

Effective 5/7/2025

Part 2

Registrable Offenses, Timelines for Registration, and Petitions for Removal

53-29-201 Definitions.

As used in this part:

- (1) "Court" means a state, federal, or military court.
- (2) "External jurisdiction" means:
 - (a) a state of the United States not including Utah;
 - (b) the United States federal government;
 - (c) Indian country;
 - (d) a United States territory;
 - (e) the United States military; or
 - (f) Canada, Australia, New Zealand, or the United Kingdom.
- (3) "Indian country" means:
 - (a) all land within the limits of an Indian reservation under the jurisdiction of the United States government, regardless of the issuance of any patent, and includes rights-of-way running through the reservation;
 - (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory, and whether or not within the limits of a state; and
 - (c) all Indian allotments, including the Indian allotments to which the Indian titles have not been extinguished, including rights-of-way running through the allotments.
- (4) "Natural parent" means a minor's biological or adoptive parent, including the minor's noncustodial parent.
- (5) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

Enacted by Chapter 291, 2025 General Session

53-29-202 Registrable offenses -- Status as a sex offender, kidnap offender, and child abuse offender established.

- (1) An individual is an offender described in Subsection (2) and subject to the requirements, restrictions, and penalties described in this chapter if the individual:
 - (a) has been convicted in this state of:
 - (i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - (ii) child torture under Section 76-5-109.4;
 - (iii) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417;
 - (iv) sexual exploitation of a vulnerable adult under Section 76-5b-202;
 - (v) human trafficking for sexual exploitation under Section 76-5-308.1;
 - (vi) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
 - (vii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
 - (viii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
 - (ix) unlawful sexual activity with a minor under Section 76-5-401, except as provided in Subsection 76-5-401(3)(b) or (c);
 - (x) sexual abuse of a minor under Section 76-5-401.1, on the individual's first offense unless the individual was younger than 21 years old at the time of the offense then on the individual's second offense;

- (xi) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- (xii) rape under Section 76-5-402;
- (xiii) rape of a child under Section 76-5-402.1;
- (xiv) object rape under Section 76-5-402.2;
- (xv) object rape of a child under Section 76-5-402.3;
- (xvi) a felony violation of forcible sodomy under Section 76-5-403;
- (xvii) sodomy on a child under Section 76-5-403.1;
- (xviii) forcible sexual abuse under Section 76-5-404;
- (xix) sexual abuse of a child under Section 76-5-404.1;
- (xx) aggravated sexual abuse of a child under Section 76-5-404.3;
- (xxi) aggravated sexual assault under Section 76-5-405;
- (xxii) custodial sexual relations under Section 76-5-412, if the victim in custody is younger than 18 years old and the offense is committed on or after May 10, 2011;
- (xxiii) sexual exploitation of a minor under Section 76-5b-201;
- (xxiv) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- (xxv) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
- (xxvi) incest under Section 76-7-102;
- (xxvii) lewdness under Section 76-5-419, if the individual has been convicted of the offense four or more times;
- (xxviii) sexual battery under Section 76-5-418, if the individual has been convicted of the offense four or more times;
- (xxix) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under Section 76-5-418, that total four or more convictions;
- (xxx) lewdness involving a child under Section 76-5-420;
- (xxxi) a felony or class A misdemeanor violation of:
 - (A) voyeurism under Section 76-12-306;
 - (B) recorded or photographed voyeurism under Section 76-12-307; or
 - (C) distribution of images obtained through voyeurism under Section 76-12-308;
- (xxxii) aggravated exploitation of prostitution under Section 76-5d-208;
- (xxxiii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the natural parent of the child victim;
- (xxxiv) child kidnapping under Section 76-5-301.1, if the offender was not the natural parent of the child victim;
- (xxxv) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
- (xxxvi) human trafficking for labor under Section 76-5-308, if the offender was not the natural parent of the child victim;
- (xxxvii) human smuggling under Section 76-5-308.3, if the offender was not the natural parent of the child victim;
- (xxxviii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the offender was not the natural parent of the child victim;
- (xxxix) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the natural parent of the child victim;
- (xl) aggravated human smuggling under Section 76-5-310.1, if the offender was not the natural parent of the child victim;
- (xli) human trafficking of a vulnerable adult for labor under Section 76-5-311, if the offender was not the natural parent of the child victim; or

