Karianne Lisonbee proposes the following substitute bill:

Sex Offender Oversight Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill addresses oversight of sex offenders on the Sex, Kidnap, and Child Abuse Offender Registry.

Highlighted Provisions:

This bill:

- defines terms;
- requires local law enforcement agencies to have specific responsibilities for certain sex offenders;
- revises definitions concerning a residence for purposes of the Sex, Kidnap, and Child Abuse Offender Registry (registry);
- requires the Department of Public Safety (department) to:
  - create a monitoring program for sex offenders who are unable to provide a required residential address to the registry;
  - delegate monitoring oversight responsibility to a local law enforcement agency or to the Division of Adult Probation and Parole;
  - establish a process for a local law enforcement agency or the Division of Adult Probation and Parole to be notified of the need for an arrest warrant for certain sex offenders; and
  - develop and provide an online training program for certain individuals who work with sex offenders;
- requires specific entities to coordinate with the department regarding the monitoring of, or seeking an arrest warrant for, certain sex offenders;
- requires a sex offender to comply with the monitoring program;
- creates criminal penalties for a sex offender's failure to comply with the monitoring program;

- requires a court to consider and, if the court finds probable cause, issue an arrest warrant for certain sex offenders;
- requires the Division of Adult Probation and Parole to have specific responsibilities for certain sex offenders;
- provides a presumption for the issuance of an arrest warrant in lieu of a summons for certain sex offenders; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-72-301 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

53-10-403 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapters 173, 208 and 291

53-29-101 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 291

53-29-301 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 291

53-29-302 (Effective 05/06/26) (Partially Repealed 01/01/30), as enacted by Laws of Utah 2025, Chapter 291

53-29-303 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 291

53-29-304 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 291

53-29-305 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 291

53-29-402 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 291

64-14-203 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 214

77-7-5 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 314

ENACTS:

53-29-308 (Effective 05/06/26), Utah Code Annotated 1953

53-29-309 (Effective 05/06/26), Utah Code Annotated 1953

53-29-406 (Effective 05/06/26), Utah Code Annotated 1953

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

Section 1. Section **17-72-301** is amended to read:

17-72-301 (Effective 05/06/26). General duties.

(1) The sheriff shall:

(a) preserve the peace;

(b) make all lawful arrests;

(c)(i) attend in person or by deputy:

(A) the Supreme Court and the Court of Appeals when required; or

(B) when the court is held within the sheriff's county, all courts of record, and court commissioner and referee sessions held within the sheriff's county;

(ii) obey a court's lawful orders and directions; and

(iii) comply with the court security rule, Rule 3-414, of the Utah Code of Judicial Administration;

(d) upon request of the juvenile court, aid the court in maintaining order during hearings and transport a minor to and from youth corrections facilities, other institutions, or other designated places;

(e) attend county justice courts if the judge finds that the matter before the court requires the sheriff's attendance for security, transportation, and escort of prisoners in the sheriff's custody, or for the custody of jurors;

(f) command the aid of as many inhabitants of the sheriff's county as the sheriff considers necessary in the execution of duties described in this section;

(g) take charge of and keep the county jail and prisoners in the county jail as described in Part 4, County Jails, and Part 5, Responsibility for Prisoners;

(h)(i) receive and safely keep all prisoners committed to the sheriff's custody;

(ii) file and preserve the commitments of prisoners; and

(iii) record the name, age, place of birth, and description of each prisoner;

(i) release on the record all attachments of real property when the attachment the sheriff receives has been released or discharged;

(j) endorse on all process and notices the year, month, day, hour, and minute of reception, and, upon payment of fees, issue a certificate to the individual delivering process or notice showing the names of the parties, title of paper, and the time of receipt;

(k) serve all process and notices as prescribed by Part 7, Process Service and Duty to the Court, or any other provision of law;

(l)(i) if the sheriff makes service of process or notice, certify on the process or notices the manner, time, and place of service; or

(ii) if the sheriff fails to make service, certify the reason upon the process or notice, and return them without delay;

(m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public land within the sheriff's county;

(n) perform as required by any contracts between the county and private contractors for management, maintenance, operation, and construction of county jails entered into under the authority of Section 17-65-405;

(o) manage and direct search and rescue services in the sheriff's county, including emergency medical responders and other related incident response activities;

(p) obtain saliva DNA specimens as required under Section 53-10-404;

(q) on or before January 1, 2003, adopt a written policy that prohibits the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender;

(r) as applicable, select a representative of law enforcement to serve as a member of a child protection team, as defined in Section 80-1-102;

(s) appoint a county security chief in accordance with Section 53-22-103 and ensure the county security chief fulfills the county security chief's duties;

(t) ensure that a prisoner who is awaiting trial, sentencing, or disposition of criminal charges has:

(i) a private and confidential space to review discovery and other evidence or documents related to the prisoner's criminal case with the prisoner's counsel; and

(ii) the means to access and review discovery and other evidence or documents related to the prisoner's criminal case, with or without the prisoner's counsel, including the means to access and review digital, audio, video, or other technological evidence or documents; and

(u) perform any other duties that are required by law.

