

WHITE COLLAR CRIME REGISTRY

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Michael K. McKell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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.