



# The Sex and Kidnap Offender Registry

An Overview | June 14, 2023

## Executive Summary

There are approximately 7,000 offenders currently listed on Utah's Sex and Kidnap Offender Registry, per the requirements established in [Title 77 Chapter 41](#) of the Utah Code.<sup>1</sup> The Utah Department of Corrections (UDC) currently manages the registry, but recent legislation has moved management to the Department of Public Safety starting in 2024.<sup>2</sup> Local law enforcement agencies and the Board of Pardons and Parole are responsible for registering offenders and monitoring them.

Systems for registering and monitoring sex offenders at the state level have four main components: the list of offenses that qualify an individual for registry, the required length of registration, the process for registration itself, and registration-based restrictions. Offenses that qualify an individual for registration are listed under the definition of "Sex offender" in [Section 77-41-102](#). Offenses that require lifetime registration are found in [Section 77-41-106](#). All other registrable offenses require 10 years. Location restrictions are limited to those who have committed registrable offenses against a minor and do not include housing restrictions.

The components of sex offender registry policy are also addressed at the federal level by the Sex Offender Registration and Notification Act (SORNA), which sets certain minimum requirements for local registries. While Utah's registration scheme adheres to some of the federal standards, the state is not currently considered in full compliance.

## Utah's Sex and Kidnap Offender Registry

### Registration

[§ 77-41-105](#). Registration of offenders -- Offender responsibilities.

Offenders are required to register twice per year: once during their birth month, and once six months from their birth month. They must also register within three business days of changing their primary residence, secondary residence, place of employment, vehicle information, or educational information. Offenders from other states must register within 10 days of entering Utah even if they are not staying in Utah for an extended period.

### Registration Length

Registration length in Utah is determined by a tiered system, meaning not all registrable offenses have the same requirements. Offenders in Utah must register for 10 years or for life

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<sup>1</sup> Utah Department of Corrections. "Sex Offender and Kidnap Registry - Utah Department of Corrections," February 13, 2020.

<https://corrections.utah.gov/probation-parole/sex-offender-and-kidnap-registry/>.

<sup>2</sup> "HB0156, Sex and Kidnap Offender Registry and Child Abuse Offender Registry Administration Amendments." n.d.

<https://le.utah.gov/~2023/bills/static/HB0156.html>.



depending on the seriousness of the offense (see Appendix). Those required to register for 10 years must register for the duration of their sentence and for 10 years after termination of sentence or release from state custody. Both tiers include provisions for a registered individual to petition for early release from the registry.

There is a variety of registration lengths among other state registries. Some mirror Utah's two-tiered approach, others consist of one or three tiers, with one tier being lifetime registration and three tiers ranging from any combination of 10, 15, 20, 25 years, and lifetime.

## **Removal**

**§ 77-41-112.** Removal from registry -- Requirements -- Procedure.

Qualifying offenders can petition to be removed from the registry. Some offenders can petition to be removed five years after their sentence has been terminated, depending on the offense (see Appendix A). They also must meet certain qualifications. For example, they must be able to show that the offense is the only offense for which they were required to register, they have not been convicted of another offense (excluding a traffic offense), they have successfully completed all required treatment, and they have paid all restitution.

Offenders who must register for 10 years can petition once 10 years have passed from the later of the day they were placed on probation, the day they were released from incarceration, the day their sentence was terminated, or the day they entered a community-based program. Offenders convicted as minors can petition 10 years after the day the division's custody was terminated. They must show that they have not been convicted of another class A misdemeanor, felony, or capital felony. They must also show they have completed all treatment and paid all restitution.

Certain lifetime offenders can also petition for removal if they can show that 20 years have passed from the later of the day they were placed on probation, the day they were released from incarceration, the day their sentence was terminated, or the day they entered a community-based program. Offenders convicted as minors can petition on the day 20 years after the division custody is terminated. Lifetime offenders must not have been convicted of another class A misdemeanor, felony, or capital felony within the most recent 20-year period. They must have completed all treatment and paid all restitution. Additionally, they must submit an evidence-based risk assessment to the court that meets the standards that either the court or the Board of Pardons and Parole has set. The offender must complete the assessment six months before they file the petition, and the assessment must describe their current level of risk to the public.

