

CRIMINAL PROCEDURE AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: David G. Butterfield

LONG TITLE

General Description:

This bill makes changes to the Sex and Kidnap Offender Registry regarding juveniles.

Highlighted Provisions:

This bill:

- ▶ adds a clarifying provision for an offender adjudicated as a juvenile in another state, but required to register; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 17, Sex Offender Registry Chapter, by providing technical and substantive amendments.

Utah Code Sections Affected:

AMENDS:

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

Utah Code Sections Affected by Coordination Clause:

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

77-41-102, Utah Code Annotated 1953



28 77-41-105, Utah Code Annotated 1953

29 77-41-110, Utah Code Annotated 1953



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

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

33 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**
34 **Law enforcement and courts to report -- Penalty -- Effect of expungement.**

35 (1) As used in this section:

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

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

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

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

42 (e) "Indian Country" means:

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

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

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

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

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

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

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

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

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

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

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

61 Subsections (1)(g)(i)(A) through (D);

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

65 (A) a Utah resident; or

66 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
67 10 or more days, regardless of whether or not the offender intends to permanently reside in this
68 state;

69 (iii) (A) is required to register as an offender in any other jurisdiction, or who is
70 required to register as an offender by any state, federal, or military court; and

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

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

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

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

82 (h) "Natural parent" means a minor's biological or adoptive parent, and includes the
83 minor's noncustodial parent.

84 (i) "Offender" means a kidnap offender as defined in Subsection (1)(g) or a sex
85 offender as defined in Subsection (1)(n).

86 (j) "Online identifier" or "Internet identifier":

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

89 (ii) does not include date of birth, Social Security number, PIN number, or Internet

90 passwords.

91 (k) "Primary residence" means the location where the offender regularly resides, even
92 if the offender intends to move to another location or return to another location at any future
93 date.

94 (l) "Register" means to comply with the requirements of this section and administrative
95 rules of the department made under this section.

96 (m) "Secondary residence" means any real property that the offender owns or has a
97 financial interest in, or any location where, in any 12 month period, the offender stays
98 overnight a total of 10 or more nights when not staying at the offender's primary residence.

99 (n) "Sex offender" means any person:

100 (i) convicted in this state of:

101 (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;

102 (B) Section 76-5b-202, sexual exploitation of a vulnerable adult, on or after May 10,
103 2011;

104 (C) a felony violation of Section 76-5-401, unlawful sexual activity with a minor;

105 (D) Section 76-5-401.1, sexual abuse of a minor;

106 (E) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;

107 (F) Section 76-5-402, rape;

108 (G) Section 76-5-402.1, rape of a child;

109 (H) Section 76-5-402.2, object rape;

110 (I) Section 76-5-402.3, object rape of a child;

111 (J) a felony violation of Section 76-5-403, forcible sodomy;

112 (K) Section 76-5-403.1, sodomy on a child;

113 (L) Section 76-5-404, forcible sexual abuse;

114 (M) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;

115 (N) Section 76-5-405, aggravated sexual assault;

116 (O) Section 76-5-412, custodial sexual relations, when the person in custody is younger
117 than 18 years of age, if the offense is committed on or after May 10, 2011;

118 (P) Section 76-5b-201, sexual exploitation of a minor;

119 (Q) Section 76-7-102, incest;

120 (R) Subsection 76-9-702(1), lewdness, if the person has been convicted of the offense

121 four or more times;

122 (S) Subsection 76-9-702(3), sexual battery, if the person has been convicted of the
123 offense four or more times;

124 (T) any combination of convictions of Subsection 76-9-702(1), lewdness, and of
125 Subsection 76-9-702(3), sexual battery, that total four or more convictions;

126 (U) Section 76-9-702.5, lewdness involving a child;

127 (V) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;

128 (W) Section 76-10-1306, aggravated exploitation of prostitution; or

129 (X) attempting, soliciting, or conspiring to commit any felony offense listed in
130 Subsection (1)(n)(i);

131 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to
132 commit a crime in another jurisdiction, including any state, federal, or military court that is
133 substantially equivalent to the offenses listed in Subsection (1)(n)(i) and who is:

134 (A) a Utah resident; or

135 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
136 10 or more days, regardless of whether the offender intends to permanently reside in this state;

137 (iii) (A) who is required to register as an offender in any other jurisdiction, or who is
138 required to register as an offender by any state, federal, or military court; and

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

141 (iv) who is a nonresident regularly employed or working in this state or who is a
142 student in this state and was convicted of one or more offenses listed in Subsection (1)(n)(i), or
143 any substantially equivalent offense in any jurisdiction, or as a result of the conviction, is
144 required to register in the person's jurisdiction of residence;

145 (v) who is found not guilty by reason of insanity in this state, or in any other
146 jurisdiction of one or more offenses listed in Subsection (1)(n)(i); or

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

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

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

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

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

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

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

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

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

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

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

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

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

172 (a) placement on probation;

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

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

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

179 (e) termination of probation or parole.

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

183 (a) commitment to the correctional facility; and

184 (b) release from confinement.

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

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

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

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

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

197 (B) certify annually with the department.

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

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

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

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

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

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

213 (11) (a) An offender required to register under Subsection (1)(g) or (n) who is under

214 supervision by the department shall register with Division of Adult Probation and Parole.

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

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

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

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

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

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

244 (B) This registration requirement is not subject to exemptions and may not be

245 terminated or altered during the offender's lifetime.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

267 (H) Section 76-10-1306, aggravated exploitation of prostitution, on or after May 10,
268 2011.

