

**SEX OFFENDER NOTIFICATION AND  
REGISTRATION**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: Darin G. Peterson

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code and the Code of Criminal Procedure regarding the registration of sex offenders and the content of the sex offender registry.

**Highlighted Provisions:**

This bill:

- ▶ defines "offender" to include both sex offender and kidnap offender as each is defined in the bill;
- ▶ provides a definition of jurisdictions, including the federal government and Indian Country;
- ▶ requires nonresident sex offenders subject to registration to register in Utah if the offender is in Utah for ten or more days during a year;
- ▶ provides that sex offenders shall serve on parole the maximum time of the offender's sentence, unless the Board of Pardons reduces the period of parole;
- ▶ requires nonresident sex offenders to register in Utah as required in the state of conviction, if that state requires more frequent registration;
- ▶ requires offenders to report changes of residence, work, education institution, vehicle, and other information within three business days rather than five days;
- ▶ requires offenders to register every six months, rather than every year as is currently required;



- 28           ▶ provides that an offender who does not register as required shall register for an
- 29 additional year for each registration violation;
- 30           ▶ adds aggravated kidnapping as a lifetime registration offense;
- 31           ▶ exempts child kidnapping as an offense subject to registration if the offender is the
- 32 natural parent of the child;
- 33           ▶ requires that the offender register information regarding:
  - 34           • any secondary residence, as well as the primary residence;
  - 35           • not only the vehicle used, but any vehicle owned or regularly used, and also any
  - 36 vehicle, aircraft, or watercraft that is required to be registered in any
  - 37 jurisdiction;
  - 38           • telephone numbers, Internet identifiers, passport information, immigration
  - 39 documents if the offender is an alien, and all professional licenses held by the
  - 40 offender; and
  - 41           • employment and volunteer locations;
  - 42           ▶ requires that the offender register the offender's Social Security number; and
  - 43           ▶ clarifies the difference between offender information that is available to law
  - 44 enforcement and information that is available to the public on the Sex Offender
  - 45 Notification and Registration website and specifies the offender information that is
  - 46 to be provided on the website.

**47 Monies Appropriated in this Bill:**

48           None

**49 Other Special Clauses:**

50           None

**51 Utah Code Sections Affected:**

52 AMENDS:

53           **53-3-216**, as last amended by Laws of Utah 2006, Chapter 189

54           **53-3-807**, as last amended by Laws of Utah 2007, Chapter 294

55           **62A-7-104**, as last amended by Laws of Utah 2006, Chapter 269

56           **76-3-202**, as last amended by Laws of Utah 2001, Chapter 301

57           **77-18-12**, as last amended by Laws of Utah 2006, Chapters 50, 189, and 269

58           **77-27-21.5**, as last amended by Laws of Utah 2007, Chapter 337

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60 *Be it enacted by the Legislature of the state of Utah:*

61 Section 1. Section **53-3-216** is amended to read:

62 **53-3-216. Change of address -- Duty of licensee to notify division within ten days**  
63 **-- Change of name -- Proof necessary -- Method of giving notice by division.**

64 (1) If a person, after applying for or receiving a license, moves from the address named  
65 in the application or in the license certificate issued to him, the person shall within ten days of  
66 moving, notify the division in a manner specified by the division of his new address and the  
67 number of any license certificate held by him.

68 (2) If a person requests to change the surname on the applicant's license, the division  
69 shall issue a substitute license with the new name upon receiving an application and fee for a  
70 duplicate license and any of the following proofs of the applicant's full legal name:

71 (a) an original or certified copy of the applicant's marriage certificate;

72 (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name,  
73 showing the name change;

74 (c) an original or certified copy of a birth certificate issued by a government agency;

75 (d) a certified copy of a divorce decree or annulment granted the applicant that  
76 specifies the name change requested; or

77 (e) a certified copy of a divorce decree that does not specify the name change requested  
78 together with:

79 (i) an original or certified copy of the applicant's birth certificate;

80 (ii) the applicant's marriage license;

81 (iii) a driver license record showing use of a maiden name; or

82 (iv) other documentation the division finds acceptable.

83 (3) (a) Except as provided in Subsection (3)(c), if a person has applied for and received  
84 a license certificate and is currently required to register as a sex offender under Section  
85 77-27-21.5:

86 (i) the person's original license or renewal to an original license expires on the next  
87 birth date of the licensee beginning on July 1, 2006;

88 (ii) the person shall surrender the person's license to the division on or before the  
89 licensee's next birth date beginning on July 1, 2006; and

90 (iii) the person may apply for a license certificate with an expiration date identified in  
91 Subsection 53-3-205(8)(h) by:

92 (A) furnishing proper documentation to the division as provided in Section 53-3-205;  
93 and

94 (B) paying the fee for a license required under Section 53-3-105.

95 (b) Except as provided in Subsection (3)(c), if a person has applied for and received a  
96 license certificate and is subsequently convicted of any offense listed in Subsection  
97 77-27-21.5(1)(~~f~~)(m), the person shall surrender the license certificate to the division on the  
98 person's next birth date following the conviction and may apply for a license certificate with an  
99 expiration date identified in Subsection 53-3-205(8)(h) by:

100 (i) furnishing proper documentation to the division as provided in Section 53-3-205;  
101 and

102 (ii) paying the fee for a license required under Section 53-3-105.

103 (c) A person who is unable to comply with the provisions of Subsection (3)(a) or (3)(b)  
104 because the person is in the custody of the Department of Corrections or the Division of  
105 Juvenile Justice Services, confined in a correctional facility not operated by or under contract  
106 with the Department of Corrections, or committed to a state mental facility, shall comply with  
107 the provisions of Subsection (3)(a) or (b) within ten days of being released from confinement.

108 (4) (a) If the division is authorized or required to give any notice under this chapter or  
109 other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be  
110 given by:

111 (i) personal delivery to the person to be notified; or

112 (ii) deposit in the United States mail with postage prepaid, addressed to the person at  
113 his address as shown by the records of the division.

114 (b) The giving of notice by mail is complete upon the expiration of four days after the  
115 deposit of the notice.

116 (c) Proof of the giving of notice in either manner may be made by the certificate of any  
117 officer or employee of the division or affidavit of any person older than 18 years of age,  
118 naming the person to whom the notice was given and specifying the time, place, and manner of  
119 giving the notice.

