

90 misdemeanor and subject to prosecution under Section [76-8-504.6](#).

91 (iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate
92 of eligibility to an offender who provides false information on an application.

93 (b) (i) The bureau shall perform a check of records of governmental agencies,
94 including national criminal databases, to determine whether an offender is eligible to receive a
95 certificate of eligibility.

96 (ii) If the offender meets the requirements described in Subsection (1)(a) or (b), the
97 bureau shall issue a certificate of eligibility to the offender, which is valid for a period of 90
98 days after the day on which the bureau issues the certificate.

99 (iii) The bureau shall request information from the department regarding whether the
100 offender meets the requirements.

101 (iv) ~~§~~ **(A)** ~~§~~ Upon request from the bureau under Subsection (3)(b)(iii), the department
101a shall

102 issue a document ~~§~~ **on whether the offender meets the requirements described in Subsection**
102a1 **(1)(a) or (b), §** ~~§~~ **, which shall be used by the bureau to determine if a certificate of**

102a **eligibility is appropriate §** ~~§~~ **§** ~~[§ that states whether the offender §]~~

102b ~~— (A) § meets the requirements described in~~

103 **Subsection (1)(a) or (b) §** ~~[, which may be used by the bureau to determine if a certificate of~~
104 **eligibility is appropriate.] §** ~~§~~ **; and**

104a ~~— (B) has complied]~~ **(B) The document from the department shall also include a statement**
104a1 **regarding the offender's compliance § with all registration requirements required under**

104a2 **this chapter § [at all**

104b **times] § . §**

105 (v) The bureau shall provide a copy of the document provided to the bureau under
106 Subsection (3)(b)(iv) to the offender upon issuance of a certificate of eligibility.

107 (4) (a) (i) The bureau shall charge application and issuance fees for a certificate of
108 eligibility in accordance with the process in Section [63J-1-504](#).

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

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

114 (b) Funds generated under this Subsection (4) shall be deposited into the General Fund
115 as a dedicated credit by the department to cover the costs incurred in determining eligibility.

116 (5) (a) The offender shall file the petition, including original information, the court
117 docket, the certificate of eligibility from the bureau, and the document from the department
118 described in Subsection (3)(b)(iv) with the court, and deliver a copy of the petition to the office

121 the office of the prosecutor shall provide notice of the petition by first-class mail to the victim
 122 at the most recent address of record on file or, if the victim is still a minor under 18 years of
 123 age, to the parent or guardian of the victim.

124 (c) The notice described in Subsection (5)(b) shall include a copy of the petition, state
 125 that the victim has a right to object to the removal of the offender from the registry, and
 126 provide instructions for registering an objection with the court.

127 (d) The office of the prosecutor shall provide the following, if available, to the court
 128 within 30 days after the day on which the office receives the petition:

129 (i) presentencing report;

130 (ii) an evaluation done as part of sentencing; and

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

132 (e) The victim, or the victim's parent or guardian if the victim is a minor under 18 years
 133 of age, may respond to the petition by filing a recommendation or objection with the court
 134 within 45 days after the day on which the petition is mailed to the victim.

135 (6) (a) The court shall:

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

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

138 (b) The court may grant the petition and order removal of the offender from the registry
 139 if the court determines that the offender has met the requirements described in Subsection
 140 (1)(a) or (b) and removal is not contrary to the interests of the public.

140a **§→ (c) In determining whether removal is contrary to the interests of the public, the court may**
 140b **not consider removal unless the offender has substantially complied with all registration**
 140c **requirements required under this chapter at all times. ←§**

141 **§→ [(c)] (d) ←§** If the court grants the petition, the court shall forward a copy of the order
 141a directing

142 removal of the offender from the registry to the department and the office of the prosecutor.

143 **§→ [(d)] (e) ←§** If the court denies the petition, the offender may not submit another
 143a petition for

144 three years.

145 (7) The court shall notify the victim and the Sex and Kidnap Offender Registry office
 146 in the department of the court's decision within three days after the day on which the court
 147 issues the court's decision in the same manner described in Subsection (5).