



28 77-41-112, as last amended by Laws of Utah 2013, Chapter 122



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

31 Section 1. Section 77-40-105 is amended to read:

32 **77-40-105. Eligibility for expungement of conviction -- Requirements.**

33 (1) A person convicted of an offense may apply to the bureau for a certificate of  
34 eligibility to expunge the record of conviction as provided in this section.

35 (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau if:

36 (a) the conviction for which expungement is sought is:

37 (i) a capital felony;

38 (ii) a first degree felony;

39 (iii) a violent felony as defined in Subsection 76-3-203.5(1)(c)(i);

40 (iv) felony automobile homicide;

41 (v) a felony violation of Subsection 41-6a-501(2); or

42 (vi) a registerable sex offense as defined in Subsection 77-41-102~~(16)~~(17);

43 (b) a criminal proceeding is pending against the petitioner; or

44 (c) the petitioner intentionally or knowingly provides false or misleading information  
45 on the application for a certificate of eligibility.

46 (3) A petitioner seeking to obtain expungement for a record of conviction is not  
47 eligible to receive a certificate of eligibility from the bureau until all of the following have  
48 occurred:

49 (a) all fines and interest ordered by the court have been paid in full;

50 (b) all restitution ordered by the court pursuant to Section 77-38a-302, or by the Board  
51 of Pardons and Parole pursuant to Section 77-27-6, has been paid in full; and

52 (c) the following time periods have elapsed from the date the petitioner was convicted  
53 or released from incarceration, parole, or probation, whichever occurred last, for each  
54 conviction the petitioner seeks to expunge:

55 (i) 10 years in the case of a misdemeanor conviction of Subsection 41-6a-501(2) or a  
56 felony conviction of Subsection 58-37-8(2)(g);

57 (ii) seven years in the case of a felony;

58 (iii) five years in the case of any class A misdemeanor or a felony drug possession

59 offense;

60 (iv) four years in the case of a class B misdemeanor; or

61 (v) three years in the case of any other misdemeanor or infraction.

62 (4) The bureau may not issue a certificate of eligibility if, at the time the petitioner  
63 seeks a certificate of eligibility, the bureau determines that the petitioner's criminal history,  
64 including previously expunged convictions, contains any of the following:

65 (a) two or more felony convictions other than for drug possession offenses, each of  
66 which is contained in a separate criminal episode;

67 (b) any combination of three or more convictions other than for drug possession  
68 offenses that include two class A misdemeanor convictions, each of which is contained in a  
69 separate criminal episode;

70 (c) any combination of four or more convictions other than for drug possession  
71 offenses that include three class B misdemeanor convictions, each of which is contained in a  
72 separate criminal episode; or

73 (d) five or more convictions other than for drug possession offenses of any degree  
74 whether misdemeanor or felony, excluding infractions and any traffic offenses, each of which  
75 is contained in a separate criminal episode.

76 (5) The bureau may not issue a certificate of eligibility if, at the time the petitioner  
77 seeks a certificate of eligibility, the bureau determines that the petitioner's criminal history,  
78 including previously expunged convictions, contains any of the following:

79 (a) three or more felony convictions for drug possession offenses, each of which is  
80 contained in a separate criminal episode; or

81 (b) any combination of five or more convictions for drug possession offenses, each of  
82 which is contained in a separate criminal episode.

83 (6) If the petitioner's criminal history contains convictions for both a drug possession  
84 offense and a non drug possession offense arising from the same criminal episode, that criminal  
85 episode shall be counted as provided in Subsection (4) if any non drug possession offense in  
86 that episode:

87 (a) is a felony or class A misdemeanor; or

88 (b) has the same or a longer waiting period under Subsection (3) than any drug  
89 possession offense in that episode.

90 (7) If, prior to May 14, 2013, the petitioner has received a pardon from the Utah Board  
91 of Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned  
92 crimes pursuant to Section 77-27-5.1.

93 Section 2. Section 77-41-102 is amended to read:

94 **77-41-102. Definitions.**

95 As used in this chapter:

96 (1) "Bureau" means the bureau of Criminal Identification of the Department of Public  
97 Safety established in section 53-10-201.

