

SEX OFFENDER REGISTRY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Craig Hall

LONG TITLE

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

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

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

77-41-109. Miscellaneous provisions.

(1) (a) If an offender is to be temporarily sent on any assignment outside a secure facility in which the offender is confined on any assignment, including, without limitation,

30 firefighting or disaster control, the official who has custody of the offender shall, within a
31 reasonable time prior to removal from the secure facility, notify the local law enforcement
32 agencies where the assignment is to be filled.

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

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

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

40 **77-41-113. Removal for offenses for which registration is no longer required.**

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

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

46 (a) a class B or class C misdemeanor for enticing a minor, Section [76-4-401](#);

47 (b) kidnapping, based upon Subsection [76-5-301\(1\)\(a\)](#) or (b);

48 (c) child kidnapping, Section [76-5-301.1](#), if the offender was the natural parent of the
49 child victim;

50 (d) unlawful detention, Section [76-5-304](#);

51 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B
52 misdemeanor for unlawful sexual intercourse, Section [76-5-401](#); or

53 (f) sodomy, but not forcible sodomy, Section [76-5-403](#).

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

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

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

57 (c) notify the individual in writing of the department's determination and whether the

58 individual:

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

60 (ii) does not qualify for removal.

61 (4) If the department determines that the individual qualifies for removal from the
62 registry, the department shall remove the offender from the registry.

63 (5) If the department determines that the individual does not qualify for removal from
64 the registry, the department shall provide an explanation in writing for the department's
65 determination. The department's determination is final and not subject to administrative review.

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

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

72 (8) The department may charge a fee, not to exceed \$25, for a request for removal.