

Representative Val K. Potter proposes the following substitute bill:

SEX OFFENDER RESTRICTIONS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val K. Potter

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill provides additional restrictions on individuals who must register as a sex offender.

Highlighted Provisions:

This bill:

▶ provides that a sex offender may not serve as a coach, manager, or trainer of a minor; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-27-21.7, as last amended by Laws of Utah 2012, Chapter 145

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

Section 1. Section **77-27-21.7** is amended to read:

1st Sub. H.B. 344



26 77-27-21.7. Sex offender restrictions.

27 (1) As used in this section:

28 (a) "Minor" means an individual who is less than 18 years old;

29 ~~[(a)]~~ (b) (i) "Protected area" means the premises occupied by:

30 ~~[(i)]~~ (A) any licensed day care or preschool facility;

31 ~~[(ii)]~~ (B) a swimming pool that is open to the public;

32 ~~[(iii)]~~ (C) a public or private primary or secondary school that is not on the grounds of
33 a correctional facility;

34 ~~[(iv)]~~ (D) a community park that is open to the public; ~~[and]~~

35 ~~[(v)]~~ (E) a playground that is open to the public, including those areas designed to
36 provide children space, recreational equipment, or other amenities intended to allow children to
37 engage in physical activity~~[-]; and~~

38 ~~[(b) (i) Except under Subsection (1)(b)(ii), "protected area" also includes any]~~

39 (F) except as provided in Subsection (1)(b)(ii), an area that is 1,000 feet or less from
40 the residence of a victim of the sex ~~[offender's offense under Subsection (1)(c) if:]~~ offender if
41 the sex offender is subject to a victim requested restriction.

42 ~~[(A) the sex offender is on probation or parole for an offense under Subsection (1)(c);]~~

43 ~~[(B) the victim or the victim's parent or guardian has advised the Department of~~
44 ~~Corrections that the victim desires that the sex offender be restricted from the area under this~~
45 ~~Subsection (1)(b)(i) and authorizes the Department of Corrections to advise the sex offender of~~
46 ~~the area where the victim resides for purposes of this Subsection (1)(b); and]~~

47 ~~[(C) the Department of Corrections has notified the sex offender in writing that the sex~~
48 ~~offender is prohibited from being in the protected area under Subsection (1)(b)(i) and has also~~
49 ~~provided a description of the location of the protected area to the sex offender.]~~

50 (ii) "Protected area" ~~[under Subsection (1)(b)(i) does not apply to]~~ does not include the
51 [residence and area surrounding the residence of a victim] area described in Subsection
52 (1)(b)(i)(F) if:

53 (A) the victim is a member of the immediate family of the sex offender; and

54 (B) the terms of the sex offender's agreement of probation or parole allow the sex
55 offender to reside in the same residence as the victim.

56 (c) "Sex offender" means an adult or juvenile who is required to register in accordance

57 with Title 77, Chapter 41, Sex and Kidnap Offender Registry, due to a conviction for any
58 offense that is committed against a person younger than 18 years ~~[of age]~~ old.

59 ~~[(2) It is a class A misdemeanor for any sex offender to be in any protected area on foot~~
60 ~~or in or on any vehicle, including vehicles that are not motorized, except for:]~~

61 ~~[(a) those specific periods of time]~~

62 (2) For purposes of Subsection (1)(b)(i)(F), a sex offender is subject to a victim
63 requested restriction if:

64 (a) the sex offender is on probation or parole for an offense that requires the offender to
65 register in accordance with Title 77, Chapter 4, Sex and Kidnap Offender Registry;

66 (b) the victim or the victim's parent or guardian advises the Department of Corrections
67 that the victim elects to restrict the sex offender from the area and authorizes the Department of
68 Corrections to advise the sex offender of the area where the victim resides; and

69 (c) the Department of Corrections notifies the sex offender in writing that the sex
70 offender is prohibited from being in the area described in Subsection (1)(b)(i)(F) and provides
71 a description of the location of the protected area to the sex offender.

72 (3) A sex offender may not:

73 (a) be in a protected area except:

74 (i) when the sex offender must be ~~[present within]~~ in a protected area ~~[in order to carry~~
75 out necessary] to perform the sex offender's parental responsibilities;

76 ~~[(b)]~~ (ii) (A) when the protected area is a ~~[school building; (i) under Subsection~~
77 (1)(a)(iii); (ii) being opened for or being used] public or private primary or secondary school;
78 and

79 (B) the school is open and being used for a public activity~~[-; and (iii) not being used for~~
80 any] other than a school-related function that involves ~~[persons younger than 18 years of age]~~ a
81 minor; or

82 ~~[(c) when]~~ (iii) (A) if the protected area is a licensed day care or preschool facility~~[-; (i)~~
83 under Subsection (1)(a)(i); and (ii)] located within a building that is open to the public for
84 purposes~~[-; services, or functions that are operated separately from]~~ other than the operation of
85 the day care or preschool facility ~~[located in the building, except that the sex offender may not~~
86 be in any part of the building]; and

87 (B) the sex offender does not enter a part of the building that is occupied by the day

88 care or preschool facility[-]; or

89 (b) serve as an athletic coach, manager, or trainer for any sports team of which a minor
90 who is less than 17 years old is a member.

91 (4) A sex offender who violates this section is guilty of a class A misdemeanor.