

SEX OFFENDER DEFINITION AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: D. Chris Buttars

LONG TITLE

General Description:

This bill modifies the Code of Criminal Procedure regarding the definition of a sex offender.

Highlighted Provisions:

This bill:

- ▶ adds lewdness and sexual battery as offenses for which a convicted person must register as a sex offender, if the person is convicted of either offense four or more times;
- ▶ provides that if a person is convicted a total of four times of the offenses lewdness and sexual battery, the person must register as a sex offender;
- ▶ increases the penalty for lewdness from a class B misdemeanor to a class A misdemeanor if the offender has been convicted two times before of lewdness or lewdness involving a child;
- ▶ increases the penalty for lewdness from a class A misdemeanor to a third degree felony if the offender has been convicted three times before of lewdness or lewdness involving a child; and
- ▶ increases the penalty for lewdness involving a child if the offender has been convicted once before of lewdness involving a child.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **76-9-702**, as last amended by Laws of Utah 2007, Chapter 350

33 **76-9-702.5**, as last amended by Laws of Utah 2007, Chapter 350

34 **77-27-21.5**, as last amended by Laws of Utah 2008, Chapters 133, 342, 355, and 382



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

37 Section 1. Section **76-9-702** is amended to read:

38 **76-9-702. Lewdness -- Sexual battery -- Public urination.**

39 (1) A person is guilty of lewdness if the person under circumstances not amounting to
40 rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an
41 attempt to commit any of these offenses, performs any of the following acts in a public place
42 or under circumstances which the person should know will likely cause affront or alarm to, on,
43 or in the presence of another who is 14 years of age or older:

- 44 (a) an act of sexual intercourse or sodomy;
- 45 (b) exposes his or her genitals, the female breast below the top of the areola, the
46 buttocks, the anus, or the pubic area;
- 47 (c) masturbates; or
- 48 (d) any other act of lewdness.

49 [~~(2) (a) Lewdness is a class B misdemeanor.~~]

50 [~~(b) Lewdness is a class A misdemeanor if the person is a sex offender as defined in
51 Section 77-27-21.7.~~]

52 (2) (a) Except under Subsection (2)(b), a person convicted of a violation of Subsection
53 (1):

- 54 (i) the first or second time is guilty of a class B misdemeanor; and
- 55 (ii) the third time is guilty of a class A misdemeanor.
- 56 (b) A person convicted of a violation of Subsection (1) is guilty of a third degree
57 felony if at the time of the violation:

- 58 (i) the person is a sex offender as defined in Section 77-27-21.7;
- 59 (ii) the person has been previously convicted three or more times of violating
- 60 Subsection (1); or
- 61 (iii) the person has previously been convicted of a violation of Subsection (1) and has
- 62 also previously been convicted of a violation of Section 76-9-702.5.

63 (3) A person is guilty of sexual battery if the person under circumstances not
 64 amounting to rape, rape of a child, object rape, object rape of a child, forcible sodomy,
 65 sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse
 66 of a child, aggravated sexual assault, or an attempt to commit any of these offenses
 67 intentionally touches, whether or not through clothing, the anus, buttocks, or any part of the
 68 genitals of another person, or the breast of a female, and the actor's conduct is under
 69 circumstances the actor knows or should know will likely cause affront or alarm to the person
 70 touched.

71 (4) Sexual battery is a class A misdemeanor.

72 (5) A person is guilty of public urination if the person urinates or defecates:

- 73 (a) in a public place, other than a public rest room; and
- 74 (b) under circumstances which the person should know will likely cause affront or
- 75 alarm to another.

76 (6) Public urination is a class C misdemeanor.

77 (7) A woman's breast feeding, including breast feeding in any location where the
 78 woman otherwise may rightfully be, does not under any circumstance constitute a lewd [~~or~~
 79 ~~grossly lewd~~] act, irrespective of whether or not the breast is covered during or incidental to
 80 feeding.

