the  
1331 victim by any part or parts of the human body, or by any other object.

1332 (3)(a) If the actor is an adult:

1333 (i) a violation of Subsection (2) in which the victim is a child or a vulnerable adult is  
1334 a first degree felony;  
1335 (ii) a violation of Subsection (2)(c) in which the victim is an adult who is not a  
1336 vulnerable adult is a first degree felony; or  
1337 (iii) a violation of Subsection (2)(b), (d), (e), (f), (g), or (h) in which the victim is an  
1338 adult who is not a vulnerable adult is a second degree felony.

1339 (b) If the actor is a child, a violation of Subsection (2) is a third degree felony if there is  
1340 more than a two-year age gap between the actor and the victim.

1341 (4) This section does not preclude an actor from being charged and convicted of a separate  
1342 criminal act if the actor commits the separate criminal act while the actor violates or  
1343 attempts to violate this section.

1344 (5) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to  
1345 liability under this section related to content provided by a user of the interactive  
1346 computer service.

1347 Section 14. Section **76-17-401** is amended to read:

1348 **76-17-401 . Definitions.**

1349 As used in this part:

1350 (1)(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation,  
1351 business trust, association, or other legal entity, and a union or group of individuals  
1352 associated in fact although not a legal entity.  
1353 (b) "Enterprise" includes illicit as well as licit entities.  
1354 (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the

1355 commission of at least three episodes of unlawful activity, which episodes are not  
1356 isolated, but have the same or similar purposes, results, participants, victims, or methods  
1357 of commission, or otherwise are interrelated by distinguishing characteristics. Taken  
1358 together, the episodes shall demonstrate continuing unlawful conduct and be related  
1359 either to each other or to the enterprise. At least one of the episodes comprising a  
1360 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act  
1361 constituting part of a pattern of unlawful activity as defined by this part shall have  
1362 occurred within five years of the commission of the next preceding act alleged as part of  
1363 the pattern.

1364 (3) "Person" includes an individual or entity capable of holding a legal or beneficial interest  
1365 in property, including state, county, and local governmental entities.

1366 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,  
1367 encourage, or intentionally aid another person to engage in conduct that would constitute  
1368 an offense described by the following crimes or categories of crimes, or to attempt or  
1369 conspire to engage in an act that would constitute any of those offenses, regardless of  
1370 whether the act is in fact charged or indicted by an authority or is classified as a  
1371 misdemeanor or a felony:

1372 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized  
1373 Recording Practices Act;

1374 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality  
1375 Code, Sections 19-1-101 through 19-7-109;

1376 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose  
1377 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or  
1378 Section 23A-5-311;

1379 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,  
1380 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;

1381 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal  
1382 Offenses and Procedure Act;

1383 (f) unlawful marking of pistol or revolver under Section 53-5a-105;

1384 (g) alteration of number or mark on pistol or revolver under Section 53-5a-106;

1385 (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah  
1386 Uniform Land Sales Practices Act;

1387 (i) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah  
1388 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances

Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act;

- (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities Act;
- (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah Procurement Code;
- (l) assault under Section 76-5-102;
- (m) aggravated assault under Section 76-5-103;
- (n) a threat of terrorism under Section 76-5-107.3;
- (o) a criminal homicide offense under Section 76-5-201;
- (p) kidnapping under Section 76-5-301;
- (q) aggravated kidnapping under Section 76-5-302;
- (r) human trafficking for labor under Section 76-5-308;
- (s) human trafficking for sexual exploitation under Section 76-5-308.1;
- (t) human smuggling under Section 76-5-308.3;
- (u) human trafficking of a child under Section 76-5-308.5;
- (v) benefiting from trafficking and human smuggling under Section 76-5-309;
- (w) aggravated human trafficking under Section 76-5-310;
- (x) sexual exploitation of a minor under Section 76-5b-201;
- (y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- (z) sexual extortion under Section 76-5b-204;
- (aa) aggravated sexual extortion under Section 76-5b-204.1;
- [(aa)] (bb) arson under Section 76-6-102;
- [(bb)] (cc) aggravated arson under Section 76-6-103;
- [(ee)] (dd) causing a catastrophe under Section 76-6-105;
- [(dd)] (ee) burglary under Section 76-6-202;
- [(ee)] (ff) aggravated burglary under Section 76-6-203;
- [(ff)] (gg) burglary of a vehicle under Section 76-6-204;
- [(gg)] (hh) manufacture or possession of an instrument for burglary or theft under Section 76-6-205;
- [(hh)] (ii) robbery under Section 76-6-301;
- [(ii)] (jj) aggravated robbery under Section 76-6-302;
- [(jj)] (kk) theft under Section 76-6-404;
- [(kk)] (ll) theft by deception under Section 76-6-405;

