

**SEX OFFENDERS' CONTACT WITH
CHILDREN**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Ralph Okerlund

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill modifies the Code of Criminal Procedure and requires a registered sex offender whose offense was against a child younger than 14 to obtain permission from a child's parent or guardian to allow a child younger than age 14 to accompany the offender.

Highlighted Provisions:

This bill:

▶ provides that it is a class A misdemeanor for any sex offender whose offense was against a child to request or solicit a child younger than 14 to accompany the sex offender for any purpose unless:

⚡→ • the sex offender:

• **has advised the parent or guardian that the sex offender is on the state sex offender registry and is required by law to have the written permission; and ←⚡**

• **⚡→ [the sex offender] ←⚡** has in possession written permission from the child's parent or guardian authorizing the offender to accompany the child;

• the child's parent or guardian has given verbal permission and both the child and the sex offender are in the child's home or on the property appurtenant to the child's home; or

• the child is the natural child of the sex offender, and the offender is not prohibited by any court order, or probation or parole provision from contact



28 with the child;

- 29 ▶ prohibits a defense of not knowing the actual age of the child; and
- 30 ▶ extends the offender's period of registration as a sex offender for five years for

31 violation of this provision.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **77-27-21.5**, as last amended by Laws of Utah 2008, Chapters 133, 342, 355, and 382

39 ENACTS:

40 **77-27-21.8**, Utah Code Annotated 1953



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

43 Section 1. Section **77-27-21.5** is amended to read:

44 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**

45 **Law enforcement and courts to report -- Registration -- Penalty -- Effect of expungement.**

46 (1) As used in this section:

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

48 (b) "Department" means the Department of Corrections.

49 (c) "Division" means the Division of Juvenile Justice Services.

50 (d) "Employed" or "carries on a vocation" includes employment that is full time or part
51 time, whether financially compensated, volunteered, or for the purpose of government or
52 educational benefit.

53 (e) "Indian Country" means:

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

57 (ii) all dependent Indian communities within the borders of the United States whether
58 within the original or subsequently acquired territory, and whether or not within the limits of a

59 state; and

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

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

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

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

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

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

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

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

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

70 Subsections (1)(g)(i)(A) through ~~(G)~~ (D);

71 (ii) has been convicted of any crime, or an attempt, solicitation, or conspiracy to
72 commit a crime in another jurisdiction that is substantially equivalent to the offenses listed in
73 Subsection (1)(g)(i) and who is:

74 (A) a Utah resident; or

75 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
76 ten or more days, regardless of whether or not the offender intends to permanently reside in this
77 state;

78 (iii) is required to register as an offender in any other jurisdiction, and who, in any 12
79 month period, is in this state for a total of ten or more days, regardless of whether or not the
80 offender intends to permanently reside in this state;

81 (iv) is a nonresident regularly employed or working in this state, or who is a student in
82 this state, and was convicted of one or more offenses listed in Subsection (1)(g) or (1)(n), or
83 any substantially equivalent offense in another jurisdiction, or as a result of the conviction, is
84 required to register in the person's state of residence;

85 (v) is found not guilty by reason of insanity in this state or in any other jurisdiction of
86 one or more offenses listed in Subsection (1)(g); or

87 (vi) is adjudicated delinquent based on one or more offenses listed in Subsection
88 (1)(g)(i) and who has been committed to the division for secure confinement and remains in the
89 division's custody 30 days prior to the person's 21st birthday.

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

92 (i) "Offender" means a kidnap offender as defined in Subsection (1)(g) or a sex
93 offender as defined in Subsection (1)(n).

94 (j) "Online identifier" means any electronic mail, chat, instant messenger, social
95 networking, or similar name used for Internet communication. It does not include date of birth,
96 Social Security number, or PIN number.

97 (k) "Primary residence" means the location where the offender regularly resides, even
98 if the offender intends to move to another location or return to another location at any future
99 date.

100 (l) "Register" means to comply with the requirements of this section and administrative
101 rules of the department made under this section.

