

**SEX OFFENDER REGISTRY REVISIONS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dennis E. Stowell**

House Sponsor: Paul Ray

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**LONG TITLE**

**General Description:**

This bill modifies the Code of Criminal Procedure regarding sex and kidnap offender registration.

**Highlighted Provisions:**

This bill:

▶ adds Canada, the United Kingdom, Australia, and New Zealand as countries where convictions for sex or kidnap offenses are recognized for purposes of identifying convictions subject to registration;

▶ adds conviction of the offense of aggravated human trafficking as a kidnap offense subject to registration;

▶ adds as offenses subject to registration as a sex offender, for convictions on and after May 10, 2011:

- sexual exploitation of a vulnerable adult; and
- custodial sexual relations, when the person in custody is younger than 18 years of age; and

▶ requires lifetime registration for the offense of aggravated exploitation of prostitution.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill coordinates with S.B. 106, Sexual Exploitation Amendments, by amending the reference to a code section citation amended in S.B. 106.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **77-27-21.5**, as last amended by Laws of Utah 2010, Chapters 55, 120, 144, 283, and  
33 328

34 **Utah Code Sections Affected by Coordination Clause:**

35 **77-27-21.5**, as last amended by Laws of Utah 2010, Chapters 55, 120, 144, 283, and  
36 328



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

39 Section 1. Section **77-27-21.5** is amended to read:

40 **77-27-21.5. Sex and kidnap offenders -- Registration -- Information system --**  
41 **Law enforcement and courts to report -- Penalty -- Effect of expungement.**

42 (1) As used in this section:

43 (a) "Business day" means a day on which state offices are open for regular business.

44 (b) "Department" means the Department of Corrections.

45 (c) "Division" means the Division of Juvenile Justice Services.

46 (d) "Employed" or "carries on a vocation" includes employment that is full time or part  
47 time, whether financially compensated, volunteered, or for the purpose of government or  
48 educational benefit.

49 (e) "Indian Country" means:

50 (i) all land within the limits of any Indian reservation under the jurisdiction of the  
51 United States government, regardless of the issuance of any patent, and includes rights-of-way  
52 running through the reservation;

53 (ii) all dependent Indian communities within the borders of the United States whether  
54 within the original or subsequently acquired territory, and whether or not within the limits of a  
55 state; and

56 (iii) all Indian allotments, including the Indian allotments to which the Indian titles to  
57 have not been extinguished, including rights-of-way running through the allotments.

58 (f) "Jurisdiction" means any state, Indian Country, United States Territory, or any  
59 property under the jurisdiction of the United States military, Canada, the United Kingdom,  
60 Australia, or New Zealand.

61 (g) "Kidnap offender" means any person other than a natural parent of the victim who:

62 (i) has been convicted in this state of a violation of:

63 (A) Section 76-5-301, Subsection (1)(c) or (d), kidnapping;

64 (B) Section 76-5-301.1, child kidnapping;

65 (C) Section 76-5-302, aggravated kidnapping; [~~or~~]

66 (D) Section 76-5-310, aggravated human trafficking, on or after May 10, 2011; or

67 [~~(E)~~] (E) attempting, soliciting, or conspiring to commit any felony offense listed in  
68 Subsections (1)(g)(i)(A) through [~~(E)~~] (D);

69 (ii) has been convicted of any crime, or an attempt, solicitation, or conspiracy to  
70 commit a crime in another jurisdiction, including any state, federal, or military court that is  
71 substantially equivalent to the offenses listed in Subsection (1)(g)(i) and who is:

72 (A) a Utah resident; or

73 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of  
74 10 or more days, regardless of whether or not the offender intends to permanently reside in this  
75 state;

76 (iii) (A) is required to register as an offender in any other jurisdiction, or who is  
77 required to register as an offender by any state, federal, or military court; and

78 (B) in any 12 month period, is in this state for a total of 10 or more days, regardless of  
79 whether or not the offender intends to permanently reside in this state;

80 (iv) is a nonresident regularly employed or working in this state, or who is a student in  
81 this state, and was convicted of one or more offenses listed in Subsection (1)(g), or any  
82 substantially equivalent offense in another jurisdiction, or as a result of the conviction, is  
83 required to register in the person's state of residence;

84 (v) is found not guilty by reason of insanity in this state or in any other jurisdiction of  
85 one or more offenses listed in Subsection (1)(g); or

86 (vi) is adjudicated delinquent based on one or more offenses listed in Subsection  
87 (1)(g)(i) and who has been committed to the division for secure confinement and remains in the  
88 division's custody 30 days prior to the person's 21st birthday.

