

30 AMENDS:

31 **77-27-21.5**, as last amended by Laws of Utah 2011, Chapters 48, 320 and last amended
32 by Coordination Clause, Laws of Utah 2011, Chapter 48

33 **78A-2-301**, as last amended by Laws of Utah 2011, Chapter 22

34 **Utah Code Sections Affected by Coordination Clause:**

35 **77-27-21.5**, as last amended by Laws of Utah 2011, Chapters 48, 320 and last amended
36 by Coordination Clause, Laws of Utah 2011, Chapter 48

37 **77-41-102**, Utah Code Annotated 1953

38 **77-41-109**, Utah Code Annotated 1953

39 **77-41-112**, Utah Code Annotated 1953



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

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

43 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**

44 **Law enforcement and courts to report -- Penalty -- Effect of expungement.**

45 (1) As used in this section:

46 (a) "Bureau" means the Bureau of Criminal Identification of the Department of Public
47 Safety established in Section 53-10-201.

48 ~~(a)~~ (b) "Business day" means a day on which state offices are open for regular
49 business.

50 (c) "Certificate of eligibility" means a document issued by the Bureau of Criminal
51 Identification showing that the offender has met the requirements of Subsection (32).

52 ~~(b)~~ (d) "Department" means the Department of Corrections.

53 ~~(c)~~ (e) "Division" means the Division of Juvenile Justice Services.

54 ~~(d)~~ (f) "Employed" or "carries on a vocation" includes employment that is full time or
55 part time, whether financially compensated, volunteered, or for the purpose of government or
56 educational benefit.

57 ~~(e)~~ (g) "Indian Country" means:

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

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

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

66 [~~(f)~~] (h) "Jurisdiction" means any state, Indian Country, United States Territory, or any
67 property under the jurisdiction of the United States military, Canada, the United Kingdom,
68 Australia, or New Zealand.

69 [~~(g)~~] (i) "Kidnap offender" means any person other than a natural parent of the victim
70 who:

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

72 (A) Section 76-5-301, Subsection (1)(c) or (d), kidnapping;

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

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

75 (D) Section 76-5-310, aggravated human trafficking, on or after May 10, 2011; or

76 (E) attempting, soliciting, or conspiring to commit any felony offense listed in

77 Subsections (1)[~~(g)~~](i)(i)(A) through (D);

78 (ii) has been convicted of any crime, or an attempt, solicitation, or conspiracy to
79 commit a crime in another jurisdiction, including any state, federal, or military court that is
80 substantially equivalent to the offenses listed in Subsection (1)[~~(g)~~](i)(i) and who is:

81 (A) a Utah resident; or

82 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
83 10 or more days, regardless of whether or not the offender intends to permanently reside in this
84 state;

85 (iii) (A) is required to register as an offender in any other jurisdiction, or who is

86 required to register as an offender by any state, federal, or military court; and

87 (B) in any 12 month period, is in this state for a total of 10 or more days, regardless of
88 whether or not the offender intends to permanently reside in this state;

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

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

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

98 ~~(h)~~ (j) "Natural parent" means a minor's biological or adoptive parent, and includes
99 the minor's noncustodial parent.

100 ~~(i)~~ (k) "Offender" means a kidnap offender as defined in Subsection (1)~~(g)~~(i) or a
101 sex offender as defined in Subsection (1)~~(n)~~(p).

102 ~~(j)~~ (l) "Online identifier" or "Internet identifier":

103 (i) means any electronic mail, chat, instant messenger, social networking, or similar
104 name used for Internet communication; and

105 (ii) does not include date of birth, Social Security number, PIN number, or Internet
106 passwords.

107 ~~(k)~~ (m) "Primary residence" means the location where the offender regularly resides,
108 even if the offender intends to move to another location or return to another location at any
109 future date.

110 ~~(l)~~ (n) "Register" means to comply with the requirements of this section and
111 administrative rules of the department made under this section.

