

524 (b) Section 76-5-301, kidnapping;

525 (c) Section 76-5-304, unlawful detention, if the conviction of violating Section
526 76-5-304 is the only conviction for which the offender is required to register;

527 (d) Section 76-5-401, unlawful sexual activity with a minor if, at the time of the
528 offense, the offender is not more than 10 years older than the victim;

529 (e) Section 76-5-401.1, sexual abuse of a minor, if, at the time of the offense, the
530 offender is not more than 10 years older than the victim;

531 (f) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old, and at the
532 time of the offense, the offender is not more than 15 years older than the victim;

533 (g) Section 76-9-702.7, voyeurism, if the offense is a class A misdemeanor; or

534 (h) an offense for which an individual is required to register under Subsection
535 77-41-102(10)(c) or 77-41-102(18)(c), if the offense is not substantially equivalent to an
536 offense described in Subsection 77-41-102(10)(a) or 77-41-102(18)(a).

537 (3) (a) (i) An offender seeking removal from the Sex and Kidnap Offender Registry
538 under this section shall apply for a certificate of eligibility from the bureau.

539 (ii) An offender who intentionally or knowingly provides false or misleading
540 information to the bureau when applying for a certificate of eligibility is guilty of a class B
541 misdemeanor and subject to prosecution under Section 76-8-504.6.

542 (iii) Regardless of whether the offender is prosecuted, the bureau may deny a certificate
543 of eligibility to an offender who provides false information on an application.

544 (b) (i) The bureau shall:

545 (A) perform a check of records of governmental agencies, including national criminal
546 databases, to determine whether an offender is eligible to receive a certificate of eligibility; and

547 (B) ~~H→ [request information from the Department of Corrections regarding] determine ←H~~
547a whether the
548 offender meets the requirements described in Subsection (1)(a)(ii), (a)(v), (a)(vi), (b)(ii),
549 (b)(iv), (b)(v), [or] (c)(ii), (c)(iv), or (c)(v).

550 ~~H→ [(ii) Upon request from the bureau under Subsection (3)(b)(i)(B), the Department of~~
551 ~~Corrections shall issue a document reflecting whether the offender meets the requirements~~
552 ~~described in Subsection (1)(a)(ii), (a)(v), (a)(vi), (b)(ii), (b)(iv), (b)(v), [or] (c)(ii), (c)(iv), or~~
553 ~~(c)(v).] ←H~~

554 ~~H→ [(iii) (ii) ←H~~ If the offender meets the requirements described in Subsection (1)(a), (b),
554a or (c),

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

557 ~~¶→ [(iv) The bureau shall provide a copy of the document provided to the bureau under~~
558 ~~Subsection (3)(b)(ii) to the offender upon issuance of a certificate of eligibility.] ←¶~~

559 (4) (a) (i) The bureau shall charge application and issuance fees for a certificate of
560 eligibility in accordance with the process in Section 63J-1-504.

561 (ii) The application fee shall be paid at the time the offender submits an application for
562 a certificate of eligibility to the bureau.

563 (iii) If the bureau determines that the issuance of a certificate of eligibility is
564 appropriate, the offender will be charged an additional fee for the issuance of a certificate of
565 eligibility.

566 (b) Funds generated under this Subsection (4) shall be deposited into the General Fund
567 as a dedicated credit by the department to cover the costs incurred in determining eligibility.

568 (5) (a) The offender shall file the petition, including original information, the court
569 docket, the certificate of eligibility from the bureau, and the document from the department
570 described in Subsection (3)(b)(iv) with the court, and deliver a copy of the petition to the office
571 of the prosecutor.

572 (b) Upon receipt of a petition for removal from the Sex and Kidnap Offender Registry,
573 the office of the prosecutor shall provide notice of the petition by first-class mail to the victim
574 at the most recent address of record on file or, if the victim is still a minor under 18 years old,
575 to the parent or guardian of the victim.

576 (c) The notice described in Subsection (5)(b) shall include a copy of the petition, state
577 that the victim has a right to object to the removal of the offender from the registry, and
578 provide instructions for registering an objection with the court.

579 (d) The office of the prosecutor shall provide the following, if available, to the court
580 within 30 days after the day on which the office receives the petition:

581 (i) presentencing report;

582 (ii) an evaluation done as part of sentencing; and

583 (iii) any other information the office of the prosecutor feels the court should consider.

584 (e) The victim, or the victim's parent or guardian if the victim is a minor under 18 years
585 old, may respond to the petition by filing a recommendation or objection with the court within