When a court, as part of its consideration of a lifetime-registry offender's removal petition, is determining the level of risk a lifetime offender poses, it may consider the nature and degree of violence involved in the offense, the age and number of victims, the age of the offender at the time of the offense, the offender's performance under supervision, the offender's stability in

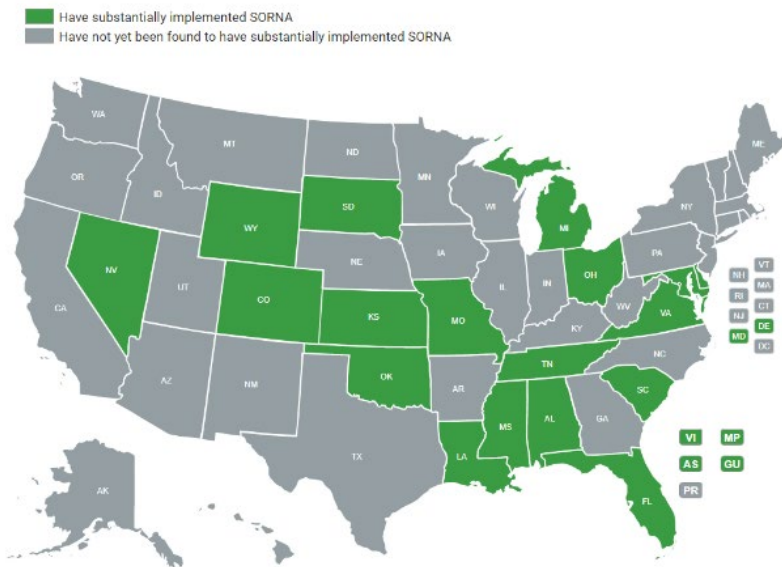


employment and housing, the offender's community and support system, the results of the risk assessment, and other relevant factors. The court must notify the victim and the Sex and Kidnap Offender Registry Office of the court's decision on the petition within three days.

## Sex Offender Registration and Notification Act (SORNA)

On a national level, the Adam Walsh Child Protection and Safety Act of 2006 created [SORNA](#), or the Sex Offender Registration and Notification Act. SORNA provides a standardized list of registry requirements states can follow, and it also assesses each state's level of implementation. The act "aims to close potential gaps and loopholes that existed under prior law and generally strengthens the nationwide network of sex offender registration and notification programs."

As of 2022, 18 states and four territories have implemented all of these standards (see map). Utah has met most standards but not all, according to [SORNA's 2022 implementation progress check](#). For example, SORNA standards require a three-tier system, whereas Utah only has a two-tier system. Utah also does not meet the standards for required juvenile offenses or for posting all required information on the public registry website.





## Appendix A - Registration and petition times by offense

Crime	Time on registry	Time to petition to remove
<a href="#">Rape</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Rape of a child</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Object rape</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Object rape of a child</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Forcible Sodomy</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Sodomy on a child</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Sexual abuse of a child</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Aggravated sexual abuse of a child</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Aggravated sexual assault</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Sexual exploitation of a minor</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Aggravated sexual exploitation of a minor</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Aggravated sexual extortion</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Aggravated exploitation of prostitution</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Child kidnapping</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Enticing a minor <b>felony</b></a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Aggravated kidnapping</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Human trafficking of a child for sexual exploitation</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Human trafficking for sexual exploitation</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Aggravated human trafficking for sexual exploitation</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Human trafficking of a vulnerable adult for sexual exploitation</a>	<a href="#">Lifetime</a>	<a href="#">20 years</a>
<a href="#">Human trafficking for labor</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Human smuggling</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Human smuggling of child under 18</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Human trafficking of a child for labor</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Aggravated human trafficking</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Aggravated human smuggling</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Human trafficking of a vulnerable adult for labor</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Sexual exploitation of a vulnerable adult</a>	<a href="#">10 years</a>	<a href="#">10 years</a>



<a href="#">Sexual extortion</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Forcible sexual abuse</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Custodial sexual relations</a> , when the individual in custody is younger than 18 years old	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Lewdness</a> , if the individual has been convicted of the offense four or more times	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Sexual battery</a> , if the individual has been convicted of the offense four or more times	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Incest</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
Any combination of convictions of <a href="#">lewdness</a> , and of <a href="#">sexual battery</a> , that total four or more convictions	<a href="#">10 years</a>	<a href="#">10 years</a>
<a href="#">Lewdness involving a child</a>	<a href="#">10 years</a>	<a href="#">10 years</a>
<b>Voyeurism felony or class A misdemeanor</b>	<a href="#">10 years</a>	<a href="#">10 years</a> for a felony <a href="#">5 years</a> for a class A misdemeanor
<a href="#">Unlawful sexual activity with a minor</a> (does not include those convicted of this crime if the defendant is less than 4 years older of the minor or if the defendant was under 21)	<a href="#">10 years</a>	<a href="#">10 years</a> if the offender is more than 10 years older than the victim <a href="#">5 years</a> if the offender is not more than 10 years older than the victim
<a href="#">Sexual abuse of a minor</a> (does not include offenders on first offense who are younger than 21 years old at time of offense)	<a href="#">10 years</a>	<a href="#">10 years</a> if the offender is more than 10 years older than the victim <a href="#">5 years</a> if the offender is not more than 10 years older than the victim
<a href="#">Unlawful sexual conduct with a 16- or 17-year-old</a>	<a href="#">10 years</a>	<a href="#">10 years</a> if the offender is more than 15 years older than the victim <a href="#">5 years</a> if the offender is not more than 15 years older than the victim
<a href="#">Kidnapping</a>	<a href="#">10 years</a>	<a href="#">5 years</a>
<a href="#">Enticing a minor</a> <b>misdemeanor</b>	<a href="#">10 years</a>	<a href="#">5 years</a>



## Appendix B - Recent Legislation (2019-2023)

### 2023 General Session

#### H.B. 99, Sex Offender Restrictions Amendments

Increases the penalty for repeat offenders of sex offender restrictions.

