

SEX AND KIDNAP OFFENDER REGISTRY REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marsha Judkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends sex and kidnap offender registration requirements.

Highlighted Provisions:

This bill:

- ▶ amends sex and kidnap offender registration requirements for an offender who commits certain offenses in another state; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-41-102, as last amended by Laws of Utah 2022, Chapters 185, 430

77-41-103, as last amended by Laws of Utah 2018, Chapter 281

77-41-104, as last amended by Laws of Utah 2019, Chapter 382

77-41-105, as last amended by Laws of Utah 2020, Chapter 108

77-41-113, as last amended by Laws of Utah 2021, Chapters 206, 334 and 410 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 410



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

29 Section 1. Section **77-41-102** is amended to read:

30 **77-41-102. Definitions.**

31 As used in this chapter:

32 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public
33 Safety established in section [53-10-201](#).

34 (2) "Business day" means a day on which state offices are open for regular business.

35 (3) "Certificate of eligibility" means a document issued by the Bureau of Criminal
36 Identification showing that the offender has met the requirements of Section [77-41-112](#).

37 (4) "Department" means the Department of Corrections.

38 (5) "Division" means the Division of Juvenile Justice Services.

39 (6) "Employed" or "carries on a vocation" includes employment that is full time or part
40 time, whether financially compensated, volunteered, or for the purpose of government or
41 educational benefit.

42 (7) "Indian Country" means:

43 (a) all land within the limits of any Indian reservation under the jurisdiction of the
44 United States government, regardless of the issuance of any patent, and includes rights-of-way
45 running through the reservation;

46 (b) all dependent Indian communities within the borders of the United States whether
47 within the original or subsequently acquired territory, and whether or not within the limits of a
48 state; and

49 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
50 not been extinguished, including rights-of-way running through the allotments.

51 (8) "Jurisdiction" means any state, Indian Country, United States Territory, or any
52 property under the jurisdiction of the United States military, Canada, the United Kingdom,
53 Australia, or New Zealand.

54 (9) "Kidnap offender" means any individual, other than a natural parent of the victim:

55 (a) who has been convicted in this state of a violation of:

56 (i) Subsection [76-5-301](#)(2)(c) or (d), kidnapping;

57 (ii) Section [76-5-301.1](#), child kidnapping;

58 (iii) Section [76-5-302](#), aggravated kidnapping;

- 59 (iv) Section 76-5-308, human trafficking for labor;
- 60 (v) Section 76-5-308.3, human smuggling;
- 61 (vi) Section 76-5-308, human smuggling, when the individual smuggled is under 18
- 62 years old;
- 63 (vii) Section 76-5-308.5, human trafficking of a child for labor;
- 64 (viii) Section 76-5-310, aggravated human trafficking;
- 65 (ix) Section 76-5-310.1, aggravated human smuggling;
- 66 (x) Section 76-5-311, human trafficking of a vulnerable adult for labor; or
- 67 (xi) attempting, soliciting, or conspiring to commit any felony offense listed in
- 68 Subsections (9)(a)(i) through (iii);
- 69 (b) (i) who has been convicted of any crime, or an attempt, solicitation, or conspiracy
- 70 to commit a crime in another jurisdiction, including any state, federal, or military court that is
- 71 substantially equivalent to the offenses listed in Subsection (9)(a); and
- 72 (ii) who is:
- 73 (A) a ~~[Utah]~~ resident of this state; or
- 74 (B) not a ~~[Utah]~~ resident of this state, but who, in any 12-month period, is in this state
- 75 for a total of 10 or more days, regardless of whether ~~[or not]~~ the offender intends to
- 76 permanently reside in this state;
- 77 ~~[(c) (i) (A) who is required to register as a kidnap offender in any other jurisdiction of~~
- 78 ~~original conviction;]~~
- 79 ~~[(B) who is required to register as a kidnap offender by any state, federal, or military~~
- 80 ~~court; or]~~
- 81 ~~[(C) who would be required to register as a kidnap offender if residing in the~~
- 82 ~~jurisdiction of the conviction regardless of the date of the conviction or any previous~~
- 83 ~~registration requirements; and]~~
- 84 ~~[(ii) in any 12-month period, who is in this state for a total of 10 or more days,~~
- 85 ~~regardless of whether or not the offender intends to permanently reside in this state;]~~
- 86 ~~[(d)]~~ (c) (i) (A) who is a nonresident regularly employed or working in this state; or
- 87 (B) who is a student in this state; and
- 88 (ii) (A) who was convicted of one or more offenses listed in Subsection (9), or any
- 89 substantially equivalent offense in another jurisdiction; or