89 (h) "Natural parent" means a minor's biological or adoptive parent, and includes the  
90 minor's noncustodial parent.

91 (i) "Offender" means a kidnap offender as defined in Subsection (1)(g) or a sex  
92 offender as defined in Subsection (1)(n).

93 (j) "Online identifier" or "Internet identifier":

94 (i) means any electronic mail, chat, instant messenger, social networking, or similar  
95 name used for Internet communication; and

96 (ii) does not include date of birth, Social Security number, PIN number, or Internet  
97 passwords.

98 (k) "Primary residence" means the location where the offender regularly resides, even  
99 if the offender intends to move to another location or return to another location at any future  
100 date.

101 (l) "Register" means to comply with the requirements of this section and administrative  
102 rules of the department made under this section.

103 (m) "Secondary residence" means any real property that the offender owns or has a  
104 financial interest in, or any location where, in any 12 month period, the offender stays  
105 overnight a total of 10 or more nights when not staying at the offender's primary residence.

106 (n) "Sex offender" means any person:

107 (i) convicted in this state of:

108 (A) a felony or class A misdemeanor violation of Section 76-4-401, enticing a minor;

109 ~~[(B) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;]~~

110 (B) Section 76-5-111, sexual exploitation of a vulnerable adult, on or after May 10,

111 2011;

112 (C) a felony violation of Section 76-5-401, unlawful sexual activity with a minor;

113 (D) Section 76-5-401.1, sexual abuse of a minor;

- 114 (E) Section 76-5-401.2, unlawful sexual conduct with a 16 or 17 year old;
- 115 (F) Section 76-5-402, rape;
- 116 (G) Section 76-5-402.1, rape of a child;
- 117 (H) Section 76-5-402.2, object rape;
- 118 (I) Section 76-5-402.3, object rape of a child;
- 119 (J) a felony violation of Section 76-5-403, forcible sodomy;
- 120 (K) Section 76-5-403.1, sodomy on a child;
- 121 (L) Section 76-5-404, forcible sexual abuse;
- 122 (M) Section 76-5-404.1, sexual abuse of a child or aggravated sexual abuse of a child;
- 123 (N) Section 76-5-405, aggravated sexual assault;
- 124 (O) Section 76-5-412, custodial sexual relations, when the person in custody is younger
- 125 than 18 years of age, if the offense is committed on or after May 10, 2011;
- 126 [~~(O)~~] (P) Section 76-5a-3, sexual exploitation of a minor;
- 127 [~~(P)~~] (Q) Section 76-7-102, incest;
- 128 [~~(Q)~~] (R) Subsection 76-9-702(1), lewdness, if the person has been convicted of the
- 129 offense four or more times;
- 130 [~~(R)~~] (S) Subsection 76-9-702(3), sexual battery, if the person has been convicted of
- 131 the offense four or more times;
- 132 [~~(S)~~] (T) any combination of convictions of Subsection 76-9-702(1), lewdness, and of
- 133 Subsection 76-9-702(3), sexual battery, that total four or more convictions;
- 134 [~~(T)~~] (U) Section 76-9-702.5, lewdness involving a child;
- 135 (V) a felony or class A misdemeanor violation of Section 76-9-702.7, voyeurism;
- 136 [~~(U)~~] (W) Section 76-10-1306, aggravated exploitation of prostitution; or
- 137 [~~(V)~~] (X) attempting, soliciting, or conspiring to commit any felony offense listed in
- 138 Subsection (1)(n)(i);
- 139 (ii) who has been convicted of any crime, or an attempt, solicitation, or conspiracy to
- 140 commit a crime in another jurisdiction, including any state, federal, or military court that is
- 141 substantially equivalent to the offenses listed in Subsection (1)(n)(i) and who is:

