{deleted text} shows text that was in HB0139 but was deleted in HB0139S01.

inserted text shows text that was not in HB0139 but was inserted into HB0139S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Marsha Judkins proposes the following substitute bill:

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} registry 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:

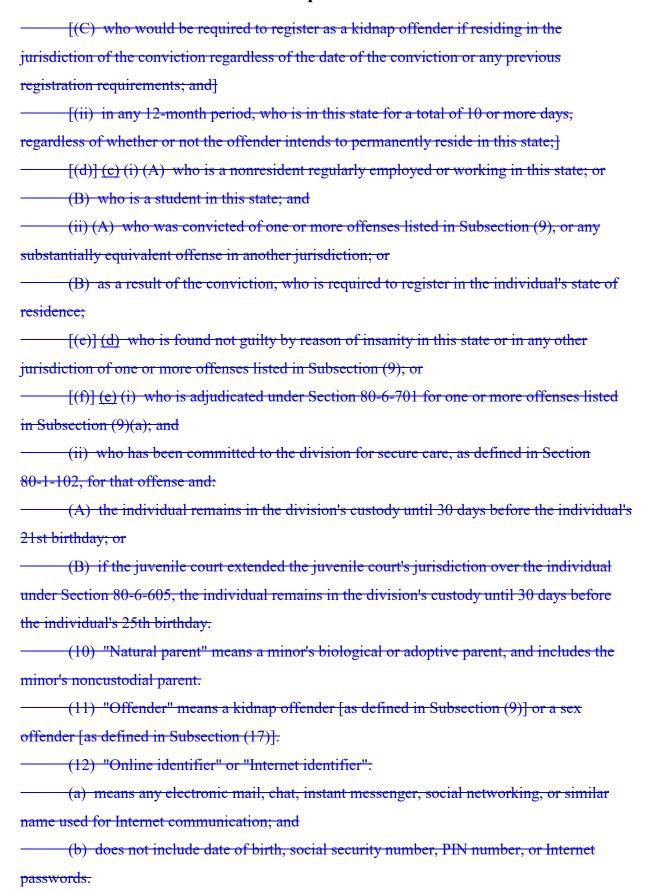
None

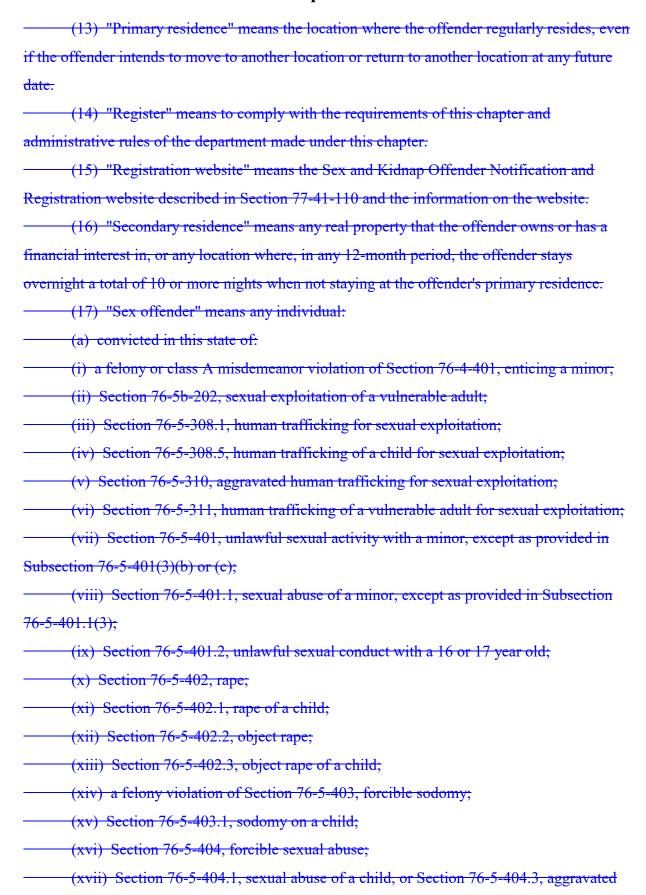
Utah Code Sections Affected:

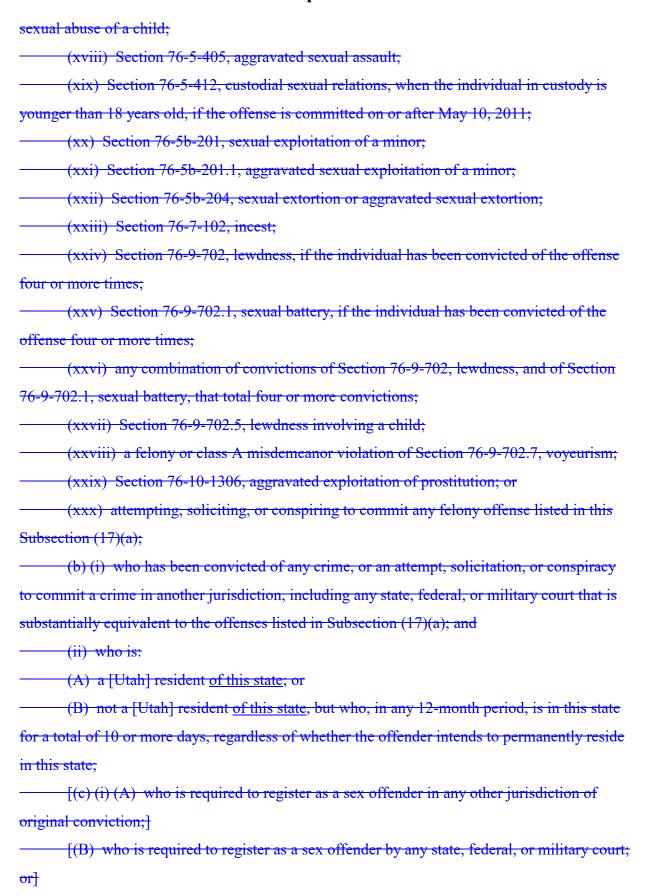
AMENDS: 77-41-102, as last amended by Laws of Utah 2022, Chapters 185, 430 77-41-103, as last amended by Laws of Utah 2018, Chapter 281 77-41-104, as last amended by Laws of Utah 2019, Chapter 382 **77-41-105**, as last amended by Laws of Utah 2020, Chapter 108 } $\frac{77-41-113}{77-41-112}$, as last amended by Laws of Utah 2021, Chapters $\frac{206}{262}$, 334 and 410 and last amended by Coordination Clause, Laws of Utah 2021, Chapter {410}334 *Be it enacted by the Legislature of the state of Utah:* Section 1. Section {77-41-102}77-41-105 is amended to read: 77-41-102. **Definitions.** As used in this chapter: (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in section 53-10-201. (2) "Business day" means a day on which state offices are open for regular business. (3) "Certificate of eligibility" means a document issued by the Bureau of Criminal Identification showing that the offender has met the requirements of Section 77-41-112. (4) "Department" means the Department of Corrections. (5) "Division" means the Division of Juvenile Justice Services. (6) "Employed" or "carries on a vocation" includes employment that is full time or part time, whether financially compensated, volunteered, or for the purpose of government or educational benefit. (7) "Indian Country" means: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, regardless of the issuance of any patent, and includes rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory, and whether or not within the limits of a state; and

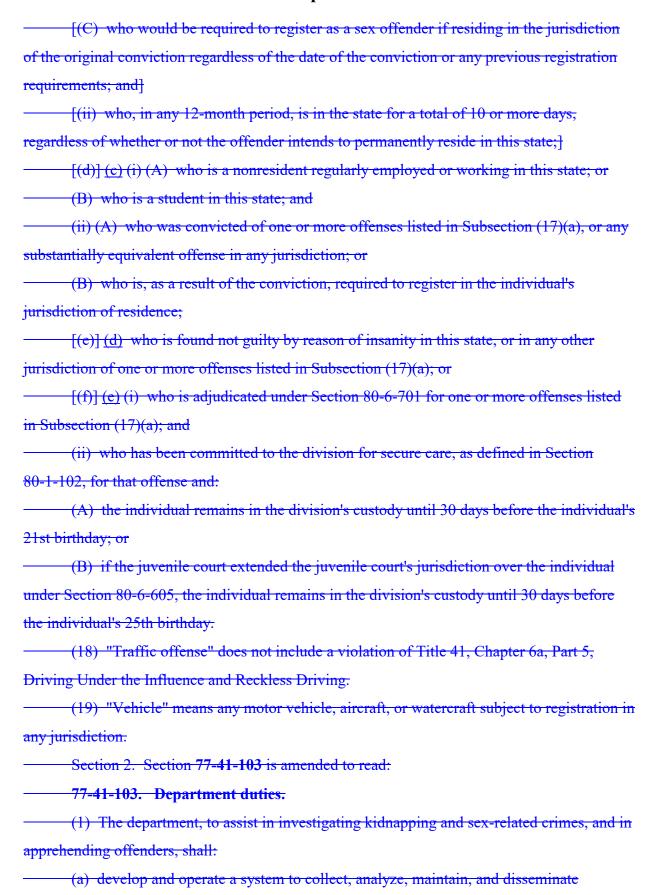
(c) all Indian allotments, including the Indian allotments to which the Indian titles have