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

99 (3) "Certificate of eligibility" means a document issued by the Bureau of Criminal  
100 Identification showing that the offender has met the requirements of Section 77-41-112.

101 (4) "Department" means the Department of Corrections.

102 (5) "Division" means the Division of Juvenile Justice Services.

103 (6) "Employed" or "carries on a vocation" includes employment that is full time or part  
104 time, whether financially compensated, volunteered, or for the purpose of government or  
105 educational benefit.

106 (7) "Indian Country" means:

107 (a) all land within the limits of any Indian reservation under the jurisdiction of the  
108 United States government, regardless of the issuance of any patent, and includes rights-of-way  
109 running through the reservation;

110 (b) all dependent Indian communities within the borders of the United States whether  
111 within the original or subsequently acquired territory, and whether or not within the limits of a  
112 state; and

113 (c) all Indian allotments, including the Indian allotments to which the Indian titles have  
114 not been extinguished, including rights-of-way running through the allotments.

115 (8) "Jurisdiction" means any state, Indian Country, United States Territory, or any  
116 property under the jurisdiction of the United States military, Canada, the United Kingdom,  
117 Australia, or New Zealand.

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

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

120 (i) Subsection 76-5-301(1)(c) or (d), kidnapping;

- 121 (ii) Section 76-5-301.1, child kidnapping;
- 122 (iii) Section 76-5-302, aggravated kidnapping;
- 123 (iv) Section 76-5-310, aggravated human trafficking, on or after May 10, 2011; or
- 124 (v) attempting, soliciting, or conspiring to commit any felony offense listed in
- 125 Subsections (9)(a)(i) through (iv);
- 126 (b) has been convicted of any crime, or an attempt, solicitation, or conspiracy to
- 127 commit a crime in another jurisdiction, including any state, federal, or military court that is
- 128 substantially equivalent to the offenses listed in Subsection (9)(a) and who is:
- 129 (i) a Utah resident; or
- 130 (ii) not a Utah resident, but who, in any 12 month period, is in this state for a total of
- 131 10 or more days, regardless of whether or not the offender intends to permanently reside in this
- 132 state;
- 133 (c) (i) is required to register as a kidnap offender in any other jurisdiction of original
- 134 conviction, who is required to register as a kidnap offender by any state, federal, or military
- 135 court, or who would be required to register as a kidnap offender if residing in the jurisdiction of
- 136 the conviction regardless of the date of the conviction or any previous registration
- 137 requirements; and
- 138 (ii) in any 12 month period, is in this state for a total of 10 or more days, regardless of
- 139 whether or not the offender intends to permanently reside in this state;
- 140 (d) is a nonresident regularly employed or working in this state, or who is a student in
- 141 this state, and was convicted of one or more offenses listed in Subsection (9), or any
- 142 substantially equivalent offense in another jurisdiction, or as a result of the conviction, is
- 143 required to register in the person's state of residence;
- 144 (e) is found not guilty by reason of insanity in this state or in any other jurisdiction of
- 145 one or more offenses listed in Subsection (9); or
- 146 (f) is adjudicated delinquent based on one or more offenses listed in Subsection (9)(a)
- 147 and who has been committed to the division for secure confinement for that offense and
- 148 remains in the division's custody 30 days prior to the person's 21st birthday.
- 149 (10) "Natural parent" means a minor's biological or adoptive parent, and includes the
- 150 minor's noncustodial parent.
- 151 (11) "Offender" means a kidnap offender as defined in Subsection (9) or a sex offender

152 as defined in Subsection (17).

153 (12) "Online identifier" or "Internet identifier":

154 (a) means any electronic mail, chat, instant messenger, social networking, or similar  
155 name used for Internet communication; and

156 (b) does not include date of birth, Social Security number, PIN number, or Internet  
157 passwords.

158 (13) "Primary residence" means the location where the offender regularly resides, even  
159 if the offender intends to move to another location or return to another location at any future  
160 date.

161 (14) "Register" means to comply with the requirements of this chapter and  
162 administrative rules of the department made under this chapter.