90 (B) as a result of the conviction, who is required to register in the individual's state of
91 residence;

92 ~~[(e)]~~ (d) who is found not guilty by reason of insanity in this state or in any other
93 jurisdiction of one or more offenses listed in Subsection (9); or

94 ~~[(f)]~~ (e) (i) who is adjudicated under Section 80-6-701 for one or more offenses listed
95 in Subsection (9)(a); and

96 (ii) who has been committed to the division for secure care, as defined in Section
97 80-1-102, for that offense and:

98 (A) the individual remains in the division's custody until 30 days before the individual's
99 21st birthday; or

100 (B) if the juvenile court extended the juvenile court's jurisdiction over the individual
101 under Section 80-6-605, the individual remains in the division's custody until 30 days before
102 the individual's 25th birthday.

103 (10) "Natural parent" means a minor's biological or adoptive parent, and includes the
104 minor's noncustodial parent.

105 (11) "Offender" means a kidnap offender ~~[as defined in Subsection (9)]~~ or a sex
106 offender ~~[as defined in Subsection (17)]~~.

107 (12) "Online identifier" or "Internet identifier":

108 (a) means any electronic mail, chat, instant messenger, social networking, or similar
109 name used for Internet communication; and

110 (b) does not include date of birth, social security number, PIN number, or Internet
111 passwords.

112 (13) "Primary residence" means the location where the offender regularly resides, even
113 if the offender intends to move to another location or return to another location at any future
114 date.

115 (14) "Register" means to comply with the requirements of this chapter and
116 administrative rules of the department made under this chapter.

117 (15) "Registration website" means the Sex and Kidnap Offender Notification and
118 Registration website described in Section 77-41-110 and the information on the website.

119 (16) "Secondary residence" means any real property that the offender owns or has a
120 financial interest in, or any location where, in any 12-month period, the offender stays

- 121 overnight a total of 10 or more nights when not staying at the offender's primary residence.
- 122 (17) "Sex offender" means any individual:
- 123 (a) convicted in this state of:
- 124 (i) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;
- 125 (ii) Section 76-5b-202, sexual exploitation of a vulnerable adult;
- 126 (iii) Section 76-5-308.1, human trafficking for sexual exploitation;
- 127 (iv) Section 76-5-308.5, human trafficking of a child for sexual exploitation;
- 128 (v) Section 76-5-310, aggravated human trafficking for sexual exploitation;
- 129 (vi) Section 76-5-311, human trafficking of a vulnerable adult for sexual exploitation;
- 130 (vii) Section 76-5-401, unlawful sexual activity with a minor, except as provided in
- 131 Subsection 76-5-401(3)(b) or (c);
- 132 (viii) Section 76-5-401.1, sexual abuse of a minor, except as provided in Subsection
- 133 76-5-401.1(3);
- 134 (ix) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;
- 135 (x) Section 76-5-402, rape;
- 136 (xi) Section 76-5-402.1, rape of a child;
- 137 (xii) Section 76-5-402.2, object rape;
- 138 (xiii) Section 76-5-402.3, object rape of a child;
- 139 (xiv) a felony violation of Section 76-5-403, forcible sodomy;
- 140 (xv) Section 76-5-403.1, sodomy on a child;
- 141 (xvi) Section 76-5-404, forcible sexual abuse;
- 142 (xvii) Section 76-5-404.1, sexual abuse of a child, or Section 76-5-404.3, aggravated
- 143 sexual abuse of a child;
- 144 (xviii) Section 76-5-405, aggravated sexual assault;
- 145 (xix) Section 76-5-412, custodial sexual relations, when the individual in custody is
- 146 younger than 18 years old, if the offense is committed on or after May 10, 2011;
- 147 (xx) Section 76-5b-201, sexual exploitation of a minor;
- 148 (xxi) Section 76-5b-201.1, aggravated sexual exploitation of a minor;
- 149 (xxii) Section 76-5b-204, sexual extortion or aggravated sexual extortion;
- 150 (xxiii) Section 76-7-102, incest;
- 151 (xxiv) Section 76-9-702, lewdness, if the individual has been convicted of the offense

