

***Effective 7/1/2024***

***Repealed 5/7/2025***

**77-41-104 Registration of offenders -- Department and agency requirements.**

- (1) The Department of Corrections shall register an offender in the custody of the Department of Corrections as required under this chapter upon:
  - (a) placement on probation;
  - (b) commitment to a secure correctional facility operated by or under contract to the Department of Corrections;
  - (c) release from confinement to parole status, termination or expiration of sentence, or escape;
  - (d) entrance to and release from any community-based residential program operated by or under contract to the Department of Corrections; or
  - (e) termination of probation or parole.
- (2) The sheriff of the county in which an offender is confined shall register an offender with the department, as required under this chapter, if the offender is not in the custody of the Department of Corrections and is confined in a correctional facility not operated by or under contract to the Department of Corrections upon:
  - (a) commitment to the correctional facility; and
  - (b) release from confinement.
- (3) The division shall register an offender in the custody of the division with the department, as required under this chapter, before the offender's release from custody of the division.
- (4) A state mental hospital shall register an offender committed to the state mental hospital with the department, as required under this chapter, upon the offender's admission and upon the offender's discharge.
- (5)
  - (a)
    - (i) A municipal or county law enforcement agency shall register an offender who resides within the agency's jurisdiction and is not under the supervision of the Division of Adult Probation and Parole within the Department of Corrections.
    - (ii) In order to conduct offender registration under this chapter, the agency shall ensure the agency staff responsible for registration:
      - (A) has received initial training by the department and has been certified by the department as qualified and authorized to conduct registrations and enter offender registration information into the registry database; and
      - (B) certify annually with the department.
  - (b)
    - (i) When the department receives offender registration information regarding a change of an offender's primary residence location, the department shall within five days after the day on which the department receives the information electronically notify the law enforcement agencies that have jurisdiction over the area where:
      - (A) the residence that the offender is leaving is located; and
      - (B) the residence to which the offender is moving is located.
    - (ii) The department shall provide notification under this Subsection (5)(b) if the offender's change of address is between law enforcement agency jurisdictions, or is within one jurisdiction.
  - (c) The department shall make available to offenders required to register under this chapter the name of the agency, whether the agency is a local law enforcement agency or the department, that the offender should contact to register, the location for registering, and the requirements of registration.

- (6) An agency in the state that registers an offender on probation, an offender who has been released from confinement to parole status or termination, or an offender whose sentence has expired shall inform the offender of the duty to comply with the continuing registration requirements of this chapter during the period of registration required in Subsection 77-41-105(3), including:
  - (a) notification to the state agencies in the states where the registrant presently resides and plans to reside when moving across state lines;
  - (b) verification of address at least every 60 days pursuant to a parole agreement for lifetime parolees; and
  - (c) notification to the out-of-state agency where the offender is living, regardless of whether the offender is a resident of that state.
- (7) The department may make administrative rules necessary to implement this chapter, including:
  - (a) the method for dissemination of the information; and
  - (b) instructions to the public regarding the use of the information.
- (8) The department shall redact information regarding the identity or location of a victim from information provided under Subsections 77-41-103(4) and 77-41-105(7).
- (9) This chapter does not create or impose any duty on any person to request or obtain information regarding any offender from the department.