- (xlii) attempting, soliciting, or conspiring to commit a felony violation of an offense listed in Subsections (1)(a)(i) through (xl);
 - (b)
 - (i) has been convicted of a criminal offense, or an attempt, solicitation, or conspiracy to commit a criminal offense in an external jurisdiction that is substantially equivalent to the offense listed in Subsection (1)(a); and
 - (ii)
 - (A) is a Utah resident; or
 - (B) is not a Utah resident and is in this state for a total of 10 days in a 12-month period, regardless of whether the individual intends to permanently reside in this state;
 - (c)
 - (i)
 - (A) is required to register on a registry in an external jurisdiction for individuals who have committed an offense listed in Subsection (1)(a) or a substantially equivalent offense;
 - (B) is ordered by a court to register on a registry for individuals who have committed an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
 - (C) would be required to register on a registry in an external jurisdiction for individuals who have committed an offense listed in Subsection (1)(a), or a substantially equivalent offense, if residing in the external jurisdiction of the conviction regardless of the date of the conviction or a previous registration requirement; and
 - (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether the individual intends to permanently reside in this state;
 - (d)
 - (i)
 - (A) is a nonresident regularly employed or working in this state; or
 - (B) who is a student in this state; and
 - (ii)
 - (A) is convicted of an offense listed in Subsection (1)(a) or a substantially equivalent offense in an external jurisdiction; or
 - (B) is required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, in the individual's state of residence based on a conviction for an offense that is not substantially equivalent to an offense listed in Subsection (1)(a);
 - (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
 - (f)
 - (i) is adjudicated under Section 80-6-701 for one or more offenses listed in Subsection (1)(a); and
 - (ii) has been committed to the division for secure care, as defined in Section 80-1-102, for that offense if:
 - (A) the individual remains in the division's custody until 30 days before the individual's 21st birthday;
 - (B) the juvenile court extended the juvenile court's jurisdiction over the individual under Section 80-6-605 and the individual remains in the division's custody until 30 days before the individual's 25th birthday; or
 - (C) the individual is moved from the division's custody to the custody of the department before expiration of the division's jurisdiction over the individual.
- (2) Subject to Subsection (3), an individual is:
- (a) a child abuse offender if the individual:

- (i) has committed, attempted, solicited, or conspired to commit an offense described in Subsection (1)(a)(i) through (ii); or
- (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in Subsection (1)(a)(i) through (ii) or a substantially equivalent offense;
- (b) a sex offender if the individual:
 - (i) has committed, attempted, solicited, or conspired to commit an offense described in Subsections (1)(a)(iii) through (xxxii); or
 - (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in Subsections (1)(a)(iii) through (xxxii) or a substantially equivalent offense; or
- (c) a kidnap offender if the individual:
 - (i) has committed, attempted, solicited, or conspired to commit an offense described in Subsections (1)(a)(xxxiii) through (xli); or
 - (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense described in Subsections (1)(a)(xxxiii) through (xli) or a substantially equivalent offense.
- (3) An individual who has committed a registrable offense described in Subsection (1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense described in Subsection (1)(a) and is required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, in the individual's state of residence is a child abuse offender, sex offender, or kidnap offender based on the individual's status on the registry in the individual's state of residence.
- (4) Notwithstanding Subsection 53-29-101(4)(a), a plea of guilty or nolo contendere to a charge of sexual battery or lewdness that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction even if the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

Enacted by Chapter 291, 2025 General Session

53-29-203 Registration lengths -- 10 years -- Lifetime.