112 ~~(m)~~ (o) "Secondary residence" means any real property that the offender owns or has
113 a financial interest in, or any location where, in any 12 month period, the offender stays

114 overnight a total of 10 or more nights when not staying at the offender's primary residence.
115 ~~(n)~~ (p) "Sex offender" means any person:
116 (i) convicted in this state of:
117 (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;
118 (B) Section 76-5b-202, sexual exploitation of a vulnerable adult, on or after May 10,
119 2011;
120 (C) a felony violation of Section 76-5-401, unlawful sexual activity with a minor;
121 (D) Section 76-5-401.1, sexual abuse of a minor;
122 (E) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;
123 (F) Section 76-5-402, rape;
124 (G) Section 76-5-402.1, rape of a child;
125 (H) Section 76-5-402.2, object rape;
126 (I) Section 76-5-402.3, object rape of a child;
127 (J) a felony violation of Section 76-5-403, forcible sodomy;
128 (K) Section 76-5-403.1, sodomy on a child;
129 (L) Section 76-5-404, forcible sexual abuse;
130 (M) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;
131 (N) Section 76-5-405, aggravated sexual assault;
132 (O) Section 76-5-412, custodial sexual relations, when the person in custody is younger
133 than 18 years of age, if the offense is committed on or after May 10, 2011;
134 (P) Section 76-5b-201, sexual exploitation of a minor;
135 (Q) Section 76-7-102, incest;
136 (R) Subsection 76-9-702(1), lewdness, if the person has been convicted of the offense
137 four or more times;
138 (S) Subsection 76-9-702(3), sexual battery, if the person has been convicted of the
139 offense four or more times;
140 (T) any combination of convictions of Subsection 76-9-702(1), lewdness, and of
141 Subsection 76-9-702(3), sexual battery, that total four or more convictions;

142 (U) Section 76-9-702.5, lewdness involving a child;
143 (V) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;
144 (W) Section 76-10-1306, aggravated exploitation of prostitution; or
145 (X) attempting, soliciting, or conspiring to commit any felony offense listed in
146 Subsection (1)~~(n)~~(p)(i);
147 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to
148 commit a crime in another jurisdiction, including any state, federal, or military court that is
149 substantially equivalent to the offenses listed in Subsection (1)~~(n)~~(p)(i) and who is:
150 (A) a Utah resident; or
151 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
152 10 or more days, regardless of whether the offender intends to permanently reside in this state;
153 (iii) (A) who is required to register as an offender in any other jurisdiction, or who is
154 required to register as an offender by any state, federal, or military court; and
155 (B) who, in any 12 month period, is in the state for a total of 10 or more days,
156 regardless of whether or not the offender intends to permanently reside in this state;
157 (iv) who is a nonresident regularly employed or working in this state or who is a
158 student in this state and was convicted of one or more offenses listed in Subsection
159 (1)~~(n)~~(p)(i), or any substantially equivalent offense in any jurisdiction, or as a result of the
160 conviction, is required to register in the person's jurisdiction of residence;
161 (v) who is found not guilty by reason of insanity in this state, or in any other
162 jurisdiction of one or more offenses listed in Subsection (1)~~(n)~~(p)(i); or
163 (vi) who is adjudicated delinquent based on one or more offenses listed in Subsection
164 (1)~~(n)~~(p)(i) and who has been committed to the division for secure confinement and remains
165 in the division's custody 30 days prior to the person's 21st birthday.
166 (q) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5,
167 Driving Under the Influence and Reckless Driving.
168 ~~(o)~~ (r) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to
169 registration in any jurisdiction.

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

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

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

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

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

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

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

181 (a) the receipt of a report or complaint of an offense listed in Subsection (1)~~(g)~~(i) or
182 ~~(n)~~ (p), within three business days; and

183 (b) the arrest of a person suspected of any of the offenses listed in Subsection
184 (1)~~(g)~~(i) or ~~(n)~~ (p), within five business days.

185 (4) Upon convicting a person of any of the offenses listed in Subsection (1)~~(g)~~(i) or
186 ~~(n)~~ (p), the convicting court shall within three business days forward a copy of the judgment
187 and sentence to the department.

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

190 (a) placement on probation;

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

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

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

197 (e) termination of probation or parole.

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

- 201 (a) commitment to the correctional facility; and
- 202 (b) release from confinement.

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

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

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

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

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

215 (B) certify annually with the department.