163 (15) "Registration website" means the Sex and Kidnap Offender Notification and  
164 Registration website described in Section 77-41-110 and the information on the website.

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

168 (17) "Sex offender" means any person:

169 (a) convicted in this state of:

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

171 (ii) Section 76-5b-202, sexual exploitation of a vulnerable adult, on or after May 10,  
172 2011;

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

174 (iv) Section 76-5-401.1, sexual abuse of a minor;

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

176 (vi) Section 76-5-402, rape;

177 (vii) Section 76-5-402.1, rape of a child;

178 (viii) Section 76-5-402.2, object rape;

179 (ix) Section 76-5-402.3, object rape of a child;

180 (x) a felony violation of Section 76-5-403, forcible sodomy;

181 (xi) Section 76-5-403.1, sodomy on a child;

182 (xii) Section 76-5-404, forcible sexual abuse;

- 183 (xiii) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;  
184 (xiv) Section 76-5-405, aggravated sexual assault;  
185 (xv) Section 76-5-412, custodial sexual relations, when the person in custody is  
186 younger than 18 years of age, if the offense is committed on or after May 10, 2011;  
187 (xvi) Section 76-5b-201, sexual exploitation of a minor;  
188 (xvii) Section 76-7-102, incest;  
189 (xviii) Section 76-9-702, lewdness, if the person has been convicted of the offense four  
190 or more times;  
191 (xix) Section 76-9-702.1, sexual battery, if the person has been convicted of the  
192 offense four or more times;  
193 (xx) any combination of convictions of Section 76-9-702, lewdness, and of Section  
194 76-9-702.1, sexual battery, that total four or more convictions;  
195 (xxi) Section 76-9-702.5, lewdness involving a child;  
196 (xxii) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;  
197 (xxiii) Section 76-10-1306, aggravated exploitation of prostitution; or  
198 (xxiv) attempting, soliciting, or conspiring to commit any felony offense listed in  
199 Subsection (17)(a);  
200 (b) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to  
201 commit a crime in another jurisdiction, including any state, federal, or military court that is  
202 substantially equivalent to the offenses listed in Subsection (17)(a) and who is:  
203 (i) a Utah resident; or  
204 (ii) not a Utah resident, but who, in any 12 month period, is in this state for a total of  
205 10 or more days, regardless of whether the offender intends to permanently reside in this state;  
206 (c) (i) who is required to register as a sex offender in any other jurisdiction of original  
207 conviction, who is required to register as a sex offender by any state, federal, or military court,  
208 or who would be required to register as a sex offender if residing in the jurisdiction of the  
209 original conviction regardless of the date of the conviction or any previous registration  
210 requirements; and  
211 (ii) who, in any 12 month period, is in the state for a total of 10 or more days,  
212 regardless of whether or not the offender intends to permanently reside in this state;  
213 (d) who is a nonresident regularly employed or working in this state or who is a student

214 in this state and was convicted of one or more offenses listed in Subsection (17)(a), or any  
215 substantially equivalent offense in any jurisdiction, or as a result of the conviction, is required  
216 to register in the person's jurisdiction of residence;

217 (e) who is found not guilty by reason of insanity in this state, or in any other  
218 jurisdiction of one or more offenses listed in Subsection (17)(a); or

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

222 (18) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5,  
223 Driving Under the Influence and Reckless Driving.

224 (19) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in  
225 any jurisdiction.

226 Section 3. Section **77-41-105** is amended to read:

227 **77-41-105. Registration of offenders -- Offender responsibilities.**

228 (1) An offender convicted by any other jurisdiction is required to register under  
229 Subsection (3) and Subsection **77-41-102**(9) or (17). The offender shall register with the  
230 department within 10 days of entering the state, regardless of the offender's length of stay.

231 (2) (a) An offender required to register under Subsection **77-41-102**(9) or (17) who is  
232 under supervision by the department shall register in person with Division of Adult Probation  
233 and Parole.

234 (b) An offender required to register under Subsection **77-41-102**(9) or (17) who is no  
235 longer under supervision by the department shall register in person with the police department  
236 or sheriff's office that has jurisdiction over the area where the offender resides.

