

H.B. 281

SEX OFFENDER AND KIDNAPPING AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 4, 2011 2:37 PM

Representative **Fred C. Cox** proposes the following amendments:

1. *Page 1, Lines 13 through 15a*

House Committee Amendments

3-2-2011:

13 { → provides that the registration information required of a defendant convicted of a
14 specified registrable kidnap offense is not to be placed on the registry website ~~if~~ → [if the
15 conviction occurred between May 5, 2008 and May 11, 2010.] unless the victim was younger than 18
15a years of age at the time of the offense. } ← ~~H~~ =
▶ provides a judicial process by which a kidnap offender may petition the court for removal from
the registry if the victim was 18 years of age or older.

2. *Page 2, Lines 49 through 49a*

House Committee Amendments

3-2-2011:

49 (A) Section 76-5-301, Subsection (1) ~~H~~ → { + } (c) or { + } ← ~~H~~ (d), kidnapping ~~H~~ → { of a
minor 14
49a years of age or older } ← ~~H~~ ;

3. *Page 13, Line 399 through Page 14, Line 403*

House Committee Amendments

3-2-2011:

399 { ~~(28)~~ ~~H~~ → (a) ← ~~H~~ The information required under Subsection (27) may not be
399a included in the Sex
400 Offender and Kidnap Offender Notification and Registration website regarding offenders
401 convicted ~~H~~ → of kidnapping ← ~~H~~ under ~~H~~ → [Subsection] Section ← ~~H~~ 76-5-301 ~~H~~ → [(a), (b), or
401a (e) if].
401b (b) The exemption under Subsection (1)(a) does not apply if ← ~~H~~ the ~~H~~ → [conviction occurred
401c on or after May
402 5, 2008, and prior to May 12, 2010.] victim was younger than 18 years of age at the time the
402a offense was committed. ← ~~H~~ }
403 { + } (28) { + } { ~~(29)~~ } The department, its personnel, and any individual or entity acting at
the

4. Page 14, Line 407

House Committee Amendments

3-2-2011:

407 {+} (29) {+} {~~(30)~~} The department shall redact information that, if disclosed, could reasonably

5. Page 14, Line 409

House Committee Amendments

3-2-2011:

409 {+} (30) {+} {~~(31)~~} (a) Each offender required to register under Subsection (12) shall, in the

6. Page 14, Line 428

House Committee Amendments

3-2-2011:

428 {+} (31) {+} {~~(32)~~} Notwithstanding Subsections (2)(c) and (14)(i) and (j), an offender is not

7. Page 15, Line 434:

434 retirement, or investment accounts.

=
(32) An offender may petition the court where the offender was convicted of the offense requiring registration for an order requiring that the offender be removed from the Sex Offender and Kidnap Offender Registry if:
(a) the offender was convicted of Section 76-5-301 and the conviction occurred on or after May 5, 2008, and prior to May 12, 2010;
(b) the victim of the offense requiring registration was not younger than 18 years of age;
(c) the conviction of 76-5-301 is the only conviction for which the offender is required to register;
(d) the offender has successfully completed all court-ordered treatment;
(e) the offender has not been convicted of any other crime, excluding traffic offenses;
(f) the offender has complied with all the registration requirements at all times as required in this section;
and
(g) the office of the prosecutor that prosecuted the offender, and the victim, are notified and provided with an opportunity to respond in accordance with Subsection (33).
(33) (a) The offender shall deliver a copy of the petition to the office of the prosecuting attorney.
(b)(i) Upon receipt of a petition for removal from the Sex Offender and Kidnap Offender Registry, the prosecuting attorney shall provide notice of the petition by first-class mail to the

victim at the victim's most recent address on file.

(ii) The notice shall include a copy of the petition, state that the victim has a right to object to the removal from the registry, and provide instructions for submitting an objection to the court.

(c) The prosecuting attorney, and the victim if applicable, may respond to the petition by filing a recommendation or objection regarding the offender's removal from the registry with the court within 30 days after the victim's receipt of the petition.

(34)(a) The court shall review the petition and all documents submitted regarding the petition and may hold a hearing.

(b) If the court determines that it is in the interest of justice, it may grant the petition and order removal of the offender from the registry. If the court grants the petition, it shall forward a copy of the order to the department directing the removal of the offender from the registry.