

Senator Chris H. Wilson proposes the following substitute bill:

SEX AND KIDNAP OFFENDER REGISTRY ACCESS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: Andrew Stoddard

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 a law enforcement agency;
- ▶ 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:



26 AMENDS:

27 **77-41-110**, as last amended by Laws of Utah 2023, Chapter 123



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

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

31 **77-41-110. Sex offender and kidnap offender registry -- Department to maintain.**

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

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

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

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

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

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

45 (4) Except as provided in Subsection [~~(5)~~] (7), the Sex Offender and Kidnap Offender
46 Notification and Registration website shall include the following registry information:

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

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

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

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

54 (e) a current photograph of the offender;

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

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

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

60 (i) the crimes listed in Subsections [77-41-102\(10\)](#) and (18) that the offender has been
61 convicted of or for which the offender has been adjudicated delinquent in juvenile court.

62 (5) (a) The department shall enable the public to search the Sex and Kidnap Offender
63 Notification and Registration website to determine if the following search criteria are linked to
64 an offender:

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

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

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

71 (b) The department shall ensure that a search performed using the criteria in Subsection
72 (5)(a):

73 (i) provides the individual requesting the search with only information regarding
74 whether the criteria are linked to an offender; and

75 (ii) does not return the name or any other identifying information about an offender.

76 (c) The department is not required to:

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

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

79 ~~[(5)]~~ (6) The department, ~~[its]~~ the department's personnel, and any individual or entity
80 acting at the request or upon the direction of the department are immune from civil liability for
81 damages for good faith compliance with this chapter and will be presumed to have acted in
82 good faith by reporting information.

83 ~~[(6)]~~ (7) The department shall redact information that, if disclosed, could reasonably
84 identify a victim.

85 Section 2. **Effective date.**

86 This bill takes effect on May 1, 2024.