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

105 (n) "Sex offender" means any person:

106 (i) convicted in this state of:

107 (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 121 (O) Section 76-5a-3, sexual exploitation of a minor;
- 122 (P) Section 76-7-102, incest;
- 123 (Q) Section 76-9-702.5, lewdness involving a child;
- 124 (R) Section 76-10-1306, aggravated exploitation of prostitution; or
- 125 (S) attempting, soliciting, or conspiring to commit any felony offense listed in
- 126 Subsection (1)(n)(i);
- 127 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to
- 128 commit a crime in another jurisdiction that is substantially equivalent to the offenses listed in
- 129 Subsection (1)(n)(i) and who is:
- 130 (A) a Utah resident; or
- 131 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
- 132 ten or more days, regardless of whether the offender intends to permanently reside in this state;
- 133 (iii) who is required to register as an offender in any other jurisdiction, and who, in any
- 134 12 month period, is in the state for a total of ten or more days, regardless of whether or not the
- 135 offender intends to permanently reside in this state;
- 136 (iv) who is a nonresident regularly employed or working in this state or who is a
- 137 student in this state and was convicted of one or more offenses listed in Subsection (1)(n)(i), or
- 138 any substantially equivalent offense in any jurisdiction, or as a result of the conviction, is
- 139 required to register in the person's jurisdiction of residence;
- 140 (v) who is found not guilty by reason of insanity in this state, or in any other
- 141 jurisdiction of one or more offenses listed in Subsection (1)(n)(i); or
- 142 (vi) who is adjudicated delinquent based on one or more offenses listed in Subsection
- 143 (1)(n)(i) and who has been committed to the division for secure confinement and remains in the
- 144 division's custody 30 days prior to the person's 21st birthday.
- 145 (o) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in
- 146 any jurisdiction.
- 147 (2) The department, to assist in investigating sex-related crimes and in apprehending
- 148 offenders, shall:
- 149 (a) develop and operate a system to collect, analyze, maintain, and disseminate
- 150 information on offenders and sex and kidnap offenses;
- 151 (b) make information listed in Subsection (25) available to the public; and

152 (c) require that a sex offender provide to the department any password required for use
153 with an online identifier. Passwords provided to the department may not be disclosed to the
154 public.

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

157 (a) the receipt of a report or complaint of an offense listed in Subsection (1)(g) or (n),
158 within three business days; and

159 (b) the arrest of a person suspected of any of the offenses listed in Subsection (1)(g) or
160 (n), within five business days.

161 (4) Upon convicting a person of any of the offenses listed in Subsection (1)(g) or (n),
162 the convicting court shall within three business days forward a copy of the judgment and
163 sentence to the department.

164 (5) An offender in the custody of the department shall be registered by agents of the
165 department upon:

166 (a) placement on probation;

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

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

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

173 (e) termination of probation or parole.

174 (6) An offender who is not in the custody of the department and who is confined in a
175 correctional facility not operated by or under contract to the department shall be registered with
176 the department by the sheriff of the county in which the offender is confined, upon:

177 (a) commitment to the correctional facility; and

178 (b) release from confinement.

179 (7) An offender in the custody of the division shall be registered with the department by
180 the division prior to release from custody.

181 (8) An offender committed to a state mental hospital shall be registered with the
182 department by the hospital upon admission and upon discharge.

183 (9) An offender convicted by any other jurisdiction is required to register under
184 Subsection (1)(g) or (n) and Subsection (10) and shall register with the department within ten
185 days of entering the state, regardless of the offender's length of stay.

186 (10) (a) Except as provided in Subsections (10)(b), (c), and (d), an offender shall, for
187 the duration of the sentence and for ten years after termination of sentence or custody of the
188 division, register every year during the month of the offender's birth, during the month that is
189 the sixth month after the offender's birth month, and also within three business days of every
190 change of the offender's primary residence, any secondary residences, place of employment,
191 vehicle information, or educational information required to be submitted under Subsection
192 (12).