- (1) Except as provided in Subsection (2), (3), or (4), an individual who commits a registrable offense is required to register on the registry for:
 - (a) 10 years after the day on which the offender's sentence for the offense has been terminated if the registrable offense is for:
 - (i) a felony or class A misdemeanor violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (1)(a)(ii) through (xxiv);
 - (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - (iii) child torture under Section 76-5-109.4;
 - (iv) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the natural parent of the child victim;
 - (v) human trafficking for labor under Section 76-5-308, if the offender was not the natural parent of the child victim;
 - (vi) human smuggling under Section 76-5-308.3, if the offender was not the natural parent of the child victim;
 - (vii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the offender was not the natural parent of the child victim;
 - (viii) aggravated human trafficking for labor under Section 76-5-310, if the offender was not the natural parent of the child victim;
 - (ix) aggravated human smuggling under Section 76-5-310.1;
 - (x) human trafficking of a vulnerable adult for labor under Section 76-5-311;

- (xi) a felony violation of unlawful sexual activity with a minor under Section 76-5-401;
- (xii) sexual abuse of a minor under Section 76-5-401.1;
- (xiii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- (xiv) forcible sexual abuse under Section 76-5-404;
- (xv) custodial sexual relations under Section 76-5-412;
- (xvi) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- (xvii) sexual extortion under Subsection 76-5b-204(2)(a);
- (xviii) incest under Section 76-7-102;
- (xix) four to seven convictions of lewdness under Section 76-5-419;
- (xx) four to seven convictions of sexual battery under Section 76-5-418;
- (xxi) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under Section 76-5-418, that total four to seven convictions;
- (xxii) lewdness involving a child under Section 76-5-420;
- (xxiii) a felony or class A misdemeanor violation of:
 - (A) voyeurism under Section 76-12-306;
 - (B) recorded or photographed voyeurism under Section 76-12-307; or
 - (C) distribution of images obtained through voyeurism under Section 76-12-308;
- (xxiv) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9, 2011;
- (xxv) attempting, soliciting, or conspiring to commit an offense listed in Subsections(1)(a)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a registrable offense; or
- (xxvi) attempting, soliciting, or conspiring to commit:
 - (A) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
 - (B) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the natural parent of the child victim;
 - (C) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;
 - (D) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the natural parent of the child victim;
 - (E) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the offender was not the natural parent of the child victim;
 - (F) forcible sodomy under Section 76-5-403;
 - (G) sexual abuse of a child under Section 76-5-404.1;
 - (H) sexual exploitation of a minor under Section 76-5b-201;
 - (I) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
 - (J) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
 - (K) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011;
- or
- (b) the offender's lifetime if the registrable offense is:
 - (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at the time of conviction for the offense:
 - (A) previously been convicted of an offense described in Subsection (1)(a), or a substantially equivalent offense in an external jurisdiction; or
 - (B) previously been required to register as an offender for an offense described in Subsection (1)(a) committed as a juvenile;
 - (ii) a following offense, including attempting, soliciting, or conspiring to commit a felony violation of:

- (A) child kidnapping under Section 76-5-301.1, if the offender was not the natural parent of the child victim;
 - (B) rape under Section 76-5-402;
 - (C) rape of a child under Section 76-5-402.1;
 - (D) object rape under Section 76-5-402.2;
 - (E) object rape of a child under Section 76-5-402.3;
 - (F) sodomy on a child under Section 76-5-403.1;
 - (G) aggravated sexual abuse of a child under Section 76-5-404.3; or
 - (H) aggravated sexual assault under Section 76-5-405;
 - (iii) aggravated kidnapping under Section 76-5-302, if the offender was not the natural parent of the child victim;
 - (iv) human trafficking for sexual exploitation under Section 76-5-308.1, if the offender was not the natural parent of the child victim;
 - (v) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;
 - (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310, if the offender was not the natural parent of the child victim;
 - (vii) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311, if the offender was not the natural parent of the child victim;
 - (viii) forcible sodomy under Section 76-5-403;
 - (ix) sexual abuse of a child under Section 76-5-404.1;
 - (x) sexual exploitation of a minor under Section 76-5b-201;
 - (xi) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
 - (xii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);
 - (xiii) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011;
or
 - (xiv) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (1)(b) (ii) through (xiii).
- (2) An individual who qualifies as an offender based on a conviction in an external jurisdiction for a registrable offense, or a substantially equivalent offense, and is on an external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is required to register on the registry for the time period required by the external jurisdiction.
- (3)
- (a) If the sentencing court at any time after an offender is convicted of an offense requiring lifetime registration described in Subsection (1)(b), and after considering the factors described in Subsection (3)(b), determines that the offender was under 21 years old at the time the offense was committed and the offense did not involve force or coercion, the requirement that the offender register for the offender's lifetime does not apply and the offender shall register for 10 years after the day on which the offender's sentence for the offense has been terminated.
 - (b) In determining whether an offense committed by an offender involves force or coercion under Subsection (3)(a), the sentencing court shall consider:
 - (i) the age of the victim;
 - (ii) the vulnerability of the victim;
 - (iii) the physical, mental, psychological, or emotional harm the victim suffered from the offense;
 - (iv) whether the offender used fraud or deception to commit the offense;
 - (v) if any child sexual abuse material, as that term is defined in Section 76-5b-103, was:

