

Effective 7/1/2024

77-41-102 Definitions.

As used in this chapter:

- (1) "Child abuse offender" means an individual:
 - (a) who has been convicted in this state of a violation of:
 - (i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b); or
 - (ii) attempting, soliciting, or conspiring to commit aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - (b)
 - (i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the offense listed in Subsection (1)(a); and
 - (ii)
 - (A) who is a Utah resident; or
 - (B) who is not a Utah resident but is in this state for a total of 10 days in a 12-month period, regardless of whether the offender intends to permanently reside in this state;
 - (c)
 - (i)
 - (A) who is required to register as a child abuse offender in another jurisdiction of original conviction;
 - (B) who is required to register as a child abuse offender by a state, a federal, or a military court; or
 - (C) who would be required to register as a child abuse offender if residing in the jurisdiction of the conviction regardless of the date of the conviction or a previous registration requirement; and
 - (ii) who is in this state for a total of 10 days in a 12-month period, regardless of whether the offender intends to permanently reside in this state;
 - (d)
 - (i)
 - (A) who is a nonresident regularly employed or working in this state; or
 - (B) who is a student in this state; and
 - (ii)
 - (A) who was convicted of the offense listed in Subsection (1)(a) or a substantially equivalent offense in another jurisdiction; or
 - (B) who is required to register 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) who is found not guilty by reason of insanity in this state or in another jurisdiction of the offense listed in Subsection (1)(a); or
 - (f)
 - (i) who is adjudicated under Section 80-6-701 for the offense listed in Subsection (1)(a); and
 - (ii) who 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) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in section 53-10-201.
- (3) "Business day" means a day on which state offices are open for regular business.
- (4) "Certificate of eligibility" means a document issued by the Bureau of Criminal Identification showing that the offender has met the requirements of Section 77-41-112.
- (5)
- (a) "Convicted" means a plea or conviction of:
- (i) guilty;
 - (ii) guilty with a mental illness; or
 - (iii) no contest.
- (b) "Convicted" includes, unless otherwise specified, the period a plea is held in abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.
- (c) "Convicted" does not include:
- (i) a withdrawn or dismissed plea in abeyance;
 - (ii) a diversion agreement; or
 - (iii) an adjudication of a minor for an offense under Section 80-6-701.
- (6) "Department" means the Department of Public Safety.
- (7) "Division" means the Division of Juvenile Justice and Youth Services.
- (8) "Employed" or "carries on a vocation" includes employment that is full time or part time, whether financially compensated, volunteered, or for the purpose of government or educational benefit.
- (9) "Indian Country" means:
- (a) all land within the limits of any 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.
- (10) "Jurisdiction" means any state, Indian Country, United States Territory, or property under the jurisdiction of the United States military, Canada, the United Kingdom, Australia, or New Zealand.
- (11) "Kidnap offender" means an individual, other than a natural parent of the victim:
- (a) who has been convicted in this state of a violation of:
 - (i) kidnapping under Subsection 76-5-301(2)(c) or (d);
 - (ii) child kidnapping under Section 76-5-301.1;
 - (iii) aggravated kidnapping under Section 76-5-302;
 - (iv) human trafficking for labor under Section 76-5-308;
 - (v) human smuggling under Section 76-5-308.3;
 - (vi) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
 - (vii) aggravated human trafficking under Section 76-5-310;
 - (viii) aggravated human smuggling under Section 76-5-310.1;
 - (ix) human trafficking of a vulnerable adult for labor under Section 76-5-311; or
 - (x) attempting, soliciting, or conspiring to commit a felony offense listed in Subsections (11)(a)(i) through (ix);
 - (b)

- (i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the offenses listed in Subsection (11)(a); and
- (ii)
 - (A) who is a Utah resident; or
 - (B) who is not a Utah resident but is in this state for a total of 10 days in a 12-month period, regardless of whether the offender intends to permanently reside in this state;
- (c)
 - (i)
 - (A) who is required to register as a kidnap offender in another jurisdiction of original conviction;
 - (B) who is required to register as a kidnap offender by a state, federal, or military court; or
 - (C) who would be required to register as a kidnap offender if residing in the jurisdiction of the conviction regardless of the date of the conviction or a previous registration requirement; and
 - (ii) who is in this state for a total of 10 days in a 12-month period, regardless of whether the offender intends to permanently reside in this state;
- (d)
 - (i)
 - (A) who is a nonresident regularly employed or working in this state; or
 - (B) who is a student in this state; and
 - (ii)
 - (A) who was convicted of one or more offenses listed in Subsection (11)(a) or any substantially equivalent offense in another jurisdiction; or
 - (B) who is required to register 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 (11)(a);
- (e) who is found not guilty by reason of insanity in this state or in any other jurisdiction of one or more offenses listed in Subsection (11)(a); or
- (f)
 - (i) who is adjudicated under Section 80-6-701 for one or more offenses listed in Subsection (11)(a); and
 - (ii) who 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.
- (12) "Natural parent" means a minor's biological or adoptive parent, including the minor's noncustodial parent.
- (13) "Offender" means a child abuse offender, kidnap offender, or sex offender.
- (14) "Online identifier" or "Internet identifier":
 - (a) means any electronic mail, chat, instant messenger, social networking, or similar name used for Internet communication; and
 - (b) does not include date of birth, social security number, PIN number, or Internet passwords.