152 four or more times;

153 (xxv) Section 76-9-702.1, sexual battery, if the individual has been convicted of the
154 offense four or more times;

155 (xxvi) any combination of convictions of Section 76-9-702, lewdness, and of Section
156 76-9-702.1, sexual battery, that total four or more convictions;

157 (xxvii) Section 76-9-702.5, lewdness involving a child;

158 (xxviii) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;

159 (xxix) Section 76-10-1306, aggravated exploitation of prostitution; or

160 (xxx) attempting, soliciting, or conspiring to commit any felony offense listed in this
161 Subsection (17)(a);

162 (b) (i) who has been convicted of any crime, or an attempt, solicitation, or conspiracy
163 to commit a crime in another jurisdiction, including any state, federal, or military court that is
164 substantially equivalent to the offenses listed in Subsection (17)(a); and

165 (ii) who is:

166 (A) a ~~[Utah]~~ resident of this state; or

167 (B) not a ~~[Utah]~~ resident of this state, but who, in any 12-month period, is in this state
168 for a total of 10 or more days, regardless of whether the offender intends to permanently reside
169 in this state;

170 ~~[(c) (i) (A) who is required to register as a sex offender in any other jurisdiction of
171 original conviction;]~~

172 ~~[(B) who is required to register as a sex offender by any state, federal, or military court;
173 or]~~

174 ~~[(C) who would be required to register as a sex offender if residing in the jurisdiction
175 of the original conviction regardless of the date of the conviction or any previous registration
176 requirements; and]~~

177 ~~[(ii) who, in any 12-month period, is in the state for a total of 10 or more days,
178 regardless of whether or not the offender intends to permanently reside in this state;]~~

179 ~~[(d)]~~ (c) (i) (A) who is a nonresident regularly employed or working in this state; or

180 (B) who is a student in this state; and

181 (ii) (A) who was convicted of one or more offenses listed in Subsection (17)(a), or any
182 substantially equivalent offense in any jurisdiction; or

- 183 (B) who is, as a result of the conviction, required to register in the individual's
184 jurisdiction of residence;
- 185 ~~[(e)]~~ (d) who is found not guilty by reason of insanity in this state, or in any other
186 jurisdiction of one or more offenses listed in Subsection (17)(a); or
- 187 ~~[(f)]~~ (e) (i) who is adjudicated under Section 80-6-701 for one or more offenses listed
188 in Subsection (17)(a); and
- 189 (ii) who has been committed to the division for secure care, as defined in Section
190 80-1-102, for that offense and:
- 191 (A) the individual remains in the division's custody until 30 days before the individual's
192 21st birthday; or
- 193 (B) if the juvenile court extended the juvenile court's jurisdiction over the individual
194 under Section 80-6-605, the individual remains in the division's custody until 30 days before
195 the individual's 25th birthday.
- 196 (18) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5,
197 Driving Under the Influence and Reckless Driving.
- 198 (19) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in
199 any jurisdiction.
- 200 Section 2. Section 77-41-103 is amended to read:
- 201 **77-41-103. Department duties.**
- 202 (1) The department, to assist in investigating kidnapping and sex-related crimes, and in
203 apprehending offenders, shall:
- 204 (a) develop and operate a system to collect, analyze, maintain, and disseminate
205 information on offenders and sex and kidnap offenses;
- 206 (b) make information listed in Subsection 77-41-110(4) available to the public; and
- 207 (c) share information provided by an offender under this chapter that may not be made
208 available to the public under Subsection 77-41-110(4), but only:
- 209 (i) for the purposes under this chapter; or
- 210 (ii) in accordance with Section 63G-2-206.
- 211 (2) Any law enforcement agency shall, in the manner prescribed by the department,
212 inform the department of:
- 213 (a) the receipt of a report or complaint of an offense listed in Subsection 77-41-102(9)

214 or (17), within three business days; and

215 (b) the arrest of [~~a person~~] an individual suspected of any of the offenses listed in
216 Subsection 77-41-102(9) or (17), within five business days.