(2)(a) Violation of Subsection (1)(j) is a class C misdemeanor.

(b) Violation of any other subsection under Subsection (1) is a class A misdemeanor.

(3)(a) A prisoner may access or review discovery, evidence, or other documents under Subsection (1)(t) with:

(i) technology provided by the jail; or

(ii) technology, including a computer, that is approved by the jail and is provided by the prisoner's counsel.

(b) If a prisoner's counsel leaves discovery, evidence, or other documents with the

prisoner at the jail, the prisoner's counsel shall ensure that the discovery, evidence, or other documents does not include:

(i) any visual depiction of an individual who is younger than 18 years old;

(ii) any personal identifying information of an individual other than the prisoner;

(iii) any financial information of a person other than the prisoner;

(iv) any child sexual abuse material as defined in Section 76-5b-103;

(v) any intimate image as defined in Section 76-5b-203; or

(vi) any visual depiction or information for which possession is prohibited, by policy, at the jail.

(4) A sheriff shall comply with the requirements described in Section 53-29-308 for specific registered sex offenders.

Section 2. Section **53-10-403** is amended to read:

53-10-403 (Effective 05/06/26). DNA specimen analysis -- Application to offenders, including minors.

(1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:

(a) a person who has pled guilty to or has been convicted of any of the offenses under Subsection (2)(a) or (b) on or after July 1, 2002;

(b) a person who has pled guilty to or has been convicted by any other state or by the United States government of an offense which if committed in this state would be punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;

(c) a person who has been booked on or after January 1, 2011, through December 31, 2014, for any offense under Subsection (2)(c);

(d) a person who has been booked:

(i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense; or

(ii) on or after January 1, 2015, for any felony offense; or

(e) a minor:

(i)(A) who is adjudicated by the juvenile court for an offense described in Subsection (2) that is within the jurisdiction of the juvenile court on or after July 1, 2002; or

(B) who is adjudicated by the juvenile court for an offense described in Subsection (2) and is in the legal custody of the Division of Juvenile Justice

and Youth Services for the offense on or after July 1, 2002; and

(ii) who is 14 years old or older at the time of the commission of the offense described in Subsection (2).

(2) Offenses referred to in Subsection (1) are:

(a) any felony or class A misdemeanor under the Utah Code;

(b) any offense under Subsection (2)(a):

(i) for which the court enters a judgment for conviction to a lower degree of offense under Section 76-3-402; or

(ii) regarding which the court allows the defendant to enter a plea in abeyance as defined in Section 77-2a-1; or

(c)(i) any violent felony as defined in Section 53-10-403.5;

(ii) sale or use of body parts, Section 26B-8-315;

(iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;

(iv) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);

(v) a felony violation of enticing a minor, Section 76-5-417;

(vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);

(vii) a felony violation of propelling a substance or object at a correctional officer, a peace officer, or an employee or a volunteer, including health care providers, Section 76-5-102.6;

(viii) automobile homicide, Subsection 76-5-207(2)(b);

(ix) aggravated human trafficking, Section 76-5-310, and aggravated human smuggling, Section 76-5-310.1;

(x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;

(xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;

(xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;

(xiii) sale of a child, Section 76-7-203;

(xiv) aggravated escape, Section 76-8-309.3;

(xv) a felony violation of threatened or attempted assault on an elected official, Section 76-8-313;

(xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member

of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;

(xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.2;

(xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.4;

(xix) attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole, Section 76-8-316.6;

(xx) advocating criminal syndicalism or sabotage, Section 76-8-902;

(xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;

(xxii) a felony violation of sexual battery, Section 76-5-418;

(xxiii) a felony violation of lewdness involving a child, Section 76-5-420;

(xxiv) a felony violation of abuse or desecration of a dead human body, Section 76-5-802;

(xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section 76-15-302;

(xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction, Section 76-15-303;

(xxvii) possession of a concealed firearm in the commission of a violent felony, Subsection 76-11-202(3)(c);

(xxviii) assault with the intent to commit bus hijacking with a dangerous weapon as described in Subsection 76-9-1503(3)(b);

(xxix) aggravated commercial obstruction, Section 76-9-114;

(xxx) a felony violation of failure to register as a sex or kidnap offender or comply with the sex offender monitoring program, Section 53-29-305;

(xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or

(xxxii) violation of condition for release after arrest under Section 78B-7-802.

Section 3. Section **53-29-101** is amended to read:

53-29-101 (Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.

(2) "Certificate of eligibility" means the certificate issued by the bureau described in Section 53-29-207.

(3) "Child abuse offender" means an individual who meets the requirements under Subsection 53-29-202(2)(a).

(4)(a) "Convicted" means a plea or conviction of:

(i) guilty;

(ii) guilty with a mental illness; or

(iii) no contest.

(b) "Convicted" includes, except as provided in Subsection 53-29-202(4), the period a plea is held in abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.

(c) "Convicted" does not include:

(i) a withdrawn or dismissed plea in abeyance;

(ii) a diversion agreement; or

(iii) an adjudication of a minor for an offense under Section 80-6-701.