- (A) distributed to the victim by the offender; or
 - (B) distributed, produced, or possessed by the offender at the time of the offense, that involved force or coercion against a victim depicted in the child sexual abuse material; and
 - (vi) any other factor the sentencing court determines is relevant.
- (4) Except for an individual who is adjudicated for a registrable offense and is an offender who meets the requirements under Subsection 53-29-202(1)(f), an individual who is under 18 years old and commits a registrable offense after May 3, 2023, is not subject to registration requirements under this chapter unless the offender:
- (a) is charged by criminal information in juvenile court under Section 80-6-503;
 - (b) is bound over to district court in accordance with Section 80-6-504; and
 - (c) is convicted of a registrable offense.
- (5) An offender subject to the 10-year or lifetime registration requirements under Subsection (1) may petition the court for an order of removal from the registry in accordance with Section 53-29-204, 53-29-205, or 53-29-206.

Enacted by Chapter 291, 2025 General Session

53-29-204 Five-year petition for removal from registry -- Eligibility.

- (1) An offender who is required to register on the registry for a registrable offense described in Subsection (2) that is subject to a 10-year registration period, as described in Section 53-29-203, is eligible to petition the court under Section 53-29-207 for an order of removal from the registry after five years after the day on which the offender's sentence for the offense has been terminated if:
- (a) the offense is the only offense for which the offender was required to register;
 - (b) the offender has not been convicted of another offense, excluding a traffic offense, after the day on which the offender was convicted of the offense for which the offender is required to register, as evidenced by a certificate of eligibility issued by the bureau;
 - (c) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and
 - (d) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense.
- (2) The offenses that qualify for a five-year petition for an order of removal from the registry referenced in Subsection (1) are:
- (a) a class A misdemeanor violation of enticing a minor under Section 76-5-417;
 - (b) kidnapping under Subsection 76-5-301(2)(c) or (d);
 - (c) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the offense, the offender is not more than 10 years older than the victim;
 - (d) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the offender is not more than 10 years older than the victim;
 - (e) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if at the time of the offense, the offender is not more than 15 years older than the victim;
 - (f) a class A misdemeanor violation of:
 - (i) voyeurism under Section 76-12-306;
 - (ii) recorded or photographed voyeurism under Section 76-12-307; or
 - (iii) distribution of images obtained through voyeurism under Section 76-12-308;
 - (g) attempting, soliciting, or conspiring to commit an offense listed in Subsections (2)(a) through (f) if the attempt, solicitation, or conspiracy is a registrable offense; and

- (h) an offense committed in an external jurisdiction that is not substantially equivalent to a registrable offense described in Subsection 53-29-202(1)(a).

Enacted by Chapter 291, 2025 General Session

53-29-205 Ten-year petition for removal from registry -- Eligibility.