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

272 (e) In the case of an offender adjudicated in another jurisdiction as a juvenile and
273 required to register under this chapter, the offender shall register in the time period and in the
274 frequency consistent with the requirements of this Subsection (12). However, if the
275 jurisdiction of the offender's adjudication does not publish the offender's information on a

276 public website, the department shall maintain, but not publish the offender's information on the
277 Sex Offender and Kidnap Offender Registration website.

278 [~~e~~] (f) An offender who is required to register under this Subsection (12) shall
279 surrender the offender's license, certificate, or identification card as required under Subsection
280 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as
281 provided under Section 53-3-205 or 53-3-804.

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

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

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

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

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

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

296 (b) the driver license certificate or identification card surrender requirement under
297 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or
298 53-3-804.

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

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

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

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

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

- 307 (e) a current photograph of the offender;
- 308 (f) a set of fingerprints, if one has not already been provided;
- 309 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not
310 already been provided;
- 311 (h) telephone numbers and any other designations used by the offender for routing or
312 self-identification in telephonic communications from fixed locations or cellular telephones;
- 313 (i) Internet identifiers and the addresses the offender uses for routing or
314 self-identification in Internet communications or postings;
- 315 (j) the name and Internet address of all websites on which the offender is registered
316 using an online identifier, including all online identifiers used to access those websites;
- 317 (k) a copy of the offender's passport, if a passport has been issued to the offender;
- 318 (l) if the offender is an alien, all documents establishing the offender's immigration
319 status;
- 320 (m) all professional licenses that authorize the offender to engage in an occupation or
321 carry out a trade or business, including any identifiers, such as numbers;
- 322 (n) each educational institution in Utah at which the offender is employed, carries on a
323 vocation, or is a student, and any change of enrollment or employment status of the offender at
324 any educational institution;
- 325 (o) the name and the address of any place where the offender is employed or will be
326 employed;
- 327 (p) the name and the address of any place where the offender works as a volunteer or
328 will work as a volunteer; and
- 329 (q) the offender's Social Security number.
- 330 (15) The department shall:
- 331 (a) provide the following additional information when available:
- 332 (i) the crimes the offender has been convicted of or adjudicated delinquent for;
- 333 (ii) a description of the offender's primary and secondary targets; and
- 334 (iii) any other relevant identifying information as determined by the department;
- 335 (b) maintain the Sex Offender and Kidnap Offender Notification and Registration
336 website; and
- 337 (c) ensure that the registration information collected regarding an offender's enrollment

338 or employment at an educational institution is:

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

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

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

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

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

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

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

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

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

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

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

366 (18) (a) If an offender is to be temporarily sent outside a secure facility in which the
367 offender is confined on any assignment, including, without limitation, firefighting or disaster
368 control, the official who has custody of the offender shall, within a reasonable time prior to

369 removal from the secure facility, notify the local law enforcement agencies where the
370 assignment is to be filled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

403 (27) ~~[The]~~ Except as provided in Subsection (12)(e), the Sex Offender and Kidnap
404 Offender Notification and Registration website shall include the following registry
405 information:

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

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

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

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

413 (e) a current photograph of the offender;

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

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

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

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

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

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

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

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

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

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

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

439 (i) data entry;

440 (ii) processing registration packets;

441 (iii) updating registry information;

442 (iv) ensuring offender compliance with registration requirements under this section;

443 and

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

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

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

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

453 **Section 2. Coordinating S.B. 234 with H.B. 17 -- Technical and substantive**
454 **amendments.**

455 If this S.B. 234 and H.B. 17, Sex Offender Registry Chapter, both pass and become law,
456 the Legislature intends that:

457 (1) Subsection 77-41-102(7)(f) in H.B. 17 be amended to read:

458 "(f) is adjudicated delinquent based on one or more offenses listed in Subsection (7)(a)
459 and who has been committed to the division for secure confinement for that offense and
460 remains in the division's custody 30 days prior to the person's 21st birthday.";

461 (2) Subsection 77-41-102(14)(f) in H.B. 17 be amended to read:

462 "(f) who is adjudicated delinquent based on one or more offenses listed in Subsection
463 (7)(a) and who has been committed to the division for secure confinement for that offense and
464 remains in the division's custody 30 days prior to the person's 21st birthday.";

465 (3) Subsection 77-41-105(3)(b) in H.B. 17 be amended to read:

466 "(b) Except as provided in Subsections (4), (5), and Section 77-41-106, an offender
467 who is convicted in another jurisdiction of an offense listed in Subsection 77-41-102(7)(a) or
468 (14)(a), a substantially similar offense, or any other offense that requires registration in the
469 jurisdiction of conviction, shall:"

470 (4) (a) the new Subsection 77-27-21.5(12)(e) in this bill be created as a new Subsection
471 77-41-105(5) to read:

472 "(5) In the case of an offender adjudicated in another jurisdiction as a juvenile and
473 required to register under this chapter, the offender shall register in the time period and in the
474 frequency consistent with the requirements of this Subsection (5). However, if the jurisdiction
475 of the offender's adjudication does not publish the offender's information on a public website,
476 the department shall maintain, but not publish the offender's information on the Sex Offender
477 and Kidnap Offender Registration website."; and

478 (b) renumber the remaining subsections and change internal cross references
479 accordingly;

480 (5) Subsection 77-41-110(4) be amended to read:

481 "(4) Except as provided in Subsection 77-41-105(5), the Sex Offender and Kidnap
482 Offender Notification and Registration website shall include the following registry
483 information:"; and

484 (6) the Office of Legislative Research and General Counsel make these changes and
485 any corresponding cross reference changes when preparing the Utah Code database for
486 publication.

Legislative Review Note
as of 2-21-12 3:52 PM

Office of Legislative Research and General Counsel