(5) "Division" means the Division of Juvenile Justice and Youth Services.

(6) "Employed" means employment that is full time or part time, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(7) "Kidnap offender" means an individual who meets the requirements under Subsection 53-29-202(2)(c).

(8) "Offender" means an individual who qualifies as a sex offender, a kidnap offender, or a child abuse offender as described in Section 53-29-202.

(9)(a) "Online identifier" means any electronic mail, chat, instant messenger, social networking, or similar name used for Internet communication.

(b) "Online identifier" does not include date of birth, social security number, PIN number, or Internet passwords.

(10) "Primary residence" means the [~~location~~] residence where an offender regularly resides, even if the offender intends to move to another [~~location~~] residence or return to another [~~location~~] residence at a future date.

(11) "Registrable offense" means an offense described in Subsection 53-29-202(1).

(12) "Registration website" means the Sex, Kidnap, and Child Abuse Offender Notification

and Registration website described in Section 53-29-404.

(13) "Registry" means the Sex, Kidnap, and Child Abuse Offender Registry maintained by the department and created in Section 53-29-102 to monitor and track offenders.

(14) "Registry office" means the office within the department that manages the Sex, Kidnap, and Child Abuse Offender Registry.

(15)(a) "Residence" means a structure, or a portion of a structure, that is designed and intended for occupancy as a dwelling by one or more individuals.

(b) "Residence" does not include a temporary structure, a vehicle, or an area of unimproved real property.

[~~(15)~~] (16) "Sex offender" means an individual who meets the requirements under Subsection 53-29-202(2)(b).

[~~(16)~~] (17) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to registration in any jurisdiction.

Section 4. Section **53-29-301** is amended to read:

53-29-301 (Effective 05/06/26). Definitions.

As used in this part:

(1) "Business day" means a day on which state offices are open for regular business.

(2) "Correctional facility" means:

(a) a county jail;

(b) a secure correctional facility as defined by Section 64-13-1; or

(c) a secure care facility as defined in Section 80-1-102.

(3) "Secondary residence" means real property that an offender owns or has a financial interest in, or a [~~location~~] residence where the offender stays overnight a total of 10 or more nights in a 12-month period when not staying at the offender's primary residence.

Section 5. Section **53-29-302** is amended to read:

53-29-302 (Effective 05/06/26) (Partially Repealed 01/01/30). Law enforcement and agency responsibilities related to the registry.

(1) As used in this section:

(a) "Dynamic factors" means an individual's individual characteristics, issues, resources, or circumstances that:

(i) can change or be influenced; and

(ii) affect the risk of:

(A) recidivism; or

(B) violating conditions of probation or parole.

(b) "Multi-domain assessment" means an evaluation process or tool that reports in quantitative and qualitative terms an offender's condition, stability, needs, resources, dynamic factors, and static factors that affect the offender's transition into the community and compliance with conditions of probation or parole.

(c) "Static factors" means an individual's individual characteristics, issues, resources, or circumstances that:

(i) are unlikely to be changeable or influenced; and

(ii) affect the risk of:

(A) recidivism; or

(B) violating conditions of probation or parole.

(2) A law enforcement agency shall[~~,~~] :

(a) in the manner prescribed by the department, inform the department of:

[~~(a)~~] (i) the receipt of a report or complaint of a registrable offense, within three business days after the day on which the law enforcement agency received the report or complaint; and

[~~(b)~~] (ii) the arrest of an individual suspected of a registrable offense, within five business days after the day on which the law enforcement agency arrested the individual[~~.~~] ;

(b) comply with Subsection (10); and

(c) comply with the requirements described in Section 53-29-308.

(3) The Department of Corrections shall:

(a) register an offender in the custody of the Department of Corrections with the department upon:

(i) placement on probation;

(ii) commitment to a secure correctional facility operated by or under contract with the Department of Corrections;

(iii) release from confinement to parole status, termination or expiration of sentence, or escape;

(iv) entrance to and release from any community-based residential program operated by or under contract with the Department of Corrections; or

(v) termination of probation or parole; [~~and~~]

(b)(i) for an offender convicted after May 7, 2025, of an offense committed in this state that requires the individual to register as a sex offender, conduct, if available, multi-domain assessments that are validated for the population and offense type of

the offender to inform the treatment and supervision needs of the offender; and

(ii) 30 days after the day on which a calendar quarterly period ends, submit the results of any risk assessments completed under Subsection (3)(b)(i) during the preceding quarter to the State Commission on Criminal and Juvenile Justice[~~.~~] ;

(c) comply with Subsection (10); and

(d) ensure the Division of Adult Probation and Parole created in Section 64-14-202 complies with the requirements described in Sections 53-29-309 and 64-14-203.

(4) The sheriff of the county in which an offender is confined shall:

(a) [~~-~~]register an offender with the department, as required under this chapter, if the offender is not in the custody of the Department of Corrections and is confined in a correctional facility not operated by or under contract with the Department of Corrections upon:

[~~(a)~~] (i) commitment to the correctional facility; and

[~~(b)~~] (ii) release from confinement[~~.~~] ;

(b) comply with Subsection (10); and

(c) comply with the requirements described in Sections 17-72-301 and 53-29-308.