120 (5) The division may use state mailing or United States Postal Service information to:

- 121 (a) verify an address on an application or on records of the division; and
- 122 (b) correct mailing addresses in the division's records.
- 123 (6) (a) A violation of the provisions of Subsection (1) is an infraction.
- 124 (b) A person who knowingly fails to surrender a license certificate under Subsection
- 125 (3) is guilty of a class A misdemeanor.

126 Section 2. Section **53-3-807** is amended to read:

127 **53-3-807. Expiration -- Address and name change -- Extension for disabled.**

128 (1) An identification card issued on or after July 1, 2006 expires on the birth date of the

129 applicant in the fifth year following the issuance of the identification card.

130 (2) If a person has applied for and received an identification card and subsequently

131 moves from the address shown on the application or on the card, the person shall within ten

132 days notify the division in a manner specified by the division of the person's new address.

133 (3) If a person has applied for and received an identification card and subsequently

134 changes the person's name under Title 42, Chapter 1, Change of Name, the person:

- 135 (a) shall surrender the card to the division; and
- 136 (b) may apply for a new card in the person's new name by:
  - 137 (i) furnishing proper documentation to the division as provided in Section 53-3-804;
  - 138 and
  - 139 (ii) paying the fee required under Section 53-3-105.

140 (4) (a) Except as provided in Subsection (4)(c), if a person has applied for and received

141 an identification card and is currently required to register as a sex offender under Section

142 77-27-21.5:

- 143 (i) the person's identification card expires annually on the next birth date of the
- 144 cardholder, on and after July 1, 2006;
- 145 (ii) the person shall surrender the person's identification card to the division on or
- 146 before the cardholder's next birth date beginning on July 1, 2006; and
- 147 (iii) the person may apply for an identification card with an expiration date identified in
- 148 Subsection (8)(b) by:

- 149 (A) furnishing proper documentation to the division as provided in Section 53-3-804;
- 150 and
- 151 (B) paying the fee for an identification card required under Section 53-3-105.

152 (b) Except as provided in Subsection (4)(c), if a person has applied for and received an  
153 identification card and is subsequently convicted of any offense listed in Subsection  
154 77-27-21.5(1)~~(f)~~(m), the person shall surrender the card to the division on the person's next  
155 birth date following the conviction and may apply for a new card with an expiration date  
156 identified in Subsection (8)(b) by:

157 (i) furnishing proper documentation to the division as provided in Section 53-3-804;  
158 and

159 (ii) paying the fee required under Section 53-3-105.

160 (c) A person who is unable to comply with the provisions of Subsection (4)(a) or (4)(b)  
161 because the person is in the custody of the Department of Corrections or Division of Juvenile  
162 Justice Services, confined in a correctional facility not operated by or under contract with the  
163 Department of Corrections, or committed to a state mental facility, shall comply with the  
164 provisions of Subsection (4)(a) or (b) within ten days of being released from confinement.

165 (5) A person older than 21 years of age with a disability, as defined under the  
166 Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on  
167 an identification card for five years if the person with a disability or an agent of the person with  
168 a disability:

169 (a) requests that the division send the application form to obtain the extension or  
170 requests an application form in person at the division's offices;

171 (b) completes the application;

172 (c) certifies that the extension is for a person 21 years of age or older with a disability;  
173 and

174 (d) returns the application to the division together with the identification card fee  
175 required under Section 53-3-105.

176 (6) (a) (i) An identification card may only be extended once, except as prohibited under  
177 Subsection (6)(b).

178 (ii) After an extension an application for an identification card must be applied for in  
179 person at the division's offices.

180 (b) An identification card issued to a person required to register as a sex offender under  
181 Section 77-27-21.5 may not be extended.

182 (7) An identification card issued prior to July 1, 2006 to a person 65 years of age or

183 older does not expire, but continues in effect until the death of that person.

184 (8) Notwithstanding the provisions of this section:

185 (a) an identification card that was obtained without using a Social Security number as  
186 required under Subsection 53-3-804(2) expires on July 1, 2005; and

187 (b) an identification card expires on the birth date of the applicant in the first year  
188 following the year that the identification card was issued if the applicant is required to register  
189 as a sex offender under Section 77-27-21.5.

190 (9) A person who knowingly fails to surrender an identification card under Subsection  
191 (4) is guilty of a class A misdemeanor.

192 Section 3. Section **62A-7-104** is amended to read:

193 **62A-7-104. Division responsibilities.**

194 (1) The division is responsible for all youth offenders committed to it by juvenile  
195 courts for secure confinement or supervision and treatment in the community.

196 (2) The division shall:

197 (a) establish and administer a continuum of community, secure, and nonsecure  
198 programs for all youth offenders committed to the division;

199 (b) establish and maintain all detention and secure facilities and set minimum standards  
200 for those facilities;

201 (c) establish and operate prevention and early intervention youth services programs for  
202 nonadjudicated youth placed with the division; and

203 (d) establish observation and assessment programs necessary to serve youth offenders  
204 committed by the juvenile court for short-term observation under Subsection 78-3a-118(2)(e),  
205 and whenever possible, conduct the programs in settings separate and distinct from secure  
206 facilities for youth offenders.

207 (3) The division shall place youth offenders committed to it in the most appropriate  
208 program for supervision and treatment.

209 (4) In any order committing a youth offender to the division, the juvenile court shall  
210 specify whether the youth offender is being committed for secure confinement or placement in  
211 a community-based program. The division shall place the youth offender in the most  
212 appropriate program within the category specified by the court.

213 (5) The division shall employ staff necessary to:

214 (a) supervise and control youth offenders in secure facilities or in the community;

215 (b) supervise and coordinate treatment of youth offenders committed to the division for  
216 placement in community-based programs; and

217 (c) control and supervise nonadjudicated youth placed with the division for temporary  
218 services in receiving centers, youth services, and other programs established by the division.

219 (6) Youth in the custody or temporary custody of the division are controlled or detained  
220 in a manner consistent with public safety and rules promulgated by the division. In the event of  
221 an unauthorized leave from a secure facility, detention center, community-based program,  
222 receiving center, home, or any other designated placement, division employees have the  
223 authority and duty to locate and apprehend the youth, or to initiate action with local law  
224 enforcement agencies for assistance.

