

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

34

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:

- 59 (i) has been convicted in this state of a violation of:
60 (A) Section 76-5-301, Subsection (1)(c) or (d), kidnapping;
61 (B) Section 76-5-301.1, child kidnapping;
62 (C) Section 76-5-302, aggravated kidnapping; ~~[or]~~
63 (D) Section 76-5-310, aggravated human trafficking, on or after May 10, 2011; or
64 ~~[(D)] (E)~~ attempting, soliciting, or conspiring to commit any felony offense listed in
65 Subsections (1)(g)(i)(A) through ~~[(E)] (D)~~;
- 66 (ii) has been convicted of any crime, or an attempt, solicitation, or conspiracy to
67 commit a crime in another jurisdiction, including any state, federal, or military court that is
68 substantially equivalent to the offenses listed in Subsection (1)(g)(i) and who is:
69 (A) a Utah resident; or
70 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
71 10 or more days, regardless of whether or not the offender intends to permanently reside in this
72 state;
- 73 (iii) (A) is required to register as an offender in any other jurisdiction, or who is
74 required to register as an offender by any state, federal, or military court; and
75 (B) in any 12 month period, is in this state for a total of 10 or more days, regardless of
76 whether or not the offender intends to permanently reside in this state;
- 77 (iv) is a nonresident regularly employed or working in this state, or who is a student in
78 this state, and was convicted of one or more offenses listed in Subsection (1)(g), or any
79 substantially equivalent offense in another jurisdiction, or as a result of the conviction, is
80 required to register in the person's state of residence;
- 81 (v) is found not guilty by reason of insanity in this state or in any other jurisdiction of
82 one or more offenses listed in Subsection (1)(g); or
83 (vi) is adjudicated delinquent based on one or more offenses listed in Subsection
84 (1)(g)(i) and who has been committed to the division for secure confinement and remains in the
85 division's custody 30 days prior to the person's 21st birthday.
- 86 (h) "Natural parent" means a minor's biological or adoptive parent, and includes the
87 minor's noncustodial parent.
- 88 (i) "Offender" means a kidnap offender as defined in Subsection (1)(g) or a sex
89 offender as defined in Subsection (1)(n).

- 90 (j) "Online identifier" or "Internet identifier":
- 91 (i) means any electronic mail, chat, instant messenger, social networking, or similar
- 92 name used for Internet communication; and
- 93 (ii) does not include date of birth, Social Security number, PIN number, or Internet
- 94 passwords.
- 95 (k) "Primary residence" means the location where the offender regularly resides, even
- 96 if the offender intends to move to another location or return to another location at any future
- 97 date.
- 98 (l) "Register" means to comply with the requirements of this section and administrative
- 99 rules of the department made under this section.
- 100 (m) "Secondary residence" means any real property that the offender owns or has a
- 101 financial interest in, or any location where, in any 12 month period, the offender stays
- 102 overnight a total of 10 or more nights when not staying at the offender's primary residence.
- 103 (n) "Sex offender" means any person:
- 104 (i) convicted in this state of:
- 105 (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;
- 106 [~~(B) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;~~]
- 107 (B) Section 76-5-111, sexual exploitation of a vulnerable adult, on or after May 10,
- 108 2011;
- 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 76-5-412, 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 [~~O~~] (P) Section 76-5a-3, sexual exploitation of a minor;

124 [~~P~~] (Q) Section 76-7-102, incest;

125 [~~O~~] (R) Subsection 76-9-702(1), lewdness, if the person has been convicted of the
 126 offense four or more times;

127 [~~R~~] (S) Subsection 76-9-702(3), sexual battery, if the person has been convicted of
 128 the offense four or more times;

129 [~~S~~] (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 [~~T~~] (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 [~~U~~] (W) Section 76-10-1306, aggravated exploitation of prostitution; or

134 [~~V~~] (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

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

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

157 (2) The department, to assist in investigating kidnapping and sex-related crimes, and in
158 apprehending offenders, shall:

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

161 (b) make information listed in Subsection (27) available to the public; and

162 (c) share information provided by an offender under this section that may not be made
163 available to the public under Subsection (27), but only:

164 (i) for the purposes under this Subsection (2); or

165 (ii) in accordance with Section 63G-2-206.