(5)(a) Except as provided in Subsection [~~(4)(b)~~] (4)(a)(ii), if an offender is sent on an assignment outside a secure facility, including being assigned for firefighting or disaster control, the official who has physical custody of the offender shall, within a reasonable time after the day of the offender's removal from the secure facility, notify the local law enforcement agencies where the offender is assigned.

(b) Subsection [~~(4)(a)~~] (4)(a)(i) does not apply to an offender temporarily released from a secure facility setting who is under the supervision of a correctional facility official.

(6) The division shall[~~-~~] :

(a) register an offender in the custody of the division with the department, as required under this chapter, before the offender's release from custody of the division; and

(b) comply with Subsection (10).

(7) A state mental hospital shall[~~-~~] :

(a) register an offender committed to the state mental hospital with the department, as required under this chapter, upon the offender's admission and upon the offender's discharge; and

(b) comply with Subsection (10).

(8)(a) A municipal or county law enforcement agency shall[~~-~~] :

(i) register an offender who resides within the agency's jurisdiction and is not under

the supervision of the Division of Adult Probation and Parole within the Department of Corrections[.] ;

(ii) comply with Subsection (10); and

(iii) comply with the requirements described in Section 53-29-308.

(b) A municipal or county law enforcement agency may conduct offender registration under this chapter, if the agency ensures that the agency's staff responsible for registration:

(i) have received initial training by the department and have been certified by the department as qualified and authorized to conduct registrations and enter offender registration information into the registry database; and

(ii) annually certifies with the department.

(9) An agency in the state that registers with the department an offender on probation, an offender who has been released from confinement to parole status or termination, or an offender whose sentence has expired, shall inform the offender of the duty to comply with the continuing registration requirements of this chapter during the period of registration required in Section 53-29-203, including:

(a) notification to the state agencies in the states where the registrant presently resides and plans to reside when moving across state lines;

(b) verification of address at least every 60 days pursuant to a parole agreement for lifetime parolees; and

(c) notification to the out-of-state agency where the offender is living, regardless of whether the offender is a resident of that state.

(10) If an entity that is required to register an offender under this section discovers that a sex offender does not have a residential address to provide under Subsection 53-29-304(4)(a)(ii), the entity shall, within one business day after the day on which the entity discovers the information, coordinate with the department, in accordance with Section 53-29-406, to ensure that:

(a) the sex offender will begin to be monitored under the monitoring program described in Section 53-29-406; or

(b) the responsible entity under Section 53-29-406 seeks an arrest warrant for the sex offender.

Section 6. Section **53-29-303** is amended to read:

53-29-303 (Effective 05/06/26). Court responsibilities related to the registry.

(1) The court shall, after an offender is convicted of a registrable offense, within three

business days after the day on which the conviction is entered, forward a signed copy of the judgment and sentence to the registry office.

(2) Upon modifying, withdrawing, setting aside, vacating, or otherwise altering a conviction for a registrable offense, the court shall, within three business days, forward a signed copy of the order to the registry office.

(3)(a) An offender may change the offender's name in accordance with Title 42, Chapter 1, Change of Name, if the name change is not contrary to the interests of the public.

(b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department at least 30 days before the day on which the hearing for the name change is held.

(c) The court shall provide a copy of the order granting the offender's name change to the department within 10 days after the day on which the court issues the order.

(d) If the court orders an offender's name to be changed, the department shall publish on the registration website the offender's former name and the offender's changed name as an alias.

(4) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, information under Subsection (2) that is collected and released under Subsection 53-29-404(3)(a) is public information, unless otherwise restricted under this chapter.

(5) The department shall redact information regarding the identity or location of a victim from information provided under Subsection (2).

(6) In accordance with Section 77-7-5, upon receipt of an affidavit seeking an arrest warrant described in Section 53-29-308 or 53-29-309 for a sex offender, the court shall, within a reasonable time, consider and, if the court determines that there is probable cause that the sex offender has committed the violation described in the affidavit seeking the arrest warrant, issue a warrant for the arrest of the sex offender.

Section 7. Section **53-29-304** is amended to read:

53-29-304 (Effective 05/06/26). Offender responsibilities related to the registry.

(1) An offender shall:

(a) if the offender is on probation or parole under the supervision of the Department of Corrections, register in person with the Division of Adult Probation and Parole; or

(b) if the offender is not on probation or parole under the supervision of the Department of Corrections, register in person with the police department or sheriff's office that has jurisdiction over the area where the offender resides.

(2) An offender registering under Subsection (1) shall register for the duration of the offender's applicable registration period described in Section 53-29-203:

(a) each year during the month of the offender's date of birth;

(b) during the month that is the sixth month after the offender's birth month; and

(c) within three business days after the day on which there is a change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information described in Subsection (4).