1423 [({l})] (mm) theft by extortion under Section 76-6-406;  
1424 [({mm})] (nn) receiving stolen property under Section 76-6-408;  
1425 [({nn})] (oo) theft of services under Section 76-6-409;  
1426 [({oo})] (pp) forgery under Section 76-6-501;  
1427 [({pp})] (qq) unlawful use of financial transaction card under Section 76-6-506.2;  
1428 [({qq})] (rr) unlawful acquisition, possession, or transfer of financial transaction card under  
1429 Section 76-6-506.3;  
1430 [({rr})] (ss) financial transaction card offenses under Section 76-6-506.6;  
1431 [({ss})] (tt) deceptive business practices under Section 76-6-507;  
1432 [({tt})] (uu) bribery or receiving bribe by person in the business of selection, appraisal, or  
1433 criticism of goods under Section 76-6-508;  
1434 [({uu})] (vv) bribery of a labor official under Section 76-6-509;  
1435 [({vv})] (ww) defrauding creditors under Section 76-6-511;  
1436 [({ww})] (xx) acceptance of deposit by insolvent financial institution under Section  
1437 76-6-512;  
1438 [({xx})] (yy) unlawful dealing with property by fiduciary under Section 76-6-513;  
1439 [({yy})] (zz) unlawful influence of a contest under Section 76-6-514;  
1440 [({zz})] (aaa) making a false credit report under Section 76-6-517;  
1441 [({aaa})] (bbb) criminal simulation under Section 76-6-518;  
1442 [({bbb})] (ccc) criminal usury under Section 76-6-520;  
1443 [({ccc})] (ddd) insurance fraud under Section 76-6-521;  
1444 [({ddd})] (eee) retail theft under Section 76-6-602;  
1445 [({eee})] (fff) computer crimes under Section 76-6-703;  
1446 [({fff})] (ggg) identity fraud under Section 76-6-1102;  
1447 [({ggg})] (hhh) mortgage fraud under Section 76-6-1203;  
1448 [({hhh})] (iii) sale of a child under Section 76-7-203;  
1449 [({iii})] (jjj) bribery or offering a bribe under Section 76-8-103;  
1450 [({jjj})] (kkk) threat to influence official or political action under Section 76-8-104;  
1451 [({kkk})] (lll) receiving bribe or bribery by public servant under Section 76-8-105;  
1452 [({lll})] (mmm) receiving bribe for endorsement of person as a public servant under  
1453 Section 76-8-106;  
1454 [({mmm})] (nnn) bribery for endorsement of person as public servant under Section  
1455 76-8-106.1;  
1456 [({nnn})] (ooo) official misconduct based on unauthorized act or failure of duty under



1491 76-8-1304;

1492 [jjjj] (kkkk) intentionally or knowingly causing one animal to fight with another under  
1493 Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning  
1494 dog fighting;

1495 [kkkk] (llll) soliciting, recruiting, enticing, or intimidating a minor to join a criminal  
1496 street gang under Section 76-9-803;

1497 [HHH] (mmmm) aggravated soliciting, recruiting, enticing, or intimidating a minor to join  
1498 a criminal street gang under Section 76-9-803.1;

1499 [mmmm] (nnnn) intimidating a minor to remain in a criminal street gang under Section  
1500 76-9-803.2;

1501 [nnnn] (oooo) aggravated intimidating a minor to remain in a criminal street gang under  
1502 Section 76-9-803.3;

1503 [oooo] (pppp) unlawful conduct involving an explosive, chemical, or incendiary device  
1504 under Section 76-15-210;

1505 [pppp] (qqqq) unlawful conduct involving an explosive, chemical, or incendiary part  
1506 under Section 76-15-211;

1507 [qqqq] (rrrr) unlawful delivery or mailing of an explosive, chemical, or incendiary  
1508 device under Section 76-15-209;

1509 [rrrr] (ssss) forging or counterfeiting trademarks, trade name, or trade device under  
1510 Section 76-16-302;

1511 [ssss] (tttt) selling goods under counterfeited trademark, trade name, or trade devices  
1512 under Section 76-16-303;

1513 [tttt] (uuuu) sales in containers bearing registered trademark of substituted articles  
1514 under Section 76-16-304;

1515 [uuuu] (vvvv) selling or dealing with article bearing registered trademark or service  
1516 mark with intent to defraud under Section 76-16-306;

1517 [vvvv] (www) participating in gambling under Section 76-9-1402;

1518 [www] (xxxx) permitting gambling under Section 76-9-1403;

1519 [xxxx] (yyyy) online gambling prohibition under Section 76-9-1404;

1520 [yyyy] (zzzz) gambling promotion under Section 76-9-1405;

1521 [zzzz] (aaaaa) gambling fraud under Section 76-9-1406;

1522 [aaaaa] (bbbb) possessing a gambling device or record under Section 76-9-1407;

1523 [bbbb] (cccc) obtaining a benefit from a confidence game under Section 76-9-1410;

1524 [eeee] (dddd) distributing pornographic material under Section 76-5c-202;