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

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

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

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

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

177 (a) placement on probation;

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

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

182 (d) entrance to and release from any community-based residential program operated by

183 or under contract to the department; or

184 (e) termination of probation or parole.

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

188 (a) commitment to the correctional facility; and

189 (b) release from confinement.

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

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

194 (9) (a) (i) A municipal or county law enforcement agency shall register an offender
195 who resides within the agency's jurisdiction and is not under the supervision of the Division of
196 Adult Probation and Parole within the department.

197 (ii) In order to conduct offender registration under this section, the agency shall ensure
198 the agency staff responsible for registration:

199 (A) has received initial training by the department and has been certified by the
200 department as qualified and authorized to conduct registrations and enter offender registration
201 information into the registry database; and

202 (B) certify annually with the department.

203 (b) (i) When the department receives offender registration information regarding a
204 change of an offender's primary residence location, the department shall within five days
205 electronically notify the law enforcement agencies that have jurisdiction over the area where:

206 (A) the residence that the offender is leaving is located; and

207 (B) the residence to which the offender is moving is located.

208 (ii) The department shall provide notification under this Subsection (9)(b) if the
209 offender's change of address is between law enforcement agency jurisdictions, or is within one
210 jurisdiction.

211 (c) The department shall make available to offenders required to register under this
212 section the name of the agency, whether it is a local law enforcement agency or the department,
213 that the offender should contact to register, the location for registering, and the requirements of

214 registration.

215 (10) An offender convicted by any other jurisdiction is required to register under
216 Subsection (1)(g) or (n) and Subsection (12) and shall register with the department within 10
217 days of entering the state, regardless of the offender's length of stay.

218 (11) (a) An offender required to register under Subsection (1)(g) or (n) who is under
219 supervision by the department shall register with Division of Adult Probation and Parole.

220 (b) An offender required to register under Subsection (1)(g) or (n) who is no longer
221 under supervision by the department shall register with the police department or sheriff's office
222 that has jurisdiction over the area where the offender resides.

223 (12) (a) Except as provided in Subsections (12)(b), (c), and (d), an offender shall, for
224 the duration of the sentence and for 10 years after termination of sentence or custody of the
225 division, register every year during the month of the offender's birth, during the month that is
226 the sixth month after the offender's birth month, and also within three business days of every
227 change of the offender's primary residence, any secondary residences, place of employment,
228 vehicle information, or educational information required to be submitted under Subsection
229 (14).

230 (b) Except as provided Subsections (12)(c) and (d), an offender who is convicted in
231 another jurisdiction of an offense listed in Subsection (1)(g)(i) or (n)(i), a substantially similar
232 offense, or any other offense that requires registration in the jurisdiction of conviction, shall:

233 (i) register for the time period, and in the frequency, required by the jurisdiction where
234 the offender was convicted if that jurisdiction's registration period or registration frequency
235 requirement for the offense that the offender was convicted of is greater than the 10 years from
236 completion of the sentence registration period that is required under Subsection (12)(a), or is
237 more frequent than every six months; or

238 (ii) register in accordance with the requirements of Subsection (12)(a), if the
239 jurisdiction's registration period or frequency requirement for the offense that the offender was
240 convicted of is less than the registration period required under Subsection (12)(a), or is less
241 frequent than every six months.

242 (c) (i) (A) An offender convicted as an adult of any of the offenses listed in Subsection
243 (12)(c)(ii) shall, for the offender's lifetime, register every year during the month of the
244 offender's birth, during the month that is the sixth month after the offender's birth month, and

245 also within three business days of every change of the offender's primary residence, any
246 secondary residences, place of employment, vehicle information, or educational information
247 required to be submitted under Subsection (14).

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

250 (ii) Offenses referred to in Subsection (12)(c)(i) are:

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

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

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

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

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

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

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

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

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

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

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

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

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

269 (F) Section 76-5-404.1, sexual abuse of a child; [~~or~~]

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

271 (H) Section 76-10-1306, aggravated exploitation of prostitution, on or after May 10,
272 2011.

