



**Performance Note**  
**HB0298S01 - Offender Registry**  
**Amendments**  
Sponsor: Rep. Dunnigan, James A.



Performance Note Report

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Author: Victoria Wilde  
Agency: Attorney General

Funding For:

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New Services or Benefit

Public Benefit:

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Purpose: A portion of this bill, more particularly described below, exempts from a lifetime sex offender registration requirement, a category of offenders convicted of sexual exploitation of a child under Section 76-5b-201. The Internet Crimes Against Children (ICAC) unit of the Attorney General's Office is the lead prosecution office for this offense statewide and has obtained the conviction of the majority of offenders who currently have a lifetime registration requirement based on conviction under this Section. This bill creates a petition process for removal from the sex offender registry for any and all Sexual Exploitation of a Minor cases, including production, distribution and possession, and makes this exemption retroactive to every individual in the state of Utah who is currently on the sex offender registry based on a conviction under Section 76-5b-201 and 76-5b-103. Currently this includes 1,003 offenders (as identified by the Department of Corrections) who would be eligible to petition. The bill also allows any offender currently required to register for the 10 year registry, or approximately 6,000 offenders (as identified by the department of Corrections) eligible to petition. Because lifetime registration is a substantial burden to an offender, ICAC estimates that 99% of offenders who presently have a lifetime registration obligation, based on an ICAC conviction under Section 76-5b-201 or 76-5b--103 (the prior sexual exploitation statute), or those required to register on the 10 year registry will attempt to avail themselves of this newly created procedure. Lines 1237 through 1308 of the bill creates a new procedure by which every offender in the state of Utah ever convicted of a violation of Section 76-5b-201, 76-5b-103 or required to register on the 10 year registry may now petition the court for a determination hearing which requires the court to make a ruling on whether the offender is eligible to be removed from the registry.&nbsp;

Services: Every time an offender convicted by ICAC petitions the court, pursuant to lines 1237 through 1308, to be released from the registration requirement, ICAC will be required to perform the following new tasks: 1. Retrieve the prosecution case file from archives, locate the case evidence if it has not been destroyed and conduct a complete review of the file. 2. Conduct a complete re-investigation of forensic evidence to identify victims. 3. Locate the victim of the crime, if possible, and provide notification to the victim, provide instructions regarding the right to object to petition and how to file their objection with the court (lines 1274 to 1281). 4. Within 30 days the prosecutor must provide to court the pre-sentence report, any evaluations, and any other information the prosecutor thinks the court should consider (line 1282 to 1286). 5. Prepare and file any response to the petition. 6. Prepare for and attend any court hearings.

Expected Outcome: The expected outcome would be a substantial review of any cases submitted to the AGO for petition, a complete forensic review of the evidence to identify the victims, notification to the victims and response to the petition and court.

Implementations and Resources: The Attorney general's Office would need to add staff to the office to carry out the mandates outlined in this bill.

How: The proposed activities are projected to require review of 863 cases in the first year, and approximately 500 cases every year thereafter.

Performance Measures

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Goal

Title: The goal of this program is to evaluate submitted petitions to properly respond to the petition process.

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Collection Method: Data will be tracked in our Legal Files Case Management system. As petitions are received, an in-house case file will be created. Activity will be tracked.

	2019	2020	2021
Target	0.00	0.00	0.00
Baseline	0.00	0.00	0.00

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By rule, performance notes are provided by the governmental entity that will supervise the new agency or administer the new program. Performance notes are not written by the Office of the Legislative Fiscal Analyst.