1525 [ffffdd] (eeeeee) aiding or abetting a minor in distributing pornographic material under  
1526 Section 76-5c-203;  
1527 [eeeeee] (ffffff) inducing acceptance of pornographic material under Section 76-5c-204;  
1528 [ffffff] (gggggg) distributing material harmful to minors under Section 76-5c-205;  
1529 [gggggg] (hhhhh) aiding or abetting a minor in distributing material harmful to minors  
1530 under Section 76-5c-206;  
1531 [(hhhhh)] (iiii) distribution of a pornographic file for exhibition under Section 76-5c-305;  
1532 [(iiii)] (jjjjj) indecent public display in the presence of a minor under Section 76-5c-207;  
1533 [(jjjjj)] (kkkkk) engaging in prostitution under Section 76-5d-202;  
1534 [(kkkkk)] (llll) aiding prostitution under Section 76-5d-206;  
1535 [(HHH)] (mmmmmm) exploiting prostitution under Section 76-5d-207;  
1536 [(mmmmmm)] (nnnnn) aggravated exploitation of prostitution under Section 76-5d-208;  
1537 [(nnnnn)] (ooooo) communications fraud under Section 76-6-525;  
1538 [(ooooo)] (ppppp) possession of a dangerous weapon with criminal intent under Section  
1539 76-11-208;  
1540 [(ppppp)] (qqqqq) an act prohibited by the criminal provisions of Chapter 9, Part 16,  
1541 Money Laundering and Currency Transaction Reporting;  
1542 [(qqqqq)] (rrrr) vehicle compartment for contraband under Section 76-9-1902 or  
1543 76-9-1903;  
1544 [(rrrr)] (sssss) an act prohibited by the criminal provisions of the laws governing  
1545 taxation in this state; or  
1546 [(sssss)] (ttttt) an act illegal under the laws of the United States and enumerated in 18  
1547 U.S.C. Secs. 1961(1)(B), (C), and (D).

1548 Section 15. Section **77-22-2.5** is amended to read:

1549 **77-22-2.5 . Court orders for criminal investigations for records concerning an**  
1550 **electronic communications system or service or remote computing service -- Content --**  
1551 **Fee for providing information.**

1552 (1) As used in this section:

1553 (a)(i) "Electronic communication" means any transfer of signs, signals, writing,  
1554 images, sounds, data, or intelligence of any nature transmitted in whole or in part  
1555 by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

1556 (ii) "Electronic communication" does not include:

1557 (A) a wire or oral communication;

1558 (B) a communication made through a tone-only paging device;

1559 (C) a communication from a tracking device; or  
1560 (D) electronic funds transfer information stored by a financial institution in a  
1561 communications system used for the electronic storage and transfer of funds.  
1562 (b) "Electronic communications service" means a service which provides for users the  
1563 ability to send or receive wire or electronic communications.  
1564 (c) "Electronic communications system" means a wire, radio, electromagnetic,  
1565 photooptical, or photoelectronic facilities for the transmission of wire or electronic  
1566 communications, and a computer facilities or related electronic equipment for the  
1567 electronic storage of the communication.  
1568 (d) "Internet service provider" means the same as that term is defined in Section  
1569 76-5c-401.  
1570 (e) "Prosecutor" means the same as that term is defined in Section 77-22-4.5.  
1571 (f) "Remote computing service" means the provision to the public of computer storage  
1572 or processing services by means of an electronic communications system.  
1573 (g)(i) "Sexual offense against a minor" means:  
1574 (A) sexual exploitation of a minor or attempted sexual exploitation of a minor in  
1575 violation of Section 76-5b-201;  
1576 (B) aggravated sexual exploitation of a minor or attempted aggravated sexual  
1577 exploitation of a minor in violation of Section 76-5b-201.1;  
1578 (C) a sexual offense or attempted sexual offense committed against a minor in  
1579 violation of Title 76, Chapter 5, Part 4, Sexual Offenses;  
1580 (D) dealing in or attempting to deal in material harmful to a minor in violation of  
1581 Section 76-5c-205 or 76-5c-206;  
1582 (E) human trafficking of a child in violation of Section 76-5-308.5; or  
1583 (F) aggravated sexual extortion of a child in violation of Section [76-5b-204]  
1584 76-5b-204.1.  
1585 (ii) "Sexual offense against a minor" does not include an offense described in Section  
1586 76-5-418, 76-5-419, or 76-5-420.  
1587 (2) When a law enforcement agency is investigating a sexual offense against a minor, an  
1588 offense of stalking under Section 76-5-106.5, or an offense of child kidnapping under  
1589 Section 76-5-301.1, and has reasonable suspicion that an electronic communications  
1590 system or service or remote computing service has been used in the commission of a  
1591 criminal offense, a law enforcement agent shall:  
1592 (a) articulate specific facts showing reasonable grounds to believe that the records or

1593                   other information sought, as designated in Subsections (2)(c)(i) through (v), are  
1594                   relevant and material to an ongoing investigation;

1595                   (b) present the request to a prosecutor for review and authorization to proceed; and  
1596                   (c) submit the request to a magistrate for a court order, consistent with 18 U.S.C. Sec.  
1597                   2703 and 18 U.S.C. Sec. 2702, to the electronic communications system or service or  
1598                   remote computing service provider that owns or controls the [Internet] internet  
1599                   protocol address, websites, email address, or service to a specific telephone number,  
1600                   requiring the production of the following information, if available, upon providing in  
1601                   the court order the Internet protocol address, email address, telephone number, or other  
1602                   identifier, and the dates and times the address, telephone number, or other  
1603                   identifier is suspected of being used in the commission of the offense:  
1604                   (i) names of subscribers, service customers, and users;  
1605                   (ii) addresses of subscribers, service customers, and users;  
1606                   (iii) records of session times and durations;  
1607                   (iv) length of service, including the start date and types of service utilized; and  
1608                   (v) telephone or other instrument subscriber numbers or other subscriber identifiers,  
1609                   including a temporarily assigned network address.

