

Sex, Kidnap, and Child Abuse Offender Registry Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor: Matthew H. Gwynn

LONG TITLE**General Description:**

This bill amends provisions related to the Sex, Kidnap, and Child Abuse Offender Registry.

Highlighted Provisions:

This bill:

- recodifies the statutes applicable to the Sex, Kidnap, and Child Abuse Offender Registry;

and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

13-51-107 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 234

13-67-101 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 234

26B-2-120 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 234

41-3-205.5 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 145

41-3-209 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 251

42-1-1 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 296

53-3-205 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 116,

234

53-3-216 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 234

53-3-804 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 116,

234

53-3-806.5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 234

53-3-807 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 234

53-10-214 (Effective 05/07/25), as enacted by Laws of Utah 2019, Chapter 406

31 **53-10-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 96,
32 153, 187, and 256
33 **53-10-404 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
34 **57-8-3 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 519
35 **57-8-8.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 115, 519
36 **57-8a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 519
37 **57-8a-218 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 115,
38 519
39 **63G-2-302 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
40 **63G-7-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
41 **76-1-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
42 **76-1-202 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
43 **76-3-402 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
44 **76-5-401 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
45 **76-5-401.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
46 **76-5-401.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
47 **76-9-702 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
48 **76-9-702.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
49 **76-9-702.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 2
50 **77-2-2.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
51 **77-11c-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
52 **77-27-5.2 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 116,
53 234
54 **77-38-605 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
55 **77-40a-303 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 180
56 **77-40a-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 180
57 **78A-2-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 366
58 **78B-8-302 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
59 **80-3-406 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 320
60 **80-5-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 116,
61 234
62 **80-8-101 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 371
63 **80-8-201 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 371
64 **81-9-202 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2024,

65 Chapter 366
66 **81-9-208 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2024,
67 Chapter 366

68 ENACTS:

69 **53-29-101 (Effective 05/07/25)**, Utah Code Annotated 1953
70 **53-29-102 (Effective 05/07/25)**, Utah Code Annotated 1953
71 **53-29-201 (Effective 05/07/25)**, Utah Code Annotated 1953
72 **53-29-202 (Effective 05/07/25)**, Utah Code Annotated 1953
73 **53-29-203 (Effective 05/07/25)**, Utah Code Annotated 1953
74 **53-29-204 (Effective 05/07/25)**, Utah Code Annotated 1953
75 **53-29-205 (Effective 05/07/25)**, Utah Code Annotated 1953
76 **53-29-206 (Effective 05/07/25)**, Utah Code Annotated 1953
77 **53-29-207 (Effective 05/07/25)**, Utah Code Annotated 1953
78 **53-29-301 (Effective 05/07/25)**, Utah Code Annotated 1953
79 **53-29-302 (Effective 05/07/25)**, Utah Code Annotated 1953
80 **53-29-303 (Effective 05/07/25)**, Utah Code Annotated 1953
81 **53-29-304 (Effective 05/07/25)**, Utah Code Annotated 1953
82 **53-29-305 (Effective 05/07/25)**, Utah Code Annotated 1953
83 **53-29-401 (Effective 05/07/25)**, Utah Code Annotated 1953
84 **53-29-402 (Effective 05/07/25)**, Utah Code Annotated 1953
85 **53-29-403 (Effective 05/07/25)**, Utah Code Annotated 1953
86 **53-29-404 (Effective 05/07/25)**, Utah Code Annotated 1953
87 **53-29-405 (Effective 05/07/25)**, Utah Code Annotated 1953

88 RENUMBERS AND AMENDS:

89 **53-29-306 (Effective 05/07/25)**, (Renumbered from 77-27-21.7, as last amended by
90 Laws of Utah 2024, Chapters 116, 234)
91 **53-29-307 (Effective 05/07/25)**, (Renumbered from 77-27-21.8, as last amended by
92 Laws of Utah 2024, Chapter 234)

93 REPEALS:

94 **77-41-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234
95 **77-41-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 116,
96 234
97 **77-41-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 128
98 **77-41-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234

99 **77-41-106 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234

100 **77-41-107 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234

101 **77-41-108 (Effective 05/07/25)**, as enacted by Laws of Utah 2012, Chapter 145

102 **77-41-109 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234

103 **77-41-110 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234

104 **77-41-111 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 128

105 **77-41-112 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 116,
106 234

107 **77-41-113 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234

108 **77-41-114 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234

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

111 Section 1. Section **13-51-107** is amended to read:

112 **13-51-107 (Effective 05/07/25). Driver requirements.**

113 (1) Before a transportation network company allows an individual to use the transportation
114 network company's software application as a transportation network driver, the
115 transportation network company shall:

116 (a) require the individual to submit to the transportation network company:

117 (i) the individual's name, address, and age;

118 (ii) a copy of the individual's driver license, including the driver license number; and

119 (iii) proof that the vehicle that the individual will use to provide transportation
120 network services is registered with the Division of Motor Vehicles;

121 (b) require the individual to consent to a criminal background check of the individual by
122 the transportation network company or the transportation network company's
123 designee; and

124 (c) obtain and review a report that lists the individual's driving history.