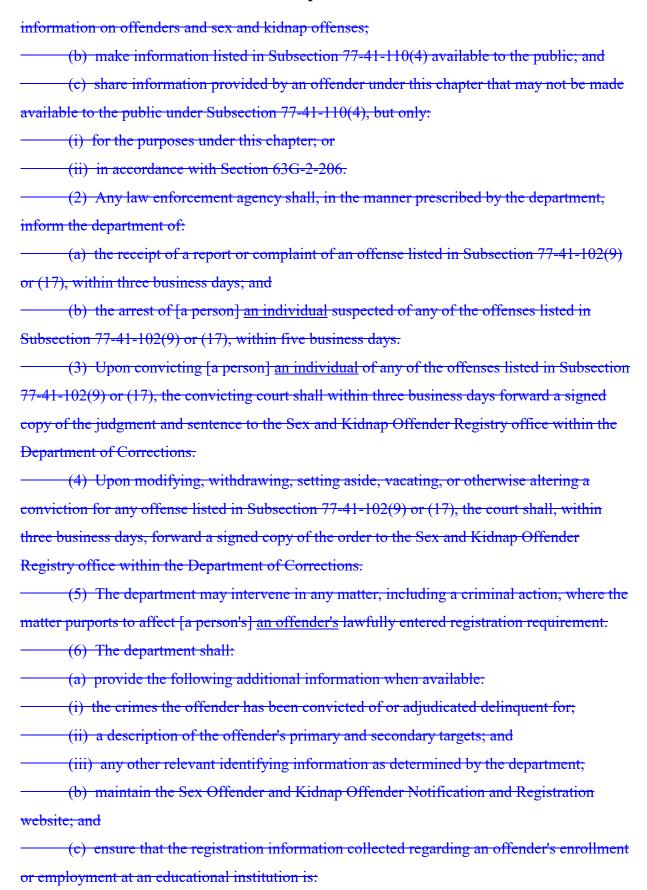
not been extinguished, including rights-of-way running through the allotments. (8) "Jurisdiction" means any state, Indian Country, United States Territory, or any property under the jurisdiction of the United States military, Canada, the United Kingdom, Australia, or New Zealand. (9) "Kidnap offender" means any individual, other than a natural parent of the victim: (a) who has been convicted in this state of a violation of: (i) Subsection 76-5-301(2)(c) or (d), kidnapping; (ii) Section 76-5-301.1, child kidnapping; (iii) Section 76-5-302, aggravated kidnapping; (iv) Section 76-5-308, human trafficking for labor; (v) Section 76-5-308.3, human smuggling; (vi) Section 76-5-308, human smuggling, when the individual smuggled is under 18 years old; (vii) Section 76-5-308.5, human trafficking of a child for labor; (viii) Section 76-5-310, aggravated human trafficking; (ix) Section 76-5-310.1, aggravated human smuggling; (x) Section 76-5-311, human trafficking of a vulnerable adult for labor; or (xi) attempting, soliciting, or conspiring to commit any felony offense listed in Subsections (9)(a)(i) through (iii); (b) (i) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to commit a crime in another jurisdiction, including any state, federal, or military court that is substantially equivalent to the offenses listed in Subsection (9)(a); and (ii) who is: (A) a [Utah] resident of this state; or (B) not a [Utah] resident of this state, but who, in any 12-month period, is in this state for a total of 10 or more days, regardless of whether [or not] the offender intends to permanently reside in this state; [(c) (i) (A) who is required to register as a kidnap offender in any other jurisdiction of original conviction; [(B) who is required to register as a kidnap offender by any state, federal, or military court; or