1610                   (3) A court order issued under this section shall state that the electronic communications  
1611                   system or service or remote computing service provider shall produce a record under  
1612                   Subsections (2)(c)(i) through (v) that is reasonably relevant to the investigation of the  
1613                   suspected criminal activity or offense as described in the court order.

1614                   (4)(a) An electronic communications system or service or remote computing service  
1615                   provider that provides information in response to a court order issued under this  
1616                   section may charge a fee, not to exceed the actual cost, for providing the information.  
1617                   (b) The law enforcement agency conducting the investigation shall pay the fee.

1618                   (5) The electronic communications system or service or remote computing service provider  
1619                   served with or responding to the court order may not disclose the court order to the  
1620                   account holder identified pursuant to the court order for a period of 90 days.

1621                   (6) If the electronic communications system or service or remote computing service  
1622                   provider served with the court order does not own or control the Internet protocol  
1623                   address, websites, or email address, or provide service for the telephone number that is  
1624                   the subject of the court order, the provider shall notify the investigating law enforcement  
1625                   agency that the provider does not have the information.

1626                   (7) There is no cause of action against a provider or wire or electronic communication

1627 service, or the provider or service's officers, employees, agents, or other specified  
1628 persons, for providing information, facilities, or assistance in accordance with the terms  
1629 of the court order issued under this section or statutory authorization.

1630 (8)(a) A court order issued under this section is subject to the provisions of Title 77,  
1631 Chapter 23b, Access to Electronic Communications.  
1632 (b) Rights and remedies for providers and subscribers under Title 77, Chapter 23b,  
1633 Access to Electronic Communications, apply to providers and subscribers subject to a  
1634 court order issued under this section.

1635 (9) A prosecutorial agency shall annually on or before February 15 report to the  
1636 Commission on Criminal and Juvenile Justice:  
1637 (a) the number of requests for court orders authorized by the prosecutorial agency;  
1638 (b) the number of orders issued by the court and the criminal offense, pursuant to  
1639 Subsection (2), each order was used to investigate; and  
1640 (c) if the court order led to criminal charges being filed, the type and number of offenses  
1641 charged.

1642 Section 16. Section **77-23a-8** is amended to read:

1643 **77-23a-8 . Court order to authorize or approve interception -- Procedure.**

1644 (1) The attorney general of the state, any assistant attorney general specially designated by  
1645 the attorney general, any county attorney, district attorney, deputy county attorney, or  
1646 deputy district attorney specially designated by the county attorney or by the district  
1647 attorney, may authorize an application to a judge of competent jurisdiction for an order  
1648 for an interception of wire, electronic, or oral communications by any law enforcement  
1649 agency of the state, the federal government or of any political subdivision of the state  
1650 that is responsible for investigating the type of offense for which the application is made.

1651 (2) The judge may grant the order in conformity with the required procedures when the  
1652 interception sought may provide or has provided evidence of the commission of:  
1653 (a) an act:  
1654 (i) prohibited by the criminal provisions of:  
1655 (A) Title 58, Chapter 37, Utah Controlled Substances Act;  
1656 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or  
1657 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and  
1658 (ii) punishable by a term of imprisonment of more than one year;  
1659 (b) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform  
1660 Securities Act, and punishable by a term of imprisonment of more than one year;

1661 (c) an offense:

1662 (i) of:

1663 (A) attempt under Section 76-4-101;

1664 (B) conspiracy under Section 76-4-201;

1665 (C) criminal solicitation of an adult, Section 76-4-203; or

1666 (D) criminal solicitation of a minor, Section 76-4-205; and

1667 (ii) punishable by a term of imprisonment of more than one year;

1668 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of

1669 more than one year under Section 76-5-107.3;

1670 (e)(i) aggravated murder under Section 76-5-202;

1671 (ii) murder under Section 76-5-203;[~~or~~]

1672 (iii) manslaughter under Section 76-5-205;or

1673 (iv) aiding or encouraging suicide under Section 76-5-211;

1674 (f)(i) kidnapping under Section 76-5-301;

1675 (ii) child kidnapping under Section 76-5-301.1;

1676 (iii) aggravated kidnapping under Section 76-5-302;

1677 (iv) human trafficking for labor under Section 76-5-308;

1678 (v) human trafficking for sexual exploitation under Section 76-5-308.1;

1679 (vi) human trafficking of a child under Section 76-5-308.5;

1680 (vii) human smuggling under Section 76-5-308.3;

1681 (viii) aggravated human trafficking under Section 76-5-310; or

1682 (ix) aggravated human smuggling under Section 76-5-310.1;

1683 (g)(i) arson under Section 76-6-102; or

1684 (ii) aggravated arson under Section 76-6-103;

1685 (h)(i) burglary under Section 76-6-202; or

1686 (ii) aggravated burglary under Section 76-6-203;

1687 (i)(i) robbery under Section 76-6-301; or

1688 (ii) aggravated robbery under Section 76-6-302;

1689 (j) an offense:

1690 (i) of:

1691 (A) theft under Section 76-6-404;

1692 (B) theft by deception under Section 76-6-405; or

1693 (C) theft by extortion under Section 76-6-406; and

1694 (ii) punishable by a maximum term of imprisonment of more than one year;