193 (b) Except as provided Subsections (10)(c) and (d), an offender who is convicted in
194 another jurisdiction of an offense listed in Subsection (1)(g)(i) or (n)(i), a substantially similar
195 offense, or any other offense that requires registration in the jurisdiction of conviction, shall:

196 (i) register for the time period, and in the frequency, required by the jurisdiction where
197 the offender was convicted if that jurisdiction's registration period or registration frequency
198 requirement for the offense that the offender was convicted of is greater than the ten years from
199 completion of the sentence registration period that is required under Subsection (10)(a), or is
200 more frequent than every six months; or

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

205 (c) (i) (A) An offender convicted as an adult of any of the offenses listed in Subsection
206 (10)(c)(ii) shall, for the offender's lifetime, register every year during the month of the
207 offender's birth, during the month that is the sixth month after the offender's birth month, and
208 also within three business days of every change of the offender's primary residence, any
209 secondary residences, place of employment, vehicle information, or educational information
210 required to be submitted under Subsection (12).

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

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

214 (A) any offense listed in Subsection (1)(g) or (n) if, at the time of the conviction, the
215 offender has previously been convicted of an offense listed in Subsection (1)(g) or (n) or has
216 previously been required to register as a sex offender for an offense committed as a juvenile;

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

219 (I) Section 76-5-301.1, child kidnapping, except if the offender is a natural parent of
220 the victim;

221 (II) Section 76-5-402, rape;

222 (III) Section 76-5-402.1, rape of a child;

223 (IV) Section 76-5-402.2, object rape;

224 (V) Section 76-5-402.3, object rape of a child;

225

226 (VI) Section 76-5-403.1, sodomy on a child;

227 (VII) Subsection 76-5-404.1(4), aggravated sexual abuse of a child; or

228 (VIII) Section 76-5-405, aggravated sexual assault;

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

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

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

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

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

235 (d) Notwithstanding Subsections (10)(a), (b), and (c), an offender who is confined in a
236 secure facility or in a state mental hospital is not required to register during the period of
237 confinement.

238 (e) An offender who is required to register under this Subsection (10) shall surrender
239 the offender's license, certificate, or identification card as required under Subsection
240 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as
241 provided under Section 53-3-205 or 53-3-804.

242 (f) A sex offender who violates Section 77-27-21.8 while required to register under this
243 section shall register for an additional five years subsequent to the registration period otherwise
244 required under this section.

245 (11) An agency in the state that registers an offender on probation, an offender who has
246 been released from confinement to parole status or termination, or an offender whose sentence
247 has expired shall inform the offender of the duty to comply with:

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

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

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

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

256 (b) the driver license certificate or identification card surrender requirement under
257 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or
258 53-3-804.

259 (12) An offender shall provide the department or the registering entity with the
260 following information:

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

262 (b) the addresses of the offender's primary and secondary residences;

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

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

267 (e) a current photograph of the offender;

268 (f) a set of fingerprints, if one has not already been provided;

269 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not
270 already been provided;

271 (h) telephone numbers and any other designations used by the offender for routing or
272 self-identification in telephonic communications from fixed locations or cellular telephones;

273 (i) Internet identifiers and the addresses the offender uses for routing or
274 self-identification in Internet communications or postings;

275 (j) the name and Internet address of all websites on which the sex offender is registered

276 using an online identifier, including all online identifiers and passwords used to access those
277 websites;

278 (k) a copy of the offender's passport, if a passport has been issued to the offender;

279 (l) if the offender is an alien, all documents establishing the offender's immigration
280 status;

281 (m) all professional licenses that authorize the offender to engage in an occupation or
282 carry out a trade or business, including any identifiers, such as numbers;

283 (n) each educational institution in Utah at which the offender is employed, carries on a
284 vocation, or is a student, and any change of enrollment or employment status of the offender at
285 any educational institution;

286 (o) the name and the address of any place where the offender is employed or will be
287 employed;

288 (p) the name and the address of any place where the offender works as a volunteer or
289 will work as a volunteer; and

290 (q) the offender's Social Security number.