(3) An offender who enters this state from another jurisdiction is required to register with the department within 10 days after the day on which the offender enters the state, regardless of the offender's length of stay.

(4)(a) When registering under Subsection (1), an offender shall provide the following information:

(i) all names and aliases by which the offender is or has been known;

(ii) except as provided in Subsection (4)(c), the addresses of the offender's primary and secondary residences;

(iii) a physical description, including the offender's date of birth, height, weight, eye color, and hair color;

(iv) the make, model, color, year, plate number, and vehicle identification number of a vehicle or vehicles the offender owns or drives more than 12 times per year;

(v) a current photograph of the offender;

(vi) a set of fingerprints, if a set has not already been provided;

(vii) a DNA specimen, taken in accordance with Section 53-10-404, if a set has not already been provided;

(viii) telephone numbers and any other designations used by the offender for routing or self-identification in telephonic communications from fixed locations or cellular telephones;

(ix) online identifiers and the addresses the offender uses for routing or self-identification in Internet communications or postings;

(x) the name and Internet address of all websites on which the offender is registered using an online identifier, including all online identifiers used to access those websites;

(xi) a copy of the offender's passport, if a passport has been issued to the offender;

(xii) if the offender is an alien, all documents establishing the offender's immigration status;

(xiii) all professional licenses that authorize the offender to engage in an occupation or carry out a trade or business, including any identifiers, such as numbers;

(xiv) each educational institution in Utah at which the offender is employed or is a student, and a change of enrollment or employment status of the offender at an educational institution;

(xv) the name, the telephone number, and the address of a place where the offender is employed or will be employed;

(xvi) the name, the telephone number, and the address of a place where the offender works as a volunteer or will work as a volunteer; and

(xvii) the offender's social security number.

(b) The department shall redact information regarding the identity or location of a victim from information provided under Subsection (4)(a).

(c) If an offender is a sex offender and does not have a residential address to provide under Subsection (4)(a)(ii), the sex offender shall comply with the monitoring program described in Section 53-29-406.

(5) Notwithstanding Subsections (4)(a)(ix) and (x) and 53-29-404(7), an offender is not required to provide the department with:

(a) the offender's online identifier and password used exclusively for the offender's employment on equipment provided by an employer and used to access the employer's private network; or

(b) online identifiers for the offender's financial accounts, including a bank, retirement, or investment account.

(6) Notwithstanding Title 77, Chapter 40a, Expungement of Criminal Records, an offender convicted of a registrable offense is required to register in accordance with this section unless the offender is removed from the registry under Section 53-29-207.

(7) Except as provided in Subsection 53-29-404(7), in the case of an offender adjudicated in another jurisdiction as a juvenile and required to register under this chapter, the offender shall register in the time period and in the frequency consistent with the requirements of Subsection (3).

(8)(a) An offender required to register on the registry shall, in the month of the offender's birth:

(i) pay to the department each year the offender is subject to the registration requirements of this chapter:

(A) before July 1, 2026, an annual fee of $125; and

(B) on or after July 1, 2026, an annual fee determined by the department in accordance with the process in Section 63J-1-504; and

(ii) pay to the registering agency, if the registering agency is an agency other than the department, an annual fee of not more than $25, which may be assessed by that agency for providing registration.

(b) Notwithstanding Subsection (8)(a), an offender who is confined in a secure facility or in a state mental hospital is not required to pay the annual fee.

(c) The department shall deposit fees collected in accordance with this chapter into the General Fund as a dedicated credit, to be used by the department for maintaining the offender registry under this chapter and monitoring offender registration compliance, including the costs of:

(i) data entry;

(ii) processing registration packets;

(iii) updating registry information; and

(iv) reporting an offender not in compliance with registration requirements to a law enforcement agency.

Section 8. Section **53-29-305** is amended to read:

53-29-305 (Effective 05/06/26). Failing to register or providing false or incomplete information -- Failing to comply with monitoring program -- Penalties.

(1) An offender who knowingly fails to register under this chapter[~~or~~] , provides false or incomplete information, or fails to comply with the sex offender monitoring program described in Section 53-29-406, is guilty of:

(a) a third degree felony and shall be sentenced to serve a term of incarceration of not less than 30 days and also at least one year of probation if:

(i) the offender is required to register for a registrable offense that is a felony or adjudicated delinquent for a registrable offense committed before May 3, 2023, that would be a felony if the juvenile were an adult; or

(ii) the offender is required to register for the offender's lifetime as described in Subsection 53-29-203(1)(b); or

(b) a class A misdemeanor and shall be sentenced to serve a term of incarceration of not less than 30 days and also at least one year of probation if the offender is required to register for a misdemeanor conviction that is a registrable offense or is adjudicated delinquent for a registrable offense committed before May 3, 2023, that would be a misdemeanor if the juvenile were an adult.

(2)(a) The court or Board of Pardons and Parole may not release an individual who violates this chapter from serving the term required under Subsection (1).

(b) This Subsection (2) supersedes any other provision of the law contrary to this chapter.

(3) The offender shall register for an additional year for every year in which the offender does not comply with the registration requirements of this chapter.