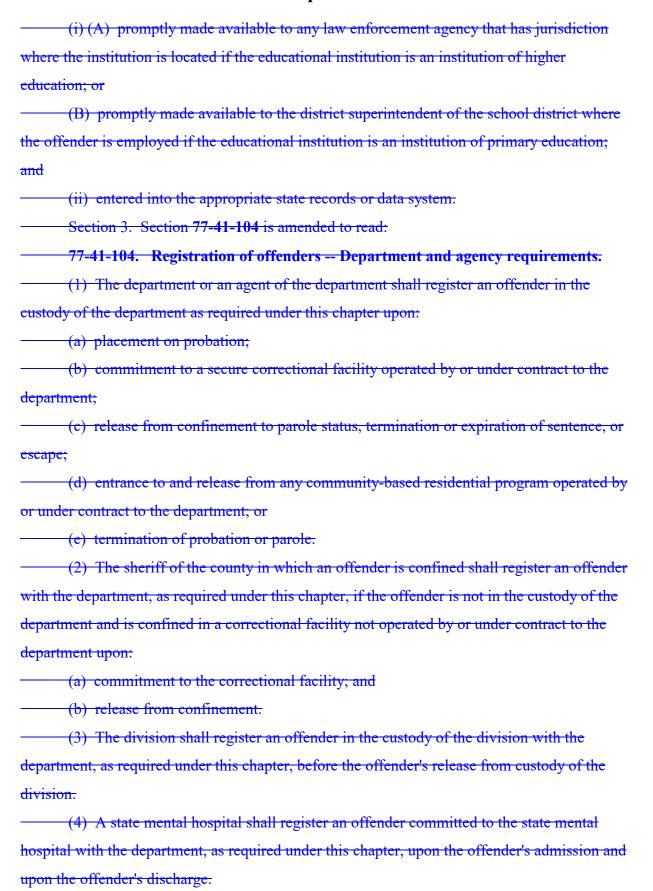


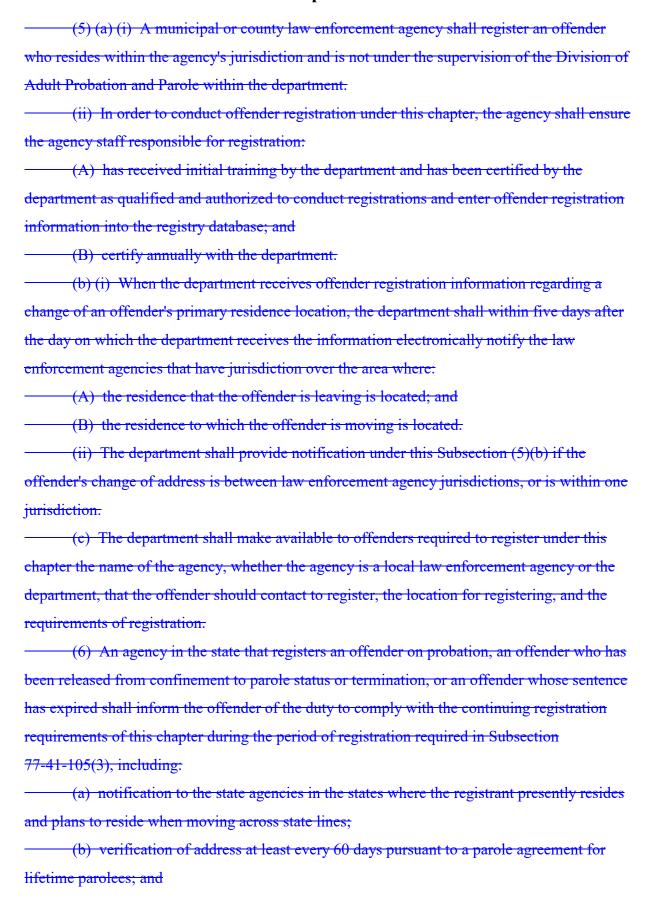












- (c) notification to the out-of-state agency where the offender is living, regardless of whether the offender is a resident of that state.
- (7) The department may make administrative rules necessary to implement this chapter, including:
 - (a) the method for dissemination of the information; and
 - (b) instructions to the public regarding the use of the information.
- (8) The department shall redact information regarding the identity or location of a victim from information provided under Subsections 77-41-103(4) and [77-41-105(7).] 77-41-105(8).
- (9) This chapter does not create or impose any duty on any person to request or obtain information regarding any offender from the department.

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

- 77-41-105. Registration of offenders -- Offender responsibilities.
- (1) (a) An offender who enters this state from another jurisdiction is required to register under Subsection (3) and Subsection 77-41-102(9) or (17).
- (b) The offender shall register with the department within 10 days after the day on which the offender enters the state, regardless of the offender's length of stay.
- (2) (a) An offender required to register under Subsection 77-41-102(9) or (17) who is under supervision by the department shall register in person with Division of Adult Probation and Parole.
- (b) An offender required to register under Subsection 77-41-102(9) or (17) who is no longer under supervision by the department shall register in person with the police department or sheriff's office that has jurisdiction over the area where the offender resides.
- (3) (a) Except as provided in Subsections (3)(b), {[(c)]}(3)(c)[(c)], and (4), an offender shall, for the duration of the sentence and for 10 years after termination of sentence or custody of the division, register each year during the month of the offender's date of birth, during the month that is the sixth month after the offender's birth month, and within three business days after the day on which there is a change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection {{\frac{1}{3}}{7}}{\frac{1}{3}}{\frac{1}{3}}{\frac{1}{3}}}.
 - (b) Except as provided in Subsections (3)(c)(iii), (4), $\{\{\}\}$ and $\{\{\}\}\}$ (5), $\{\{\}\}$ and $\{\{\}\}\}$ (5), $\{\{\}\}$ and $\{\{\}\}\}$ (5), $\{\{\}\}$ and $\{\{\}\}\}$ (6), $\{\{\}\}$ and $\{\{\}\}\}$ (7), $\{\{\}\}$ and $\{\{\}\}\}$ (8).