#### H.B. 122, Sex Offender Registry Amendments

Clarifies that juveniles committing qualifying offenses are still required to comply with registry requirements. Adds attempt, solicitation, and conspiracy to commit certain human trafficking offenses to the offenses that qualify for the sex offender registry. Clarifies that for purposes of determining a lifetime registration requirement for an offender under 21 years old, a sentencing court may determine at any time after a conviction that the offense did not involve force or coercion. Enacts provisions related to juveniles transferred from the custody of the Division of Juvenile Justice Services to the Department of Corrections. Specifies the number of days an offender may drive a particular car before that car's information must be reported. Requires the Department of Corrections to maintain, but not publish, information on individuals who were under 18 years old when they committed a qualifying offense, unless the offender committed an offense requiring lifetime registration.

#### H.B. 139, Sex and Kidnap Offender Registry Requirements

Amends sex and kidnap offender registry requirements for an offender who commits certain offenses in another state.

#### H.B. 146, Sex Offender Restricted Area Amendments

Restricts an offender on the Sex and Kidnap Offender Registry from entering a homeowners' association, condominium project, or apartment complex swimming pool, park, or playground.

#### H.B. 156, Sex and Kidnap Offender Registry and Child Abuse Offender Registry Administration Amendments

Moves the administration of the Sex and Kidnap Registry and the Child Abuse Offender Registry from the Department of Corrections to the Department of Public Safety.

#### H.B. 268, Sex Offense Amendments

Creates the Sex Offense Management Board; describes the duties of the Sex Offense Management Board; clarifies the process the Department of Corrections follows to establish standards for sex offender treatment

### 2022 General Session

#### S.B. 167, Sexual Exploitation Amendments



Adds "aggravated sexual exploitation of a minor" to list of lifetime offenses. Amends § 77-41-102, 77-41-106.

## **2021 1st Special Session**

### **H.B. 1002, Juvenile Justice Amendments**

Provides that the definition of "offender" includes individuals who remained in the Division of Juvenile Justice Services' custody until 30 days before their 25th birthday. Amends § 77-41-102.

## **2021 General Session**

### **S.B. 50, Juvenile Offender Penalty Amendments**

Provides that an individual who was a minor when they committed an offense can request removal from the registry. Amends § 77-41-113.

### **S.B. 165, Sex Offender Registry Revisions**

Requires the UDC to automatically remove offenders who committed offenses listed in § 77-44-113, as opposed to requiring offenders to contact the UDC. Amends §§ 77-41-112, 77-41-113.

### **S.B. 215, Sex Offender Registry Amendments**

Allows lifetime offenders to petition the court for removal 20 years after sentencing if they meet certain conditions. Requires the UDC to remove an offender from the registry if their conviction was pardoned. Amends §§ 77-41-112, 77-41-113. Enacts § 77-27-5.2.

## **2020 General Session**

### **H.B. 291, Human Trafficking Amendments**

Adds various human trafficking offenses to list of registerable offenses. Amends §§ 77-41-102, 77-41-105, 77-41-106.

### **H.B. 344, Sex Offender Restrictions Amendments**

Prohibits an offender from serving as a coach, manager, or trainer of a minor. Amends § 77-27-21.7.

### **S.B. 34, Sex Offender Registry Amendments**

Requires the UDC to remove an individual from registry if the individual is on the registry for an offense which is no longer considered a registerable offense. Amends § 77-41-109. Enacts § 77-41-113.

## **2019 General Session**



### H.B. 40, Amendments to Criminal Provisions

Reduces penalty for not registering from not less than 90 days of incarceration to not less than 30 days of incarceration. Amends § 77-41-107.

### H.B. 75, Sex Offender Registry Amendments

Reduces the offense level for an individual who is under 21 years old and who commits the crime of unlawful sexual activity with a minor. Provides that an individual who is under 21 years old and who commits the crime of unlawful sexual activity with a minor does not have to register as a sex offender. Amends §§ 76-5-104, 77-41-102.

### H.B. 298, Offender Registry Amendments

Provides that an offender who is ordered by a court of another jurisdiction must register as an offender in Utah. Provides that an offender is permitted to change their name if the name change is not contrary to the interests of the public, and if they provide a 30-day notice. Requires the UDC to publish the offender's changed name and previous name. Allows an offender to petition the court for removal as early as 10 years after sentencing if they meet certain conditions. Amends §§ 77-41-104, 77-41-105, 77-41-112.