Section 9. Section **53-29-308** is enacted to read:

53-29-308 (Effective 05/06/26). Local law enforcement agency responsibilities for sex offender registrant monitoring and arrest.

(1) As used in this section:

(a) "County of the first class" means a county that is classified by population as a county of the first class under Section 17-60-104.

(b) "Law enforcement interlocal entity" means an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act, that provides law enforcement services.

(c) "Law enforcement special district" means a district that provides law enforcement services under:

(i) Title 17B, Limited Purpose Local Government Entities - Special Districts; or

(ii) Title 17D, Chapter 1, Special Service District Act.

(d) "Monitoring program" means the same as the term "program" is defined in Section 53-29-406.

(e) "Municipal law enforcement agency" means a law enforcement agency that is operated by:

(i) a municipality;

(ii) a law enforcement interlocal entity; or

(iii) a law enforcement special district.

(f) "Municipality" means the same as that term is defined in Section 10-1-104.

(2) Except as provided in Subsection (3), a sheriff shall accept and begin monitoring program oversight responsibility for a sex offender who is on the monitoring program if the sheriff receives notice from:

(a) the department under Section 53-29-406; or

(b) a sheriff of a different county, or a municipal law enforcement agency, that is transferring monitoring program oversight responsibility for a sex offender based on the sex offender's change in jurisdiction as described in Subsection (7).

(3)(a) A municipal law enforcement agency shall accept and begin monitoring program oversight responsibility as described in Subsection (3)(b) if the municipal law enforcement agency:

(i) is located in a county of the first class; or

(ii) has accepted responsibility for the monitoring program for sex offenders in the municipal law enforcement agency's jurisdiction under a written agreement with the sheriff of the county in which the municipal law enforcement agency is located.

(b) A municipal law enforcement agency described in Subsection (3)(a) shall accept and begin monitoring program oversight responsibility for a sex offender who is on the monitoring program if the municipal law enforcement agency receives notice from:

(i) the department under Section 53-29-406; or

(ii) a sheriff or another municipal law enforcement agency that is transferring monitoring program oversight responsibility for a sex offender based on the sex offender's change in jurisdiction as described in Subsection (7).

(4) A sheriff or a municipal law enforcement agency described in Subsection (3) that has monitoring program oversight responsibility for a sex offender under Subsection (2) or (3) shall:

(a) monitor the sex offender as required by the department;

(b) if the sex offender leaves the sheriff's or municipal law enforcement agency's area of jurisdiction as described in Subsection (7), notify:

(i) the department; and

(ii) the sheriff or the municipal law enforcement agency described in Subsection (3) that has jurisdiction over the sex offender's current or last known location;

(c) follow the procedures described in Subsection (5); and

(d) comply with other procedures established by the department.

(5) A sheriff or a municipal law enforcement agency described in Subsection (3) shall comply with the requirements established by the department in Subsection 53-29-406(6), including:

(a) submitting an affidavit requesting an arrest warrant in accordance with Section 77-7-5; and

(b) in coordination with other state and local law enforcement agencies, attempting to locate and arrest the sex offender who is the subject of the warrant described in Subsection (5)(a).

(6) A civilian employee of a sheriff or a municipal law enforcement agency may conduct the monitoring required by this section.

(7) Unless the department specifies a different time frame by rule, a sex offender is considered to have transferred jurisdictions for purposes of the monitoring program after

spending seven consecutive days in a different jurisdiction.

Section 10. Section **53-29-309** is enacted to read:

53-29-309 (Effective 05/06/26). Division of Adult Probation and Parole responsibilities for sex offender registrant monitoring and arrest.

(1) As used in this section:

(a) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.

(b) "Monitoring program" means the same as the term "program" is defined in Section 53-29-406.

(2) The division shall accept and begin monitoring program oversight responsibility for an offender who is a sex offender on the monitoring program if the division receives notice from:

(a) the department under Section 53-29-406; or

(b) another entity in accordance with monitoring program procedures established by the department.

(3) For a sex offender described in Subsection (2), the division shall:

(a) monitor the sex offender as required by the department; and

(b) comply with other procedures established by the department.

(4) The division shall comply with the requirements established by the department in Subsection 53-29-406(6), including:

(a) submitting an affidavit requesting an arrest warrant in accordance with Section 77-7-5; and

(b) in coordination with other state and local law enforcement agencies, attempting to locate and arrest the sex offender who is the subject of the warrant described in Subsection (4)(a).

Section 11. Section **53-29-402** is amended to read:

53-29-402 (Effective 05/06/26). Department responsibilities related to the registry.

(1) The department shall:

(a) maintain the registration website;

(b) establish and maintain the monitoring program described in Section 53-29-406;

(c) develop and provide an online training program for an individual who, as part of the individual's regular job responsibilities:

(i) registers sex offenders;

(ii) provides probation or parole supervision of sex offenders; or

(iii) investigates sex offender compliance with existing laws and requirements;

[~~(b)~~] (d) ensure that the registration information collected regarding an offender's enrollment or employment at an educational institution is:

(i)(A) promptly made available to any law enforcement agency that has jurisdiction where the institution is located if the educational institution is an institution of higher education; or

(B) promptly made available to the district superintendent of the school district where the offender is employed if the educational institution is an institution of primary education; and

(ii) entered into the appropriate state records or data system; and

[~~(c)~~] (e) make available to an offender the name of the local law enforcement agency or state agency that the offender should contact to register, the location for registering, and the requirements of registration.