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

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

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

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

224 (c) The department shall make available to offenders required to register under this
225 section the name of the agency, whether it is a local law enforcement agency or the department,

226 that the offender should contact to register, the location for registering, and the requirements of
227 registration.

228 (10) An offender convicted by any other jurisdiction is required to register under
229 Subsection (1)(~~g~~)(i) or [~~n~~](p) and Subsection (12) and shall register with the department
230 within 10 days of entering the state, regardless of the offender's length of stay.

231 (11) (a) An offender required to register under Subsection (1)(~~g~~)(i) or [~~n~~](p) who is
232 under supervision by the department shall register with Division of Adult Probation and Parole.

233 (b) An offender required to register under Subsection (1)(~~g~~)(i) or [~~n~~](p) who is no
234 longer under supervision by the department shall register with the police department or sheriff's
235 office that has jurisdiction over the area where the offender resides.

236 (12) (a) Except as provided in Subsections (12)(b), (c), and (d), an offender shall, for
237 the duration of the sentence and for 10 years after termination of sentence or custody of the
238 division, register every year during the month of the offender's birth, during the month that is
239 the sixth month after the offender's birth month, and also within three business days of every
240 change of the offender's primary residence, any secondary residences, place of employment,
241 vehicle information, or educational information required to be submitted under Subsection
242 (14).

243 (b) Except as provided Subsections (12)(c) and (d), an offender who is convicted in
244 another jurisdiction of an offense listed in Subsection (1)(g)(~~n~~)(i) or [~~n~~](p)(i), a substantially
245 similar offense, or any other offense that requires registration in the jurisdiction of conviction,
246 shall:

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

252 (ii) register in accordance with the requirements of Subsection (12)(a), if the
253 jurisdiction's registration period or frequency requirement for the offense that the offender was

254 convicted of is less than the registration period required under Subsection (12)(a), or is less
255 frequent than every six months.

256 (c) (i) (A) An offender convicted as an adult of any of the offenses listed in Subsection
257 (12)(c)(ii) shall, for the offender's lifetime, register every year during the month of the
258 offender's birth, during the month that is the sixth month after the offender's birth month, and
259 also within three business days of every change of the offender's primary residence, any
260 secondary residences, place of employment, vehicle information, or educational information
261 required to be submitted under Subsection (14).

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

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

265 (A) any offense listed in Subsection (1)~~(g)~~(i) or ~~(n)~~ (p) if, at the time of the
266 conviction, the offender has previously been convicted of an offense listed in Subsection
267 (1)~~(g)~~(i) or ~~(n)~~ (p) or has previously been required to register as a sex offender for an
268 offense committed as a juvenile;

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

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

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

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

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

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

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

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

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

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

281 (D) Section 76-5-302, aggravated kidnapping, except if the offender is a natural parent

282 of the victim;

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

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

285 (G) Section 76-5b-201, sexual exploitation of a minor; or

286 (H) Section 76-10-1306, aggravated exploitation of prostitution, on or after May 10,

287 2011.

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

291 (e) An offender who is required to register under this Subsection (12) shall surrender
292 the offender's license, certificate, or identification card as required under Subsection
293 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as
294 provided under Section 53-3-205 or 53-3-804.

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

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

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

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

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

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

309 (b) the driver license certificate or identification card surrender requirement under

310 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or
311 53-3-804.

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

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

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

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

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

320 (e) a current photograph of the offender;

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

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

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

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

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

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

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

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

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

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

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

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

343 (15) The department shall:

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

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

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

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

348 (b) maintain the Sex Offender and Kidnap Offender Notification and Registration
349 website; and

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

352 (i) (A) promptly made available to any law enforcement agency that has jurisdiction
353 where the institution is located if the educational institution is an institution of higher
354 education; or

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

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

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

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

362 (A) the offender is required to register for a felony conviction or adjudicated delinquent
363 for what would be a felony if the juvenile were an adult of an offense listed in Subsection

364 (1)~~(g)~~(i)(i) or ~~(n)~~ (p)(i); or

365 (B) the offender is required to register for the offender's lifetime under Subsection