291 (13) The department shall:

292 (a) provide the following additional information when available:

293 (i) the crimes the offender has been convicted of or adjudicated delinquent for;

294 (ii) a description of the offender's primary and secondary targets; and

295 (iii) any other relevant identifying information as determined by the department;

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

297 (c) ensure that the registration information collected regarding an offender's enrollment
298 or employment at an educational institution is:

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

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

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

305 (14) (a) An offender who knowingly fails to register under this section or provides false
306 or incomplete information is guilty of:

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

309 (A) the offender is required to register for a felony conviction or adjudicated delinquent
310 for what would be a felony if the juvenile were an adult of an offense listed in Subsection
311 (1)(g)(i) or (n)(i); or

312 (B) the offender is required to register for the offender's lifetime under Subsection
313 (10)(c); or

314 (ii) a class A misdemeanor and shall be sentenced to serve a term of incarceration for
315 not fewer than 90 days and also at least one year of probation if the offender is required to
316 register for a misdemeanor conviction or is adjudicated delinquent for what would be a
317 misdemeanor if the juvenile were an adult of an offense listed in Subsection (1)(g)(i) or (n)(i).

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

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

323 (15) Notwithstanding Title 63G, Chapter 2, Government Records Access and
324 Management Act, information in Subsection (13) collected and released under Subsection (25)
325 is public information.

326 (16) (a) If an offender is to be temporarily sent outside a secure facility in which the
327 offender is confined on any assignment, including, without limitation, firefighting or disaster
328 control, the official who has custody of the offender shall, within a reasonable time prior to
329 removal from the secure facility, notify the local law enforcement agencies where the
330 assignment is to be filled.

331 (b) This Subsection (16) does not apply to any person temporarily released under guard
332 from the institution in which the person is confined.

333 (17) Notwithstanding Sections 77-18-9 through 77-18-14 regarding expungement, a
334 person convicted of any offense listed in Subsection (1)(g) or (n) is not relieved from the
335 responsibility to register as required under this section.

336 (18) Notwithstanding Section 42-1-1, an offender:

337 (a) may not change the offender's name:

- 338 (i) while under the jurisdiction of the department; and
- 339 (ii) until the registration requirements of this statute have expired; and
- 340 (b) may not change the offender's name at any time, if registration is for life under

341 Subsection (10)(c).

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

- 344 (a) the method for dissemination of the information; and
- 345 (b) instructions to the public regarding the use of the information.

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

348 (21) This section does not create or impose any duty on any person to request or obtain
349 information regarding any sex offender from the department.

350 (22) The department shall maintain a Sex Offender Notification and Registration
351 website on the Internet, which shall contain a disclaimer informing the public:

352 (a) the information contained on the site is obtained from offenders and the department
353 does not guarantee its accuracy or completeness;

354 (b) members of the public are not allowed to use the information to harass or threaten
355 offenders or members of their families; and

356 (c) harassment, stalking, or threats against offenders or their families are prohibited and
357 doing so may violate Utah criminal laws.

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

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

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

- 365 (a) all names and aliases by which the offender is or has been known;
- 366 (b) the addresses of the offender's primary, secondary, and temporary residences;
- 367 (c) a physical description, including the offender's date of birth, height, weight, and eye
368 and hair color;

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

371 (e) a current photograph of the offender;

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

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

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

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

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

380 (26) The department, its personnel, and any individual or entity acting at the request or
381 upon the direction of the department are immune from civil liability for damages for good faith
382 compliance with this section and will be presumed to have acted in good faith by reporting
383 information.

384 (27) The department shall redact information that, if disclosed, could reasonably
385 identify a victim.

386 (28) (a) Each offender required to register under Subsection (10) shall, in the month of
387 the offender's birth, pay to the department an annual fee of \$100 each year the offender is
388 subject to the registration requirements of this section.

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

391 (c) The department shall deposit fees under this Subsection (28) in the General Fund as
392 a dedicated credit, to be used by the department for maintaining the offender registry under this
393 section and monitoring offender registration compliance, including the costs of:

394 (i) data entry;

395 (ii) processing registration packets;

396 (iii) updating registry information;

397 (iv) ensuring offender compliance with registration requirements under this section;

398 and

399 (v) apprehending offenders who are in violation of the offender registration

400 requirements under this section.