- (1) An offender who is required to register on the registry for a registrable offense described in Subsection (3) subject to a 10-year registration period as described in Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order of removal from the registry at a 10-year after entrance into the community period described in Subsection (2) if:
 - (a) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or capital felony within the most recent 10-year period after the date described in Subsection (2), as evidenced by a certificate of eligibility issued by the bureau;
 - (b) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and
 - (c) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense.
- (2) An offender who qualifies under Subsection (1) may petition the court under Section 53-29-207 for an order of removal from the registry if 10 years have passed after the later of the following events in which the offender entered into the community:
 - (a) the day on which the offender was placed on probation;
 - (b) the day on which the offender was released from incarceration to parole;
 - (c) the day on which the offender's sentence was terminated without parole;
 - (d) the day on which the offender entered a community-based residential program; or
 - (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated.
- (3) The offenses that qualify for a 10-year petition for an order of removal from the registry referenced in Subsection (1) are:
 - (a) a felony violation of enticing a minor under Section 76-5-417, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (3)(b) through (v);
 - (b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - (c) child torture under Section 76-5-109.4;
 - (d) human trafficking for labor under Section 76-5-308;
 - (e) human smuggling under Section 76-5-308.3;
 - (f) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
 - (g) aggravated human trafficking for labor under Section 76-5-310;
 - (h) aggravated human smuggling under Section 76-5-310.1;
 - (i) human trafficking of a vulnerable adult for labor under Section 76-5-311;
 - (j) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the offense, the offender is more than 10 years older than the victim;
 - (k) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the offender is more than 10 years older than the victim;
 - (l) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if, at the time of the offense, the offender is more than 15 years older than the victim;
 - (m) forcible sexual abuse under Section 76-5-404;
 - (n) custodial sexual relations under Section 76-5-412, if the victim in custody is younger than 18 years old and the offense is committed on or after May 10, 2011;

- (o) sexual exploitation of a vulnerable adult under Section 76-5b-202;
 - (p) sexual extortion under Subsection 76-5b-204(2)(a);
 - (q) incest under Section 76-7-102;
 - (r) four or more convictions of lewdness under Section 76-5-419;
 - (s) four or more convictions of sexual battery under Section 76-5-418;
 - (t) any combination of convictions of lewdness under Section 76-5-419, and of sexual battery under Section 76-5-418, that total four or more convictions;
 - (u) lewdness involving a child under Section 76-5-420;
 - (v) a felony violation of:
 - (i) recorded or photographed voyeurism under Section 76-12-307; or
 - (ii) distribution of images obtained through voyeurism under Section 76-12-308;
 - (w) aggravated exploitation of prostitution under Section 76-5d-208, committed on or before May 9, 2011;
 - (x) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a) through (v) if the attempt, solicitation, or conspiracy is a registrable offense;
 - (y) attempting, soliciting, or conspiring to commit:
 - (i) human trafficking for sexual exploitation under Section 76-5-308.1;
 - (ii) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
 - (iii) aggravated human trafficking for sexual exploitation under Section 76-5-310;
 - (iv) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
 - (v) aggravated kidnapping under Section 76-5-302, except if the offender is a natural parent of the victim;
 - (vi) forcible sodomy under Section 76-5-403;
 - (vii) sexual abuse of a child under Section 76-5-404.1;
 - (viii) sexual exploitation of a minor under Section 76-5b-201;
 - (ix) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
 - (x) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
 - (xi) aggravated exploitation of prostitution under Section 76-5d-208, on or after May 10, 2011;or
 - (z) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject to a 20-year petition for removal as described in Section 53-29-206, if:
 - (i) the sentencing court determines that the offender was under 21 years old at the time the offense was committed; and
 - (ii) the offense did not involve force or coercion as described in Subsection 53-29-203(3).
- (4) An individual who is as an offender under Section 53-29-202 based on a conviction in an external jurisdiction for a registrable offense, or a substantially equivalent offense, and is required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, may petition for removal from the registry in accordance with the requirements of this section if the individual:
- (a) does not have a lifetime registration requirement on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry;
 - (b) meets the requirements described in Subsections (1)(a) through (c);
 - (c) has resided in this state for at least 183 days in a year for two consecutive years;
 - (d) intends to primarily reside in this state; and
 - (e) has received an order from a court in the external jurisdiction where the offender was initially required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap, and Child Abuse Offender Registry.

Enacted by Chapter 291, 2025 General Session

53-29-206 Twenty-year petition for removal from registry -- Eligibility.