(2)(a) When the department receives offender registration information regarding a change of an offender's primary residence, the department shall, within five days after the day on which the department receives the information, electronically notify the law enforcement agencies that have jurisdiction over the area where:

(i) the residence that the offender is leaving is located; and

(ii) the residence to which the offender is moving is located.

(b) The department shall provide notification under Subsection (2)(a) if the offender's change of address is:

(i) between law enforcement agency jurisdictions; or

(ii) within one law enforcement agency jurisdiction.

(3) The department may make administrative rules necessary to implement this chapter, including:

(a) the method for dissemination of the information; and

(b) instructions to the public regarding the use of the information.

Section 12. Section **53-29-406** is enacted to read:

53-29-406 (Effective 05/06/26). Monitoring program for sex offenders -- Arrest warrant procedures.

(1) As used in this section:

(a) "Division" means the Division of Adult Probation and Parole created in Section 64-14-202.

(b) "Monitoring" means time-correlated tracking of the geographic location of a monitored individual using GPS-based satellite or other location technology.

(c) "Program" means the monitoring program created under this section.

(2)(a) To deter recidivism and protect the community, the department shall establish a program for the monitoring of sex offenders who are unable to provide the required residence information under Subsection 53-29-304(4)(a)(ii).

(b) The program described in Subsection (2)(a) shall apply to a sex offender if the sex offender's registrable offense is committed on or after July 1, 2026.

(3) The program shall include:

(a) a requirement that the monitoring of a sex offender under the program begin within one business day after the day on which a law enforcement officer, a probation or parole officer, the department, or an entity described in Section 53-29-302, discovers that the sex offender is unable to provide the required residence information under Subsection 53-29-304(4)(a)(ii);

(b) a procedure for the department to send notification of program oversight responsibility for a sex offender who is required to be monitored under the program to:

(i) if the sex offender is currently on probation or parole, the division, in accordance with Sections 53-29-309 and 64-14-203; or

(ii) if the sex offender is no longer on probation or parole, the law enforcement agency with jurisdiction over the sex offender's current or last known location, as determined under Section 53-29-308;

(c) except as provided in Subsection (4), a requirement that a sex offender is responsible for paying all or part of the cost incurred by the sex offender's participation in the program;

(d) a process for a sex offender who is in the program to request a redetermination by the department as to whether the sex offender is required to continue in the program;

(e) a requirement that the location of a sex offender under the program may only be tracked as often as once per 12-hour period;

(f) where possible, the use of monitoring systems and technology that have minimal charging, battery, or maintenance requirements; and

(g) a procedure for obtaining an arrest warrant for, and locating, a sex offender who:

(i) does not provide the required residence information under Subsection 53-29-304(4)(a)(ii); and

(ii) fails to comply with the program.

(4) A sex offender is not required to pay the cost described in Subsection (3)(c) if the sex offender demonstrates to the department that the sex offender does not have the ability to pay.

(5) A sex offender required to be monitored under this section who fails to comply with the program is guilty of a violation of Section 53-29-305.

(6)(a) The procedure described in Subsection (3)(g) shall require the department, upon learning of a sex offender described in Subsection (3)(g), to notify, as soon as practicable:

(i) if the sex offender is currently on probation or parole, the division, in accordance with Sections 53-29-309 and 64-14-203; or

(ii) if the sex offender is no longer on probation or parole, the law enforcement agency with jurisdiction over the sex offender's current or last known location, as determined under Section 53-29-308.

(b) After receiving a notification from the department under Subsection (6)(a), the division or the law enforcement agency with jurisdiction under Section 53-29-308, as applicable, shall:

(i) submit an affidavit requesting an arrest warrant for the sex offender in accordance with Section 77-7-5; and

(ii) in coordination with other state and local law enforcement agencies, attempt to locate and arrest the sex offender who is the subject of the warrant described in Subsection (6)(b)(i).

(c) An arrest warrant described in Subsection (6)(b)(i) shall be enforceable by any law enforcement agency that locates the sex offender who is the subject of the arrest warrant.

(7) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish the requirements, procedures, and processes under this section.

Section 13. Section **64-14-203** is amended to read:

64-14-203 (Effective 05/06/26). Duties of division.