offender who is convicted in another jurisdiction of an offense listed in Subsection 77-41-102(9)(a) or $(17)(a)\{\{\},\{\}\}\)$ a substantially similar offense, $\{\{\}\}\$ another offense that requires registration in the jurisdiction of conviction, or an offender who is ordered by a court of another jurisdiction to register as an offender $\{\}\}\$ shall $[\cdot]$

- [(i)] register{ in this state} for the time period[, and in the frequency,] required by the jurisdiction where the offender was convicted {{}} or ordered to register [if: {{}}].
- [(A){]} {if} that jurisdiction's registration period or registration frequency requirement for the offense that the offender was convicted of is greater than the registration period required under Subsection (3)(a), or is more frequent than every six months; or]
- [(B) that jurisdiction's court order requires registration for greater than the registration period required under Subsection (3)(a) or more frequently than every six months; or]
- [(ii) register in accordance with the requirements of Subsection (3)(a), if the jurisdiction's registration period or frequency requirement for the offense that the offender was convicted of is less than the registration period required under Subsection (3)(a), or is less frequent than every six months.]
- (c) (i) An offender convicted as an adult of an offense listed in Section 77-41-106 shall, for the offender's lifetime, register each year during the month of the offender's birth, during the month that is the sixth month after the offender's birth month, and also within three business days after the day on which there is a change of the offender's primary residence, any secondary residences, place of employment, vehicle information, or educational information required to be submitted under Subsection $\{\{\}\}$ (7) $\{\{\}\}$ (8) $\{\}$.
- (ii) Except as provided in Subsection (3)(c)(iii), the registration requirement described in Subsection (3)(c)(i) is not subject to exemptions and may not be terminated or altered during the offender's lifetime, unless a petition is granted under Section 77-41-112.
- (iii) (A) If the sentencing court determines that the offense does not involve force or coercion, lifetime registration under Subsection (3)(c)(i) does not apply to an offender who commits the offense when the offender is under 21 years [of age] old.
- (B) For an offense listed in Section 77-41-106, an offender who commits the offense when the offender is under 21 years [of age] old shall register for the registration period required under Subsection (3)(a), unless a petition is granted under Section 77-41-112.
 - (d) For the purpose of establishing venue for a violation of this Subsection (3), the

violation is considered to be committed:

- (i) at the most recent registered primary residence of the offender or at the location of the offender, if the actual location of the offender at the time of the violation is not known; or
 - (ii) at the location of the offender at the time the offender is apprehended.
- (4) Notwithstanding Subsection (3) and Section 77-41-106, an offender who is confined in a secure facility or in a state mental hospital is not required to register during the period of confinement.
- (5) (a) Except as provided in Subsection (5)(b), in the case of an offender adjudicated in another jurisdiction as a juvenile and required to register under this chapter, the offender shall register in the time period and in the frequency consistent with the requirements of Subsection (3).
- (b) If the jurisdiction of the offender's adjudication does not publish the offender's information on a public website, the department shall maintain, but not publish the offender's information on the registration website.
- (6) An offender required to register under Subsection (3)(b) shall comply with the registration requirements for offenders convicted in this state of an offense listed in Subsection 77-41-102(9)(a) or (17)(a) if the offender:
 - (a) has resided in this state for at least 183 days in a year for two consecutive years;
- (b) during the two consecutive years, met the registration requirements under this chapter; and
 - (c) intends to primarily reside in this state.
- $\{\{\}\}$ (6) $\{\}$ (7) A sex offender who violates Section 77-27-21.8 regarding being in the presence of a child while required to register under this chapter shall register for an additional five years subsequent to the registration period otherwise required under this chapter.
- $\{\{\}\}$ An offender shall provide the department or the registering entity with the following information:
 - (a) all names and aliases by which the offender is or has been known;
 - (b) the addresses of the offender's primary and secondary residences;
- (c) a physical description, including the offender's date of birth, height, weight, eye and hair color;
 - (d) the make, model, color, year, plate number, and vehicle identification number of a

vehicle or vehicles the offender owns or regularly drives;