217 (3) Upon convicting [~~a person~~] an individual of any of the offenses listed in Subsection
218 77-41-102(9) or (17), the convicting court shall within three business days forward a signed
219 copy of the judgment and sentence to the Sex and Kidnap Offender Registry office within the
220 Department of Corrections.

221 (4) Upon modifying, withdrawing, setting aside, vacating, or otherwise altering a
222 conviction for any offense listed in Subsection 77-41-102(9) or (17), the court shall, within
223 three business days, forward a signed copy of the order to the Sex and Kidnap Offender
224 Registry office within the Department of Corrections.

225 (5) The department may intervene in any matter, including a criminal action, where the
226 matter purports to affect [~~a person's~~] an offender's lawfully entered registration requirement.

227 (6) The department shall:

228 (a) provide the following additional information when available:

229 (i) the crimes the offender has been convicted of or adjudicated delinquent for;

230 (ii) a description of the offender's primary and secondary targets; and

231 (iii) any other relevant identifying information as determined by the department;

232 (b) maintain the Sex Offender and Kidnap Offender Notification and Registration
233 website; and

234 (c) ensure that the registration information collected regarding an offender's enrollment
235 or employment at an educational institution is:

236 (i) (A) promptly made available to any law enforcement agency that has jurisdiction
237 where the institution is located if the educational institution is an institution of higher
238 education; or

239 (B) promptly made available to the district superintendent of the school district where
240 the offender is employed if the educational institution is an institution of primary education;
241 and

242 (ii) entered into the appropriate state records or data system.

243 Section 3. Section 77-41-104 is amended to read:

244 **77-41-104. Registration of offenders -- Department and agency requirements.**

- 245 (1) The department or an agent of the department shall register an offender in the
246 custody of the department as required under this chapter upon:
- 247 (a) placement on probation;
- 248 (b) commitment to a secure correctional facility operated by or under contract to the
249 department;
- 250 (c) release from confinement to parole status, termination or expiration of sentence, or
251 escape;
- 252 (d) entrance to and release from any community-based residential program operated by
253 or under contract to the department; or
- 254 (e) termination of probation or parole.
- 255 (2) The sheriff of the county in which an offender is confined shall register an offender
256 with the department, as required under this chapter, if the offender is not in the custody of the
257 department and is confined in a correctional facility not operated by or under contract to the
258 department upon:
- 259 (a) commitment to the correctional facility; and
- 260 (b) release from confinement.
- 261 (3) The division shall register an offender in the custody of the division with the
262 department, as required under this chapter, before the offender's release from custody of the
263 division.
- 264 (4) A state mental hospital shall register an offender committed to the state mental
265 hospital with the department, as required under this chapter, upon the offender's admission and
266 upon the offender's discharge.
- 267 (5) (a) (i) A municipal or county law enforcement agency shall register an offender
268 who resides within the agency's jurisdiction and is not under the supervision of the Division of
269 Adult Probation and Parole within the department.
- 270 (ii) In order to conduct offender registration under this chapter, the agency shall ensure
271 the agency staff responsible for registration:
- 272 (A) has received initial training by the department and has been certified by the
273 department as qualified and authorized to conduct registrations and enter offender registration
274 information into the registry database; and
- 275 (B) certify annually with the department.

276 (b) (i) When the department receives offender registration information regarding a
277 change of an offender's primary residence location, the department shall within five days after
278 the day on which the department receives the information electronically notify the law
279 enforcement agencies that have jurisdiction over the area where:

- 280 (A) the residence that the offender is leaving is located; and
- 281 (B) the residence to which the offender is moving is located.