- 1695 (k) an offense of receiving stolen property that is punishable by a maximum term of  
1696 imprisonment of more than one year under Section 76-6-408;
- 1697 (l) a financial card transaction offense punishable by a maximum term of imprisonment  
1698 of more than one year under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 1699 (m) bribery of a labor official under Section 76-6-509;
- 1700 (n) bribery or threat to influence a publicly exhibited contest under Section 76-6-514;
- 1701 (o) a criminal simulation offense punishable by a maximum term of imprisonment of  
1702 more than one year under Section 76-6-518;
- 1703 (p) criminal usury under Section 76-6-520;
- 1704 (q) insurance fraud punishable by a maximum term of imprisonment of more than one  
1705 year under Section 76-6-521;
- 1706 (r) a violation under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable  
1707 by a maximum term of imprisonment of more than one year under Section 76-6-703;
- 1708 (s) bribery to influence official or political actions under Section 76-8-103;
- 1709 (t) misusing public money or public property under Section 76-8-402;
- 1710 (u) tampering with a witness under Section 76-8-508;
- 1711 (v) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 1712 (w) tampering or retaliating against a juror under Section 76-8-508.5;
- 1713 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 1714 (y) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 1715 (z) obstruction of justice in a criminal investigation or proceeding under Section  
1716 76-8-306;
- 1717 (aa) harboring or concealing offender who has escaped from official custody under  
1718 Section 76-8-309.2;
- 1719 (bb) destruction of property to interfere with preparations for defense or war under  
1720 Section 76-8-802;
- 1721 (cc) an attempt to commit crimes of sabotage under Section 76-8-804;
- 1722 (dd) conspiracy to commit crimes of sabotage under Section 76-8-805;
- 1723 (ee) advocating criminal syndicalism or sabotage under Section 76-8-902;
- 1724 (ff) assembling for advocating criminal syndicalism or sabotage under Section 76-8-903;
- 1725 (gg) riot punishable by a maximum term of imprisonment of more than one year under  
1726 Section 76-9-101;
- 1727 (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a  
1728 maximum term of imprisonment of more than one year under Section 76-13-205;

1729 (ii) delivery to a common carrier or mailing of an explosive, chemical, or incendiary  
1730 device under Section 76-15-209;  
1731 (jj) unlawful conduct involving an explosive, chemical, or incendiary device under  
1732 Section 76-15-210;  
1733 (kk) unlawful conduct involving an explosive, chemical, or incendiary part under  
1734 Section 76-15-211;  
1735 (ll) exploiting prostitution under Section 76-5d-207;  
1736 (mm) aggravated exploitation of prostitution under Section 76-5d-208;  
1737 (nn) bus hijacking under Section 76-9-1502;  
1738 (oo) assault with intent to commit bus hijacking under Section 76-9-1503;  
1739 (pp) unlawful discharge of a firearm or hurling of a missile into a bus or terminal under  
1740 Section 76-9-1504;  
1741 (qq) violations under Title 76, Chapter 17, Part 4, Offenses Concerning ~~[a Pattern]~~  
1742 Patterns of Unlawful Activity, and the offenses listed under the definition of unlawful  
1743 activity in the act, including the offenses not punishable by a maximum term of  
1744 imprisonment of more than one year when those offenses are investigated as  
1745 predicates for the offenses prohibited by the act under Section 76-17-401;  
1746 (rr) communications fraud under Section 76-6-525;  
1747 (ss) money laundering under Sections 76-9-1602 and 76-9-1603; or  
1748 (tt) reporting by a person engaged in a trade or business when the offense is punishable  
1749 by a maximum term of imprisonment of more than one year under Section 76-9-1604.

1750 Section 17. Section **77-36-1** is amended to read:

1751 **77-36-1 . Definitions.**

1752 As used in this chapter:

1753 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.  
1754 (2) "Department" means the Department of Public Safety.  
1755 (3) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4,  
1756 Part 4, Divorce.  
1757 (4)(a) "Domestic violence" or "domestic violence offense" means any criminal offense  
1758 involving violence or physical harm or threat of violence or physical harm, or any  
1759 attempt, conspiracy, or solicitation to commit a criminal offense involving violence  
1760 or physical harm, when committed by one cohabitant against another.  
1761 (b) "Domestic violence" or "domestic violence offense" includes the commission of or  
1762 attempt to commit, any of the following offenses by one cohabitant against another:

- 1763 (i) aggravated assault under Section 76-5-103;
- 1764 (ii) aggravated cruelty to an animal under Section 76-13-203, with the intent to harass  
1765 or threaten the other cohabitant;
- 1766 (iii) assault under Section 76-5-102;
- 1767 (iv) criminal homicide under Section 76-5-201;
- 1768 (v) harassment under Section 76-5-106;
- 1769 (vi) electronic communication harassment under Sections 76-12-202, 76-12-203, and  
1770 76-12-204;
- 1771 (vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301,  
1772 76-5-301.1, and 76-5-302;
- 1773 (viii) mayhem under Section 76-5-105;
- 1774 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9;
- 1775 (x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual  
1776 exploitation of a minor and aggravated sexual exploitation of a minor, as  
1777 described in Sections 76-5b-201 and 76-5b-201.1;
- 1778 (xi) stalking under Section 76-5-106.5;
- 1779 (xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;
- 1780 (xiii) violation of a protective order or ex parte protective order under Section  
1781 76-5-108;
- 1782 (xiv) an offense against property under Title 76, Chapter 6, Part 1, Property  
1783 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title  
1784 76, Chapter 6, Part 3, Robbery;
- 1785 (xv) disorderly conduct under Section 76-9-102, if a conviction or adjudication of  
1786 disorderly conduct is the result of a plea agreement in which the perpetrator was  
1787 originally charged with a domestic violence offense otherwise described in this  
1788 Subsection (4), except that a conviction or adjudication of disorderly conduct as a  
1789 domestic violence offense, in the manner described in this Subsection (4)(b)(xv),  
1790 does not constitute a misdemeanor crime of domestic violence under 18 U.S.C.  
1791 Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
- 1792 (xvi) child abuse under Section 76-5-114;
- 1793 (xvii) threatening violence under Section 76-5-107;
- 1794 (xviii) sexual extortion under Section 76-5b-204;
- 1795 (xix) aggravated sexual extortion under Section 76-5b-204.1;
- 1796 [(xviii)] (xx) tampering with a witness under Section 76-8-508;