- (e) a current photograph of the offender;
- (f) a set of fingerprints, if one has not already been provided;
- (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not already been provided;
- (h) telephone numbers and any other designations used by the offender for routing or self-identification in telephonic communications from fixed locations or cellular telephones;
- (i) Internet identifiers and the addresses the offender uses for routing or self-identification in Internet communications or postings;
- (j) the name and Internet address of all websites on which the offender is registered using an online identifier, including all online identifiers used to access those websites;
 - (k) a copy of the offender's passport, if a passport has been issued to the offender;
- (l) if the offender is an alien, all documents establishing the offender's immigration status;
- (m) all professional licenses that authorize the offender to engage in an occupation or carry out a trade or business, including any identifiers, such as numbers;
- (n) each educational institution in Utah at which the offender is employed, carries on a vocation, or is a student, and a change of enrollment or employment status of the offender at an educational institution;
- (o) the name, the telephone number, and the address of a place where the offender is employed or will be employed;
- (p) the name, the telephone number, and the address of a place where the offender works as a volunteer or will work as a volunteer; and
 - (q) the offender's social security number.
- {[}(8){](9)} (a) An offender may change the offender's name in accordance with Title 42, Chapter 1, Change of Name, if the name change is not contrary to the interests of the public.
- (b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department at least 30 days before the day on which the hearing for the name change is held.
- (c) The court shall provide a copy of the order granting the offender's name change to the department within 10 days after the day on which the court issues the order.

- (d) If the court orders an offender's name changed, the department shall publish on the registration website the offender's former name, and the offender's changed name as an alias.
- $\{\{\}\}$ (9) $\{\}$ (10) $\{\}$ Notwithstanding Subsections $\{\{\}\}$ (7)(i) $\{\}$ (8)(i) $\{\}$ and (j) and 77-41-103(1)(c), an offender is not required to provide the department with:
- (a) the offender's online identifier and password used exclusively for the offender's employment on equipment provided by an employer and used to access the employer's private network; or
- (b) online identifiers for the offender's financial accounts, including a bank, retirement, or investment account.

Section 2. Section 77-41-112 is amended to read:

77-41-112. Removal from registry -- Requirements -- Procedure.

- (1) An offender who is required to register with the Sex and Kidnap Offender Registry may petition the court for an order removing the offender from the Sex and Kidnap Offender Registry if:
 - (a) (i) the offender was convicted of an offense described in Subsection (2);
- (ii) at least five years have passed after the day on which the offender's sentence for the offense terminated;
 - (iii) the offense is the only offense for which the offender was required to register;
- (iv) the offender has not been convicted of another offense, excluding a traffic offense, since the day on which the offender was convicted of the offense for which the offender is required to register, as evidenced by a certificate of eligibility issued by the bureau;
- (v) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and
- (vi) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense; [or]
- (b) (i) if the offender is required to register in accordance with Subsection 77-41-105(3)(a);
 - (ii) at least 10 years have passed after the later of:
 - (A) the day on which the offender was placed on probation;
 - (B) the day on which the offender was released from incarceration to parole;
 - (C) the day on which the offender's sentence was terminated without parole;

- (D) the day on which the offender entered a community-based residential program; or
- (E) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated;
- (iii) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or capital felony within the most recent 10-year period after the date described in Subsection (1)(b)(ii), as evidenced by a certificate of eligibility issued by the bureau;
- (iv) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and
- (v) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense; or
- (c) (i) the offender is required to register in accordance with Subsection 77-41-105(3)(c);
 - (ii) at least 20 years have passed after the later of:
 - (A) the day on which the offender was placed on probation;
 - (B) the day on which the offender was released from incarceration to parole;
 - (C) the day on which the offender's sentence was terminated without parole;
 - (D) the day on which the offender entered a community-based residential program; or
- (E) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated;
- (iii) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or capital felony within the most recent 20-year period after the date described in Subsection (1)(c)(ii), as evidenced by a certificate of eligibility issued by the bureau;
- (iv) the offender completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense;
- (v) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense; and
- (vi) the offender submits to an evidence-based risk assessment to the court, with the offender's petition, that:
 - (A) meets the standards for the current risk assessment, score, and risk level required

by the Board of Pardons and Parole for parole termination requests;

