

1 **SEX OFFENDER AND KIDNAP OFFENDER REGISTRATION**

2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Daniel W. Thatcher**

6 House Sponsor: Eric K. Hutchings

7

LONG TITLE

8 **General Description:**

9 This bill amends certain sex offender and kidnap offender registration provisions.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires a sex offender to register the sex offender's driver license or identification
13 card with the Department of Corrections; and

14 ▶ requires the Department of Corrections to provide that the Sex Offender and Kidnap
15 Offender Notification and Registration website be searchable by the offender's
16 driver license number or identification card number by July 1, 2015.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **77-41-105**, as enacted by Laws of Utah 2012, Chapter 145 and last amended by
24 Coordination Clause, Laws of Utah 2012, Chapter 382

25 **77-41-110**, as enacted by Laws of Utah 2012, Chapter 145 and last amended by
26 Coordination Clause, Laws of Utah 2012, Chapter 382



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

Section 1. Section **77-41-105** is amended to read:

77-41-105. Registration of offenders -- Offender responsibilities.

(1) An offender convicted by any other jurisdiction is required to register under Subsection (3) and Subsection **77-41-102**(9) or (16). The offender shall register with the department within 10 days of entering the state, regardless of the offender's length of stay.

(2) (a) An offender required to register under Subsection **77-41-102**(9) or (16) who is under supervision by the department shall register with Division of Adult Probation and Parole.

(b) An offender required to register under Subsection **77-41-102**(9) or (16) who is no longer under supervision by the department shall register with the police department or sheriff's office that has jurisdiction over the area where the offender resides.

(3) (a) Except as provided in Subsections (3)(b), (c), and (4), and Section **77-41-106**, an offender shall, for the duration of the sentence and for 10 years after termination of sentence or custody of the division, register every year during the month of the offender's birth, during the month that is the sixth month after the offender's birth month, and also within three business days of every change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection (8).

(b) Except as provided in Subsections (4), (5), and Section **77-41-106**, an offender who is convicted in another jurisdiction of an offense listed in Subsection **77-41-102**(9)(a) or (16)(a), a substantially similar offense, or any other offense that requires registration in the jurisdiction of conviction, shall:

(i) register for the time period, and in the frequency, required by the jurisdiction where the offender was convicted if that jurisdiction's registration period or registration frequency requirement for the offense that the offender was convicted of is greater than the 10 years from completion of the sentence registration period that is required under Subsection (3)(a), or is more frequent than every six months; or

(ii) register in accordance with the requirements of Subsection (3)(a), if the jurisdiction's registration period or frequency requirement for the offense that the offender was convicted of is less than the registration period required under Subsection (3)(a), or is less

59 frequent than every six months.

60 (c) (i) An offender convicted as an adult of any of the offenses listed in Section
61 77-41-106 shall, for the offender's lifetime, register every year during the month of the
62 offender's birth, during the month that is the sixth month after the offender's birth month, and
63 also within three business days of every change of the offender's primary residence, any
64 secondary residences, place of employment, vehicle information, or educational information
65 required to be submitted under Subsection (8).

66 (ii) This registration requirement is not subject to exemptions and may not be
67 terminated or altered during the offender's lifetime.

68 (4) Notwithstanding Subsection (3) and Section 77-41-106, an offender who is
69 confined in a secure facility or in a state mental hospital is not required to register during the
70 period of confinement.

71 (5) In the case of an offender adjudicated in another jurisdiction as a juvenile and
72 required to register under this chapter, the offender shall register in the time period and in the
73 frequency consistent with the requirements of this Subsection (5). However, if the jurisdiction
74 of the offender's adjudication does not publish the offender's information on a public website,
75 the department shall maintain, but not publish the offender's information on the Sex Offender
76 and Kidnap Offender Registration website.

77 (6) An offender who is required to register under Subsection (3) shall surrender the
78 offender's license, certificate, or identification card as required under Subsection 53-3-216(3)
79 or 53-3-807(4) and may apply for a license certificate or identification card as provided under
80 Section 53-3-205 or 53-3-804.

81 (7) A sex offender who violates Section 77-27-21.8 while required to register under
82 this chapter shall register for an additional five years subsequent to the registration period
83 otherwise required under this chapter.

84 (8) An offender shall provide the department or the registering entity with the
85 following information:

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

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

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

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

92 (e) a current photograph of the offender;

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

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

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

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

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

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

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

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

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

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

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

114 (q) the offender's Social Security number[-]; and

115 (r) the offender's current driver license or identification card number in accordance
116 with Section 53-3-806.5.

117 (9) Notwithstanding Section 42-1-1, an offender:

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

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

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

121 (b) may not change the offender's name at any time, if registration is for life under
122 Subsection 77-41-105(3)(c).

123 (10) Notwithstanding Subsections (8)(i) and (j) and 77-41-103(1)(c), an offender is not
124 required to provide the department with:

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

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

130 Section 2. Section 77-41-110 is amended to read:

131 **77-41-110. Sex offender and kidnap offender registry -- Department to maintain.**

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

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

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

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

140 (2) The Sex Offender and Kidnap Offender Notification and Registration website shall
141 be indexed by [~~both~~]:

142 (a) the surname of the offender [~~and by~~];

143 (b) postal codes[~~;~~]; and

144 (c) on or before July 1, 2015, the offender's current driver license or identification card
145 number in accordance with Section 53-3-806.5.

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

149 (4) Except as provided in Subsection [~~(5)~~] (6), the Sex Offender and Kidnap Offender
150 Notification and Registration website shall include the following registry information:

151 (a) all names and aliases by which the offender is or has been known, but not including

- 152 any online or Internet identifiers;
- 153 (b) the addresses of the offender's primary, secondary, and temporary residences;
- 154 (c) a physical description, including the offender's date of birth, height, weight, and eye
155 and hair color;
- 156 (d) the make, model, color, year, and plate number of any vehicle or vehicles the
157 offender owns or regularly drives;
- 158 (e) a current photograph of the offender;
- 159 (f) a list of all professional licenses that authorize the offender to engage in an
160 occupation or carry out a trade or business;
- 161 (g) each educational institution in Utah at which the offender is employed, carries on a
162 vocation, or is a student;
- 163 (h) a list of places where the offender works as a volunteer; and
- 164 (i) the crimes listed in Subsections [77-41-102\(9\)](#) and (16) that the offender has been
165 convicted of or for which the offender has been adjudicated delinquent in juvenile court.
- 166 (5) The department, its personnel, and any individual or entity acting at the request or
167 upon the direction of the department are immune from civil liability for damages for good faith
168 compliance with this chapter and will be presumed to have acted in good faith by reporting
169 information.
- 170 (6) The department shall redact information that, if disclosed, could reasonably identify
171 a victim.

Legislative Review Note
as of 2-26-14 2:58 PM

Office of Legislative Research and General Counsel