225 (7) The division shall establish and operate compensatory-service work programs for  
226 youth offenders committed to the division by the juvenile court. The compensatory-service  
227 work program shall:

228 (a) provide labor to help in the operation, repair, and maintenance of public facilities,  
229 parks, highways, and other programs designated by the division;

230 (b) provide educational and prevocational programs in cooperation with the State  
231 Board of Education for youth offenders placed in the program; and

232 (c) provide counseling to youth offenders.

233 (8) The division shall establish minimum standards for the operation of all private  
234 residential and nonresidential rehabilitation facilities which provide services to juveniles who  
235 have committed a delinquent act, in this state or in any other state.

236 (9) In accordance with policies established by the board, the division shall provide  
237 regular training for staff of secure facilities, detention staff, case management staff, and staff of  
238 the community-based programs.

239 (10) (a) The division is authorized to employ special function officers, as defined in  
240 Section 53-13-105, to locate and apprehend minors who have absconded from division  
241 custody, transport minors taken into custody pursuant to division policy, investigate cases, and  
242 carry out other duties as assigned by the division.

243 (b) Special function officers may be employed through contract with the Department of  
244 Public Safety, any P.O.S.T. certified law enforcement agency, or directly hired by the division.



245 (11) The division shall designate employees to obtain the saliva DNA specimens  
 246 required under Section 53-10-403. The division shall ensure that the designated employees  
 247 receive appropriate training and that the specimens are obtained in accordance with accepted  
 248 protocol.

249 (12) The division shall register with the Department of Corrections any person who:

250 (a) has been adjudicated delinquent based on an offense listed in Subsection

251 77-27-21.5(1)(~~f~~)(m)(i);

252 (b) has been committed to the division for secure confinement; and

253 (c) remains in the division's custody 30 days prior to the person's 21st birthday.

254 Section 4. Section **76-3-202** is amended to read:

255 **76-3-202. Paroled persons -- Termination or discharge from sentence -- Time**  
 256 **served on parole -- Discretion of Board of Pardons and Parole.**

257 (1) (a) Except as [~~otherwise~~] provided in [~~this section~~] Subsection (1)(b), every person  
 258 committed to the state prison to serve an indeterminate term and later released on parole shall,  
 259 upon completion of three years on parole outside of confinement and without violation, be  
 260 terminated from [~~his~~] the person's sentence unless the [~~person~~] parole is earlier terminated by  
 261 the Board of Pardons and Parole[~~-. Any person who violates the terms of his parole, while~~  
 262 ~~servng parole, shall at the discretion of the Board of Pardons and Parole be recommitted to~~  
 263 ~~prison to serve the portion of the balance of his term as determined by the Board of Pardons~~  
 264 ~~and Parole, but not to exceed the maximum term].~~

265 (b) Every person committed to the state prison to serve an indeterminate term and later  
 266 released on parole on or after July 1, 2008, and who was convicted of any felony offense under  
 267 Title 76, Chapter 5, Offenses Against the Person, or any attempt, conspiracy, or solicitation to  
 268 commit any of these felony offenses, shall complete a term of parole that extends through the  
 269 expiration of the person's maximum sentence, unless the parole is earlier terminated by the  
 270 Board of Pardons and Parole.

271 (2) Every person convicted of a second degree felony for violating Section 76-5-404,  
 272 forcible sexual abuse, or 76-5-404.1, [~~or attempting to violate~~] sexual abuse of a child and  
 273 aggravated sexual abuse of a child, or attempting, conspiring, or soliciting the commission of a  
 274 violation of any of those sections, and who is paroled before July 1, 2008, shall, upon  
 275 completion of ten years parole outside of confinement and without violation, shall be

276 terminated from [~~his~~] the sentence unless the person is earlier terminated by the Board of  
 277 Pardons and Parole. [~~Any person who violates the terms of his parole, while serving parole,~~  
 278 ~~shall at the discretion of the Board of Pardons and Parole be recommitted to prison to serve the~~  
 279 ~~portion of the balance of his term as determined by the Board of Pardons and Parole, but not to~~  
 280 ~~exceed the maximum term.]~~

281 (3) (a) Every person convicted of a first degree felony for [~~violating Section~~  
 282 ~~76-5-301.1, Subsection 76-5-302(1)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2,~~  
 283 ~~76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404.1, or 76-5-405,]~~ committing any offense listed in  
 284 Subsection (3)(b), or attempting [to violate], conspiring, or soliciting the commission of a  
 285 violation of any of those sections, shall complete a term of lifetime parole outside of  
 286 confinement and without violation unless the person is earlier terminated by the Board of  
 287 Pardons and Parole.

288 (b) The offenses referred to in Subsection (3)(a) are:

289 (i) Section 76-5-301.1, child kidnapping;

290 (ii) Subsection 76-5-302(1)(b)(vi), aggravated kidnapping involving a sexual offense;

291 (iii) Section 76-5-402, rape;

292 (iv) Section 76-5-402.1, rape of a child;

293 (v) Section 76-5-402.2, object rape;

294 (vi) Section 76-5-402.3, object rape of a child;

295 (vii) Subsection 76-5-403(2), forcible sodomy;

296 (viii) Section 76-5-403.1, sodomy on a child;

297 (ix) Section 76-5-404.1, sexual abuse of a child and aggravated sexual abuse of a child;

298 or

299 (x) Section 76-5-405, aggravated sexual assault.

300 (4) Any person who violates the terms of [~~his~~] parole, while serving parole, for any  
 301 offense under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and  
 302 Parole be recommitted to prison to serve the portion of the balance of [~~his~~] the term as  
 303 determined by the Board of Pardons and Parole, but not to exceed the maximum term.

304 [(4)] (5) In order for a parolee convicted on or after May 5, 1997, to be eligible for  
 305 early termination from parole, the parolee must provide to the Board of Pardons and Parole:

306 (a) evidence [~~to the Board of Pardons and Parole]~~ that the parolee has completed high

307 school classwork and has obtained a high school graduation diploma, a GED certificate, or a  
308 vocational certificate; or

309 (b) documentation of the inability to obtain one of the items listed in Subsection [(4)]  
310 (5)(a) because of:

311 (i) a diagnosed learning disability; or

312 (ii) other justified cause.