81 Section 2. Section **76-9-702.5** is amended to read:

82 **76-9-702.5. Lewdness involving a child.**

83 (1) A person is guilty of lewdness involving a child if the person under circumstances
 84 not amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse of
 85 a child, aggravated sexual abuse of a child, or an attempt to commit any of those offenses,

86 intentionally or knowingly does any of the following to, or in the presence of a child who is
87 under 14 years of age:

- 88 (a) performs an act of sexual intercourse or sodomy;
- 89 (b) exposes his or her genitals, the female breast below the top of the areola, the
90 buttocks, the anus, or the pubic area:
 - 91 (i) in a public place; or
 - 92 (ii) in a private place:
 - 93 (A) under circumstances the person should know will likely cause affront or alarm; or
 - 94 (B) with the intent to arouse or gratify the sexual desire of the actor or the child;
- 95 (c) masturbates;
- 96 (d) under circumstances not amounting to sexual exploitation of a child under Section
97 76-5a-3, causes a child under the age of 14 years to expose his or her genitals, anus, or breast,
98 if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor or the
99 child; or
- 100 (e) performs any other act of lewdness.

101 (2) (a) Lewdness involving a child is a class A misdemeanor, except under Subsection
102 (2)(b).

- 103 (b) Lewdness involving a child is a third degree felony if at the time of the violation:
 - 104 (i) the person is a sex offender as defined in Section 77-27-21.7[-]; or
 - 105 (ii) the person has previously been convicted of a violation of this section.

106 Section 3. Section 77-27-21.5 is amended to read:

107 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**
108 **Law enforcement and courts to report -- Registration -- Penalty -- Effect of**
109 **expungement.**

- 110 (1) As used in this section:
 - 111 (a) "Business day" means a day on which state offices are open for regular business.
 - 112 (b) "Department" means the Department of Corrections.
 - 113 (c) "Division" means the Division of Juvenile Justice Services.

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

117 (e) "Indian Country" means:

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

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

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

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

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

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

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

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

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

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

133 (E) attempting, soliciting, or conspiring to commit any felony offense listed in
134 Subsections (1)(g)(i)(A) through ~~(G)~~ (D);

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

138 (A) a Utah resident; or

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

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

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

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

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

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

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

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

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

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

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

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

- 170 (i) convicted in this state of:
- 171 (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;
- 172 (B) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;
- 173 (C) a felony violation of Section 76-5-401, unlawful sexual activity with a minor;
- 174 (D) Section 76-5-401.1, sexual abuse of a minor;
- 175 (E) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;
- 176 (F) Section 76-5-402, rape;
- 177 (G) Section 76-5-402.1, rape of a child;
- 178 (H) Section 76-5-402.2, object rape;
- 179 (I) Section 76-5-402.3, object rape of a child;
- 180 (J) a felony violation of Section 76-5-403, forcible sodomy;
- 181 (K) Section 76-5-403.1, sodomy on a child;
- 182 (L) Section 76-5-404, forcible sexual abuse;
- 183 (M) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;
- 184 (N) Section 76-5-405, aggravated sexual assault;
- 185 (O) Section 76-5a-3, sexual exploitation of a minor;
- 186 (P) Section 76-7-102, incest;
- 187 (Q) Subsection 76-9-702(1), lewdness, if the person has been convicted of the offense
- 188 four or more times;
- 189 (R) Subsection 76-9-702(3), sexual battery, if the person has been convicted of the
- 190 offense four or more times;
- 191 (S) any combination of convictions of Subsection 76-9-702(1), lewdness, and of
- 192 Subsection 76-9-702(3), sexual battery, that total four or more convictions;
- 193 [~~(Q)~~] (T) Section 76-9-702.5, lewdness involving a child;
- 194 [~~(R)~~] (U) Section 76-10-1306, aggravated exploitation of prostitution; or
- 195 [~~(S)~~] (V) attempting, soliciting, or conspiring to commit any felony offense listed in
- 196 Subsection (1)(n)(i);
- 197 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to

198 commit a crime in another jurisdiction that is substantially equivalent to the offenses listed in
199 Subsection (1)(n)(i) and who is:

200 (A) a Utah resident; or

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

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

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

210 (v) who is found not guilty by reason of insanity in this state, or in any other
211 jurisdiction of one or more offenses listed in Subsection (1)(n)(i); or

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

215 (o) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in
216 any jurisdiction.