- (1) An offender who is required to register on the registry for a registrable offense subject to a lifetime registration period described in Subsection 53-29-203(1)(b) is eligible to petition the court under Section 53-29-207 for an order of removal from the registry at a 20-year entrance into the community period described in Subsection (2) if:
 - (a) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or capital felony within the most recent 20-year period after the date described in Subsection (2), as evidenced by a certificate of eligibility issued by the bureau;
 - (b) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense;
 - (c) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense; and
 - (d) the offender submits to an evidence-based risk assessment that:
 - (i) meets the standards for the current risk assessment, score, and risk level required by the Board of Pardons and Parole for parole termination requests;
 - (ii) is completed within the six months before the date on which the petition is filed; and
 - (iii) describes the evidence-based risk assessment of the current level of risk to the safety of the public posed by the offender.
- (2) An offender who qualifies under Subsection (1) may petition the court under Section 53-29-207 for an order of removal from the registry if 20 years have passed after the later of the following events in which the offender has entered into the community:
 - (a) the day on which the offender was placed on probation;
 - (b) the day on which the offender was released from incarceration to parole;
 - (c) the day on which the offender's sentence was terminated without parole;
 - (d) the day on which the offender entered a community-based residential program; or
 - (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated.
- (3) An individual who is an offender under Section 53-29-202 based on a conviction in an external jurisdiction for a registrable offense or a substantially equivalent offense, and is required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, may petition for removal from the registry in accordance with the requirements of this section if the individual:
 - (a) is required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, for the individual's lifetime;
 - (b) meets the requirements described in Subsections (1)(a) through (d);
 - (c) has resided in this state for at least 183 days in a year for two consecutive years;
 - (d) intends to primarily reside in this state; and
 - (e) the offender has received an order from a court in the external jurisdiction where the offender was initially required to register on a sex, kidnap, and child abuse registry, or an equivalent registry, that authorizes the offender to be removed from the Sex, Kidnap, and Child Abuse Offender Registry.

Enacted by Chapter 291, 2025 General Session

53-29-207 Process to petition for removal from registry -- Offender, bureau, court, and prosecutor responsibilities.

- (1) Before an offender who is eligible to petition for an order of removal from the registry as described in Section 53-29-204, 53-29-205, or 53-29-206 may file a petition with the court for an order of removal from the registry, the offender shall apply to the bureau for a certificate of eligibility for removal from the registry that states that the offender has met certain qualifications for removal.
- (2) After the bureau receives an offender's application for a certificate of eligibility for removal from the registry, the bureau shall:
 - (a) perform a check of records of governmental agencies, including national criminal databases, to determine whether an offender meets the requirements described in:
 - (i) Subsection 53-29-204(1), if the offender is seeking a five-year petition for removal;
 - (ii) Subsections 53-29-205(1) and (2), if the offender is seeking a 10-year petition for removal; or
 - (iii) Subsections 53-29-206(1) and (2), if the offender is seeking a 20-year petition for removal; and
 - (b) if the bureau determines that the offender meets the requirements described in Subsection (2) (a), issue a certificate of eligibility for removal from the registry to the offender, which is valid for 90 days after the day on which the bureau issues the certificate.
- (3)
 - (a) After an offender has received the certificate of eligibility for removal from the registry described in Subsection (2), the offender may petition the court for an order of removal from the registry, and shall include in the petition:
 - (i) the original information or indictment regarding the registrable offense that the offender committed;
 - (ii) the court docket; and
 - (iii) the certificate of eligibility for removal from the registry.
 - (b) An offender who files a petition with the court as described in Subsection (3)(a) shall provide a copy of the petition to:
 - (i) if the offender is required to register on the Sex, Kidnap, and Child Abuse Offender Registry for a conviction of an offense committed in this state, the office of the prosecutor that prosecuted the offender for the offense; or
 - (ii) if the offender is required to register on the Sex, Kidnap, and Child Abuse Offender Registry for a conviction of an offense committed in another jurisdiction, the attorney general's office.
- (4)
 - (a) Subject to Subsections (4)(c) and (d), a prosecutor, upon receipt of a petition described in Subsection (3)(b)(i), shall provide notice of the petition by first-class mail to the victim at the most recent address of record on file or, if the victim is still a minor under 18 years old, to the most recent address of record on file for the victim's parent or guardian.
 - (b) Subject to Subsections (4)(c) and (d), the attorney general, upon receipt of a petition described in Subsection (3)(b)(ii), shall, if reasonably practicable, provide notice of the petition by first-class mail to the most recent address of record for the victim or, if the victim is still a minor under 18 years old, to the most recent address of record for the victim's parent or guardian.
 - (c) The notice described in Subsection (4)(a) or (b) shall include:
 - (i) a copy of the petition;
 - (ii) an explanation that the victim has a right to object to the removal of the offender from the registry or make other recommendations to the court; and