313 [(5)] (6) Any person paroled following a former parole revocation may not be  
314 discharged from [his] the person's sentence until [either]:

315 [~~(a) he has served three years or ten years as provided in Subsection (2) on parole~~  
316 ~~outside of confinement and without violation, or in the case of a person convicted of a first~~  
317 ~~degree felony violation of Section 76-5-301.1, Subsection 76-5-302(1)(b)(vi), Section~~  
318 ~~76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404.1, or 76-5-405,~~  
319 ~~or attempting to violate any of those sections, lifetime parole]~~

320 (a) the person has served the applicable period of parole under this section outside of  
321 confinement and without violation;

322 (b) [his] the person's maximum sentence has expired; or

323 (c) the Board of Pardons and Parole [so] orders the person to be discharged from the  
324 sentence.

325 [(6)] (7) (a) All time served on parole, outside of confinement and without violation  
326 constitutes service of the total sentence but does not preclude the requirement of serving [a  
327 ~~three-year, ten-year, or lifetime parole term, as the case may be]~~ the applicable period of parole  
328 under this section, outside of confinement and without violation.

329 (b) Any time a person spends outside of confinement after commission of a parole  
330 violation does not constitute service of the total sentence unless the person is exonerated at a  
331 parole revocation hearing [~~to revoke the parole~~].

332 (c) (i) Any time [spent] a person spends in confinement awaiting a hearing before the  
333 Board of Pardons and Parole or a decision by the board concerning revocation of parole  
334 constitutes service of the sentence.

335 (ii) In the case of exoneration by the board, the time spent [~~shall be~~] is included in  
336 computing the total parole term.

337 [(7)] (8) When any parolee without authority from the Board of Pardons and Parole

338 absents himself from the state or avoids or evades parole supervision, the period of absence,  
339 avoidance, or evasion tolls the parole period.

340 ~~[(8)]~~ (9) (a) While on parole, time spent in confinement outside the state may not be  
341 credited toward the service of any Utah sentence.

342 (b) Time in confinement outside the state or in the custody of any tribal authority or the  
343 United States government for a conviction obtained in another jurisdiction ~~[shall toll]~~ tolls the  
344 expiration of the Utah sentence.

345 ~~[(9)]~~ (10) This section does not preclude the Board of Pardons and Parole from  
346 paroling or discharging an inmate at any time within the discretion of the Board of Pardons and  
347 Parole unless otherwise specifically provided by law.

348 ~~[(10) The parolee]~~ (11) A parolee sentenced to lifetime parole may petition the Board  
349 of Pardons and Parole for termination of lifetime parole ~~[as provided by this section in the case~~  
350 ~~of a person convicted of a first degree felony violation Section 76-5-301.1, Subsection~~  
351 ~~76-5-302(1)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403,~~  
352 ~~76-5-403.1, 76-5-404.1, or 76-5-405, or attempting to violate any of those sections].~~

353 Section 5. Section **77-18-12** is amended to read:

354 **77-18-12. Grounds for denial of certificate of eligibility -- Effect of prior**  
355 **convictions.**

356 (1) The division shall issue a certificate of eligibility to a petitioner seeking to obtain  
357 expungement for a criminal record unless prior to issuing a certificate of eligibility the division  
358 finds, through records of a governmental agency, including national criminal data bases that:

359 (a) the conviction for which expungement is sought is:

360 (i) a capital felony;

361 (ii) a first degree felony;

362 (iii) a second degree forcible felony;

363 (iv) automobile homicide;

364 (v) a felony violation of Section 41-6a-502;

365 (vi) a conviction involving a sexual act against a minor;

366 (vii) any registerable sex offense as defined in Subsection 77-27-21.5(1)~~[(f)]~~(m); or

367 (viii) an attempt, solicitation, or conspiracy to commit any offense listed in Subsection

368 77-27-21.5(1)~~[(f)]~~(m);

369 (b) the petitioner's record includes two or more convictions for any type of offense  
370 which would be classified as a felony under Utah law, not arising out of a single criminal  
371 episode, regardless of the jurisdiction in which the convictions occurred;

372 (c) the petitioner has previously obtained expungement in any jurisdiction of a crime  
373 which would be classified as a felony in Utah;

374 (d) the petitioner has previously obtained expungement in any jurisdiction of two or  
375 more convictions which would be classified as misdemeanors in Utah unless the convictions  
376 would be classified as class B or class C misdemeanors in Utah and 15 years have passed since  
377 these misdemeanor convictions;

378 (e) the petitioner was convicted in any jurisdiction, subsequent to the conviction for  
379 which expungement is sought and within the time periods as provided in Subsection (2), of a  
380 crime which would be classified in Utah as a felony, misdemeanor, or infraction;

381 (f) the petitioner has a combination of three or more convictions not arising out of a  
382 single criminal episode including any conviction for an offense which would be classified  
383 under Utah law as a class B or class A misdemeanor or as a felony, including any misdemeanor  
384 and felony convictions previously expunged, regardless of the jurisdiction in which the  
385 conviction or expungement occurred;

386 (g) a proceeding involving a crime is pending or being instituted in any jurisdiction  
387 against the petitioner; or

388 (h) the petitioner has not paid the full amount of court ordered restitution pursuant to  
389 Section 77-38a-302, or by the Board of Pardons pursuant to Section 77-27-6 on the conviction  
390 for which the person is seeking an expungement.

391 (2) A conviction may not be included for purposes of Subsection (1)(e), and a  
392 conviction may not be considered for expungement until, after the petitioner's release from  
393 incarceration, parole, or probation, whichever occurs last and all fines ordered by the court  
394 have been satisfied, at least the following period of time has elapsed:

395 (a) seven years in the case of a felony;

396 (b) ten years in the case of:

397 (i) a misdemeanor conviction or the equivalent of a misdemeanor conviction as defined  
398 in Subsection 41-6a-501(2); or

399 (ii) a felony violation of Subsection 58-37-8(2)(g);

400 (c) five years in the case of a class A misdemeanor;  
 401 (d) three years in the case of any other misdemeanor or infraction under Title 76, Utah  
 402 Criminal Code; or

403 (e) 15 years in the case of multiple class B or class C misdemeanors.

404 (3) A petitioner who would not be eligible to receive a certificate of eligibility under  
 405 Subsection (1)(d) or (f) may receive a certificate of eligibility for one additional expungement  
 406 if at least 15 years have elapsed since the last of any of the following:

407 (a) release from incarceration, parole, or probation relating to the most recent  
 408 conviction; and

409 (b) any other conviction which would have prevented issuance of a certificate of  
 410 eligibility under Subsection (1)(e).