366 (12)(c); or

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

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

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

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

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

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

387 (19) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, a person convicted
388 of any offense listed in Subsection (1)~~(g)~~(i) or ~~(n)~~ (p) is not relieved from the responsibility
389 to register as required under this section, unless removed from the registry in accordance with
390 Subsections (32) through (35).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 422 (b) the addresses of the offender's primary, secondary, and temporary residences;
- 423 (c) a physical description, including the offender's date of birth, height, weight, and eye
424 and hair color;
- 425 (d) the make, model, color, year, and plate number of any vehicle or vehicles the
426 offender owns or regularly drives;
- 427 (e) a current photograph of the offender;
- 428 (f) a list of all professional licenses that authorize the offender to engage in an
429 occupation or carry out a trade or business;
- 430 (g) each educational institution in Utah at which the offender is employed, carries on a
431 vocation, or is a student;
- 432 (h) a list of places where the offender works as a volunteer; and
- 433 (i) the crimes listed in Subsections (1)[~~(g)~~](i) and [~~(n)~~](p) that the offender has been
434 convicted of or for which the offender has been adjudicated delinquent in juvenile court.
- 435 (28) The department, its personnel, and any individual or entity acting at the request or
436 upon the direction of the department are immune from civil liability for damages for good faith
437 compliance with this section and will be presumed to have acted in good faith by reporting
438 information.
- 439 (29) The department shall redact information that, if disclosed, could reasonably
440 identify a victim.
- 441 (30) (a) Each offender required to register under Subsection (12) shall, in the month of
442 the offender's birth:
 - 443 (i) pay to the department an annual fee of \$100 each year the offender is subject to the
444 registration requirements of this section; and
 - 445 (ii) pay to the registering agency, if it is an agency other than the Department of
446 Corrections, an annual fee of not more than \$25, which may be assessed by that agency for
447 providing registration.
- 448 (b) Notwithstanding Subsection (30)(a), an offender who is confined in a secure facility
449 or in a state mental hospital is not required to pay the annual fee.

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

- 453 (i) data entry;
- 454 (ii) processing registration packets;
- 455 (iii) updating registry information;
- 456 (iv) ensuring offender compliance with registration requirements under this section;

457 and

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

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

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

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

467 (32) An offender may petition the court of conviction for the offense requiring
468 registration for an order removing the offender from the Sex Offender and Kidnap Offender
469 Registry if:

470 (a) the offender was convicted of:

471 (i) Section 76-5-401, unlawful sexual activity with a minor and at the time of the
472 offense was not more than 10 years older than the victim;

473 (ii) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old and at the
474 time of the offense was not more than 15 years older than the victim; or

475 (iii) any offense substantially equivalent to an offense listed in Subsection (32)(a)(i) or
476 (ii) and is required to register under Subsection (1)(p)(ii) or (iv);

477 (b) five years have passed since the completion of the offender's sentence;

478 (c) the offender has successfully completed all treatment ordered by the court or the
479 Board of Pardons and Parole;

480 (d) the offender has not been convicted of a crime, excluding traffic offenses, as
481 evidenced by a certificate of eligibility issued by the bureau;

482 (e) the offender has paid all restitution ordered by the court;

483 (f) the offender has complied with all the registration requirements of this section; and

484 (g) the office that prosecuted the offender, and the victim, or if the victim is still a
485 minor, the victim's parent, are notified and provided with an opportunity to respond in
486 accordance with Subsection (34).

487 (33) (a) (i) An offender seeking removal from the Sex Offender or Kidnap Offender
488 Registry shall apply for a certificate of eligibility from the bureau.

489 (ii) An offender who intentionally or knowingly provides any false or misleading
490 information to the bureau when applying for a certificate of eligibility is guilty of a class B
491 misdemeanor and subject to prosecution under Section 76-8-504.6.

492 (iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate
493 of eligibility to anyone providing false information on an application.

494 (b) (i) The bureau shall perform a check of records of governmental agencies,
495 including national criminal databases, to determine whether an offender is eligible to receive a
496 certificate of eligibility under this Section.

497 (ii) If the offender meets all of the criteria under Subsections (32)(b) and (d), the
498 bureau shall issue a certificate of eligibility to the offender which shall be valid for a period of
499 90 days from the date the certificate is issued.