282 (ii) The department shall provide notification under this Subsection (5)(b) if the
283 offender's change of address is between law enforcement agency jurisdictions, or is within one
284 jurisdiction.

285 (c) The department shall make available to offenders required to register under this
286 chapter the name of the agency, whether the agency is a local law enforcement agency or the
287 department, that the offender should contact to register, the location for registering, and the
288 requirements of registration.

289 (6) An agency in the state that registers an offender on probation, an offender who has
290 been released from confinement to parole status or termination, or an offender whose sentence
291 has expired shall inform the offender of the duty to comply with the continuing registration
292 requirements of this chapter during the period of registration required in Subsection
293 [77-41-105\(3\)](#), including:

- 294 (a) notification to the state agencies in the states where the registrant presently resides
295 and plans to reside when moving across state lines;
- 296 (b) verification of address at least every 60 days pursuant to a parole agreement for
297 lifetime parolees; and
- 298 (c) notification to the out-of-state agency where the offender is living, regardless of
299 whether the offender is a resident of that state.

300 (7) The department may make administrative rules necessary to implement this
301 chapter, including:

- 302 (a) the method for dissemination of the information; and
- 303 (b) instructions to the public regarding the use of the information.

304 (8) The department shall redact information regarding the identity or location of a
305 victim from information provided under Subsections [77-41-103\(4\)](#) and [~~[77-41-105\(7\)](#)~~.]
306 [77-41-105\(8\)](#).

307 (9) This chapter does not create or impose any duty on any person to request or obtain
308 information regarding any offender from the department.

309 Section 4. Section **77-41-105** is amended to read:

310 **77-41-105. Registration of offenders -- Offender responsibilities.**

311 (1) (a) An offender who enters this state from another jurisdiction is required to register
312 under Subsection (3) and Subsection **77-41-102**(9) or (17).

313 (b) The offender shall register with the department within 10 days after the day on
314 which the offender enters the state, regardless of the offender's length of stay.

315 (2) (a) An offender required to register under Subsection **77-41-102**(9) or (17) who is
316 under supervision by the department shall register in person with Division of Adult Probation
317 and Parole.

318 (b) An offender required to register under Subsection **77-41-102**(9) or (17) who is no
319 longer under supervision by the department shall register in person with the police department
320 or sheriff's office that has jurisdiction over the area where the offender resides.

321 (3) (a) Except as provided in Subsections (3)(b), ~~[(c)]~~ **(3)(c)**, and (4), an offender shall,
322 for the duration of the sentence and for 10 years after termination of sentence or custody of the
323 division, register each year during the month of the offender's date of birth, during the month
324 that is the sixth month after the offender's birth month, and within three business days after the
325 day on which there is a change of the offender's primary residence, any secondary residences,
326 place of employment, vehicle information, or educational information required to be submitted
327 under Subsection ~~[(7)]~~ **(8)**.

328 (b) Except as provided in Subsections (3)(c)(iii), (4), ~~[and] (5), and (6)~~, an offender
329 who is convicted in another jurisdiction of an offense listed in Subsection **77-41-102**(9)(a) or
330 (17)(a)~~[-] or a substantially similar offense, [another offense that requires registration in the~~
331 ~~jurisdiction of conviction, or an offender who is ordered by a court of another jurisdiction to~~
332 ~~register as an offender] shall:~~

333 (i) register in this state for the time period, and in the frequency, required by the
334 jurisdiction where the offender was convicted ~~[or ordered to register if: (A)]~~ if that
335 jurisdiction's registration period or registration frequency requirement for the offense that the
336 offender was convicted of is greater than the registration period required under Subsection
337 (3)(a), or is more frequent than every six months; or

338 ~~[(B) that jurisdiction's court order requires registration for greater than the registration~~
339 ~~period required under Subsection (3)(a) or more frequently than every six months; or]~~

340 (ii) register in accordance with the requirements of Subsection (3)(a), if the
341 jurisdiction's registration period or frequency requirement for the offense that the offender was
342 convicted of is less than the registration period required under Subsection (3)(a), or is less
343 frequent than every six months.