1797 [(~~ix~~) (xi) retaliation against a witness, victim, or informant under Section  
1798 76-8-508.3;  
1799 [(~~xx~~) (xxii) receiving or soliciting a bribe as a witness under Section 76-8-508.7;  
1800 [(~~xxi~~) (xxiii) unlawful distribution of an intimate image under Section 76-5b-203;  
1801 [(~~xxii~~) (xxiv) unlawful distribution of a counterfeit intimate image under Section  
1802 76-5b-205;  
1803 [(~~xxiii~~) (xxv) threatening with or using a dangerous weapon in a fight or quarrel  
1804 under Section 76-11-207;  
1805 [(~~xxiv~~) (xxvi) possession of a dangerous weapon with criminal intent under Section  
1806 76-11-208;  
1807 [(~~xxv~~) (xxvii) improper discharging of a dangerous weapon under Section 76-11-209;  
1808 [(~~xxvi~~) (xxviii) voyeurism under Section 76-12-306;  
1809 [(~~xxvii~~) (xxix) recorded or photographed voyeurism under Section 76-12-307;  
1810 [(~~xxviii~~) (xxx) distribution of images obtained through voyeurism under Section  
1811 76-12-308;  
1812 [(~~xxix~~) (xxxi) damage to or interruption of a communication device under Section  
1813 76-6-108; or  
1814 [(~~xxx~~) (xxxii) an offense under Subsection 78B-7-806(1).

1815 (c) "Domestic violence" or "domestic violence offense" does not include:

- 1816 (i) enticing a minor under Section 76-5-417;
- 1817 (ii) lewdness under in Section 76-5-419; or
- 1818 (iii) lewdness involving a child under Section 76-5-420.

1819 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.

1820 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.

1821 (7) "Marital status" means married and living together, divorced, separated, or not married.

1822 (8) "Married and living together" means a couple whose marriage was solemnized under  
1823 Section 81-2-305 or 81-2-407 and who are living in the same residence.

1824 (9) "Not married" means any living arrangement other than married and living together,  
1825 divorced, or separated.

1826 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).

1827 (11) "Pretrial protective order" means a written order:

- 1828 (a) specifying and limiting the contact a person who has been charged with a domestic  
1829 violence offense may have with an alleged victim or other specified individuals; and
- 1830 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,

1831 pending trial in the criminal case.

1832 (12) "Sentencing protective order" means a written order of the court as part of sentencing  
1833 in a domestic violence case that limits the contact an individual who is convicted or  
1834 adjudicated of a domestic violence offense may have with a victim or other specified  
1835 individuals under Section 78B-7-804.

1836 (13) "Separated" means a couple who have had their marriage solemnized under Section  
1837 81-2-305 or 81-2-407 and who are not living in the same residence.

1838 (14) "Victim" means a cohabitant who has been subjected to domestic violence.  
1839 Section 18. Section **80-6-712** is amended to read:

1840 **80-6-712 . Time periods for supervision of probation or placement --**

1841 **Termination of continuing jurisdiction.**

1842 (1) If the juvenile court places a minor on probation under Section 80-6-702, the juvenile  
1843 court shall establish a period of time for supervision for the minor that is:  
1844 (a) if the minor is placed on intake probation, no more than three months; or  
1845 (b) if the minor is placed on formal probation, from four to six months, but may not  
1846 exceed six months.

1847 (2)(a) If the juvenile court commits a minor to the division under Section 80-6-703, and  
1848 the minor's case is under the jurisdiction of the court, the juvenile court shall  
1849 establish:

1850 (i) for a minor placed out of the home, a period of custody from three to six months,  
1851 but may not exceed six months; and  
1852 (ii) for aftercare services if the minor was placed out of the home, a period of  
1853 supervision from three to four months, but may not exceed four months.

1854 (b) A minor may be supervised for aftercare services under Subsection (2)(a)(ii):  
1855 (i) in the home of a qualifying relative or guardian;  
1856 (ii) at an independent living program contracted or operated by the division; or  
1857 (iii) in a family-based setting with approval by the director or the director's designee  
1858 if the minor does not qualify for an independent living program due to age,  
1859 disability, or another reason or the minor cannot be placed with a qualifying  
1860 relative or guardian.

1861 (3) If the juvenile court orders a minor to secure care, the authority shall:

1862 (a) have jurisdiction over the minor's case; and  
1863 (b) apply the provisions of Part 8, Commitment and Parole.