- (iii) instructions for how the victim can file an objection or recommendation with the court.
- (d) A prosecutor or the attorney general shall provide the following, if available, to the court within 30 days after the day on which the prosecutor or attorney general receives the petition:
 - (i) the presentencing report created for the offender based on the registrable offense committed by the offender;
 - (ii) any evaluation done as part of sentencing for the registrable offense; and
 - (iii) other information the prosecutor determines the court should consider.
- (5) A victim, or the victim's parent or guardian if the victim is a minor under 18 years old, may respond to a petition described in Subsection (3) by filing a recommendation or objection with the court within 45 days after the day on which the petition is mailed to the victim.
- (6)
 - (a) A court receiving a petition under this section shall:
 - (i) review the petition and all documents submitted with the petition; and
 - (ii) hold a hearing if requested by the prosecutor or the victim.
 - (b)
 - (i) Except as provided in Subsection (6)(b)(ii) or (iii), the court may grant the petition for removal and order the removal of the offender from the registry if the court determines that the offender has met the requirements for issuance of a certificate of eligibility for removal issued under Subsection (2) and removal is not contrary to the interests of the public.
 - (ii) When considering a petition filed by an offender subject to a lifetime registration requirement and eligible for a 20-year petition for removal from the registry as described in Section 53-29-206, the court shall determine whether the offender has demonstrated, by clear and convincing evidence, that the offender is rehabilitated and does not pose a threat to the safety of the public.
 - (iii) In making the determination described in Subsection (6)(b)(ii), the court may consider:
 - (A) the nature and degree of violence involved in the registrable offense;
 - (B) the age and number of victims of the registrable offense;
 - (C) the age of the offender at the time the registrable offense was committed;
 - (D) the offender's performance while on supervision for the registrable offense;
 - (E) the offender's stability in employment and housing;
 - (F) the offender's community and personal support system;
 - (G) other criminal and relevant noncriminal behavior of the offender both before and after the offender committed the registrable offense;
 - (H) if applicable, the level of risk posed by the offender as evidenced by the evidence-based risk assessment described in Subsection 53-29-206(1)(d); and
 - (I) any other relevant factors.
 - (c) In determining whether removal from the registry is contrary to the interests of the public, the court may not consider removal unless the offender has substantially complied with all registration requirements under this chapter at all times.
 - (d) If the court grants the petition, the court shall forward a copy of the order directing removal of the offender from the registry to the department and the office of the prosecutor.
 - (e)
 - (i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the offender may not submit another petition for three years after the day on which the court denied the petition.
 - (ii) If the offender is an offender subject to a lifetime registration requirement and eligible for a 20-year petition for removal from the registry as described in Section 53-29-206 and files a

petition for removal that is denied by the court, the offender may not submit another petition for eight years after the day on which the court denied the petition.

(f) The court shall notify the victim and the registry office of the court's decision under this Subsection (6) within three days after the day on which the court issues the court's decision.

(7)

(a) An offender who intentionally or knowingly provides false or misleading information to the bureau when applying for a certificate of eligibility under this section is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.

(b) The bureau may, even if the offender is not prosecuted for providing the false or misleading information, deny a certificate of eligibility to an offender who provides false or misleading information on an application.

(8)

(a)

(i) The bureau shall charge application and issuance fees for a certificate of eligibility for removal from the registry under this section in accordance with the process in Section 63J-1-504.

(ii) The application fee shall be paid at the time the offender submits an application to the bureau for a certificate of eligibility for removal from the registry.

(iii) If the bureau determines that the issuance of a certificate of eligibility for removal from the registry is appropriate, the offender will be charged an additional fee for the issuance of the certificate.

(b) Funds generated under this Subsection (8) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in determining eligibility.

Enacted by Chapter 291, 2025 General Session