273 (d) Notwithstanding Subsections (12)(a), (b), and (c), an offender who is confined in a
274 secure facility or in a state mental hospital is not required to register during the period of
275 confinement.

276 (e) An offender who is required to register under this Subsection (12) shall surrender
277 the offender's license, certificate, or identification card as required under Subsection
278 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as
279 provided under Section 53-3-205 or 53-3-804.

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

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

286 (a) the continuing registration requirements of this section during the period of
287 registration required in Subsection (12), including:

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

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

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

294 (b) the driver license certificate or identification card surrender requirement under
295 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or
296 53-3-804.

297 (14) An offender shall provide the department or the registering entity with the
298 following information:

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

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

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

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

305 (e) a current photograph of the offender;

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

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

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

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

313 (j) the name and Internet address of all websites on which the offender is registered
314 using an online identifier, including all online identifiers used to access those websites;

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

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

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

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

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

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

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

328 (15) The department shall:

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

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

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

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

333 (b) maintain the Sex Offender and Kidnap Offender Notification and Registration
334 website; and

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

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

338 where the institution is located if the educational institution is an institution of higher
339 education; or

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

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

343 (16) (a) An offender who knowingly fails to register under this section or provides
344 false or incomplete information is guilty of:

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

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

350 (B) the offender is required to register for the offender's lifetime under Subsection
351 (12)(c); or

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

356 (b) Neither the court nor the Board of Pardons and Parole may release a person who
357 violates this section from serving the term required under Subsection (16)(a). This Subsection
358 (16)(b) supersedes any other provision of the law contrary to this section.

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

361 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and
362 Management Act, information under Subsection (15) that is collected and released under
363 Subsection (27) is public information, unless otherwise restricted under Subsection (2)(c).

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

369 (b) This Subsection (18) does not apply to any person temporarily released under guard
370 from the institution in which the person is confined.

371 (19) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, a person convicted
372 of any offense listed in Subsection (1)(g) or (n) is not relieved from the responsibility to
373 register as required under this section.

374 (20) Notwithstanding Section 42-1-1, an offender:

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

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

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

378 (b) may not change the offender's name at any time, if registration is for life under
379 Subsection (12)(c).

380 (21) The department may make administrative rules necessary to implement this
381 section, including:

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

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

384 (22) Any information regarding the identity or location of a victim shall be redacted by
385 the department from information provided under Subsections (14) and (15).

386 (23) This section does not create or impose any duty on any person to request or obtain
387 information regarding any offender from the department.

388 (24) The department shall maintain a Sex Offender and Kidnap Offender Notification
389 and Registration website on the Internet, which shall contain a disclaimer informing the public:

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

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

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

396 (25) The Sex Offender and Kidnap Offender Notification and Registration website
397 shall be indexed by both the surname of the offender and by postal codes.

398 (26) The department shall construct the Sex Offender Notification and Registration
399 website so that users, before accessing registry information, must indicate that they have read

400 the disclaimer, understand it, and agree to comply with its terms.

401 (27) The Sex Offender and Kidnap Offender Notification and Registration website
402 shall include the following registry information:

403 (a) all names and aliases by which the offender is or has been known, but not including
404 any online or Internet identifiers;

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

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

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

410 (e) a current photograph of the offender;

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

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

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

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

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

422 (29) The department shall redact information that, if disclosed, could reasonably
423 identify a victim.

424 (30) (a) Each offender required to register under Subsection (12) shall, in the month of
425 the offender's birth:

426 (i) pay to the department an annual fee of \$100 each year the offender is subject to the
427 registration requirements of this section; and

428 (ii) pay to the registering agency, if it is an agency other than the Department of
429 Corrections, an annual fee of not more than \$25, which may be assessed by that agency for
430 providing registration.

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

FISCAL NOTE

S.B. 159

SHORT TITLE: **Sex Offender Registry Revisions**

SPONSOR: **Stowell, D.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

The Department of Corrections will generate \$100 in dedicated credits per registration to cover the expenses of offender registration. The number of new potential registrants is unknown at this time.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

To the extent that local governments provide sex offender registration services, they may collect up to \$25 per registration.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

To the extent that offenders who qualify under this bill must register, they will pay between \$100 and \$125 annually.