344 (c) (i) An offender convicted as an adult of an offense listed in Section 77-41-106
345 shall, for the offender's lifetime, register each year during the month of the offender's birth,
346 during the month that is the sixth month after the offender's birth month, and also within three
347 business days after the day on which there is a change of the offender's primary residence, any
348 secondary residences, place of employment, vehicle information, or educational information
349 required to be submitted under Subsection ~~[(7)]~~ (8).

350 (ii) Except as provided in Subsection (3)(c)(iii), the registration requirement described
351 in Subsection (3)(c)(i) is not subject to exemptions and may not be terminated or altered during
352 the offender's lifetime, unless a petition is granted under Section 77-41-112.

353 (iii) (A) If the sentencing court determines that the offense does not involve force or
354 coercion, lifetime registration under Subsection (3)(c)(i) does not apply to an offender who
355 commits the offense when the offender is under 21 years ~~[of age]~~ old.

356 (B) For an offense listed in Section 77-41-106, an offender who commits the offense
357 when the offender is under 21 years ~~[of age]~~ old shall register for the registration period
358 required under Subsection (3)(a), unless a petition is granted under Section 77-41-112.

359 (d) For the purpose of establishing venue for a violation of this Subsection (3), the
360 violation is considered to be committed:

361 (i) at the most recent registered primary residence of the offender or at the location of
362 the offender, if the actual location of the offender at the time of the violation is not known; or

363 (ii) at the location of the offender at the time the offender is apprehended.

364 (4) Notwithstanding Subsection (3) and Section 77-41-106, an offender who is
365 confined in a secure facility or in a state mental hospital is not required to register during the
366 period of confinement.

367 (5) (a) Except as provided in Subsection (5)(b), in the case of an offender adjudicated
368 in another jurisdiction as a juvenile and required to register under this chapter, the offender

369 shall register in the time period and in the frequency consistent with the requirements of
370 Subsection (3).

371 (b) If the jurisdiction of the offender's adjudication does not publish the offender's
372 information on a public website, the department shall maintain, but not publish the offender's
373 information on the registration website.

374 (6) An offender required to register under Subsection (3)(b) shall comply with the
375 registration requirements for offenders convicted in this state of an offense listed in Subsection
376 77-41-102(9)(a) or (17)(a) if the offender:

377 (a) has resided in this state for at least 183 days in a year for two consecutive years;

378 (b) during the two consecutive years, met the registration requirements under this
379 chapter; and

380 (c) intends to primarily reside in this state.

381 [~~(6)~~] (7) A sex offender who violates Section 77-27-21.8 regarding being in the
382 presence of a child while required to register under this chapter shall register for an additional
383 five years subsequent to the registration period otherwise required under this chapter.

384 [~~(7)~~] (8) An offender shall provide the department or the registering entity with the
385 following information:

386 (a) all names and aliases by which the offender is or has been known;

387 (b) the addresses of the offender's primary and secondary residences;

388 (c) a physical description, including the offender's date of birth, height, weight, eye and
389 hair color;

390 (d) the make, model, color, year, plate number, and vehicle identification number of a
391 vehicle or vehicles the offender owns or regularly drives;

392 (e) a current photograph of the offender;

393 (f) a set of fingerprints, if one has not already been provided;

394 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not
395 already been provided;

396 (h) telephone numbers and any other designations used by the offender for routing or
397 self-identification in telephonic communications from fixed locations or cellular telephones;

398 (i) Internet identifiers and the addresses the offender uses for routing or
399 self-identification in Internet communications or postings;

400 (j) the name and Internet address of all websites on which the offender is registered
401 using an online identifier, including all online identifiers used to access those websites;

402 (k) a copy of the offender's passport, if a passport has been issued to the offender;

403 (l) if the offender is an alien, all documents establishing the offender's immigration
404 status;

405 (m) all professional licenses that authorize the offender to engage in an occupation or
406 carry out a trade or business, including any identifiers, such as numbers;

407 (n) each educational institution in Utah at which the offender is employed, carries on a
408 vocation, or is a student, and a change of enrollment or employment status of the offender at an
409 educational institution;

410 (o) the name, the telephone number, and the address of a place where the offender is
411 employed or will be employed;

412 (p) the name, the telephone number, and the address of a place where the offender
413 works as a volunteer or will work as a volunteer; and

414 (q) the offender's social security number.