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

219 (a) develop and operate a system to collect, analyze, maintain, and disseminate
220 information on offenders and sex and kidnap offenses;

221 (b) make information listed in Subsection (25) available to the public; and

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

225 (3) Any law enforcement agency shall, in the manner prescribed by the department,

226 inform the department of:

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

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

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

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

236 (a) placement on probation;

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

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

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

243 (e) termination of probation or parole.

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

247 (a) commitment to the correctional facility; and

248 (b) release from confinement.

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

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

253 (9) An offender convicted by any other jurisdiction is required to register under

254 Subsection (1)(g) or (n) and Subsection (10) and shall register with the department within ten
255 days of entering the state, regardless of the offender's length of stay.

256 (10) (a) Except as provided in Subsections (10)(b), (c), and (d), an offender shall, for
257 the duration of the sentence and for ten years after termination of sentence or custody of the
258 division, register every year during the month of the offender's birth, during the month that is
259 the sixth month after the offender's birth month, and also within three business days of every
260 change of the offender's primary residence, any secondary residences, place of employment,
261 vehicle information, or educational information required to be submitted under Subsection
262 (12).

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

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

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

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

281 (B) This registration requirement is not subject to exemptions and may not be

282 terminated or altered during the offender's lifetime.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

307 (e) An offender who is required to register under this Subsection (10) shall surrender
308 the offender's license, certificate, or identification card as required under Subsection
309 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as

310 provided under Section 53-3-205 or 53-3-804.

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

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

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

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

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

322 (b) the driver license certificate or identification card surrender requirement under
323 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or
324 53-3-804.

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

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

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

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

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

333 (e) a current photograph of the offender;

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

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

337 (h) telephone numbers and any other designations used by the offender for routing or

338 self-identification in telephonic communications from fixed locations or cellular telephones;

339 (i) Internet identifiers and the addresses the offender uses for routing or

340 self-identification in Internet communications or postings;

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

342 registered using an online identifier, including all online identifiers and passwords used to

343 access those websites;

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

345 (l) if the offender is an alien, all documents establishing the offender's immigration

346 status;

347 (m) all professional licenses that authorize the offender to engage in an occupation or

348 carry out a trade or business, including any identifiers, such as numbers;

349 (n) each educational institution in Utah at which the offender is employed, carries on a

350 vocation, or is a student, and any change of enrollment or employment status of the offender at

351 any educational institution;

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

353 employed;

354 (p) the name and the address of any place where the offender works as a volunteer or

355 will work as a volunteer; and

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

357 (13) The department shall:

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

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

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

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

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

363 (c) ensure that the registration information collected regarding an offender's

364 enrollment or employment at an educational institution is:

365 (i) (A) promptly made available to any law enforcement agency that has jurisdiction

366 where the institution is located if the educational institution is an institution of higher
367 education; or

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

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

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

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

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

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

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

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

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

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

392 (16) (a) If an offender is to be temporarily sent outside a secure facility in which the
393 offender is confined on any assignment, including, without limitation, firefighting or disaster

394 control, the official who has custody of the offender shall, within a reasonable time prior to
395 removal from the secure facility, notify the local law enforcement agencies where the
396 assignment is to be filled.

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

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

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

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

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

405 (ii) until the registration requirements of this statute have expired; and

406 (b) may not change the offender's name at any time, if registration is for life under
407 Subsection (10)(c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

437 (e) a current photograph of the offender;

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

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

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

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

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

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

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

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

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

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

- 460 (i) data entry;
- 461 (ii) processing registration packets;
- 462 (iii) updating registry information;
- 463 (iv) ensuring offender compliance with registration requirements under this section;
- 464 and

465 (v) apprehending offenders who are in violation of the offender registration
466 requirements under this section.

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

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

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