- (15) "Primary residence" means the location where the offender regularly resides, even if the offender intends to move to another location or return to another location at a future date.
- (16) "Register" means to comply with the requirements of this chapter and administrative rules of the department made under this chapter.
- (17) "Registration website" means the Sex, Kidnap, and Child Abuse Offender Notification and Registration website described in Section 77-41-110 and the information on the website.
- (18) "Secondary residence" means real property that the offender owns or has a financial interest in, or a location where the offender stays overnight a total of 10 or more nights in a 12-month period when not staying at the offender's primary residence.
- (19) "Sex offender" means an individual:
 - (a) convicted in this state of:
 - (i) a felony or class A misdemeanor violation of enticing a minor under Section 76-4-401;
 - (ii) sexual exploitation of a vulnerable adult under Section 76-5b-202;
 - (iii) human trafficking for sexual exploitation under Section 76-5-308.1;
 - (iv) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
 - (v) aggravated human trafficking for sexual exploitation under Section 76-5-310;
 - (vi) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
 - (vii) unlawful sexual activity with a minor under Section 76-5-401, except as provided in Subsection 76-5-401(3)(b) or (c);
 - (viii) sexual abuse of a minor under Section 76-5-401.1, except as provided in Subsection 76-5-401.1(3);
 - (ix) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
 - (x) rape under Section 76-5-402;
 - (xi) rape of a child under Section 76-5-402.1;
 - (xii) object rape under Section 76-5-402.2;
 - (xiii) object rape of a child under Section 76-5-402.3;
 - (xiv) a felony violation of forcible sodomy under Section 76-5-403;
 - (xv) sodomy on a child under Section 76-5-403.1;
 - (xvi) forcible sexual abuse under Section 76-5-404;
 - (xvii) sexual abuse of a child under Section 76-5-404.1;
 - (xviii) aggravated sexual abuse of a child under Section 76-5-404.3;
 - (xix) aggravated sexual assault under Section 76-5-405;
 - (xx) custodial sexual relations under Section 76-5-412, when the individual in custody is younger than 18 years old, if the offense is committed on or after May 10, 2011;
 - (xxi) sexual exploitation of a minor under Section 76-5b-201;
 - (xxii) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
 - (xxiii) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
 - (xxiv) incest under Section 76-7-102;
 - (xxv) lewdness under Section 76-9-702, if the individual has been convicted of the offense four or more times;
 - (xxvi) sexual battery under Section 76-9-702.1, if the individual has been convicted of the offense four or more times;
 - (xxvii) any combination of convictions of lewdness under Section 76-9-702, and of sexual battery under Section 76-9-702.1, that total four or more convictions;
 - (xxviii) lewdness involving a child under Section 76-9-702.5;
 - (xxix) a felony or class A misdemeanor violation of voyeurism under Section 76-9-702.7;
 - (xxx) aggravated exploitation of prostitution under Section 76-10-1306; or

- (xxxi) attempting, soliciting, or conspiring to commit a felony offense listed in this Subsection (19)(a);
- (b)
 - (i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the offenses listed in Subsection (19)(a); and
 - (ii)
 - (A) who is a Utah resident; or
 - (B) who is not a Utah resident but is in this state for a total of 10 days in a 12-month period, regardless of whether the offender intends to permanently reside in this state;
- (c)
 - (i)
 - (A) who is required to register as a sex offender in another jurisdiction of original conviction;
 - (B) who is required to register as a sex offender by a state, federal, or military court; or
 - (C) who would be required to register as a sex offender if residing in the jurisdiction of the original conviction regardless of the date of the conviction or a previous registration requirement; and
 - (ii) who is in this state for a total of 10 days in a 12-month period, regardless of whether the offender intends to permanently reside in this state;
- (d)
 - (i)
 - (A) who is a nonresident regularly employed or working in this state; or
 - (B) who is a student in this state; and
 - (ii)
 - (A) who was convicted of one or more offenses listed in Subsection (19)(a) or a substantially equivalent offense in another jurisdiction; or
 - (B) who is required to register in the individual's jurisdiction of residence based on a conviction for an offense that is not substantially equivalent to an offense listed in Subsection (19)(a);
- (e) who is found not guilty by reason of insanity in this state, or in another jurisdiction of one or more offenses listed in Subsection (19)(a); or
- (f)
 - (i) who is adjudicated under Section 80-6-701 for one or more offenses listed in Subsection (19)(a); and
 - (ii) who 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.
- (20) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.
- (21) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to registration in any jurisdiction.

Amended by Chapter 234, 2024 General Session