- 142 (A) a Utah resident; or
- 143 (B) not a Utah resident, but who, in any 12 month period, is in this state for a total of
- 144 10 or more days, regardless of whether the offender intends to permanently reside in this state;
- 145 (iii) (A) who is required to register as an offender in any other jurisdiction, or who is
- 146 required to register as an offender by any state, federal, or military court; and
- 147 (B) who, in any 12 month period, is in the state for a total of 10 or more days,
- 148 regardless of whether or not the offender intends to permanently reside in this state;
- 149 (iv) who is a nonresident regularly employed or working in this state or who is a
- 150 student in this state and was convicted of one or more offenses listed in Subsection (1)(n)(i), or
- 151 any substantially equivalent offense in any jurisdiction, or as a result of the conviction, is
- 152 required to register in the person's jurisdiction of residence;
- 153 (v) who is found not guilty by reason of insanity in this state, or in any other
- 154 jurisdiction of one or more offenses listed in Subsection (1)(n)(i); or
- 155 (vi) who is adjudicated delinquent based on one or more offenses listed in Subsection
- 156 (1)(n)(i) and who has been committed to the division for secure confinement and remains in the
- 157 division's custody 30 days prior to the person's 21st birthday.
- 158 (o) "Vehicle" means any motor vehicle, aircraft, or watercraft subject to registration in
- 159 any jurisdiction.
- 160 (2) The department, to assist in investigating kidnapping and sex-related crimes, and in
- 161 apprehending offenders, shall:
- 162 (a) develop and operate a system to collect, analyze, maintain, and disseminate
- 163 information on offenders and sex and kidnap offenses;
- 164 (b) make information listed in Subsection (27) available to the public; and
- 165 (c) share information provided by an offender under this section that may not be made
- 166 available to the public under Subsection (27), but only:
- 167 (i) for the purposes under this Subsection (2); or
- 168 (ii) in accordance with Section 63G-2-206.
- 169 (3) Any law enforcement agency shall, in the manner prescribed by the department,

170 inform the department of:

171 (a) the receipt of a report or complaint of an offense listed in Subsection (1)(g) or (n),  
172 within three business days; and

173 (b) the arrest of a person suspected of any of the offenses listed in Subsection (1)(g) or  
174 (n), within five business days.

175 (4) Upon convicting a person of any of the offenses listed in Subsection (1)(g) or (n),  
176 the convicting court shall within three business days forward a copy of the judgment and  
177 sentence to the department.

178 (5) An offender in the custody of the department shall be registered by agents of the  
179 department upon:

180 (a) placement on probation;

181 (b) commitment to a secure correctional facility operated by or under contract to the  
182 department;

183 (c) release from confinement to parole status, termination or expiration of sentence, or  
184 escape;

185 (d) entrance to and release from any community-based residential program operated by  
186 or under contract to the department; or

187 (e) termination of probation or parole.

188 (6) An offender who is not in the custody of the department and who is confined in a  
189 correctional facility not operated by or under contract to the department shall be registered with  
190 the department by the sheriff of the county in which the offender is confined, upon:

191 (a) commitment to the correctional facility; and

192 (b) release from confinement.

193 (7) An offender in the custody of the division shall be registered with the department  
194 by the division prior to release from custody.

195 (8) An offender committed to a state mental hospital shall be registered with the  
196 department by the hospital upon admission and upon discharge.

197 (9) (a) (i) A municipal or county law enforcement agency shall register an offender

198 who resides within the agency's jurisdiction and is not under the supervision of the Division of  
199 Adult Probation and Parole within the department.

200 (ii) In order to conduct offender registration under this section, the agency shall ensure  
201 the agency staff responsible for registration:

202 (A) has received initial training by the department and has been certified by the  
203 department as qualified and authorized to conduct registrations and enter offender registration  
204 information into the registry database; and

205 (B) certify annually with the department.

206 (b) (i) When the department receives offender registration information regarding a  
207 change of an offender's primary residence location, the department shall within five days  
208 electronically notify the law enforcement agencies that have jurisdiction over the area where:

209 (A) the residence that the offender is leaving is located; and

210 (B) the residence to which the offender is moving is located.

211 (ii) The department shall provide notification under this Subsection (9)(b) if the  
212 offender's change of address is between law enforcement agency jurisdictions, or is within one  
213 jurisdiction.

214 (c) The department shall make available to offenders required to register under this  
215 section the name of the agency, whether it is a local law enforcement agency or the department,  
216 that the offender should contact to register, the location for registering, and the requirements of  
217 registration.