411 (4) If, after reasonable research, a disposition for an arrest on the criminal history file is  
 412 unobtainable, the division may issue a special certificate giving discretion of eligibility to the  
 413 court.

414 Section 6. Section **77-27-21.5** is amended to read:

415 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**  
 416 **Law enforcement and courts to report -- Registration -- Penalty -- Effect of expungement.**

417 (1) As used in this section:

418 (a) "Business day" means a day on which state offices are open for regular business.

419 ~~[(a)]~~ (b) "Department" means the Department of Corrections.

420 ~~[(b)]~~ (c) "Division" means the Division of Juvenile Justice Services.

421 ~~[(c)]~~ (d) "Employed" or "carries on a vocation" includes employment that is full time or  
 422 part time, whether financially compensated, volunteered, or for the purpose of government or  
 423 educational benefit.

424 ~~[(d)]~~ "Notification" means a person's acquisition of information from the department  
 425 about a sex offender, including his place of habitation, physical description, and other  
 426 information as provided in Subsections (12) and (13).]

427 (e) "Indian Country" means:

428 (i) all land within the limits of any Indian reservation under the jurisdiction of the  
 429 United States government, regardless of the issuance of any patent, and includes rights-of-way  
 430 running through the reservation;

431 (ii) all dependent Indian communities within the borders of the United States whether  
432 within the original or subsequently acquired territory, and whether or not within the limits of a  
433 state; and

434 (iii) all Indian allotments, including the Indian allotments to which the Indian titles to  
435 have not been extinguished, including rights-of-way running through the allotments.

436 (f) "Jurisdiction" means any state, Indian County, or United States Territory.

437 (g) "Kidnap offender" means any person other than a natural parent of the victim who:

438 (i) has been convicted in this state of a violation of:

439 (A) Section 76-5-301, kidnapping;

440 (B) Section 76-5-301.1, child kidnapping;

441 (C) Section 76-5-302, aggravated kidnapping;

442 (D) Section 76-5-304, unlawful detention; or

443 (E) attempting, soliciting, or conspiring to commit any felony offense listed in

444 Subsections (1)(g)(i)(A) through (G);

445 (ii) has been convicted of any crime, or an attempt, solicitation, or conspiracy to

446 commit a crime in another jurisdiction that is substantially equivalent to the offenses listed in

447 Subsection (1)(g)(i) and who is:

448 (A) a Utah resident; or

449 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of

450 ten or more days, regardless of whether or not the offender intends to permanently reside in this

451 state;

452 (iii) is required to register as an offender in any other jurisdiction, and who, in any 12

453 month period, is in this state for a total of ten or more days, regardless of whether or not the

454 offender intends to permanently reside in this state;

455 (iv) is a nonresident regularly employed or working in this state, or who is a student in

456 this state, and was convicted of one or more offenses listed in Subsection (1)(g) or (1)(m), or

457 any substantially equivalent offense in another jurisdiction, or as a result of the conviction, is

458 required to register in the person's state of residence;

459 (v) is found not guilty by reason of insanity in this state or in any other jurisdiction of

460 one or more offenses listed in Subsection (1)(g); or

461 (vi) is adjudicated delinquent based on one or more offenses listed in Subsection

462 (1)(g)(i) and who has been committed to the division for secure confinement and remains in the  
463 division's custody 30 days prior to the person's 21st birthday.

464 (h) "Natural parent" means a minor's biological or adoptive parent, and includes the  
465 minor's noncustodial parent.

466 (i) "Offender" means a kidnap offender as defined in Subsection (1)(g) or a sex  
467 offender as defined in Subsection (1)(m).

468 (j) "Primary residence" means the location where the offender regularly resides, even if  
469 the offender intends to move to another location or return to another location at any future date.

470 ~~(k)~~ (k) "Register" means to comply with the requirements of this section and  
471 administrative rules of the department made under this section.

472 (l) "Secondary residence" means any real property that the offender owns or has a  
473 financial interest in, and any location where, in any 12 month period, the offender stays  
474 overnight a total of ten or more nights when not staying at the offender's primary residence.

475 ~~(m)~~ (m) "Sex offender" means any person:

476 (i) convicted ~~by~~ in this state of:

477 (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor  
478 over the Internet;

479 ~~(B) Section 76-5-301.1, kidnapping of a child;~~

480 (B) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;

481 (C) a felony violation of Section 76-5-401, unlawful sexual activity with a minor;

482 (D) Section 76-5-401.1, sexual abuse of a minor;

483 (E) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;

484 (F) Section 76-5-402, rape;

485 (G) Section 76-5-402.1, rape of a child;

486 (H) Section 76-5-402.2, object rape;

487 (I) Section 76-5-402.3, object rape of a child;

488 (J) a felony violation of Section 76-5-403, forcible sodomy;

489 (K) Section 76-5-403.1, sodomy on a child;

490 (L) Section 76-5-404, forcible sexual abuse;

491 (M) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;

492 (N) Section 76-5-405, aggravated sexual assault;



- 493 (O) Section 76-5a-3, sexual exploitation of a minor;
- 494 (P) Section 76-7-102, incest;
- 495 (Q) Section 76-9-702.5, lewdness involving a child;
- 496 (R) Section 76-10-1306, aggravated exploitation of prostitution; or
- 497 (S) attempting, soliciting, or conspiring to commit any felony offense listed in
- 498 Subsection (1)(~~f~~)(m)(i);
- 499 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to
- 500 commit a crime in another [~~state or by the United States government~~] jurisdiction that is
- 501 substantially equivalent to the offenses listed in Subsection (1)(~~f~~)(m)(i) and who is:
- 502 (A) a Utah resident; or
- 503 [~~(B) not a Utah resident, but who is in the state for ten days, regardless of whether or~~
- 504 ~~not the offender intends to permanently reside in this state;]~~
- 505 [~~(iii) who is required to register as a sex offender in any other state or United States~~
- 506 ~~territory, is not a Utah resident, but who is in the state for ten days, regardless of whether or not~~
- 507 ~~the offender intends to permanently reside in this state;]~~
- 508 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
- 509 ten or more days, regardless of whether the offender intends to permanently reside in this state;
- 510 (iii) who is required to register as an offender in any other jurisdiction, and who, in any
- 511 12 month period, is in the state for a total of ten or more days, regardless of whether or not the
- 512 offender intends to permanently reside in this state;
- 513 (iv) who is a nonresident regularly employed[~~;~~] or working[~~, or~~] in this state or who is a
- 514 student in this state and was convicted of one or more offenses listed in Subsection
- 515 (1)(~~f~~)(m)(i), or any substantially equivalent offense in [~~another state or by the United States~~
- 516 ~~government, and~~] any jurisdiction, or as a result of the conviction, is required to register in the
- 517 person's [~~state~~] jurisdiction of residence;
- 518 (v) who is found not guilty by reason of insanity in this state, [~~any other state, or by the~~
- 519 ~~United States government~~] or in any other jurisdiction of one or more offenses listed in
- 520 Subsection (1)(~~f~~)(m)(i); or
- 521 (vi) who is adjudicated delinquent based on one or more offenses listed in Subsection
- 522 (1)(~~f~~)(m)(i) and who has been committed to the division for secure confinement and remains
- 523 in the division's custody 30 days prior to the person's 21st birthday.

