

Legislative Fact Sheet

HB156 - Sex and Kidnap Offender Registry and Child Abuse Offender Registry Administration Amendments

Sponsor: Representative Stoddard

What does this legislation do?

- Transfers administration of the sex offender, kidnap offender, and child abuse offender registries from the Department of Corrections (UDC) to the Department of Public Safety (DPS).

What are the reasons for this legislation?

- Courts have upheld registry requirements against due process challenges because they are *not* part of the criminal sentence, but a collateral civil consequence. The registry will be on firmer legal ground if it is not housed within the sentencing structure of UDC.
- Of the approximately 6,000 individuals on the registry, the majority are not under UDC incarceration or supervision (1,920 under UDC and 4,175 not under UDC)
- DPS manages the Driver's License / State ID program, which is tied to these registries because individuals need to register when moving into the state or changing addresses.
- To petition for removal from the registry a person must obtain a copy of their criminal record through BCI, which is housed within DPS. UDC also plays a role in verifying completion of sentencing / supervision terms.
- BCI, within DPS, manages the State's criminal records and investigations. The registry is essentially a state criminal record that is being continually monitored after a person terminates their criminal sentence.
- DPS has more robust systems for collecting and managing fees related to records, since they do this with background checks, Driver's Licenses, etc.
- DPS has experience managing extensive record systems online. For example, the average person can easily renew their driver's license, change addresses, etc, entirely online. If more automation / online processes come to the registry in the future, DPS would be well-equipped to implement those.

How was this legislation created?

- This concept was initially discussed in the Sentencing Commission's Sex Offense Subcommittee. The Sentencing Commission Director then discussed the proposal with officials at both UDC and DPS. The agencies agreed to explore the concept, and legislation was created to effectuate it this year.