218 (10) An offender convicted by any other jurisdiction is required to register under  
219 Subsection (1)(g) or (n) and Subsection (12) and shall register with the department within 10  
220 days of entering the state, regardless of the offender's length of stay.

221 (11) (a) An offender required to register under Subsection (1)(g) or (n) who is under  
222 supervision by the department shall register with Division of Adult Probation and Parole.

223 (b) An offender required to register under Subsection (1)(g) or (n) who is no longer  
224 under supervision by the department shall register with the police department or sheriff's office  
225 that has jurisdiction over the area where the offender resides.



226 (12) (a) Except as provided in Subsections (12)(b), (c), and (d), an offender shall, for  
227 the duration of the sentence and for 10 years after termination of sentence or custody of the  
228 division, register every year during the month of the offender's birth, during the month that is  
229 the sixth month after the offender's birth month, and also within three business days of every  
230 change of the offender's primary residence, any secondary residences, place of employment,  
231 vehicle information, or educational information required to be submitted under Subsection  
232 (14).

233 (b) Except as provided Subsections (12)(c) and (d), an offender who is convicted in  
234 another jurisdiction of an offense listed in Subsection (1)(g)(i) or (n)(i), a substantially similar  
235 offense, or any other offense that requires registration in the jurisdiction of conviction, shall:

236 (i) register for the time period, and in the frequency, required by the jurisdiction where  
237 the offender was convicted if that jurisdiction's registration period or registration frequency  
238 requirement for the offense that the offender was convicted of is greater than the 10 years from  
239 completion of the sentence registration period that is required under Subsection (12)(a), or is  
240 more frequent than every six months; or

241 (ii) register in accordance with the requirements of Subsection (12)(a), if the  
242 jurisdiction's registration period or frequency requirement for the offense that the offender was  
243 convicted of is less than the registration period required under Subsection (12)(a), or is less  
244 frequent than every six months.

245 (c) (i) (A) An offender convicted as an adult of any of the offenses listed in Subsection  
246 (12)(c)(ii) shall, for the offender's lifetime, register every year during the month of the  
247 offender's birth, during the month that is the sixth month after the offender's birth month, and  
248 also within three business days of every change of the offender's primary residence, any  
249 secondary residences, place of employment, vehicle information, or educational information  
250 required to be submitted under Subsection (14).

251 (B) This registration requirement is not subject to exemptions and may not be  
252 terminated or altered during the offender's lifetime.

253 (ii) Offenses referred to in Subsection (12)(c)(i) are:

254 (A) any offense listed in Subsection (1)(g) or (n) if, at the time of the conviction, the  
255 offender has previously been convicted of an offense listed in Subsection (1)(g) or (n) or has  
256 previously been required to register as a sex offender for an offense committed as a juvenile;

257 (B) a conviction for any of the following offenses, including attempting, soliciting, or  
258 conspiring to commit any felony of:

259 (I) Section 76-5-301.1, child kidnapping, except if the offender is a natural parent of  
260 the victim;

261 (II) Section 76-5-402, rape;

262 (III) Section 76-5-402.1, rape of a child;

263 (IV) Section 76-5-402.2, object rape;

264 (V) Section 76-5-402.3, object rape of a child;

265 (VI) Section 76-5-403.1, sodomy on a child;

266 (VII) Subsection 76-5-404.1(4), aggravated sexual abuse of a child; or

267 (VIII) Section 76-5-405, aggravated sexual assault;

268 (C) Section 76-4-401, a felony violation of enticing a minor over the Internet;

269 (D) Section 76-5-302, aggravated kidnapping, except if the offender is a natural parent  
270 of the victim;

271 (E) Section 76-5-403, forcible sodomy;

272 (F) Section 76-5-404.1, sexual abuse of a child; [~~or~~]

273 (G) Section 76-5a-3, sexual exploitation of a minor[-]; or

274 (H) Section 76-10-1306, aggravated exploitation of prostitution, on or after May 10,  
275 2011.

276 (d) Notwithstanding Subsections (12)(a), (b), and (c), an offender who is confined in a  
277 secure facility or in a state mental hospital is not required to register during the period of  
278 confinement.

279 (e) An offender who is required to register under this Subsection (12) shall surrender  
280 the offender's license, certificate, or identification card as required under Subsection  
281 53-3-216(3) or 53-3-807(4) and may apply for a license certificate or identification card as

282 provided under Section 53-3-205 or 53-3-804.

