

1 **WHITE COLLAR CRIME REGISTRY**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Michael K. McKell

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the Utah White Collar Crime Offender Registry.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends the duties of a prosecuting attorney in certain offenses related to the Utah
13 White Collar Crime Offender Registry;
- 14 ▶ enacts methods and deadlines for an offender to register;
- 15 ▶ enacts penalties for failure to register; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **77-42-103**, as last amended by Laws of Utah 2016, Chapter 319

24 **77-42-106**, as enacted by Laws of Utah 2015, Chapter 131

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

27 Section 1. Section **77-42-103** is amended to read:

28 **77-42-103. Duties.**

29 (1) The attorney general shall:

30 (a) develop and operate a system to collect, analyze, maintain, and disseminate
31 information on offenders; and

32 (b) make information listed in Section 77-42-104 available to the public.

33 (2) Any ~~[attorney general, county attorney, or district attorney shall, in the manner~~
34 ~~prescribed by the attorney general,]~~ prosecuting attorney who obtains a conviction for an
35 offense listed in Section 77-42-105 shall:

36 (a) inform the attorney general [of a person who is convicted of any of the offenses
37 listed in Section 77-42-105] within 45 business days[-:] of sentencing; and

38 (b) in a manner prescribed by the attorney general, cooperate with a request for
39 information by the attorney general.

40 (3) The attorney general shall:

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

42 (i) the crimes for which the offender has been convicted;

43 (ii) a description of the offender's targets; and

44 (iii) any other relevant identifying information as determined by the attorney general;

45 (b) maintain the Utah White Collar Crime Offender Registry website; and

46 (c) ensure that information is entered into the offender registry in a timely manner.

47 Section 2. Section 77-42-106 is amended to read:

48 **77-42-106. Registration of offenders -- Utah White Collar Crime Offender**
49 **Registry -- Penalty for failure to register.**

50 (1) An offender who has been convicted of any offense listed in Section 77-42-105
51 shall be on the Utah White Collar Crime Offender Registry for:

52 (a) a period of 10 years for a first offense;

53 (b) a second period of 10 years for a second conviction under this section; and

54 (c) a lifetime period if convicted a third time under this section.

55 (2) Except as provided in Subsection (3), an offender who has been convicted of any
56 offense listed in Section 77-42-105 after December 31, 2005, shall register:

57 (a) with the attorney general to be included in the Utah White Collar Crime Offender

58 Registry[-]; and

59 (b) (i) no later than 45 days after the offender is sentenced; and

60 (ii) in a manner prescribed by the attorney general.

61 (3) An offender is not required to register as provided in Subsection (2) if the offender:

62 (a) has complied with all court orders at the time of sentencing;

63 (b) has paid in full all court-ordered amounts of restitution to victims; and

64 (c) has not been convicted of any other offense for which registration would be
65 required.

66 (4) If an offender is in the custody of the Department of Corrections:

67 (a) the department shall register the offender within 45 days of sentencing; or

68 (b) at the discretion of the department, provide the offender access to necessary
69 resources so that the offender may register within 45 days of sentencing.

70 (5) (a) An offender who knowingly fails to register within 45 days of sentencing is
71 guilty of a class A misdemeanor.

72 (b) An offender who is found guilty under Subsection (5)(a) shall be sentenced to serve
73 a term of incarceration of 30 days or more.

74 (c) (i) The Board of Pardons and Parole or a court may not release an individual who
75 violates this chapter from serving the term required under Subsection (5)(b).

76 (ii) The provisions of this Subsection (5) supersede any other provision of law.