- (B) is completed within the six months before the date on which the petition is filed; and
- (C) describes the evidence-based risk assessment of the current level of risk to the safety of the public posed by the offender.
 - (2) The offenses referred to in Subsection (1)(a)(i) are:
 - (a) Section 76-4-401, enticing a minor, if the offense is a class A misdemeanor;
 - (b) Section 76-5-301, kidnapping;
- (c) Section 76-5-304, unlawful detention, if the conviction of violating Section 76-5-304 is the only conviction for which the offender is required to register;
- (d) Section 76-5-401, unlawful sexual activity with a minor if, at the time of the offense, the offender is not more than 10 years older than the victim;
- (e) Section 76-5-401.1, sexual abuse of a minor, if, at the time of the offense, the offender is not more than 10 years older than the victim;
- (f) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old, and at the time of the offense, the offender is not more than 15 years older than the victim; [or]
 - (g) Section 76-9-702.7, voyeurism, if the offense is a class A misdemeanor ; or
- (h) an offense for which an individual is required to register under Subsection 77-41-102(9)(c) or 77-41-102(17)(c), if the offense is not substantially equivalent to an offense described in Subsection 77-41-102(9)(a) or 77-41-102(17)(a).
- (3) (a) (i) An offender seeking removal from the Sex and Kidnap Offender Registry under this section shall apply for a certificate of eligibility from the bureau.
- (ii) An offender who intentionally or knowingly provides false or misleading information to the bureau when applying for a certificate of eligibility is guilty of a class B misdemeanor and subject to prosecution under Section 76-8-504.6.
- (iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate of eligibility to an offender who provides false information on an application.
- (b) (i) The bureau shall perform a check of records of governmental agencies, including national criminal databases, to determine whether an offender is eligible to receive a certificate of eligibility.
 - (ii) If the offender meets the requirements described in Subsection (1)(a), (b), or (c),

the bureau shall issue a certificate of eligibility to the offender, which is valid for a period of 90 days after the day on which the bureau issues the certificate.

- (iii) The bureau shall request information from the department regarding whether the offender meets the requirements.
- (iv) (A) Upon request from the bureau under Subsection (3)(b)(iii), the department shall issue a document on whether the offender meets the requirements described in Subsection (1)(a), (b), or (c), which shall be used by the bureau to determine if a certificate of eligibility is appropriate.
- (B) The document from the department shall also include a statement regarding the offender's compliance with all registration requirements under this chapter.
- (v) The bureau shall provide a copy of the document provided to the bureau under Subsection (3)(b)(iv) to the offender upon issuance of a certificate of eligibility.
- (4) (a) (i) The bureau shall charge application and issuance fees for a certificate of eligibility in accordance with the process in Section 63J-1-504.
- (ii) The application fee shall be paid at the time the offender submits an application for a certificate of eligibility to the bureau.
- (iii) If the bureau determines that the issuance of a certificate of eligibility is appropriate, the offender will be charged an additional fee for the issuance of a certificate of eligibility.
- (b) Funds generated under this Subsection (4) shall be deposited into the General Fund as a dedicated credit by the department to cover the costs incurred in determining eligibility.
- (5) (a) The offender shall file the petition, including original information, the court docket, the certificate of eligibility from the bureau, and the document from the department described in Subsection (3)(b)(iv) with the court, and deliver a copy of the petition to the office of the prosecutor.
- (b) Upon receipt of a petition for removal from the Sex and Kidnap Offender Registry, the office of the prosecutor shall provide notice of the petition by first-class mail to the victim at the most recent address of record on file or, if the victim is still a minor under 18 years old, to the parent or guardian of the victim.
- (c) The notice described in Subsection (5)(b) shall include a copy of the petition, state that the victim has a right to object to the removal of the offender from the registry, and

provide instructions for registering an objection with the court.

- (d) The office of the prosecutor shall provide the following, if available, to the court within 30 days after the day on which the office receives the petition:
 - (i) presentencing report;
 - (ii) an evaluation done as part of sentencing; and
 - (iii) any other information the office of the prosecutor feels the court should consider.
- (e) The victim, or the victim's parent or guardian if the victim is a minor under 18 years old, may respond to the petition by filing a recommendation or objection with the court within 45 days after the day on which the petition is mailed to the victim.
 - (6) (a) The court shall:
 - (i) review the petition and all documents submitted with the petition; and
 - (ii) hold a hearing if requested by the prosecutor or the victim.
- (b) (i) Except as provided in Subsections (6)(b)(ii) and (iii), the court may grant the petition and order removal of the offender from the registry if the court determines that the offender has met the requirements described in Subsection (1)(a) or (b) and removal is not contrary to the interests of the public.
- (ii) When considering a petition filed under Subsection (1)(c), the court shall determine whether the offender has demonstrated, by clear and convincing evidence, that the offender is rehabilitated and does not pose a threat to the safety of the public.
- (iii) In making the determination described in Subsection (6)(b)(ii), the court may consider:
 - (A) the nature and degree of violence involved in the offense that requires registration;
 - (B) the age and number of victims of the offense that requires registration;
 - (C) the age of the offender at the time of the offense that requires registration;
- (D) the offender's performance while on supervision for the offense that requires registration;
 - (E) the offender's stability in employment and housing;
 - (F) the offender's community and personal support system;
- (G) other criminal and relevant noncriminal behavior of the offender both before and after the offense that requires registration;
 - (H) the level of risk posed by the offender as evidenced by the evidence-based risk

