

**SEX OFFENDER RESTRICTIONS AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David P. Hinkins**

House Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill adds a 1,000 foot buffer zone around areas where a sex offender is restricted and adds county and state parks to the list of protected areas.

**Highlighted Provisions:**

This bill:

- ▶ restricts a sex offender from being within 1,000 feet of a protected area; and
- ▶ adds county and state parks to the list of protected areas.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-27-21.7**, as enacted by Laws of Utah 2007, Chapter 350

---

---

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

Section 1. Section **77-27-21.7** is amended to read:

**77-27-21.7. Sex offender restrictions.**

(1) As used in this section:

(a) "Protected area" means the premises occupied by:



- 28 (i) any licensed day care or preschool facility;
- 29 (ii) a swimming pool that is open to the public;
- 30 (iii) a public or private primary or secondary school that is not on the grounds of a
- 31 correctional facility;
- 32 (iv) a community, state, or county park that is open to the public; and
- 33 (v) a playground that is open to the public, including those areas designed to provide
- 34 children space, recreational equipment, or other amenities intended to allow children to engage
- 35 in physical activity.

36 (b) (i) Except under Subsection (1)(b)(ii), "protected area" also includes any area that is

37 1,000 feet or less from the residence of a victim of the sex offender's offense under Subsection

38 (1)(c) if:

39 (A) the sex offender is on probation or parole for an offense under Subsection (1)(c);

40 (B) the victim or the victim's parent or guardian has advised the Department of

41 Corrections that the victim desires that the sex offender be restricted from the area under this

42 Subsection (1)(b)(i) and authorizes the Department of Corrections to advise the sex offender of

43 the area where the victim resides for purposes of this Subsection (1)(b); and

44 (C) the Department of Corrections has notified the sex offender in writing that the sex

45 offender is prohibited from being in the protected area under Subsection (1)(b)(i) and has also

46 provided a description of the location of the protected area to the sex offender.

47 (ii) "Protected area" under Subsection (1)(b)(i) does not apply to the residence and area

48 surrounding the residence of a victim if:

49 (A) the victim is a member of the immediate family of the sex offender; and

50 (B) the terms of the sex offender's agreement of probation or parole allow the sex

51 offender to reside in the same residence as the victim.

52 (c) "Sex offender" means an adult or juvenile who is required to register under Section

53 77-27-21.5 due to a conviction for any offense that is committed against a person younger than

54 18 years of age.

55 (2) It is a class A misdemeanor for any sex offender to be in or within 1,000 feet of any

56 protected area on foot or in or on any vehicle, including vehicles that are not motorized, except

57 for:

58 (a) those specific periods of time when the sex offender must be present within a

59 protected area in order to carry out necessary parental responsibilities;  
60 (b) when the protected area is a school building:  
61 (i) under Subsection (1)(a)(iii);  
62 (ii) being opened for or being used for a public activity; and  
63 (iii) not being used for any school-related function that involves persons younger than  
64 18 years of age; or  
65 (c) when the protected area is a licensed day care or preschool facility:  
66 (i) under Subsection (1)(a)(i); and  
67 (ii) located within a building that is open to the public for purposes, services, or  
68 functions that are operated separately from the day care or preschool facility located in the  
69 building, except that the sex offender may not be in any part of the building occupied by the  
70 day care or preschool facility.

---

---

**Legislative Review Note**  
as of 2-2-11 10:45 AM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

S.B. 152

SHORT TITLE: Sex Offender Restrictions Amendments

SPONSOR: Hinkins, D.

2011 GENERAL SESSION, STATE OF UTAH

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

Enactment of this bill will cost the Department of Corrections \$280,000 in ongoing General Fund revenue beginning in FY 2012 for incarceration costs.

### STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund	\$0	\$280,000	\$280,000
Total Expenditure	\$0	\$280,000	\$280,000
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$280,000)	(\$280,000)
Net Impact, General/Education Funds	\$0	(\$280,000)	(\$280,000)

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

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

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

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.