1864 (4)(a) The juvenile court shall terminate continuing jurisdiction over a minor's case at

1865 the end of the time period described in Subsection (1) for probation or Subsection (2)  
1866 for commitment to the division, unless:

1867 (i) termination would interrupt the completion of the treatment program determined  
1868 to be necessary by the results of a validated risk and needs assessment under  
1869 Section 80-6-606;

1870 (ii) the minor commits a new misdemeanor or felony offense;

1871 (iii) the minor has not completed community or compensatory service hours;

1872 (iv) there is an outstanding fine; or

1873 (v) the minor has not paid restitution in full.

1874 (b) The juvenile court shall determine whether a minor has completed a treatment  
1875 program under Subsection (4)(a)(i) by considering:  
1876 (i) the recommendations of the licensed service provider for the treatment program;  
1877 (ii) the minor's record in the treatment program; and  
1878 (iii) the minor's completion of the goals of the treatment program.

1879 (5) Subject to Subsections (6) and (7), if one of the circumstances under Subsection (4)  
1880 exists the juvenile court may extend supervision for the time needed to address the  
1881 specific circumstance.

1882 (6) If the juvenile court extends supervision solely on the ground that the minor has not yet  
1883 completed community or compensatory service hours under Subsection (4)(a)(iii), the  
1884 juvenile court may only extend supervision:  
1885 (a) one time for no more than three months; and  
1886 (b) as intake probation.

1887 (7)(a) If the juvenile court extends jurisdiction solely on the ground that the minor has  
1888 not paid restitution in full as described in Subsection (4)(a)(v):

1889 (i) the juvenile court may only:  
1890 (A) extend jurisdiction up to four times for no more than three months at a time;  
1891 (B) consider the efforts of the minor to pay restitution in full when determining  
1892 whether to extend jurisdiction under this Subsection (7)(a)(i); and  
1893 (C) make orders concerning the payment of restitution during the period for which  
1894 jurisdiction is extended;

1895 (ii) the juvenile court shall terminate any intake probation or formal probation of the  
1896 minor; and

1897 (iii) a designated staff member of the juvenile court shall submit a report to the  
1898 juvenile court every three months regarding the minor's efforts to pay restitution.

1899 (b) If the juvenile court finds that a minor is not making an effort to pay restitution, the  
1900 juvenile court shall:  
1901 (i) terminate jurisdiction over the minor's case; and  
1902 (ii) record the amount of unpaid restitution as a civil judgment in accordance with  
1903 Subsection 80-6-709(8).

1904 (8) If the juvenile court extends supervision or jurisdiction under this section, the grounds  
1905 for the extension and the length of any extension shall be recorded in the court records  
1906 and tracked in the data system used by the Administrative Office of the Courts and the  
1907 division.

1908 (9) If a minor leaves supervision without authorization for more than 24 hours, the  
1909 supervision period for the minor shall toll until the minor returns.

1910 (10) This section does not apply to any minor adjudicated under this chapter for:  
1911 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;  
1912 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;  
1913 (c) Section 76-5-203, murder or attempted murder;  
1914 (d) Section 76-5-205, manslaughter;  
1915 (e) Section 76-5-206, negligent homicide;  
1916 (f) Section 76-5-207, automobile homicide;  
1917 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication  
1918 device while operating a motor vehicle;  
1919 (h) Section 76-5-208, child abuse homicide;  
1920 (i) Section 76-5-209, homicide by assault;  
1921 (j) Section 76-5-211, aiding or encouraging suicide;  
1922 [f] (k) Section 76-5-302, aggravated kidnapping;  
1923 [k] (l) Section 76-5-405, aggravated sexual assault;  
1924 [f] (m) a felony violation of Section 76-6-103, aggravated arson;  
1925 [f] (n) Section 76-6-203, aggravated burglary;  
1926 [f] (o) Section 76-6-302, aggravated robbery;  
1927 [f] (p) Section 76-11-210, felony discharge of a firearm;  
1928 [f] (q) (i) an offense other than an offense listed in Subsections (10)(a) through [f] (p)  
1929 (p) involving the use of a dangerous weapon, as defined in Section 76-1-101.5,  
1930 that is a felony; and  
1931 (ii) the minor has been previously adjudicated or convicted of an offense involving  
1932 the use of a dangerous weapon; or

1933 [({q})] (r) a felony offense other than an offense listed in Subsections (10)(a) through [({p})]  
1934 (q) and the minor has been previously committed to the division for secure care.

1935 Section 19. Section **80-6-804** is amended to read:

1936 **80-6-804 . Review and termination of secure care.**

1937 (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile  
1938 offender shall appear before the authority within 45 days after the day on which the  
1939 juvenile offender is ordered to secure care for review of a treatment plan and to establish  
1940 parole release guidelines.

1941 (2)(a) Except as provided in Subsections (2)(b) and (2)(h), if a juvenile offender is  
1942 ordered to secure care under Section 80-6-705, the authority shall set a presumptive  
1943 term of secure care for the juvenile offender from three to six months, but the  
1944 presumptive term may not exceed six months.

1945 (b) If a juvenile offender is ordered to secure care for a misdemeanor offense, the  
1946 authority may immediately release the juvenile offender on parole if there is a  
1947 treatment program available for the juvenile offender in a community-based setting.