assessment described in Subsection (1)(c)(vi); and

- (I) any other relevant factors.
- (c) In determining whether removal is contrary to the interests of the public, the court may not consider removal unless the offender has substantially complied with all registration requirements under this chapter at all times.
- (d) If the court grants the petition, the court shall forward a copy of the order directing removal of the offender from the registry to the department and the office of the prosecutor.
- (e) (i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the offender may not submit another petition for three years.
- (ii) If the offender files a petition under Subsection (1)(c) and the court denies the petition, the offender may not submit another petition for eight years.
- (7) The court shall notify the victim and the Sex and Kidnap Offender Registry office in the department of the court's decision within three days after the day on which the court issues the court's decision in the same manner described in Subsection (5).

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

- 77-41-113. Removal for offenses or convictions for which registration is no longer required.
- (1) The department shall automatically remove an individual who is currently on the Sex and Kidnap Offender Registry because of a conviction if:
- (a) the only offense or offenses for which the individual is on the registry are listed \(\frac{\(\)}{\(\)} \) \(\)
- (b) the department receives a formal notification or order from the court or the Board of Pardons and Parole that the conviction for the offense or offenses for which the individual is on the registry have been reversed, vacated, or pardoned.
 - (2) The offenses described in Subsection (1)(a) are:
 - (a) a class B or class C misdemeanor for enticing a minor, Section 76-4-401;
 - (b) kidnapping, based upon Subsection 76-5-301(2)(a) or (b);
- (c) child kidnapping, Section 76-5-301.1, if the offender was the natural parent of the child victim;
 - (d) unlawful detention, Section 76-5-304;
 - (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B

misdemeanor for unlawful sexual intercourse, Section 76-5-401; (f) sodomy, but not forcible sodomy, Section 76-5-403; or (g) unless the offender is an individual described in Subsection [77-41-102(9)(f) or (17)(f), 77-41-102(9)(e) or (17)(e), an offense committed in Utah before the offender is 18 vears old. (3) (a) The department shall notify an individual who has been removed from the registry in accordance with Subsection (1). (b) The notice described in Subsection (3)(a) shall include a statement that the individual is no longer}9), an offender required to register {as a sex offender. (4) An individual who is currently on the Sex and Kidnap Offender Registry may submit a request to the department to be removed from the registry if the individual believes that the individual qualifies for removal under this section. (5) The department, upon receipt of a request for under Subsection 77-41-105(3)(b) may petition for early removal from the registry {shall: (a) check the registry for the individual's current status; (b) determine whether the individual qualifies for removal based upon this section; and (c) notify the individual in writing of the department's determination and whether the individual: (i) qualifies for under Subsection (1)(b) if the offender: (a) meets the requirements of Subsections (1)(b)(ii) through (v); (b) has resided in this state for at least 183 days in a year for two consecutive years; and (c) intends to primarily reside in this state. (9) An offender required to register under Subsection 77-41-105(3)(b) for life may petition for early removal from the registry \{; or (ii) does not qualify for removal. (6) If the department determines that the individual qualifies for removal from the registry, the department shall remove the offender from the registry. (7) If the department determines that the individual does not qualify for removal from the registry, the department shall provide an explanation in writing for the department's determination. The department's determination is final and not subject to administrative review.

- (8) Neither the department nor any employee may be civilly liable for a determination made in good faith in accordance with this section.
- (9) The department shall provide a response to a request for removal within 30 days of receipt of the request. If the response cannot be provided within 30 days, the department shall notify the individual that the response may be delayed up to 30 additional days.

 † under Subsection (1)(c) if:
- (a) the offense requiring the offender to register is substantially equivalent to an offense listed in Section 77-41-106;
 - (b) the offender meets the requirements of Subsections (1)(c)(ii) through (vi);
- (c) the offender has resided in this state for at least 183 days in a year for two consecutive years; and
 - (d) the offender intends to primarily reside in this state.