

Effective 5/12/2015

Chapter 42
Utah White Collar Crime Offender Registry

77-42-101 Title.

This chapter is known as the "Utah White Collar Crime Offender Registry."

Enacted by Chapter 131, 2015 General Session

77-42-102 Definitions.

As used in this chapter:

- (1) "Attorney general" means the Utah attorney general or a deputy attorney general.
- (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 stating that the offender has met the requirements of Section 77-42-108.
- (5) "Conviction" means the same as that term is defined in Section 76-3-201.
- (6) "Offender" means an individual required to register as provided in Section 77-42-105.
- (7) "Register" means to comply with the requirements of this chapter and rules of the Office of the Attorney General made under this chapter.

Amended by Chapter 319, 2016 General Session

77-42-103 Duties.

- (1) The attorney general shall:
 - (a) develop and operate a system to collect, analyze, maintain, and disseminate information on offenders; and
 - (b) make information listed in Section 77-42-104 available to the public.
- (2) Any prosecuting attorney who obtains a conviction for an offense listed in Section 77-42-105 shall:
 - (a) inform the attorney general within 45 business days of sentencing; and
 - (b) in a manner prescribed by the attorney general, cooperate with a request for information by the attorney general.
- (3) The attorney general shall:
 - (a) provide the following additional information when available:
 - (i) the crimes for which the offender has been convicted;
 - (ii) a description of the offender's targets; and
 - (iii) any other relevant identifying information as determined by the attorney general;
 - (b) maintain the Utah White Collar Crime Offender Registry website; and
 - (c) ensure that information is entered into the offender registry in a timely manner.

Amended by Chapter 288, 2019 General Session

77-42-104 Utah White Collar Crime Offender Registry -- Attorney general to maintain.

- (1) The attorney general shall maintain the Utah White Collar Crime Offender Registry website on the Internet, which shall contain a disclaimer informing the public that:

- (a) the information contained on the website is obtained from government records where feasible, however, the attorney general does not guarantee the website's accuracy or completeness;
 - (b) members of the public are not allowed to use the information to harass or threaten offenders or members of their families; and
 - (c) harassment, stalking, or making threats against offenders or their families is prohibited and may violate Utah criminal laws.
- (2) The Utah White Collar Crime Offender Registry website shall be indexed by the surname of the offender.
- (3) The attorney general shall construct the Utah White Collar Crime Offender Registry website so that before accessing registry information, users must indicate that they have read and understand the disclaimer and agree to comply with the disclaimer's terms.
- (4) Except as provided in Subsection (6), the Utah White Collar Crime Offender Registry website shall include the following registry information, which may be obtained from court records, prison or jail booking records, driver license records, or other sources lawfully and appropriately obtained by and available to the attorney general:
- (a) all names and aliases by which the offender is or has been known, but not including any online or Internet identifiers;
 - (b) a physical description, including the offender's date of birth, height, weight, and eye and hair color;
 - (c) a recent photograph of the offender; and
 - (d) the crimes listed in Section 77-42-105 of which the offender has been convicted.
- (5) The Office of the Attorney General and any individual or entity acting at the request or upon the direction of the attorney general are immune from civil liability for damages and will be presumed to have acted in good faith by reporting information.
- (6) The attorney general shall redact the names, addresses, phone numbers, Social Security numbers, and other information that, if disclosed, specifically identifies individual victims.
- (7) An offender is considered to have consented to the public posting of the images or records specified in Subsection (4) if the offender:
- (a) fails to register as required by Subsection 77-42-106(2) within 30 days of conviction of a registerable offense, as specified in Section 77-42-105; or
 - (b) fails to appear at the request of the Office of the Attorney General to have a current photograph taken.

Amended by Chapter 319, 2016 General Session

77-42-105 Registerable offenses.

A person shall be required to register with the Office of the Attorney General for a conviction of any of the following offenses as a second degree felony:

- (1) Section 61-1-1 or Section 61-1-2, securities fraud;
- (2) Section 76-6-405, theft by deception;
- (3) Section 76-6-513, unlawful dealing of property by fiduciary;
- (4) Section 76-6-521, insurance fraud;
- (5) Section 76-6-1203, mortgage fraud;
- (6) Section 76-6-525, communications fraud;
- (7) Section 76-9-1602, money laundering;
- (8) Section 76-9-1603, accepting the proceeds of unlawful activity; and

- (9) Section 76-17-407, prohibited conduct concerning a pattern of unlawful activity, if at least one of the unlawful activities used to establish the pattern of unlawful activity is an offense listed in Subsections (1) through (7).

Amended by Chapter 173, 2025 General Session

77-42-106 Registration of offenders -- Utah White Collar Crime Offender Registry -- Penalty for failure to register.