500 (c) (i) The bureau shall charge an application fee of \$193 for a certificate of eligibility.
501 This fee shall expire on June 30, 2013 and be reset in accordance with the process in Section
502 63J-1-504.

503 (ii) The fee shall be paid at the time the offender submits an application for a certificate
504 of eligibility to the bureau.

505 (iii) If the bureau determines that the issuance of a certificate of eligibility is

506 appropriate, the offender will be issued a certificate of eligibility at no additional charge.

507 (d) Funds generated under this Subsection (33) shall be deposited in the General Fund
508 as a dedicated credit by the department to cover the costs incurred in determining eligibility.

509 (34) (a) The offender shall file the petition, original information, and court docket with
510 the court, and deliver a copy of the petition to the office of the prosecuting attorney.

511 (i) Upon receipt of a petition for removal from the Sex Offender and Kidnap Offender
512 Registry, the prosecuting attorney shall provide notice of the petition by first-class mail to the
513 victim at the most recent address of record on file or, if the victim is still a minor, to the parents
514 of the victim.

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

517 (b) The prosecuting attorney shall provide the following, if available, to the court
518 within 30 days after receiving the petition:

519 (i) presentencing report;

520 (ii) any evaluation done as part of sentencing; and

521 (iii) any other information the prosecutor feels the court should consider.

522 (c) The victim may respond to the petition by filing a recommendation or objection
523 with the court within 30 days after the mailing of the petition.

524 (35) The court shall review all documents submitted with the petition, and shall hold a
525 hearing if requested by the prosecutor or the victim. The court shall consider whether the
526 offender has paid all restitution ordered by the court or the Board of Pardons. If the court
527 determines that it is not contrary to the interests of the public to do so, it may grant the petition
528 and order removal. If the court grants the petition, it shall forward a copy of the order to the
529 department and the prosecutor's office.

530 (36) The prosecutor's office shall notify the victim of the court's decision in the same
531 manner as notification was provided in Subsection (34).

532 Section 2. Section **78A-2-301** is amended to read:

533 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**

534 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
535 court of record not governed by another subsection is \$360.

536 (b) The fee for filing a complaint or petition is:

537 (i) \$75 if the claim for damages or amount in interpleader exclusive of court costs,
538 interest, and attorney fees is \$2,000 or less;

539 (ii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
540 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

541 (iii) \$360 if the claim for damages or amount in interpleader is \$10,000 or more;

542 (iv) \$310 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter
543 4, Separate Maintenance; ~~and~~

544 (v) \$35 for a motion for temporary separation order filed under Section 30-3-4.5[-]; and

545 (vi) \$125 if the petition is for removal from the Sex Offender and Kidnap Offender
546 Registry under Subsection 77-27-21.5(32).

547 (c) The fee for filing a small claims affidavit is:

548 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
549 interest, and attorney fees is \$2,000 or less;

550 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
551 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

552 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
553 interest, and attorney fees is \$7,500 or more.

554 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
555 complaint, or other claim for relief against an existing or joined party other than the original
556 complaint or petition is:

557 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
558 \$2,000 or less;

559 (ii) \$150 if the claim for relief exclusive of court costs, interest, and attorney fees is
560 greater than \$2,000 and less than \$10,000;

561 (iii) \$155 if the original petition is filed under Subsection (1)(a), the claim for relief is

562 \$10,000 or more, or the party seeks relief other than monetary damages; and

563 (iv) \$115 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30,
564 Chapter 4, Separate Maintenance.

565 (e) The fee for filing a small claims counter affidavit is:

566 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
567 \$2,000 or less;

568 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
569 greater than \$2,000, but less than \$7,500; and

570 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
571 \$7,500 or more.

572 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
573 action already before the court is determined under Subsection (1)(b) based on the amount
574 deposited.

575 (g) The fee for filing a petition is:

576 (i) \$225 for trial de novo of an adjudication of the justice court or of the small claims
577 department; and

578 (ii) \$65 for an appeal of a municipal administrative determination in accordance with
579 Section 10-3-703.7.