(1) The division shall:

(a) assist the department in fulfilling the department's duty to supervise, as described in Subsection 64-13-6(1)(i), probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;

(b) comply with the requirements described in this part;

(c) supply the information described in Section 53-10-209 that is required to be submitted to the Criminal Investigations and Technical Services Division created in Subsection 53-10-103(2);

(d) comply with the use of funds requirement for outpatient treatment services for those convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, as described in Subsection 59-27-105(4)(c);

(e) monitor the status of an offender with a mental condition who has been placed on parole as described in Subsection 77-16a-205(4);

(f) comply with the requirements described in Title 77, Chapter 18, The Judgment;

(g) in accordance with the adult sentencing and supervision length guidelines described in Section 63M-7-404.3, notify the Board of Pardons and Parole of parole violations;

(h) for an individual who is on probation for a domestic violence offense that the division is supervising, report to the court and notify the victim of the domestic violence offense if the individual fails to comply with any condition imposed by the court or commits a violation of a sentencing protective order as required by Subsection 77-36-5.1(4);

(i) comply with the notice requirement to a prosecuting agency described in Subsection 77-38-3(6) if the division is the moving party on a motion for modification of any determination made at any of the criminal justice hearings provided in Subsections 77-38-2(5)(a) through (g);

(j) collect restitution information in preparing a presentence investigation report as described in Section 77-38b-203;

(k) for an individual under supervision by the division who violates a sentencing protective order issued under Title 78B, Chapter 7, Part 8, Criminal Protective Orders, report the violation to the court and notify the victim protected by the order of the violation as required by Section 78B-7-807;

(l) comply with the requirements described in Section 53-29-309 for specific registered sex offenders; and

[~~(l)~~] (m) comply with any other requirement established by applicable statute or regulation or a directive from the executive director.

(2) The division may, in the course of supervising individuals on probation and parole:

(a) respond to an individual's violation of one or more terms of the probation or parole in accordance with the graduated and evidence-based processes established by the adult

sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and

(b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction for an individual's violation of the terms of probation or parole a period of incarceration of not more than three consecutive days and not more than a total of six days within a period of 30 days.

Section 14. Section **77-7-5** is amended to read:

77-7-5 (Effective 05/06/26). Issuance of summons or warrant -- Time and place arrests may be made -- Contents of warrant or summons -- Responsibility for transporting prisoners.

(1) As used in this section:

(a) "Daytime hours" means the hours after 6 a.m. and before 10 p.m.

(b) "Nighttime hours" means the hours after 10 p.m. and before 6 a.m.

(2)(a) A magistrate may issue a warrant for arrest in lieu of a summons for the appearance of the accused only upon finding:

[~~(a)~~] (i) probable cause to believe that the person to be arrested has committed a public offense; and

[~~(b)~~] (ii) under Rule 6 of the Utah Rules of Criminal Procedure and this section that a warrant is necessary to:

[~~(i)~~] (A) prevent risk of injury to a person or property;

[~~(ii)~~] (B) secure the appearance of the accused; or

[~~(iii)~~] (C) protect the public safety and welfare of the community or an individual.

(b) There is a presumption in favor of issuing a warrant in lieu of a summons under the procedures described in Subsection 53-29-406(6) if the accused is a sex offender described in Subsection 53-29-406(5).

(3) There is a presumption against the issuance of a warrant in lieu of a summons if:

(a) after being booked into jail on conduct that would constitute an offense, the accused was released from jail because the prosecuting attorney did not file an information within the time period required under Rule 9 of the Utah Rules of Criminal Procedure; and

(b) the prosecuting attorney filed an information more than 60 days after the day on which the accused was released from jail.

(4) The presumption described in Subsection (3) may be overcome if:

(a) the accused fails to appear on a served summons;

(b) a summons is unable to be served after good faith efforts; or

(c) the prosecuting attorney establishes good cause for issuing a warrant in lieu of a summons to:

(i) prevent risk of injury to a person or property; or

(ii) protect the public safety and welfare of the community or an individual.

(5) If the offense charged is:

(a) a felony, the arrest upon a warrant may be made at any time of the day or night; or

(b) a misdemeanor, the arrest upon a warrant may be made during nighttime hours only if:

(i) the magistrate has endorsed authorization to do so on the warrant;

(ii) the person to be arrested is upon a public highway, in a public place, or in a place open to or accessible to the public; or

(iii) the person to be arrested is encountered by a peace officer in the regular course of that peace officer's investigation of a criminal offense unrelated to the misdemeanor warrant for arrest.

(6)(a) If the magistrate determines that the accused must appear in court, the magistrate shall include in the arrest warrant the name of the law enforcement agency in the county or municipality with jurisdiction over the offense charged.

(b)(i) The law enforcement agency identified by the magistrate under Subsection (6)(a) is responsible for providing inter-county transportation of the defendant, if necessary, from the arresting law enforcement agency to the court site.

(ii) The law enforcement agency named on the warrant may contract with another law enforcement agency to have a defendant transported.

(7) The law enforcement agency identified by the magistrate under Subsection (6)(a) shall indicate to the court within 48 hours of the issuance, excluding Saturdays, Sundays, and legal holidays if a warrant issued in accordance with this section is an extradition warrant.

(8) The law enforcement agency identified by the magistrate under Subsection (6)(a) shall report any changes to the status of a warrant issued in accordance with this section to the Bureau of Criminal Identification.

Section 15. **Effective Date.**

This bill takes effect on May 6, 2026.