- (1) An offender who has been convicted of any offense listed in Section 77-42-105 shall be on the Utah White Collar Crime Offender Registry for:
- (a) a period of 10 years for a first offense;
 - (b) a second period of 10 years for a second conviction under this section; and
 - (c) a lifetime period if convicted a third time under this section.
- (2) Except as provided in Subsection (3), an offender who has been convicted of any offense listed in Section 77-42-105 after December 31, 2005, shall register:
- (a) with the attorney general to be included in the Utah White Collar Crime Offender Registry; and
 - (b)
 - (i) no later than 45 days after the offender is sentenced; and
 - (ii) in a manner prescribed by the attorney general.
- (3) An offender is not required to register as provided in Subsection (2) if the offender:
- (a) has complied with all court orders at the time of sentencing;
 - (b) has paid in full all court-ordered amounts of restitution to victims; and
 - (c) has not been convicted of any other offense for which registration would be required.
- (4) If an offender is in the custody of the Department of Corrections:
- (a) the department shall register the offender within 45 days of sentencing; or
 - (b) at the discretion of the department, provide the offender access to necessary resources so that the offender may register within 45 days of sentencing.
- (5)
- (a) An offender who knowingly fails to register within 45 days of sentencing is guilty of a class A misdemeanor.
 - (b) An offender who is found guilty under Subsection (5)(a) shall be sentenced to serve a term of incarceration of 30 days or more.
 - (c)
 - (i) The Board of Pardons and Parole or a court may not release an individual who violates this chapter from serving the term required under Subsection (5)(b).
 - (ii) The provisions of this Subsection (5) supersede any other provision of law.

Amended by Chapter 288, 2019 General Session

77-42-107 Department and agency requirements.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the attorney general shall make rules necessary to implement this chapter, including:
- (a) the method for dissemination of registry information; and
 - (b) instructions to the public regarding acceptable use of the information.
- (2) Any information regarding the identity or location of a victim may be redacted by the attorney general from information provided under Subsection 77-42-104(6).

Enacted by Chapter 131, 2015 General Session

77-42-108 Removal from the Utah White Collar Crime Offender Registry.

- (1) An offender may petition the court where the offender was convicted of the offense for which registration with the Utah White Collar Crime Offender Registry is required, for an order to remove the offender from the Utah White Collar Crime Offender Registry, if:
 - (a) five years have passed since the completion of the offender's sentence;
 - (b) the offender has successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the conviction;
 - (c)
 - (i) the offender has not been convicted of any other crime, excluding traffic offenses, as evidenced by a certificate of eligibility issued by the bureau; and
 - (ii) as used in this section, "traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
 - (d) the offender has paid all restitution ordered by the court;
 - (e) notice has been delivered to the victims and the office that prosecuted the offender; and
 - (f) the offender has not been found to be civilly liable in any case in which fraud, misrepresentation, deceit, breach of fiduciary duty, or the misuse or misappropriation of funds is an element.
- (2)
 - (a)
 - (i) An offender seeking removal from the White Collar Crime Offender Registry shall apply for a certificate of eligibility from the bureau.
 - (ii) An offender who intentionally or knowingly provides any false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.
 - (iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate of eligibility to anyone providing false information on an application under this Subsection (2).
 - (b)
 - (i) The bureau shall check the records of governmental agencies, including national criminal databases, to determine whether an offender is eligible to receive a certificate of eligibility under this section.
 - (ii) If the offender meets all of the criteria under Subsections (1)(a) through (d), the bureau shall issue a certificate of eligibility to the offender which shall be valid for a period of 90 days from the date the certificate is issued.
 - (c)
 - (i) The bureau shall charge an application fee for the certificate of eligibility in accordance with the process in Section 63J-1-504.
 - (ii) The fee shall be paid at the time the offender submits an application for a certificate of eligibility to the bureau.
 - (iii) If the bureau determines that the issuance of a certificate of eligibility is appropriate, the bureau shall issue to the offender a certificate of eligibility at no additional charge.
 - (d) Funds generated under this Subsection (2) shall be deposited in the General Fund as a dedicated credit by the department to cover the costs incurred in determining eligibility.
- (3) The offender shall:
 - (a) file with the court the following information:
 - (i) the petition;
 - (ii) the original information;

- (iii) the court docket; and
 - (iv) an affidavit certifying that the offender is in compliance with the provisions of Subsection (1); and
 - (b) deliver a copy of the petition to the office of the prosecutor.
- (4)
- (a) Upon receipt of a petition for removal from the Utah White Collar Crime Offender Registry, the office of the prosecutor shall provide notice of the petition by first-class mail to the victims at the most recent addresses of record on file.
 - (b) The notice shall:
 - (i) include a copy of the petition for removal from the registry;
 - (ii) state that the victim has a right to object to the removal of the offender from the registry; and
 - (iii) provide instructions for filing an objection with the court.
- (5) The office of the prosecutor shall provide the following, if available, to the court within 30 days after receiving the petition:
- (a) a presentence report;
 - (b) any evaluation done as part of sentencing; and
 - (c) any other information the office of the prosecutor feels the court should consider.
- (6) The victim may respond to the petition by filing a recommendation or objection with the court within 45 days after the mailing of the petition to the victim.
- (7) The court shall:
- (a) review the petition and all documents submitted with the petition; and
 - (b) hold a hearing if requested by the office of the prosecutor or the victim.
- (8) When considering a petition for removal from the registry, the court shall consider whether the offender has paid all restitution ordered by the court or the Board of Pardons and Parole.
- (9) If the court determines that it is not contrary to the interests of the public to do so, the court may grant the petition and order removal of the offender from the registry.
- (10) 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 attorney general and the office of the prosecutor.
- (11) The office of the prosecutor shall notify the victims of the court's decision in the same manner as the notification required in Subsection (3)(a).
- (12) The attorney general shall remove an offender from the registry upon the offender providing satisfactory evidence to the attorney general that:
- (a) each conviction listed in Section 77-42-105 has either been expunged or reduced in degree below a second degree felony; and
 - (b) the offender has paid all court-ordered restitution to victims.

Enacted by Chapter 131, 2015 General Session