401 (29) Notwithstanding Subsections (2)(c) and (12)(i) and (j), a sex offender is not
402 required to provide the department with:

403 (a) the offender's online identifier and password used exclusively for the offender's
404 employment on equipment provided by an employer and used to access the employer's private
405 network; or

406 (b) online identifiers for the offender's financial accounts, including any bank,
407 retirement, or investment accounts.

408 Section 2. Section **77-27-21.8** is enacted to read:

409 **77-27-21.8. Sex offender in presence of a child -- Definitions -- Penalties.**

410 (1) As used in this section:

411 (a) "Accompany" means:

412 (i) to be in the presence of an individual; and

413 (ii) to move or travel with that individual from one location to another, whether
414 outdoors, indoors, or in or on any type of vehicle.

415 (b) "Child" means an individual younger than 14 years of age.

416 (2) A sex offender subject to registration under Section 77-27-21.5 for an offense
417 committed or attempted to be committed against a child younger than 14 years of age is guilty
418 of a class A misdemeanor if the sex offender requests, invites, or solicits a child to accompany
419 the sex offender, under circumstances that do not constitute an attempt to violate Section
420 76-5-301.1, child kidnapping, unless:

421 (a) (i) **§→ the sex offender, prior to accompanying the child:**

421a **(A) verbally advises the child's parent or legal guardian that the sex offender is**
421b **on the state sex offender registry and is required by state law to obtain written permission in**
421c **order for the sex offender to accompany the child; and**

421d **(B) requests that the child's parent or legal guardian provide written**
421e **authorization for the sex offender to accompany the child, including the specific dates and**
421f **locations;**

421g **(ii) ←§ the child's parent or §→ legal ←§ guardian has provided to the sex offender written**
422 **authorization, including the specific dates and locations, for the sex offender to accompany the**
423 **child; and**

424 **§→ [(ii) (iii) ←§ the sex offender has possession of the written authorization and is accompanying**
425 **the child only at the dates and locations specified in the authorization;**

426 **(b) the child's parent or guardian has verbally authorized the sex offender to**
427 **accompany the child either in the child's residence or on property appurtenant to the child's**
428 **residence, but in no other locations; or**

429 **(c) the child is the natural child of the sex offender, and the offender is not prohibited**
430 **by any court order, or probation or parole provision, from contact with the child.**

431 (3) (a) A sex offender convicted of a violation of Subsection (2) is subject to
432 registration under Section 77-27-21.5 for an additional five years subsequent to the required
433 registration under Section 77-27-21.5.

434 (b) The period of additional registration imposed under Subsection (3)(a) is also in
435 addition to any period of registration imposed under Subsection 77-27-21.5(14)(c) for failure to
436 comply with registration requirements.

437 (4) It is not a defense to a prosecution under this section that the defendant mistakenly
438 believed the individual to be 14 years of age or older at the time of the offense or was unaware
439 of the individual's true age.

440 (5) This section does not apply if a sex offender is acting to rescue a child who is in an
441 emergency and life-threatening situation.

Legislative Review Note
as of 7-9-08 7:04 AM

Office of Legislative Research and General Counsel

H.B. 29 - Sex Offenders' Contact with Children

Fiscal Note

2009 General Session
State of Utah

State Impact

Enactment of this bill will create a net ongoing General Fund impact of \$7,500 in workload costs to the Courts - \$25,000 of ongoing General Fund appropriations and General Fund Revenues of approximately \$17,500. Enactment of this bill will increase Dedicated Credits revenue and expenditures at the Department of Corrections by \$10,000 each year beginning in FY 2010 until FY 2014 when they will remain constant at \$50,000 per year.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$25,000	\$25,000	\$0	\$17,500	\$17,500
Dedicated Credits	\$0	\$10,000	\$20,000	\$0	\$10,000	\$20,000
Total	\$0	\$35,000	\$45,000	\$0	\$27,500	\$37,500

Individual, Business and/or Local Impact

Enactment may impact local law enforcement agencies however the impact is unquantifiable at this time.