524 (n) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in  
 525 any jurisdiction.

526 (2) The department, to assist in investigating sex-related crimes and in apprehending  
 527 offenders, shall:

528 (a) develop and operate a system to collect, analyze, maintain, and disseminate  
 529 information on ~~[sex]~~ offenders and sex and kidnap offenses; and

530 (b) make information ~~[collected and developed under this section]~~ listed in Subsection  
 531 (25) available to the public.

532 (3) Any law enforcement agency shall, in the manner prescribed by the department,  
 533 inform the department of:

534 (a) the receipt of a report or complaint of an offense listed in Subsection (1)~~(f)~~(g) or  
 535 (m), within three ~~[working]~~ business days; and

536 (b) the arrest of a person suspected of any of the offenses listed in Subsection  
 537 ~~(1)(f)~~(g) or (m), within five ~~[working]~~ business days.

538 (4) Upon convicting a person of any of the offenses listed in Subsection (1)~~(f)~~(g) or  
 539 (m), the convicting court shall within three ~~[working]~~ business days forward a ~~H~~→ [certified] ←~~H~~  
 539a copy of  
 540 the judgment and sentence to the department.

541 (5) ~~[A sex]~~ An offender in the custody of the department shall be registered by agents  
 542 of the department upon:

543 (a) ~~[being placed]~~ placement on probation;

544 (b) commitment to a secure correctional facility operated by or under contract to the  
 545 department;

546 (c) release from confinement to parole status, termination or expiration of sentence, or  
 547 escape;

548 (d) entrance to and release from any community-based residential program operated by  
 549 or under contract to the department; or

550 (e) termination of probation or parole.

551 (6) ~~[A sex]~~ An offender who is not in the custody of the department and who is  
 552 confined in a correctional facility not operated by or under contract to the department shall be  
 553 registered with the department by the sheriff of the county in which the offender is confined,  
 554 upon:

555 (a) commitment to the correctional facility; and

556 (b) release from confinement.

557 (7) ~~[A sex]~~ An offender in the custody of the division shall be registered with the  
558 department by the division prior to release from custody.

559 (8) ~~[A sex]~~ An offender committed to a state mental hospital shall be registered with  
560 the department by the hospital upon admission and upon discharge.

561 (9) ~~[A sex]~~ An offender convicted by any other ~~[state or by the United States~~  
562 ~~government]~~ jurisdiction is required to register under Subsection (1)~~[(f)(ii)](g) or (m) and~~  
563 Subsection (10) and shall register with the department within ten days of entering the state,  
564 regardless of the offender's length of stay.

565 (10) (a) Except as provided in Subsections (10)(b), (c), and (d), ~~[a sex]~~ an offender  
566 shall, for the duration of the sentence and for ten years after termination of sentence or custody  
567 of the division, register ~~[annually]~~ every year during the month of the offender's birth ~~[and~~  
568 ~~again within five]~~, during the month that is the sixth month after the offender's birth month,  
569 and also within three business days of every change of [his place of habitation,] the offender's  
570 primary residence, any secondary residences, place of employment, vehicle information, or  
571 educational information required to be submitted under Subsection (12).

572 (b) Except as provided Subsections (10)(c) and (d), ~~[a sex]~~ an offender who is  
573 convicted in another jurisdiction of an offense listed in Subsection ~~[(1)(f)(i) by another state]~~  
574 (1)(g)(i) or (m)(i), a substantially similar offense, or any other offense that requires registration  
575 in the jurisdiction of conviction, shall:

576 (i) register for the time period, and in the frequency, required by the [state] jurisdiction  
577 where the offender was convicted if [the state's] that jurisdiction's registration period or  
578 registration frequency requirement for the offense that the offender was convicted of is ~~[in~~  
579 ~~excess of]~~ greater than the ten years from completion of the sentence registration period that is  
580 required under Subsection (10)(a)[-], or is more frequent than every six months; or

581 (ii) register in accordance with the requirements of Subsection (10)(a), if the  
582 jurisdiction's registration period or frequency requirement for the offense that the offender was  
583 convicted of is less than the registration period required under Subsection (10)(a), or is less  
584 frequent than every six months.

585 (c) (i) ~~[A sex]~~ (A) An offender convicted as an adult of any of the offenses listed in

586 Subsection (10)(c)(ii) shall, for the offender's lifetime, register [~~annually~~] every year during the  
 587 month of the offender's birth [~~and again within five days of every change of the offender's place~~  
 588 ~~of habitation~~], during the month that is the sixth month after the offender's birth month, and  
 589 also within three business days of every change of the offender's primary residence, any  
 590 secondary residences, place of employment, vehicle information, or educational information  
 591 required to be submitted under Subsection (12).

592 (B) This registration requirement is not subject to exemptions and may not be  
 593 terminated or altered during the offender's lifetime.