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

244 (b) Except as provided in Subsections (4) and (5), and Section **77-41-106**, an offender



245 who is convicted in another jurisdiction of an offense listed in Subsection 77-41-102(9)(a) or  
 246 (17)(a), a substantially similar offense, or any other offense that requires registration in the  
 247 jurisdiction of conviction, shall:

248 (i) register for the time period, and in the frequency, required by the jurisdiction where  
 249 the offender was convicted if that jurisdiction's registration period or registration frequency  
 250 requirement for the offense that the offender was convicted of ~~H~~→ or the juvenile is adjudicated  
 250a of ←~~H~~

251 is greater than the 10 years from completion of the sentence registration period that is required  
 252 under Subsection (3)(a), or is more frequent than every six months; or

253 (ii) register in accordance with the requirements of Subsection (3)(a), if the  
 254 jurisdiction's registration period or frequency requirement for the offense that the offender was  
 255 convicted of is less than the registration period required under Subsection (3)(a), or is less  
 256 frequent than every six months.

257 (c) (i) An offender convicted as an adult of any of the offenses listed in Section  
 258 77-41-106 shall, for the offender's lifetime, register every year during the month of the  
 259 offender's birth, during the month that is the sixth month after the offender's birth month, and  
 260 also within three business days of every change of the offender's primary residence, any  
 261 secondary residences, place of employment, vehicle information, or educational information  
 262 required to be submitted under Subsection (8).

263 (ii) This registration requirement is not subject to exemptions and may not be  
 264 terminated or altered during the offender's lifetime, unless a petition is granted under Section  
 265 77-41-112.

266 (d) For the purpose of establishing venue for a violation of this Subsection (3), the  
 267 violation is considered to be committed:

268 (i) at the most recent registered primary residence of the offender or at the location of  
 269 the offender, if the actual location of the offender at the time of the violation is not known; or

270 (ii) at the location of the offender at the time the offender is apprehended.

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

274 (5) In the case of an offender adjudicated in another jurisdiction as a juvenile and  
 275 required to register under this chapter, the offender shall register in the time period and in the

276 frequency consistent with the requirements of this Subsection (5). However, if the jurisdiction  
277 of the offender's adjudication does not publish the offender's information on a public website,  
278 the department shall maintain, but not publish the offender's information on the Sex Offender  
279 and Kidnap Offender Registration website.

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

284 (7) A sex offender who violates Section 77-27-21.8 regarding being in the presence of  
285 a child while required to register under this chapter shall register for an additional five years  
286 subsequent to the registration period otherwise required under this chapter.

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

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

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

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

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

295 (e) a current photograph of the offender;

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

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

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

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

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

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

306 (l) if the offender is an alien, all documents establishing the offender's immigration

307 status;

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

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

313 (o) the name, the telephone number, and the address of any place where the offender is  
314 employed or will be employed;

315 (p) the name, the telephone number, and the address of any place where the offender  
316 works as a volunteer or will work as a volunteer; and

317 (q) the offender's social security number.

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

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

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

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

322 (b) may not change the offender's name at any time, if registration is for life under

323 Subsection 77-41-105(3)(c).

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

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

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

331 Section 4. Section 77-41-112 is amended to read:

332 **77-41-112. Removal from registry -- Requirements -- Procedure.**

333 (1) An offender may petition the court where the offender was convicted of the offense  
334 requiring registration for an order removing the offender from the Sex Offender and Kidnap  
335 Offender Registry if:

336 (a) the offender was convicted of ~~[violating]~~ an offense under Subsection (2);

337 (b) at least five years have passed since the completion of the offender's sentence for

338 the offense;

339 (c) the offense is the only conviction for which the offender is required to register; and

340 (d) the offender has not been convicted, subsequently to the offense for which the

341 offender was placed on the registry, of a violation listed in:

342 (i) Subsection 77-41-102(9), which defines a kidnap offender; or

343 (ii) Subsection 77-41-102(17), which defines a sex offender.