580 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
581 petition for writ of certiorari is \$225.

582 (i) The fee for filing a petition for expungement is \$135.

583 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
584 allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges'
585 Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges'
586 Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement
587 Act.

588 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
589 allocated by the state treasurer to be deposited in the restricted account, Children's Legal

590 Defense Account, as provided in Section 51-9-408.

591 (iii) Three dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
592 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account as provided
593 in Section 78B-6-209.

594 (iv) Fifteen dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
595 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be
596 deposited in the restricted account, Court Security Account, as provided in Section 78A-2-602.

597 (v) Five dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and
598 (1)(g)(i) shall be allocated by the state treasurer to be deposited in the restricted account, Court
599 Security Account, as provided in Section 78A-2-602.

600 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
601 United States is \$35.

602 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
603 50% of the fee for filing an original action seeking the same relief.

604 (m) The fee for filing probate or child custody documents from another state is \$35.

605 (n) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the
606 Utah State Tax Commission is \$30.

607 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state
608 or a judgment, order, or decree of an administrative agency, commission, board, council, or
609 hearing officer of this state or of its political subdivisions other than the Utah State Tax
610 Commission, is \$50.

611 (o) The fee for filing a judgment by confession without action under Section
612 78B-5-205 is \$35.

613 (p) The fee for filing an award of arbitration for confirmation, modification, or
614 vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
615 action before the court is \$35.

616 (q) The fee for filing a petition or counter-petition to modify a decree of divorce is
617 \$100.

- 618 (r) The fee for filing any accounting required by law is:
- 619 (i) \$15 for an estate valued at \$50,000 or less;
- 620 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
- 621 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
- 622 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
- 623 (v) \$175 for an estate valued at more than \$168,000.
- 624 (s) The fee for filing a demand for a civil jury is \$250.
- 625 (t) The fee for filing a notice of deposition in this state concerning an action pending in
- 626 another state under Utah Rule of Civil Procedure 26 is \$35.
- 627 (u) The fee for filing documents that require judicial approval but are not part of an
- 628 action before the court is \$35.
- 629 (v) The fee for a petition to open a sealed record is \$35.
- 630 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
- 631 addition to any fee for a complaint or petition.
- 632 (x) (i) The fee for a petition for authorization for a minor to marry required by Section
- 633 30-1-9 is \$5.
- 634 (ii) The fee for a petition for emancipation of a minor provided in Title 78A, Chapter 6,
- 635 Part 8, Emancipation, is \$50.
- 636 (y) The fee for a certificate issued under Section 26-2-25 is \$8.
- 637 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per
- 638 page.
- 639 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents
- 640 per page.
- 641 (bb) The Judicial Council shall by rule establish a schedule of fees for copies of
- 642 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
- 643 Government Records Access and Management Act. Fees under this Subsection (1)(bb) shall
- 644 be credited to the court as a reimbursement of expenditures.
- 645 (cc) There is no fee for services or the filing of documents not listed in this section or

646 otherwise provided by law.

647 (dd) Except as provided in this section, all fees collected under this section are paid to
648 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk
649 accepts the pleading for filing or performs the requested service.

650 (ee) The filing fees under this section may not be charged to the state, its agencies, or
651 political subdivisions filing or defending any action. In judgments awarded in favor of the
652 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court
653 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums
654 collected under this Subsection (1)(ee) shall be applied to the fees after credit to the judgment,
655 order, fine, tax, lien, or other penalty and costs permitted by law.

656 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts
657 shall transfer all revenues representing the difference between the fees in effect after May 2,
658 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of
659 Facilities Construction and Management Capital Projects Fund.

660 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
661 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the
662 Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to
663 initiate the development of a courts complex in Salt Lake City.

664 (B) If the Legislature approves funding for construction of a courts complex in Salt
665 Lake City in the 1995 Annual General Session, the Division of Facilities Construction and
666 Management shall use the revenue deposited in the Capital Projects Fund under this Subsection
667 (2)(a)(ii) to construct a courts complex in Salt Lake City.

668 (C) After the courts complex is completed and all bills connected with its construction
669 have been paid, the Division of Facilities Construction and Management shall use any money
670 remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal
671 District Court building.

