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# Sex Offense Subcommittee Report

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## PRESENTATION OVERVIEW

- Overview of Utah's Registry
- Sex Offender Risk Data
- Long Term Potential Reforms to the Sex Offense Registry
- Short Term Potential Reforms to the Sex Offense Registry
- Invitation to Collaborate



# Overview of Utah's Registry

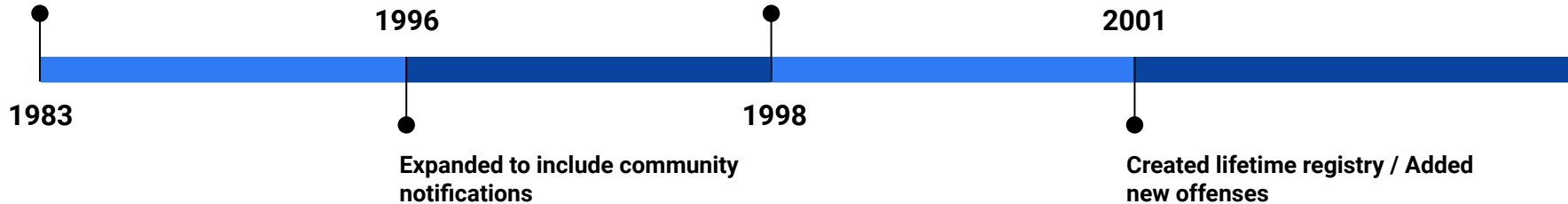


# History of Utah's Registry

## Registry Established

Only accessible by law enforcement, educational licensing agencies, and UDC

Ten year registration period



# History of Utah's Registry

- Over 13 new amendments to registry since 2006;
  - Some offenses added / strengthened;
  - Also created a pathway for 5-year removal from registry for some offenses



# Utah's Current Registry - Registration Processes

- Offense-Based System
  - The offense of conviction determines registration requirements
- Two-Tiered system
  - 10 year registration - from termination of sentence
    - Some offenses can petition to be off at five years after termination of sentence
    - All others after ten years after termination of sentence
  - Lifetime registration
    - For the most serious offenses and second offenses of any kind



# Utah's Current Registry - Removal Processes

- 10-year registration after **termination of sentence**
  - Eligible to petition after ten years **in the community**
  - Some offenses eligible five years after **termination of sentence**
- Lifetime registrants
  - Eligible to petition after twenty years **in the community**



# Pros and Cons of Current System

## Pros:

Front-end simplicity of determining who needs to register and for how long

Familiarity / Match to current resources

Limited Adam Walsh Act Funding (\$85-90K)

## Cons

Back-end complexity

No way to account for risk or risk reduction

Little incentive for risk reduction efforts

Long-term collateral consequences





# Sex Offender Recidivism



# Sex Offender Recidivism

- Studies have found that the rate of recidivism for sexual reoffending is the same or lower than general crime recidivism rates
  - Utah sexual re-offense rate is approximately 2% to 10% (CCJJ, 2019; Bench & Allen, 2013)
  - Utah General recidivism rate between 13% to 60% (based on UDC/CCJJ information)



# Sex Offender Recidivism

- Validated assessments can help assess risk to reoffend
  - Study (Hanson et al., 2014) looked at 8,000 individuals
    - High risk
      - 22% reoffended within 5 years of release;
      - Between 6 and 10 years after release recidivism decreased 7%;
      - No recidivism after 16 years from release;
    - Low risk
      - 97.5% offense free after 5 years



# Sex Offender Recidivism

- The longer an individual remains offense-free in the community, the less likely they are to commit new sex offenses (Hanson et al, 2014; Sample & Bray, 2003);
- Failed or non-completion of treatment correlates with likelihood to reoffend



# Is the Sex Offender Registry Meeting its goals?

- Is risk and risk reduction properly accounted for?
- Are registrants incentivized to engage with programming?
- Is the public well-served by the notice the registry provides?
- Are registry requirements overbroad?
- Are collateral consequences too severe?



# Sex Offense Registry Reform

Long Term Possibilities



# Risk-Based Registry System

- The Sex Offense subcommittee studied Oregon's three-tiered risk-based registry
  - Registrants categorized based on risk assessments, not offense of conviction;
  - Lower-risk registrants are placed on a law-enforcement only database;
  - Lower-risk registrants can petition for early removal;
  - Registrants can move down through risk categories over time.



# Risk-Based Registry System (Cont'd)

- Hurdles to risk-based registry:
  - Risk assessments not validated for all individuals and offense types
  - Substantial implementation costs
  - Risk assessments are only one part of a complete risk analysis

**A transition to a risk-based registry system is more realistic as a long-term goal**





# Sex Offense Registry Reform

Short Term Possibilities



# Recodification+



# Statutory Recodification / Streamlining

- The Sex Offense registry statutes are the result of dozens of amendments over decades, often with conflicting goals
- A recodification effort could make the statutes more readable and increase transparency
- Currently overlapping deadlines / removal terms could be simplified
- Wrinkles ironed out (i.e. Unlawful Detention / Agg Kidnapping confusion)



# Reduce Collateral Consequences



# Expand eligibility for five-year removal

- Most registrants unlikely to reoffend after five crime-free years in community
  - Successful completion of treatment also correlates with reduced likelihood of reoffense
- A reduced risk score could also be included as a factor to consider in removal petitions
- Petition process still allows case-by-case analysis
- Currently overlapping deadlines / removal terms could be simplified



# Restore non-public database for eligible registrants

- Current registry system includes technology and processes for a law-enforcement-only database
- Could be paired with disclosure provisions for community stakeholders
- Could be based on offense of conviction and tied to risk assessments

The public may also be better-served by a more targeted approach here.



# Increase Utility of Public Database

- Include data about recidivism risk
- Include offender risk information, where appropriate
- Consider terminology (“offender” vs. “registrant”)



# Fines and Fees Analysis

- \$100 annual fee for registrants, plus \$25 locally
- Also costs associated with maintaining address information with DLD
- Costs compounded by housing difficulties for this population
- Costs could be reduced or placed on a sliding scale





# UDC Process Refinement



# Housing / Supervision Requirements

- Loosen restrictions barring sex offenders from long-term care facilities to reduce over-incarceration
  - Current notice provisions are prohibitive
- Allow for intensive supervision for low-functioning, high-risk offenders
  - Need for intensive supervision outside of incarcerative setting



# Sex Offense Task Force

- Currently housed with UDC to carry out various statutory requirements related to sex offender treatment
- But includes other stakeholders in this arena
- Could be given broader policy advisory authority to begin transition to more risk-based processes



# Invitation to Collaborate

We're here to help you achieve your goals.



# Questions?



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