

**SEX OFFENDER RESTRICTIONS AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

Senate Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This bill increases the penalty for repeat offenders of sex offender restrictions.

**Highlighted Provisions:**

This bill:

- ▶ increases the penalty for repeat offenders of sex offender restrictions; and
- ▶ makes technical 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 2020, Chapter 206

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

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

**77-27-21.7. Sex offender restrictions.**

(1) As used in this section:

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

(b) (i) "Protected area" means the premises occupied by:

(A) any licensed day care or preschool facility;

(B) a swimming pool that is open to the public;

30 (C) a public or private primary or secondary school that is not on the grounds of a  
31 correctional facility;

32 (D) a community park that is open to the public;

33 (E) a playground that is open to the public, including those areas designed to provide  
34 children space, recreational equipment, or other amenities intended to allow children to engage  
35 in physical activity; and

36 (F) except as provided in Subsection (1)(b)(ii), an area that is 1,000 feet or less from  
37 the residence of a victim of the sex offender if the sex offender is subject to a victim requested  
38 restriction.

39 (ii) "Protected area" does not include the area described in Subsection (1)(b)(i)(F) if:

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

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

43 (c) "Sex offender" means an adult or juvenile who is required to register in accordance  
44 with Title 77, Chapter 41, Sex and Kidnap Offender Registry, due to a conviction for any  
45 offense that is committed against a person younger than 18 years old.

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

48 (a) the sex offender is on probation or parole for an offense that requires the offender to  
49 register in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;

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

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

56 (3) A sex offender may not:

57 (a) be in a protected area except:

- 58 (i) when the sex offender must be in a protected area to perform the sex offender's  
59 parental responsibilities;
- 60 (ii) (A) when the protected area is a public or private primary or secondary school; and  
61 (B) the school is open and being used for a public activity other than a school-related  
62 function that involves a minor; or
- 63 (iii) (A) if the protected area is a licensed day care or preschool facility located within a  
64 building that is open to the public for purposes other than the operation of the day care or  
65 preschool facility; and  
66 (B) the sex offender does not enter a part of the building that is occupied by the day  
67 care or preschool facility; or
- 68 (b) serve as an athletic coach, manager, or trainer for any sports team of which a minor  
69 who is [~~less~~] younger than 18 years old is a member.
- 70 (4) A sex offender who violates this section is guilty of [~~a class A misdemeanor.];~~  
71 (a) a class A misdemeanor; or  
72 (b) if previously convicted of violating this section within the last ten years, a third  
73 degree felony.