

Overview of Historical Offenses

Utah Sex & Kidnap Offender Registry | August 21, 2019

Offenses on the Sex & Kidnap Offender Registry

Ten-Year Registration	Lifetime Registration
<p>A conviction of any of the following offenses, including attempting, soliciting, or conspiring to commit a felony offense, requires registration for the duration of the sentence and 10 years after termination of the sentence:</p> <ul style="list-style-type: none"> • Subsection 76-5-301(1)(c) or (d), kidnapping; • Section 76-5-310, aggravated human trafficking, on or after May 10, 2011; • A class A misdemeanor violation of Section 76-5-401, enticing a minor; • Section 76-5b-202, sexual exploitation of a vulnerable adult if the conviction was on or after May 10, 2011; • A felony violation of Section 76-5-401, unlawful sexual activity with a minor; • Section 76-5-404.1, sexual abuse of a minor; • Section 76-5-401.2, unlawful sexual conduct with a 16 or 17-year-old; • Section 76-5-404, forcible sexual abuse; • Section 76-5-412, custodial sexual relations, when the person in custody is younger than 18 years of age and the offense was committed on or after May 10, 2011; • Section 76-5b-204, sexual extortion; • Section 76-7-102, incest; • Section 76-9-702, lewdness, if the person has been convicted of the offense four or more times; • Section 76-9-702.1, sexual battery, if the person has been convicted of the offense four or more times; • Any combination of convictions of Section 76-9-702, lewdness, and of Section 76-9-702.1, sexual battery, that total four or more convictions • Section 702.5, lewdness involving a child; • A felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism. 	<p>A conviction of any of the following offenses requires registration for the duration of the sentence and the lifetime of the offender after termination of the sentence:</p> <ul style="list-style-type: none"> • Section 76-5-302, aggravated kidnapping, except if the offender is a natural parent of the victim; • Section 76-5-404.1, sexual abuse of a child; • A felony violation of Section 76-4-401, enticing a minor over the internet; • A felony violation of Section 76-5-403, forcible sodomy; • Section 76-5b-201, sexual exploitation of a minor; • Subsection 76-5b-204(4), aggravated sexual extortion; • Subsection 76-10-1306, aggravated exploitation of prostitution if the conviction was on or after May 10, 2011; • A conviction for any of the following offenses, including attempting, soliciting, or conspiring to commit a felony offense: <ul style="list-style-type: none"> ○ Section 76-5-301.1, child kidnapping, except if the offender is a natural parent of the victim; ○ Section 76-5-402, rape ○ Section 76-5-402.1, rape of a child; ○ Section 76-5-402.2, object rape; ○ Section 76-5-402.3, object rape of a child; ○ Section 76-5-403.1, sodomy on a child; ○ Subsection 76-5-404.1(4), aggravated sexual abuse of a child; or ○ Section 76-5-405, aggravated sexual assault; • Any offense that requires 10-year registration in Subsection 77-41-105(3)(c)(i) if the person: <ul style="list-style-type: none"> ○ Was previously convicted of an offense requiring registration listed in Subsection 77-41-105(3)(c)(i); or ○ Was previously required to register as a sex offender for an offense committed as a juvenile.

See Utah Code §§ 77-41-102(9), (11), (17); 77-41-105(3)(a),(c); 77-41-106.

Basic Requirements for a Petition of Removal

Five-Year Petition	Ten-Year Petition
<p>An offender may petition the court to remove his or her name from the registry if:</p> <ul style="list-style-type: none"> • at least five years have passed after the day on which the offender's sentence for the offense terminates; • the offender is convicted of: <ul style="list-style-type: none"> ○ Section 76-4-401, enticing a minor, if the offense is a class A misdemeanor; ○ Section 76-5-301, kidnapping; ○ Section 76-5-304, unlawful detention, if the conviction of violating Section 76-5-304 is the only conviction for which the offender is required to register; ○ Section 76-5-401, unlawful sexual activity with a minor if, at the time of the offense, the offender is not more than 10 years older than the victim; ○ Section 76-5-401.1, sexual abuse of a minor, if, at the time of the offense, the offender is not more than 10 years older than the victim; ○ Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old, and at the time of the offense, the offender is not more than 15 years older than the victim; or ○ Section 76-9-702.7, voyeurism, if the offense is a class A misdemeanor. • the offense is the only offense for which offender is required to register; • the offender is not convicted of another offense, excluding traffic offenses, after conviction of the offense for which the offender was required to register • the offender: <ul style="list-style-type: none"> ○ must have successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the conviction; ○ must have paid all restitution ordered by the court; and ○ must have complied with all the registration requirements at all times as required in Title 76, Chapter 41. 	<p>An offender may petition the court to remove his or her name from the registry if:</p> <ul style="list-style-type: none"> • the offender is required to register in accordance with Subsection 77-41-105(3)(a) (10-year registration requirement); • at least 10 years have passed after the later of: <ul style="list-style-type: none"> ○ the day on which the offender is placed on probation; ○ the day on which the offender is released from incarceration to parole; ○ the day on which the offender's sentence is terminated without parole; ○ the day on which the offender enters a community-based residential program; or ○ for a minor, as defined in Section 78A-6-105, the day on which the division's custody of the offender is terminated; • the offender is not convicted of another offense that is a Class A misdemeanor, felony, or capitol felony within the most recent 10-year period; • the offender: <ul style="list-style-type: none"> ○ must have successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the conviction; ○ must have paid all restitution ordered by the court; and ○ must have complied with all the registration requirements at all times as required in Title 76, Chapter 41.

