

SEX OFFENDER REGISTRY REVISIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill modifies the Code of Criminal Procedure regarding sex and kidnap offender registration.

Highlighted Provisions:

This bill:

▶ adds Canada, the United Kingdom, Australia, and New Zealand as countries where convictions for sex or kidnap offenses are recognized for purposes of identifying convictions subject to registration;

▶ adds conviction of the offense of aggravated human trafficking as a kidnap offense subject to registration;

▶ adds as offenses subject to registration as a sex offender, for convictions on and after May 10, 2011:

- sexual exploitation of a vulnerable adult; ~~§~~ and ~~§~~
- custodial sexual relations, when the person in custody is younger than 18 years of age; and

~~§~~ [~~—• a felony or class A misdemeanor voyeurism offense; and~~] ~~§~~

▶ requires lifetime registration for the offense of aggravated exploitation of prostitution.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 **§→ [None] This bill coordinates with S.B. 106, Sexual Exploitation Amendments, by**
29a **amending the reference to a code section citation amended in S.B. 106 ←§**

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **77-27-21.5**, as last amended by Laws of Utah 2010, Chapters 55, 120, 144, 283, and
33 328

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

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

37 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**
38 **Law enforcement and courts to report -- Penalty -- Effect of expungement.**

39 (1) As used in this section:

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

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

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

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

46 (e) "Indian Country" means:

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

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

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

55 (f) "Jurisdiction" means any state, Indian Country, United States Territory, or any
56 property under the jurisdiction of the United States military, Canada, the United Kingdom,
57 Australia, or New Zealand.

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

121 (O) Section 76-5-412, custodial sexual relations, when the person in custody is younger
 122 than 18 years of age, ~~S~~→ if the offense is committed ←~~S~~ on or after May 10, 2011;
 123 [~~⊕~~] (P) Section 76-5a-3, sexual exploitation of a minor;
 124 [~~⊕~~] (Q) Section 76-7-102, incest;
 125 [~~⊕~~] (R) Subsection 76-9-702(1), lewdness, if the person has been convicted of the
 126 offense four or more times;
 127 [~~⊕~~] (S) Subsection 76-9-702(3), sexual battery, if the person has been convicted of
 128 the offense four or more times;
 129 [~~⊕~~] (T) any combination of convictions of Subsection 76-9-702(1), lewdness, and of
 130 Subsection 76-9-702(3), sexual battery, that total four or more convictions;
 131 [~~⊕~~] (U) Section 76-9-702.5, lewdness involving a child;
 132 (V) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;
 133 [~~⊕~~] (W) Section 76-10-1306, aggravated exploitation of prostitution; or
 134 [~~⊕~~] (X) attempting, soliciting, or conspiring to commit any felony offense listed in
 135 Subsection (1)(n)(i);
 136 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to
 137 commit a crime in another jurisdiction, including any state, federal, or military court that is
 138 substantially equivalent to the offenses listed in Subsection (1)(n)(i) and who is:
 139 (A) a Utah resident; or
 140 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
 141 10 or more days, regardless of whether the offender intends to permanently reside in this state;
 142 (iii) (A) who is required to register as an offender in any other jurisdiction, or who is
 143 required to register as an offender by any state, federal, or military court; and
 144 (B) who, in any 12 month period, is in the state for a total of 10 or more days,
 145 regardless of whether or not the offender intends to permanently reside in this state;
 146 (iv) who is a nonresident regularly employed or working in this state or who is a
 147 student in this state and was convicted of one or more offenses listed in Subsection (1)(n)(i), or
 148 any substantially equivalent offense in any jurisdiction, or as a result of the conviction, is
 149 required to register in the person's jurisdiction of residence;
 150 (v) who is found not guilty by reason of insanity in this state, or in any other
 151 jurisdiction of one or more offenses listed in Subsection (1)(n)(i); or

431 (b) Notwithstanding Subsection (30)(a), an offender who is confined in a secure facility
432 or in a state mental hospital is not required to pay the annual fee.

433 (c) The department shall deposit fees under this Subsection (30) in the General Fund as
434 a dedicated credit, to be used by the department for maintaining the offender registry under this
435 section and monitoring offender registration compliance, including the costs of:

- 436 (i) data entry;
- 437 (ii) processing registration packets;
- 438 (iii) updating registry information;
- 439 (iv) ensuring offender compliance with registration requirements under this section;

440 and

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

443 (31) Notwithstanding Subsections (2)(c) and (14)(i) and (j), an offender is not required
444 to provide the department with:

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

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

449a **§→ Section 2. If this S.B. 159 and S.B. 106, Sexual Exploitation Amendments, both pass, it is**
 449b **the intent of the Legislature that the Office of Legislative Research and General Counsel shall**
 449c **prepare the Utah Code database for publication by amending Subsection 77-27-21.5(1)(n)(i)(B)**
 449d **to read:**
 449e **"(B) Section 76-5b-202, sexual exploitation of a vulnerable adult, on or after May 10, 2011." ←§**

Legislative Review Note
as of 2-4-11 2:11 PM

Office of Legislative Research and General Counsel