672 (iii) The Division of Facilities Construction and Management may enter into
673 agreements and make expenditures related to this project before the receipt of revenues

674 provided for under this Subsection (2)(a)(iii).

675 (iv) The Division of Facilities Construction and Management shall:

676 (A) make those expenditures from unexpended and unencumbered building funds
677 already appropriated to the Capital Projects Fund; and

678 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
679 under this Subsection (2).

680 (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues
681 representing the difference between the fees in effect after May 2, 1994, and the fees in effect
682 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted
683 account.

684 (c) The Division of Finance shall deposit all revenues received from the court
685 administrator into the restricted account created by this section.

686 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall
687 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
688 Vehicles, in a court of record to the Division of Facilities Construction and Management
689 Capital Projects Fund. The division of money pursuant to Section 78A-5-110 shall be
690 calculated on the balance of the fine or bail forfeiture paid.

691 (ii) After June 30, 1998, the administrator of the courts or a municipality shall transfer
692 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in
693 a court of record to the Division of Finance for deposit in the restricted account created by this
694 section. The division of money pursuant to Section 78A-5-110 shall be calculated on the
695 balance of the fine or bail forfeiture paid.

696 (3) (a) There is created within the General Fund a restricted account known as the State
697 Courts Complex Account.

698 (b) The Legislature may appropriate money from the restricted account to the
699 administrator of the courts for the following purposes only:

700 (i) to repay costs associated with the construction of the court complex that were
701 funded from sources other than revenues provided for under this Subsection (3)(b)(i); and

702 (ii) to cover operations and maintenance costs on the court complex.

703 Section 3. **Coordinating H.B. 13 with H.B. 17 -- Technical and substantive**
704 **amendments.**

705 If this H.B. 13 and H.B. 17, Sex Offender Registry Chapter, both pass and become law,
706 the Legislature intends that:

707 (1) Subsections 77-27-21.5(1)(a), (c), and (q) in this bill be merged alphabetically into
708 Section 77-41-102 in H.B. 17, renumber the subsections, and change the internal cross
709 references accordingly;

710 (2) Subsection 77-41-109(2) in H.B. 17 be amended to read:

711 "(2) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, a person convicted
712 of any offense listed in Subsection 77-41-102(7) or (14) is not relieved from the responsibility
713 to register as required under this section, unless the offender is removed from the registry under
714 Section 77-41-112.";

715 (3) Subsections 77-27-21.5(32) through (36) in this bill be created as a new Section
716 77-41-112, renumber the subsections, and change the internal cross references accordingly; and

717 (4) the Office of Legislative Research and General Counsel make these changes when
718 preparing the Utah Code database for publication.

719 Section 4. **Coordination Clause -- Coordinating H.B. 13, H.B. 17, and H.B. 18 --**
720 **Merging technical amendments -- Creating new Section.**

721 If this H.B. 13, H.B. 17, Sex Offender Registry, and H.B. 18, Kidnapping Offender
722 Amendments, all pass and become law, the Legislature intends that:

723 (1) Subsection (3) of Section 3, Coordination clause with H.B. 13 and H.B. 17 not take
724 effect;

725 (2) Subsections 77-27-21.5(32) through (36) in this H.B. 13 be merged with
726 Subsections 77-27-21.5(32) through (35) in H.B. 18 to create the following new Section
727 77-41-112:

728 "77-41-112. Removal from Registry -- Requirements -- Procedure.

729 (1) An offender may petition the court where the offender was convicted of the offense

730 requiring registration for an order removing the offender from the Sex Offender and Kidnap
731 Offender Registry if:

732 (a) the offender was convicted of violating:

733 (i) Section 76-5-301, Kidnapping, and the conviction of violating Section 76-5-301 is
734 the only conviction for which the offender is required to register;

735 (ii) Section 76-5-304, Unlawful Detention, and the conviction of violating Section
736 76-5-304 is the only conviction for which the offender is required to register;

737 (iii) Section 76-5-401, unlawful sexual activity with a minor and, at the time of the
738 offense, was not more than 10 years older than the victim; or

739 (iv) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old, and at the
740 time of the offense, was not more than 10 years older than the victim;