594 (ii) Offenses referred to in Subsection (10)(c)(i) are:

595 (A) any offense listed in Subsection (1)[~~(f)~~](g) or (m) if, at the time of the conviction,  
 596 the offender has previously been convicted of an offense listed in Subsection (1)[~~(f)~~](g) or (m)  
 597 or has previously been required to register as a sex offender for an offense committed as a  
 598 juvenile;

599 [~~(B) Section 76-4-401, enticing a minor over the Internet, if the offense is a class A or~~  
 600 ~~felony violation;~~]

601 (B) a conviction for any of the following offenses, including attempting, soliciting, or  
 602 conspiring to commit any felony of:

603 [~~(C)~~] (I) Section 76-5-301.1, child kidnapping, except if the offender is a natural parent  
 604 of the victim;

605 [~~(D)~~] (II) Section 76-5-402, rape;

606 [~~(E)~~] (III) Section 76-5-402.1, rape of a child;

607 [~~(F)~~] (IV) Section 76-5-402.2, object rape;

608 [~~(G)~~] (V) Section 76-5-402.3, object rape of a child;

609 [~~(H) Section 76-5-403, forcible sodomy;~~]

610 [~~(I)~~] (VI) Section 76-5-403.1, sodomy on a child;

611 [~~(J) Section 76-5-404.1, sexual abuse of a child;~~]

612 [~~(K)~~] (VII) Subsection 76-5-404.1(4), aggravated sexual abuse of a child; or

613 [~~(L)~~] (VIII) Section 76-5-405, aggravated sexual assault;

614 [~~(M) Section 76-5a-3, sexual exploitation of a minor; or~~]

615 [~~(N) Section 76-7-102, incest;~~]

616 (C) Section 76-4-401, a felony violation of enticing a minor over the Internet;

617 (D) Section 76-5-302, aggravated kidnapping, except if the offender is a natural parent  
618 of the victim;

619 (E) Section 76-5-403, forcible sodomy;

620 (F) Section 76-5-404.1, sexual abuse of a child; or

621 (G) Section 76-5a-3, sexual exploitation of a minor.

622 (d) Notwithstanding Subsections (10)(a), (b), and (c), [~~a sex~~] an offender who is  
623 confined in a secure facility or in a state mental hospital is not required to register [~~annually~~]  
624 during the period of confinement.

625 (e) [~~A sex~~] An offender [~~that~~] who is required to register [~~annually~~] under this  
626 Subsection (10) shall surrender the [~~sex~~] offender's license, certificate, or identification card as  
627 required under Subsection 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or  
628 identification card as provided under Section 53-3-205 or 53-3-804.

629 (11) An agency in the state that registers [~~a sex~~] an offender on probation, [~~a sex~~] an  
630 offender who has been released from confinement to parole status or termination, or [~~a sex~~] an  
631 offender whose sentence has expired shall inform the offender of the duty to comply with:

632 (a) the continuing registration requirements of this section during the period of  
633 registration required in Subsection (10), including:

634 (i) notification to the state agencies in the states where the registrant presently resides  
635 and plans to reside when moving across state lines;

636 (ii) verification of address at least every 60 days pursuant to a parole agreement for  
637 lifetime parolees; and

638 (iii) notification to the out-of-state agency where the offender is living, whether or not  
639 the offender is a resident of that state; and

640 (b) the driver license certificate or identification card surrender requirement under  
641 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or  
642 53-3-804.

643 (12) [~~A sex offender~~] An offender shall provide the department or the registering entity  
644 with the following information:

645 (a) all names [~~or~~] and aliases [~~the sex~~] by which the offender is or has been known  
646 [~~by~~];

647 [~~(b) the sex offender's name and residential address;~~]

- 648 (b) the addresses of the offender's primary and secondary residences;  
649 (c) a physical description, including the [sex] offender's [age] date of birth, height,  
650 weight, eye and hair color;  
651 ~~[(d) the type of vehicle or vehicles the sex offender drives;]~~  
652 (d) the make, model, color, year, plate number, and vehicle identification number of  
653 any vehicle or vehicles the offender owns or regularly drives;  
654 (e) a current photograph of the [sex] offender; [and]  
655 (f) a set of fingerprints, if one has not already been provided;  
656 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not  
657 already been provided;  
658 (h) telephone numbers and any other designations used by the offender for routing or  
659 self-identification in telephonic communications from fixed locations or cellular telephones;  
660 (i) Internet identifiers and the addresses the offender uses for routing or  
661 self-identification in Internet communications or postings;  
662 (j) a copy of the offender's passport, if a passport has been issued to the offender;  
663 (k) if the offender is an alien, all documents establishing the offender's immigration  
664 status;  
665 (l) all professional licenses that authorize the offender to engage in an occupation or  
666 carry out a trade or business, including any identifiers, such as numbers;  
667 ~~[(f)]~~ (m) each educational institution in Utah at which the [sex] offender is employed,  
668 carries on a vocation, or is a student, and any change of enrollment or employment status of the  
669 [sex] offender at any educational institution[-];  
670 (n) the name and the address of any place where the offender is employed or will be  
671 employed;  
672 (o) the name and the address of any place where the offender works as a volunteer or  
673 will work as a volunteer; and  
674 (p) the offender's Social Security number.  
675 (13) The department shall:  
676 (a) provide the following additional information when available:  
677 (i) the crimes the [sex] offender ~~[was]~~ has been convicted of or adjudicated delinquent  
678 for; [and]

679 (ii) a description of the [sex] offender's primary and secondary targets; and  
680 (iii) any other relevant identifying information as determined by the department;

681 (b) maintain the Sex Offender Notification and Registration website; and

682 ~~[(b)]~~ (c) ensure that the registration information collected regarding [a-sex] an  
683 offender's enrollment or employment at an educational institution is:

684 (i) (A) promptly made available to any law enforcement agency that has jurisdiction  
685 where the institution is located if the educational institution is an institution of higher  
686 education; or

687 (B) promptly made available to the district superintendent of the school district where  
688 the offender is enrolled if the educational institution is an institution of primary education; and

689 (ii) entered into the appropriate state records or data system.

690 (14) (a) ~~[A-sex]~~ An offender who knowingly fails to register under this section is guilty  
691 of:

692 (i) a third degree felony and shall be sentenced to serve a term of incarceration for not  
693 less than 90 days and also at least one year of probation if:

694 (A) the [sex] offender is required to register for a felony conviction or adjudicated  
695 delinquent for what would be a felony if the juvenile were an adult of an offense listed in  
696 Subsection (1)~~[(f)(i)]~~(g)(i) or (m)(i); or

697 (B) the [sex] offender is required to register for the offender's lifetime under  
698 Subsection (10)(c); or

699 (ii) a class A misdemeanor and shall be sentenced to serve a term of incarceration for  
700 not fewer than 90 days and also at least one year of probation if the [sex] offender is required to  
701 register for a misdemeanor conviction or is adjudicated delinquent for what would be a  
702 misdemeanor if the juvenile were an adult of an offense listed in Subsection (1)~~[(f)(i)]~~(g)(i) or  
703 (m)(i).

