

SEX OFFENDER REGISTRY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Craig Hall

LONG TITLE

Committee Note:

The Judiciary Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 4 absent

General Description:

This bill amends the Sex and Kidnap Offender Registry.

Highlighted Provisions:

This bill:

requires the Department of Corrections to remove an individual from the Sex and Kidnap Offender Registry if the individual is on the registry for an offense which is no longer a registerable offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-41-109, as last amended by Laws of Utah 2015, Chapter 210

ENACTS:

77-41-113, Utah Code Annotated 1953



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

29 Section 1. Section **77-41-109** is amended to read:

30 **77-41-109. Miscellaneous provisions.**

31 (1) (a) If an offender is to be temporarily sent on any assignment outside a secure
32 facility in which the offender is confined on any assignment, including, without limitation,
33 firefighting or disaster control, the official who has custody of the offender shall, within a
34 reasonable time prior to removal from the secure facility, notify the local law enforcement
35 agencies where the assignment is to be filled.

36 (b) This Subsection (1) does not apply to any person temporarily released under guard
37 from the institution in which the person is confined.

38 (2) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, a person convicted
39 of any offense listed in Subsection **77-41-102**(9) or (17) is not relieved from the responsibility
40 to register as required under this section, unless the offender is removed from the registry under
41 Section **77-41-112** or Section **77-41-113**.

42 Section 2. Section **77-41-113** is enacted to read:

43 **77-41-113. Removal for offenses for which registration is no longer required.**

44 (1) An individual who is currently on the Sex and Kidnap Offender Registry because of
45 a conviction for any of the following offenses may contact the department and request removal
46 from the registry if the only offense or offenses for which the individual is on the registry is
47 listed in Subsection (2).

48 (2) This section applies to a conviction for the following offenses:

49 (a) a class B or class C misdemeanor for enticing a minor, Section **76-4-401**;

50 (b) kidnapping, based upon Subsection **76-5-301**(1)(a) or (b);

51 (c) child kidnapping, Section **76-5-301.1**, if the offender was the natural parent of the
52 child victim;

53 (d) unlawful detention, Section **76-5-304**;

54 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B
55 misdemeanor for unlawful sexual intercourse, Section **76-5-401**; or

56 (f) sodomy, but not forcible sodomy, Section **76-5-403**.

57 (3) The department, upon receipt of a request for removal from the registry shall:

58 (a) check the registry for the individual's current status;

59 (b) determine whether the individual qualifies for removal based upon this section; and

60 (c) notify the individual in writing of the department's determination and whether the
61 individual:

62 (i) qualifies for removal from the registry; or

63 (ii) does not qualify for removal.

63a **Ĥ→ (4) If the department determines that the individual qualifies for removal from the**
63b **registry, the department shall remove the offender from the registry. ←Ĥ**

64 **Ĥ→ [(4)] (5) ←Ĥ If the department determines that the individual does not qualify for**
64a **removal from**

65 **the registry, the department shall provide an explanation in writing for the department's**
66 **determination. The department's determination is final and not subject to administrative review.**

67 **(5) Neither the department nor any employee may be civilly liable for a determination**
68 **made in good faith in accordance with this section.**

69 **(6) The department shall provide a response to a request for removal within 30 days of**
70 **receipt of the request and payment of the fee. If the response cannot be provided within 30**
71 **days, the department shall notify the individual that the response may be delayed up to 30**
72 **additional days.**

73 **(7) The department may charge a fee, not to exceed \$25, for a request for removal.**