

SEX OFFENDER RESTRICTIONS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: Michael K. McKell

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

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:



- 28 (A) any licensed day care or preschool facility;
- 29 (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, a third degree felony.