283 (f) A sex offender who violates Section 77-27-21.8 while required to register under this  
284 section shall register for an additional five years subsequent to the registration period otherwise  
285 required under this section.

286 (13) An agency in the state that registers an offender on probation, an offender who has  
287 been released from confinement to parole status or termination, or an offender whose sentence  
288 has expired shall inform the offender of the duty to comply with:

289 (a) the continuing registration requirements of this section during the period of  
290 registration required in Subsection (12), including:

291 (i) notification to the state agencies in the states where the registrant presently resides  
292 and plans to reside when moving across state lines;

293 (ii) verification of address at least every 60 days pursuant to a parole agreement for  
294 lifetime parolees; and

295 (iii) notification to the out-of-state agency where the offender is living, whether or not  
296 the offender is a resident of that state; and

297 (b) the driver license certificate or identification card surrender requirement under  
298 Subsection 53-3-216(3) or 53-3-807(4) and application provisions under Section 53-3-205 or  
299 53-3-804.

300 (14) An offender shall provide the department or the registering entity with the  
301 following information:

302 (a) all names and aliases by which the offender is or has been known;

303 (b) the addresses of the offender's primary and secondary residences;

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

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

308 (e) a current photograph of the offender;

309 (f) a set of fingerprints, if one has not already been provided;

310 (g) a DNA specimen, taken in accordance with Section 53-10-404, if one has not  
311 already been provided;

312 (h) telephone numbers and any other designations used by the offender for routing or  
313 self-identification in telephonic communications from fixed locations or cellular telephones;

314 (i) Internet identifiers and the addresses the offender uses for routing or  
315 self-identification in Internet communications or postings;

316 (j) the name and Internet address of all websites on which the offender is registered  
317 using an online identifier, including all online identifiers used to access those websites;

318 (k) a copy of the offender's passport, if a passport has been issued to the offender;

319 (l) if the offender is an alien, all documents establishing the offender's immigration  
320 status;

321 (m) all professional licenses that authorize the offender to engage in an occupation or  
322 carry out a trade or business, including any identifiers, such as numbers;

323 (n) each educational institution in Utah at which the offender is employed, carries on a  
324 vocation, or is a student, and any change of enrollment or employment status of the offender at  
325 any educational institution;

326 (o) the name and the address of any place where the offender is employed or will be  
327 employed;

328 (p) the name and the address of any place where the offender works as a volunteer or  
329 will work as a volunteer; and

330 (q) the offender's Social Security number.

331 (15) The department shall:

332 (a) provide the following additional information when available:

333 (i) the crimes the offender has been convicted of or adjudicated delinquent for;

334 (ii) a description of the offender's primary and secondary targets; and

335 (iii) any other relevant identifying information as determined by the department;

336 (b) maintain the Sex Offender and Kidnap Offender Notification and Registration  
337 website; and

338 (c) ensure that the registration information collected regarding an offender's enrollment  
339 or employment at an educational institution is:

340 (i) (A) promptly made available to any law enforcement agency that has jurisdiction  
341 where the institution is located if the educational institution is an institution of higher  
342 education; or

343 (B) promptly made available to the district superintendent of the school district where  
344 the offender is enrolled if the educational institution is an institution of primary education; and

345 (ii) entered into the appropriate state records or data system.

346 (16) (a) An offender who knowingly fails to register under this section or provides  
347 false or incomplete information is guilty of:

348 (i) a third degree felony and shall be sentenced to serve a term of incarceration for not  
349 less than 90 days and also at least one year of probation if:

350 (A) the offender is required to register for a felony conviction or adjudicated delinquent  
351 for what would be a felony if the juvenile were an adult of an offense listed in Subsection  
352 (1)(g)(i) or (n)(i); or

353 (B) the offender is required to register for the offender's lifetime under Subsection  
354 (12)(c); or

355 (ii) a class A misdemeanor and shall be sentenced to serve a term of incarceration for  
356 not fewer than 90 days and also at least one year of probation if the offender is required to  
357 register for a misdemeanor conviction or is adjudicated delinquent for what would be a  
358 misdemeanor if the juvenile were an adult of an offense listed in Subsection (1)(g)(i) or (n)(i).