1948 (c) Except as provided in Subsection (2)(h), the authority shall release the juvenile  
1949 offender on parole at the end of the presumptive term of secure care unless:

1950 (i) termination would interrupt the completion of a treatment program determined to  
1951 be necessary by the results of a validated risk and needs assessment under Section  
1952 80-6-606; or  
1953 (ii) the juvenile offender commits a new misdemeanor or felony offense.

1954 (d) The authority shall determine whether a juvenile offender has completed a treatment  
1955 program under Subsection (2)(c)(i) by considering:

1956 (i) the recommendations of the licensed service provider for the treatment program;  
1957 (ii) the juvenile offender's record in the treatment program; and  
1958 (iii) the juvenile offender's completion of the goals of the treatment program.

1959 (e) Except as provided in Subsection (2)(h), the authority may extend the length of  
1960 secure care and delay parole release for the time needed to address the specific  
1961 circumstance if one of the circumstances under Subsection (2)(c) exists.

1962 (f) The authority shall:

1963 (i) record the length of the extension and the grounds for the extension; and  
1964 (ii) report annually the length and grounds of extension to the commission.

1965 (g) Records under Subsection (2)(f) shall be tracked in the data system used by the  
1966 juvenile court and the division.

1967 (h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the  
1968 authority may not:

1969 (i) set a juvenile offender's presumptive term of secure care under Subsection (2)(a)  
1970 that would result in a term of secure care that exceeds a term of incarceration for  
1971 an adult under Section 76-3-204 for the same misdemeanor offense; or

1972 (ii) extend the juvenile offender's term of secure care under Subsections (2)(c) and (e)  
1973 if the extension would result in a term of secure care that exceeds the term of  
1974 incarceration for an adult under Section 76-3-204 for the same misdemeanor  
1975 offense.

1976 (3)(a) If a juvenile offender is ordered to secure care, the authority shall set a  
1977 presumptive term of parole supervision, including aftercare services, from three to  
1978 four months, but the presumptive term may not exceed four months.

1979 (b) If the authority determines that a juvenile offender is unable to return home  
1980 immediately upon release, the juvenile offender may serve the term of parole:

1981 (i) in the home of a qualifying relative or guardian;

1982 (ii) at an independent living program contracted or operated by the division; or

1983 (iii) in a family-based setting with approval by the director or the director's designee  
1984 if the minor does not qualify for an independent living program due to age,  
1985 disability, or another reason or the minor cannot be placed with a qualifying  
1986 relative or guardian.

1987 (c) The authority shall release a juvenile offender from parole and terminate the  
1988 authority's jurisdiction at the end of the presumptive term of parole, unless:

1989 (i) termination would interrupt the completion of a treatment program that is  
1990 determined to be necessary by the results of a validated risk and needs assessment  
1991 under Section 80-6-606;

1992 (ii) the juvenile offender commits a new misdemeanor or felony offense; or

1993 (iii) restitution has not been completed.

1994 (d) The authority shall determine whether a juvenile offender has completed a treatment  
1995 program under Subsection (3)(c)(i) by considering:

1996 (i) the recommendations of the licensed service provider;

1997 (ii) the juvenile offender's record in the treatment program; and

1998 (iii) the juvenile offender's completion of the goals of the treatment program.

1999 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay  
2000 parole release only for the time needed to address the specific circumstance.

2001 (f) The authority shall:

2002 (i) record the grounds for extension of the presumptive length of parole and the  
2003 length of the extension; and

2004 (ii) report annually the extension and the length of the extension to the commission.

2005 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the  
2006 juvenile court and the division.

2007 (h) If a juvenile offender leaves parole supervision without authorization for more than  
2008 24 hours, the term of parole shall toll until the juvenile offender returns.

2009 (4) Subsections (2) and (3) do not apply to a juvenile offender ordered to secure care for:

2010 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

2011 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

2012 (c) Section 76-5-203, murder or attempted murder;

2013 (d) Section 76-5-205, manslaughter;

2014 (e) Section 76-5-206, negligent homicide;

2015 (f) Section 76-5-207, automobile homicide;

2016 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication  
2017 device while operating a motor vehicle;

2018 (h) Section 76-5-208, child abuse homicide;

2019 (i) Section 76-5-209, homicide by assault;

2020 (j) Section 76-5-211, aiding or encouraging suicide;

2021 [j] (k) Section 76-5-302, aggravated kidnapping;

2022 [k] (l) Section 76-5-405, aggravated sexual assault;

2023 [l] (m) a felony violation of Section 76-6-103, aggravated arson;

2024 [m] (n) Section 76-6-203, aggravated burglary;

2025 [n] (o) Section 76-6-302, aggravated robbery;

2026 [o] (p) Section 76-11-210, felony discharge of a firearm;

2027 [p] (q) (i) an offense other than an offense listed in Subsections (4)(a) through [o] (p)  
2028 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is  
2029 a felony; and

2030 (ii) the juvenile offender has been previously adjudicated or convicted of an offense  
2031 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or

2032 [q] (r) an offense other than an offense listed in Subsections (4)(a) through [p] (q) and  
2033 the juvenile offender has been previously ordered to secure care.

2034 **Section 20. Effective Date.**

2035

This bill takes effect on May 6, 2026.