344 (2) The offenses referred to in Subsection (1)(a) are:

345 (a) Section 76-4-401, Enticing a minor, if the offense is a class A misdemeanor;

346 ~~[(i)]~~ (b) Section 76-5-301, Kidnapping, and the conviction of violating Section

347 76-5-301 [is the only conviction for which the offender is required to register];

348 ~~[(ii)]~~ (c) Section 76-5-304, Unlawful detention, and the conviction of violating Section

349 76-5-304 is the only conviction for which the offender is required to register;

350 ~~[(iii)]~~ (d) Section 76-5-401, Unlawful sexual activity with a minor and, at the time of  
351 the offense, was not more than 10 years older than the victim; ~~or~~

352 ~~[(iv)]~~ (e) Section 76-5-401.2, Unlawful sexual conduct with a 16 or 17 year old, and at  
353 the time of the offense, was not more than 15 years older than the victim; or

354 (f) Section 76-9-702.7, Voyeurism, if the offense is a class A misdemeanor.

355 ~~[(b) five years have passed since the completion of the offender's sentence;]~~

356 (3) An offender who meets the requirements under Subsection (1) shall also complete  
357 all of the following requirements:

358 ~~[(e)]~~ (a) the offender has successfully completed all treatment ordered by the court or  
359 the Board of Pardons and Parole relating to the conviction;

360 ~~[(f)]~~ (b) (i) the offender has not been convicted of any other crime, excluding traffic  
361 offenses, as evidenced by a certificate of eligibility issued by the bureau; and

362 (ii) as used in this section, "traffic offense" does not include a violation of Title 41,  
363 Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

364 ~~[(e)]~~ (c) the offender has paid all restitution ordered by the court;

365 ~~[(f)]~~ (d) the offender has complied with all the registration requirements at all times as  
366 required in this chapter, as evidenced by a document obtained by the offender from the Utah  
367 Department of Corrections, which confirms compliance; and

368 ~~[(g)]~~ (e) the office that prosecuted the offender, and the victim, or if the victim is still a

369 minor, the victim's parent, are notified and provided with an opportunity to respond in  
370 accordance with Subsection ~~[(3)]~~ (6)(a).

371 ~~[(2)]~~ (4) (a) (i) An offender seeking removal from the Sex Offender or Kidnap  
372 Offender Registry shall apply for a certificate of eligibility from the bureau.

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

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

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

381 (ii) If the offender meets all of the criteria under Subsections ~~[(1)(b) and (d)]~~ (1), (2),  
382 and (3), the bureau shall issue a certificate of eligibility to the offender, which shall be valid for  
383 a period of 90 days from the date the certificate is issued.

384 ~~[(e)]~~ (5) (a) (i) The bureau shall charge application and issuance fees for a certificate of  
385 eligibility in accordance with the process in Section 63J-1-504.

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

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

391 ~~[(d)]~~ (b) Funds generated under ~~[this]~~ Subsection ~~[(2)]~~ (5) shall be deposited in the  
392 General Fund as a dedicated credit by the department to cover the costs incurred in determining  
393 eligibility.

394 ~~[(3)]~~ (6) (a) The offender shall file the petition, original information, and court docket  
395 with the court, and deliver a copy of the petition to the office of the prosecutor.

396 (i) Upon receipt of a petition for removal from the Sex Offender and Kidnap Offender  
397 Registry, the office of the prosecutor shall provide notice of the petition:

398 (A) by first-class mail to the victim at the most recent address of record on file or, if  
399 the victim is still a minor, to the parent or guardian of the victim~~[-]; and~~

400 (B) to the Sex and Kidnap Offender Registry office in the Department of Corrections.

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

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

406 (i) presentencing report;

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

408 (iii) any other information the office of the prosecutor feels the court should consider.

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

412 [~~(4)~~] (7) (a) The court shall:

413 (i) review the petition and all documents submitted with the petition; and

414 (ii) hold a hearing if requested by the prosecutor or the victim.

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

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

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

421 (e) If the court denies the petition, the offender may not submit another petition for  
422 three years.

423 [~~(5)~~] (8) The office of the prosecutor shall notify the victim and the Sex and Kidnap  
424 Offender Registry office in the Department of Corrections of the court's decision in the same  
425 manner as notification was provided in Subsection [~~(3)~~] (6)(a).