359 (b) Neither the court nor the Board of Pardons and Parole may release a person who  
360 violates this section from serving the term required under Subsection (16)(a). This Subsection  
361 (16)(b) supersedes any other provision of the law contrary to this section.

362 (c) The offender shall register for an additional year for every year in which the  
363 offender does not comply with the registration requirements of this section.

364 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and  
365 Management Act, information under Subsection (15) that is collected and released under

366 Subsection (27) is public information, unless otherwise restricted under Subsection (2)(c).

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

372 (b) This Subsection (18) does not apply to any person temporarily released under guard  
373 from the institution in which the person is confined.

374 (19) Notwithstanding Title 77, Chapter 40, Utah Expungement Act, a person convicted  
375 of any offense listed in Subsection (1)(g) or (n) is not relieved from the responsibility to  
376 register as required under this section.

377 (20) Notwithstanding Section 42-1-1, an offender:

378 (a) may not change the offender's name:

379 (i) while under the jurisdiction of the department; and

380 (ii) until the registration requirements of this statute have expired; and

381 (b) may not change the offender's name at any time, if registration is for life under  
382 Subsection (12)(c).

383 (21) The department may make administrative rules necessary to implement this  
384 section, including:

385 (a) the method for dissemination of the information; and

386 (b) instructions to the public regarding the use of the information.

387 (22) Any information regarding the identity or location of a victim shall be redacted by  
388 the department from information provided under Subsections (14) and (15).

389 (23) This section does not create or impose any duty on any person to request or obtain  
390 information regarding any offender from the department.

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

393 (a) the information contained on the site is obtained from offenders and the department

394 does not guarantee its accuracy or completeness;

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

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

399 (25) The Sex Offender and Kidnap Offender Notification and Registration website  
400 shall be indexed by both the surname of the offender and by postal codes.

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

404 (27) The Sex Offender and Kidnap Offender Notification and Registration website  
405 shall include the following registry information:

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

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

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

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

413 (e) a current photograph of the offender;

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

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

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

419 (i) the crimes listed in Subsections (1)(g) and(n) that the offender has been convicted of  
420 or for which the offender has been adjudicated delinquent in juvenile court.

421 (28) The department, its personnel, and any individual or entity acting at the request or

422 upon the direction of the department are immune from civil liability for damages for good faith  
423 compliance with this section and will be presumed to have acted in good faith by reporting  
424 information.

425 (29) The department shall redact information that, if disclosed, could reasonably  
426 identify a victim.

427 (30) (a) Each offender required to register under Subsection (12) shall, in the month of  
428 the offender's birth:

429 (i) pay to the department an annual fee of \$100 each year the offender is subject to the  
430 registration requirements of this section; and

431 (ii) pay to the registering agency, if it is an agency other than the Department of  
432 Corrections, an annual fee of not more than \$25, which may be assessed by that agency for  
433 providing registration.

434 (b) Notwithstanding Subsection (30)(a), an offender who is confined in a secure facility  
435 or in a state mental hospital is not required to pay the annual fee.

436 (c) The department shall deposit fees under this Subsection (30) in the General Fund as  
437 a dedicated credit, to be used by the department for maintaining the offender registry under this  
438 section and monitoring offender registration compliance, including the costs of:

439 (i) data entry;

440 (ii) processing registration packets;

441 (iii) updating registry information;

442 (iv) ensuring offender compliance with registration requirements under this section;

443 and

444 (v) apprehending offenders who are in violation of the offender registration  
445 requirements under this section.

446 (31) Notwithstanding Subsections (2)(c) and (14)(i) and (j), an offender is not required  
447 to provide the department with:

448 (a) the offender's online identifier and password used exclusively for the offender's  
449 employment on equipment provided by an employer and used to access the employer's private



450 network; or

451 (b) online identifiers for the offender's financial accounts, including any bank,  
452 retirement, or investment accounts.

453 **Section 2. Coordinating S.B. 159 with S.B. 106 -- Technical amendments.**

454 If this S.B. 159 and S.B. 106, Sexual Exploitation Amendments, both pass, it is the  
455 intent of the Legislature that the Office of Legislative Research and General Counsel shall  
456 prepare the Utah Code database for publication by amending Subsection 77-27-21.5(1)(n)(i)(B)  
457 to read:

458 "(B) Section 76-5b-202, sexual exploitation of a vulnerable adult, on or after May 10,  
459 2011."