704 (b) Neither the court nor the Board of Pardons and Parole may release a person who  
705 violates this section from serving the term required under Subsection (14)(a). This Subsection  
706 (14)(b) supersedes any other provision of the law contrary to this section.

707 (c) The offender shall register for an additional year for every year in which the  
708 offender does not comply with the registration requirements of this section.

709 (15) Notwithstanding Title 63, Chapter 2, Government Records Access and

710 Management Act, information in [~~Subsections (12) and~~] Subsection (13) collected and released  
711 under [~~this section~~] Subsection (25) is public information.

712 (16) (a) If [~~a sex~~] an offender is to be temporarily sent outside a secure facility in which  
713 [~~he~~] the offender is confined on any assignment, including, without limitation, firefighting or  
714 disaster control, the official who has custody of the offender shall, within a reasonable time  
715 prior to removal from the secure facility, notify the local law enforcement agencies where the  
716 assignment is to be filled.

717 (b) This Subsection (16) does not apply to any person temporarily released under guard  
718 from the institution in which [~~he~~] the person is confined.

719 (17) Notwithstanding Sections 77-18-9 through 77-18-14 regarding expungement, a  
720 person convicted of any offense listed in Subsection (1)[~~(f)~~](g) or (m) is not relieved from the  
721 responsibility to register as required under this section.

722 (18) Notwithstanding Section 42-1-1, [~~a sex~~] an offender:

723 (a) may not change [~~his~~] the offender's name:

724 (i) while under the jurisdiction of the department; and

725 (ii) until the registration requirements of this statute have expired; [~~or~~] and

726 (b) may not change [~~his~~] the offender's name at any time, if registration is for life under  
727 Subsection (10)(c).

728 (19) The department may make administrative rules necessary to implement this  
729 section, including:

730 (a) the method for dissemination of the information; and

731 (b) instructions to the public regarding the use of the information.

732 (20) Any information regarding the identity or location of a victim shall be redacted by  
733 the department from information provided under Subsections (12) and (13).

734 (21) [~~Nothing in this section shall be construed to~~] This section does not create or  
735 impose any duty on any person to request or obtain information regarding any sex offender  
736 from the department.

737 (22) The department shall [~~post registry information~~] maintain a Sex Offender  
738 Notification and Registration website on the Internet, [~~and the website~~] which shall contain a  
739 disclaimer informing the public [~~of the following~~]:

740 (a) the information contained on the site is obtained from [~~sex~~] offenders and the



741 department does not guarantee its accuracy or completeness;

742 (b) members of the public are not allowed to use the information to harass or threaten  
743 [~~sex~~] offenders or members of their families; and

744 (c) harassment, stalking, or threats against [~~sex~~] offenders or their families are  
745 prohibited and doing so may violate Utah criminal laws.

746 (23) The Sex Offender Notification and Registration website shall be indexed by both  
747 the surname of the offender and by postal codes.

748 (24) The department shall construct the Sex Offender Notification and Registration  
749 website so that users, before accessing registry information, must indicate that they have read  
750 the disclaimer, understand it, and agree to comply with its terms.

751 (25) The Sex Offender Notification and Registration website shall include the  
752 following registry information:

753 (a) all names and aliases by which the offender is or has been known;

754 (b) the addresses of the offender's primary, secondary, and temporary residences;

755 (c) a physical description, including the offender's date of birth, height, weight, and eye  
756 and hair color;

757 (d) the make, model, color, year, and plate number of any vehicle or vehicles the  
758 offender owns or regularly drives;

759 (e) a current photograph of the offender;

760 (f) a list of all professional licenses that authorize the offender to engage in an  
761 occupation or carry out a trade or business;

762 (g) each educational institution in Utah at which the offender is employed, carries on a  
763 vocation, or is a student;

764 (h) a list of places where the offender works as a volunteer;

765 (i) the crimes listed in Subsections (1)(g) and (1)(m) that the offender has been  
766 convicted of or for which the offender has been adjudicated delinquent in juvenile court; and

767 (j) a description of the offender's primary and secondary targets.

768 [~~(25)~~] (26) The department, its personnel, and any individual or entity acting at the  
769 request or upon the direction of the department are immune from civil liability for damages for  
770 good faith compliance with this section and will be presumed to have acted in good faith by  
771 reporting information.

772            [~~(26)~~] (27) The department shall redact information that, if disclosed, could reasonably  
773 identify a victim.

774            [~~(27)~~] (28) (a) Each [sex] offender required to register under Subsection (10)[~~, who is~~  
775 ~~not currently under the jurisdiction of the Department of Corrections,]~~ shall, in the month of  
776 the offender's birth, pay to the department an annual fee of [~~\$75~~] \$100 each year the [sex]  
777 offender is subject to the registration requirements of this section.

778            (b) Notwithstanding Subsection (28)(a), an offender who is confined in a secure facility  
779 or in a state mental hospital is not required to pay the annual fee.

780            [~~(b)~~] (c) The department shall deposit fees under this Subsection [~~(27)~~] (28) in the  
781 General Fund as a dedicated credit, to be used by the department for maintaining the [sex]  
782 offender registry under this section and monitoring [sex] offender registration compliance,  
783 including the costs of:

- 784            (i) data entry;
- 785            (ii) processing registration packets;
- 786            (iii) updating registry information;
- 787            (iv) ensuring [sex] offender compliance with registration requirements under this  
788 section; and
- 789            (v) apprehending offenders who are in violation of the [sex] offender registration  
790 requirements under this section.

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**Legislative Review Note**  
**as of 2-11-08 2:38 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 492 - Sex Offender Notification and Registration**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

It is estimated that enactment of this bill will increase Dedicated Credits revenue and expenditures at the Department of Corrections by \$171,400 in FY 2009 and \$178,200 in FY 2010 with a 4% increase in each fiscal year thereafter.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Dedicated Credits	\$0	\$171,400	\$178,200	\$0	\$171,400	\$178,200
<b>Total</b>	<b>\$0</b>	<b>\$171,400</b>	<b>\$178,200</b>	<b>\$0</b>	<b>\$171,400</b>	<b>\$178,200</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill will increase the annual fee paid by sex offender registrants from \$75 to \$100.

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