

SEX AND KIDNAP OFFENDER REGISTRY ACCESS

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses access to information included on the Sex and Kidnap Offender Registry.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Corrections to make certain information collected by the department for the purpose of registering sex and kidnap offenders searchable on the Sex Offender and Kidnap Offender Notification and Registration website;
- ▶ clarifies that the Department of Corrections is not required to report the results of searches to law enforcement;
- ▶ prohibits the department from disclosing the name or other identifying information of a sex or kidnap offender; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **77-41-110**, as enacted by Laws of Utah 2012, Chapter 145 and last amended by
29 Coordination Clause, Laws of Utah 2012, Chapter 382



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

32 Section 1. Section **77-41-110** is amended to read:

33 **77-41-110. Sex offender and kidnap offender registry -- Department to maintain.**

34 (1) The department shall maintain a Sex Offender and Kidnap Offender Notification
35 and Registration website on the Internet, which shall contain a disclaimer informing the public:

36 (a) the information contained on the site is obtained from offenders and the department
37 does not guarantee its accuracy or completeness;

38 (b) members of the public are not allowed to use the information to harass or threaten
39 offenders or members of their families; and

40 (c) harassment, stalking, or threats against offenders or their families are prohibited and
41 doing so may violate Utah criminal laws.

42 (2) The Sex Offender and Kidnap Offender Notification and Registration website shall
43 be indexed by both the surname of the offender and by postal codes.

44 (3) The department shall construct the Sex Offender Notification and Registration
45 website so that users, before accessing registry information, must indicate that they have read
46 the disclaimer, understand it, and agree to comply with its terms.

47 (4) Except as provided in Subsection [(5)] (6), the Sex Offender and Kidnap Offender
48 Notification and Registration website shall include the following registry information:

49 (a) all names and aliases by which the offender is or has been known, but not including
50 any online or Internet identifiers;

51 (b) the addresses of the offender's primary, secondary, and temporary residences;

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

54 (d) the make, model, color, year, and plate number of any vehicle or vehicles the
55 offender owns or regularly drives;

56 (e) a current photograph of the offender;

57 (f) a list of all professional licenses that authorize the offender to engage in an
58 occupation or carry out a trade or business;

59 (g) each educational institution in Utah at which the offender is employed, carries on a
60 vocation, or is a student;

61 (h) a list of places where the offender works as a volunteer; and

62 (i) the crimes listed in Subsections [77-41-102\(9\)](#) and (16) that the offender has been
63 convicted of or for which the offender has been adjudicated delinquent in juvenile court.

64 (5) The department shall make the following information searchable on the Sex
65 Offender and Kidnap Offender Notification and Registration website:

66 (a) telephone numbers or other designations for an offender provided under Subsection
67 [77-41-105\(7\)\(h\)](#);

68 (b) Internet identifiers or other addresses for an offender provided under Subsection
69 [77-41-105\(7\)\(i\)](#); and

70 (c) names and Internet addresses of websites on which an offender is registered using
71 an online identifier, including the online identifier used to access the website.

72 (6) The department is not required to:

73 (a) report the results of the search under Subsection (5) to law enforcement; or

74 (b) based on the results of a search under Subsection (5), open an investigation.

75 ~~[(5)]~~ (7) The department, ~~[its]~~ the department's personnel, and any individual or entity
76 acting at the request or upon the direction of the department are immune from civil liability for
77 damages for good faith compliance with this chapter and will be presumed to have acted in
78 good faith by reporting information.

79 ~~[(6)]~~ (8) The department:

80 (a) shall redact information that, if disclosed, could reasonably identify a victim; and

81 (b) may not, when providing information under Subsection (5), disclose the name or
82 other identifying information of an offender.