741 (b) five years have passed since the completion of the offender's sentence;

742 (c) the offender has successfully completed all treatment ordered by the court or the
743 Board of Pardons and Parole relating to the conviction;

744 (d) (i) the offender has not been convicted of any other crime, excluding traffic
745 offenses, as evidenced by a certificate of eligibility issued by the bureau;

746 (ii) as used in this Section, "traffic offense" does not include a violation of Title 41,
747 Chapter 6a, Part 5, Driving Under The Influence And Reckless Driving;

748 (e) the offender has paid all restitution ordered by the court;

749 (f) the offender has complied with all the registration requirements at all times as
750 required in this chapter, as evidenced by a document obtained by the offender from the Utah
751 Department of Corrections, which confirms compliance; and

752 (g) the office that prosecuted the offender, and the victim, or if the victim is still a
753 minor, the victim's parent, are notified and provided with an opportunity to respond in
754 accordance with Subsection (3)(a).

755 (2) (a) (i) An offender seeking removal from the Sex Offender or Kidnap Offender
756 Registry shall apply for a certificate of eligibility from the bureau.

757 (ii) An offender who intentionally or knowingly provides any false or misleading

758 information to the bureau when applying for a certificate of eligibility is guilty of a class B
759 misdemeanor and subject to prosecution under Section 76-8-504.6.

760 (iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate
761 of eligibility to anyone providing false information on an application.

762 (b) (i) The bureau shall perform a check of records of governmental agencies,
763 including national criminal databases, to determine whether an offender is eligible to receive a
764 certificate of eligibility under this section.

765 (ii) If the offender meets all of the criteria under Subsections (1)(b) and (d), the bureau
766 shall issue a certificate of eligibility to the offender which shall be valid for a period of 90 days
767 from the date the certificate is issued.

768 (c) (i) The bureau shall charge application and issuance fees for a certificate of
769 eligibility in accordance with the process in Section 63J-1-504.

770 (ii) The application fee shall be paid at the time the offender submits an application for
771 a certificate of eligibility to the bureau.

772 (iii) If the bureau determines that the issuance of a certificate of eligibility is
773 appropriate, the offender will be charged an additional fee for the issuance of a certificate of
774 eligibility.

775 (d) Funds generated under this Subsection (2) shall be deposited in the General Fund as
776 a dedicated credit by the department to cover the costs incurred in determining eligibility.

777 (3) (a) The offender shall file the petition, original information, and court docket with
778 the court, and deliver a copy of the petition to the office of the prosecutor.

779 (i) Upon receipt of a petition for removal from the Sex Offender and Kidnap Offender
780 Registry, the office of the prosecutor shall provide notice of the petition by first-class mail to
781 the victim at the most recent address of record on file or, if the victim is still a minor, to the
782 parent or guardian of the victim.

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

786 (b) The office of the prosecutor shall provide the following, if available, to the court
787 within 30 days after receiving the petition:

- 788 (i) presentencing report;
- 789 (ii) any evaluation done as part of sentencing; and
- 790 (iii) any other information the office of the prosecutor feels the court should consider.

791 (c) The victim, or the victim's parent or guardian if the victim is a minor, may respond
792 to the petition by filing a recommendation or objection with the court within 45 days after the
793 mailing of the petition to the victim.

794 (4) (a) The court shall:

- 795 (i) review the petition and all documents submitted with the petition; and
- 796 (ii) hold a hearing if requested by the prosecutor or the victim.

797 (b) The court shall consider whether the offender has paid all restitution ordered by the
798 court or the Board of Pardons.

799 (c) If the court determines that it is not contrary to the interests of the public to do so, it
800 may grant the petition and order removal of the offender from the registry.

801 (d) If the court grants the petition, it shall forward a copy of the order directing removal
802 of the offender from the registry to the department and the office of the prosecutor.

803 (5) The office of the prosecutor shall notify the victim of the court's decision in the
804 same manner as notification was provided in Subsection (3)(a).";

805 (3) change the internal cross references accordingly; and

806 (4) the Office of Legislative Research and General Counsel make these changes when
807 preparing the Utah Code database for publication.