See Utah Code § 77-41-112(1)-(2). Additional requirements found in Utah Code § 77-41-112.

1. What historical offenses may require registration?

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| <ul style="list-style-type: none"> • Effective: April 29, 1996 to April 30, 2001 <ul style="list-style-type: none"> ○ Any person who entered into a plea in abeyance for an offense requiring registration. • Effective: April 30, 2001 to May 6, 2002 <ul style="list-style-type: none"> ○ A class B and C misdemeanor violations of enticing a minor; and ○ Any attempt, solicitation, or conspiring to commit either a class B or C misdemeanor violations of enticing a minor. • Effective: May 7, 1997 to May 5, 2008 <ul style="list-style-type: none"> ○ Child kidnapping if the offender is the natural parent of the victim; and ○ Attempt, soliciting, or conspiring to commit child kidnapping if the offender is the natural parent of the victim. • Effective: May 5, 2008 to May 12, 2009 <ul style="list-style-type: none"> ○ Unlawful detention. | <ul style="list-style-type: none"> • Effective: May 5, 2008 to May 11, 2010 <ul style="list-style-type: none"> ○ Kidnapping in Subsection 76-5-301(1)(a) or (b); and ○ Attempt, soliciting, or conspiring to commit kidnapping in Subsection 76-5-301(1)(a) or (b). • Effective: April 30, 2001 to May 10, 2016 <ul style="list-style-type: none"> ○ A class A misdemeanor violation of sexual abuse of a minor if it is a first offense and the offender is younger than 21. • Effective: April 30, 2001 to May 14, 2019 <ul style="list-style-type: none"> ○ Unlawful sexual activity with a minor if the offender is younger than 21 years old at the time of the sexual activity; and ○ Attempt, soliciting, or conspiracy of unlawful sexual activity with a minor if the offender is younger than 21 years old at the time of the sexual activity. |
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2. What historical offenses may require lifetime registration?

- **Effective: July 1, 2006 to May 5, 2008**
 - Child kidnapping if the offender is the natural parent of the victim; and
 - Incest.
- **Effective: March 19, 2007 to May 5, 2008**
 - A class A misdemeanor violation of enticing a minor.

3. Do these historical offenses qualify for removal?

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| <ul style="list-style-type: none"> • After five years and certain requirements are met, an offender may petition for removal from the registry for the following historical offenses: <ul style="list-style-type: none"> • A class A misdemeanor violation of enticing a minor; • Kidnapping; • Unlawful detention, if only conviction that requires registration; • Unlawful sexual activity with a minor if, at the time of the offense, the offender is not more than 10 years older than the victim; and • Sexual abuse of a minor if, at the time of the offense, the offender is not more than 10 years older than the victim. | <p>The following historical offenses are not specifically addressed in Utah Code section 77-41-112:</p> <ul style="list-style-type: none"> • Class B and C misdemeanor violations of enticing a minor, including: <ul style="list-style-type: none"> ○ any attempt, solicitation, or conspiring to commit either of these offenses; • Child kidnapping if the offender is the natural parent of the victim, including: <ul style="list-style-type: none"> ○ any attempt, soliciting, or conspiring to commit this offense; • Child kidnapping if the offender is the natural parent of the victim that has a lifetime registration requirement; • Incest and that has a lifetime registration requirement; and • Attempt, soliciting, or conspiring to commit Subsection 76-5-301(1)(c) or (d), kidnapping. |
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