

**SEX AND KIDNAP OFFENDER REGISTRY AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill address registration on the Sex and Kidnap Offender Registry.

**Highlighted Provisions:**

This bill:

► removes a felony conviction for enticing a minor from the list of crimes that require an offender to register on the Sex and Kidnap Offender Registry for the offender's lifetime; ~~§~~ **→ and ←** ~~§~~

► ~~§~~ [ ~~\_\_\_\_\_ allows an offender convicted of a felony enticing a minor crime to petition to be removed from the Sex and Kidnap Offender Registry five years after the day on which the offender's sentence for that offense is terminated; and~~ ] ~~←~~ **§**

► makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

77-41-106, as last amended by Laws of Utah 2022, Chapters 185, 430

77-41-112, as last amended by Laws of Utah 2021, Chapters 262, 334 and 410 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 334



- 121 (a) Section 76-4-401, enticing a minor ~~§~~ [f] ~~←§~~ , if the offense is a class A misdemeanor  
121a ~~§~~ [f] ~~←§~~ ;
- 122 (b) Section 76-5-301, kidnapping;
- 123 (c) Section 76-5-304, unlawful detention, if the conviction of violating Section  
124 76-5-304 is the only conviction for which the offender is required to register;
- 125 (d) Section 76-5-401, unlawful sexual activity with a minor if, at the time of the  
126 offense, the offender is not more than 10 years older than the victim;
- 127 (e) Section 76-5-401.1, sexual abuse of a minor, if, at the time of the offense, the  
128 offender is not more than 10 years older than the victim;
- 129 (f) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old, and at the  
130 time of the offense, the offender is not more than 15 years older than the victim; or
- 131 (g) Section 76-9-702.7, voyeurism, if the offense is a class A misdemeanor.
- 132 (3) (a) (i) An offender seeking removal from the Sex and Kidnap Offender Registry  
133 under this section shall apply for a certificate of eligibility from the bureau.
- 134 (ii) An offender who intentionally or knowingly provides false or misleading  
135 information to the bureau when applying for a certificate of eligibility is guilty of a class B  
136 misdemeanor and subject to prosecution under Section 76-8-504.6.
- 137 (iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate  
138 of eligibility to an offender who provides false information on an application.
- 139 (b) (i) The bureau shall perform a check of records of governmental agencies,  
140 including national criminal databases, to determine whether an offender is eligible to receive a  
141 certificate of eligibility.
- 142 (ii) If the offender meets the requirements described in Subsection (1)(a), (b), or (c),  
143 the bureau shall issue a certificate of eligibility to the offender, which is valid for a period of 90  
144 days after the day on which the bureau issues the certificate.
- 145 (iii) The bureau shall request information from the department regarding whether the  
146 offender meets the requirements.
- 147 (iv) (A) Upon request from the bureau under Subsection (3)(b)(iii), the department  
148 shall issue a document on whether the offender meets the requirements described in Subsection  
149 (1)(a), (b), or (c), which shall be used by the bureau to determine if a certificate of eligibility is  
150 appropriate.
- 151 (B) The document from the department shall also include a statement regarding the