415 ~~[(8)]~~ (9) (a) An offender may change the offender's name in accordance with Title 42,
416 Chapter 1, Change of Name, if the name change is not contrary to the interests of the public.

417 (b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department
418 at least 30 days before the day on which the hearing for the name change is held.

419 (c) The court shall provide a copy of the order granting the offender's name change to
420 the department within 10 days after the day on which the court issues the order.

421 (d) If the court orders an offender's name changed, the department shall publish on the
422 registration website the offender's former name, and the offender's changed name as an alias.

423 ~~[(9)]~~ (10) Notwithstanding Subsections ~~[(7)(i)]~~ (8)(i) and (j) and 77-41-103(1)(c), an
424 offender is not required to provide the department with:

425 (a) the offender's online identifier and password used exclusively for the offender's
426 employment on equipment provided by an employer and used to access the employer's private
427 network; or

428 (b) online identifiers for the offender's financial accounts, including a bank, retirement,
429 or investment account.

430 Section 5. Section 77-41-113 is amended to read:

431 **77-41-113. Removal for offenses or convictions for which registration is no longer**
432 **required.**

433 (1) The department shall automatically remove an individual who is currently on the
434 Sex and Kidnap Offender Registry because of a conviction if:

435 (a) the only offense or offenses for which the individual is on the registry are listed in
436 Subsection (2); or

437 (b) the department receives a formal notification or order from the court or the Board
438 of Pardons and Parole that the conviction for the offense or offenses for which the individual is
439 on the registry have been reversed, vacated, or pardoned.

440 (2) The offenses described in Subsection (1)(a) are:

441 (a) a class B or class C misdemeanor for enticing a minor, Section 76-4-401;

442 (b) kidnapping, based upon Subsection 76-5-301(2)(a) or (b);

443 (c) child kidnapping, Section 76-5-301.1, if the offender was the natural parent of the
444 child victim;

445 (d) unlawful detention, Section 76-5-304;

446 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B
447 misdemeanor for unlawful sexual intercourse, Section 76-5-401;

448 (f) sodomy, but not forcible sodomy, Section 76-5-403; or

449 (g) unless the offender is an individual described in Subsection ~~[77-41-102(9)(f) or~~
450 ~~(17)(f);~~ 77-41-102(9)(e) or (17)(e), an offense committed in Utah before the offender is 18
451 years old.

452 (3) (a) The department shall notify an individual who has been removed from the
453 registry in accordance with Subsection (1).

454 (b) The notice described in Subsection (3)(a) shall include a statement that the
455 individual is no longer required to register as a sex offender.

456 (4) An individual who is currently on the Sex and Kidnap Offender Registry may
457 submit a request to the department to be removed from the registry if the individual believes
458 that the individual qualifies for removal under this section.

459 (5) The department, upon receipt of a request for removal from the registry shall:

460 (a) check the registry for the individual's current status;

461 (b) determine whether the individual qualifies for removal based upon this section; and

462 (c) notify the individual in writing of the department's determination and whether the
463 individual:

464 (i) qualifies for removal from the registry; or

465 (ii) does not qualify for removal.

466 (6) If the department determines that the individual qualifies for removal from the
467 registry, the department shall remove the offender from the registry.

468 (7) If the department determines that the individual does not qualify for removal from
469 the registry, the department shall provide an explanation in writing for the department's
470 determination. The department's determination is final and not subject to administrative review.

471 (8) Neither the department nor any employee may be civilly liable for a determination
472 made in good faith in accordance with this section.

473 (9) The department shall provide a response to a request for removal within 30 days of
474 receipt of the request. If the response cannot be provided within 30 days, the department shall
475 notify the individual that the response may be delayed up to 30 additional days.