125 (2) A transportation company may not allow an individual to provide transportation
126 network services as a transportation network driver if the individual:

127 (a) has committed more than three moving violations in the three years before the day on
128 which the individual applies to become a transportation network driver;

129 (b) has been convicted, in the seven years before the day on which the individual applies
130 to become a transportation network driver, of:

131 (i) driving under the influence of alcohol or drugs;

132 (ii) fraud;

- (iii) a sexual offense;
- (iv) a felony involving a motor vehicle;
- (v) a crime involving property damage;
- (vi) a crime involving theft;
- (vii) a crime of violence; or
- (viii) an act of terror;

(c) is required to register as a sex offender, kidnap offender, or child abuse offender in accordance with [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry;

(d) does not have a valid Utah driver license; or

(e) is not at least 18 years old.

(3)(a) A transportation network company shall prohibit a transportation network driver from accepting a request for a prearranged ride if the motor vehicle that the transportation network driver uses to provide transportation network services fails to comply with:

(i) equipment standards described in Section 41-6a-1601; and

(ii) emission requirements adopted by a county under Section 41-6a-1642.

(b)(i) If upon visual inspection, a defect relating to the equipment standards described in Section 41-6a-1601 can be reasonably identified, an airport operator may perform a safety inspection of a transportation network driver's vehicle operating within the airport to ensure compliance with equipment standards described in Section 41-6a-1601.

(ii) An airport operator shall conduct all inspections under this Subsection (3) in such a manner to minimize impact to the transportation network driver's and transportation network company vehicle's availability to provide prearranged rides.

(4) A transportation network driver, while providing transportation network services, shall carry proof, in physical or electronic form, that the transportation network driver is covered by insurance that satisfies the requirements of Section 13-51-108.

Section 2. Section **13-67-101** is amended to read:

13-67-101 (Effective 05/07/25). Definitions.

As used in this chapter:

- (1) "Banned member" means a member whose account or profile is the subject of a fraud ban.
- (2) "Criminal background screening" means a name search for an individual's criminal

conviction and is conducted by searching:

(a) available and regularly updated government public record databases that in the aggregate provide national coverage for criminal conviction records; or

(b) a regularly updated database with national coverage of criminal conviction records and sexual offender registries maintained by a private vendor.

(3)(a) "Criminal conviction" means a conviction for a crime in this state, another state, or under federal law.

(b) "Criminal conviction" includes an offense that would require registration under [Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or under a similar law in a different jurisdiction.

(4) "Division" means the Division of Consumer Protection in the Department of Commerce.

(5) "Fraud ban" means the expulsion of a member from an online dating service because, in the judgment of the online dating service provider, there is a significant risk the member will attempt to obtain money from another member through fraudulent means.

(6) "Member" means an individual who submits to an online dating service provider the information required by the online dating service provider to access the online dating service provider's online dating service.

(7) "Online dating service" means a product or service that is:

(a) conducted through a website or a mobile application; and

(b) primarily marketed and intended to offer a member access to dating or romantic relationships with another member by arranging or facilitating the social introduction of members.

(8) "Online dating service provider" means a person [~~predominately~~] predominantly engaged in the business of offering an online dating service.

(9) "Utah member" means a member who provides a Utah billing address or zip code when registering with an online dating service provider.

Section 3. Section **26B-2-120** is amended to read:

26B-2-120 (Effective 05/07/25). Background check -- Direct access to children or vulnerable adults.

(1) As used in this section:

(a)(i) "Applicant" means an individual who is associated with a certification, contract, or licensee with the department under this part and has direct access, including:

- 201 (A) an adoptive parent or prospective adoptive parent, including an applicant for
202 an adoption in accordance with Section 78B-6-128;
- 203 (B) a foster parent or prospective foster parent;
- 204 (C) an individual who provides respite care to a foster parent or an adoptive parent
205 on more than one occasion;
- 206 (D) an individual who transports a child for a youth transportation company;
- 207 (E) an individual who provides certified peer support, as defined in Section
208 26B-5-610;
- 209 (F) an individual who provides peer supports, has a disability or a family member
210 with a disability, or is in recovery from a mental illness or a substance use
211 disorder;
- 212 (G) an individual who has lived experience with the services provided by the
213 department, and uses that lived experience to provide support, guidance, or
214 services to promote resiliency and recovery;
- 215 (H) an individual who is identified as a mental health professional, licensed under
216 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in
217 the practice of mental health therapy, as defined in Section 58-60-102;
- 218 (I) an individual, other than the child or vulnerable adult receiving the service,
219 who is 12 years old or older and resides in a home, that is licensed or certified
220 by the division;
- 221 (J) an individual who is 12 years old or older and is associated with a certification,
222 contract, or licensee with the department under this part and has or will likely
223 have direct access;
- 224 (K) a foster home licensee that submits an application for an annual background
225 screening as required by Subsection 26B-2-105(4)(d)(iii); or
- 226 (L) a short-term relief care provider.
- 227 (ii) "Applicant" does not include:
- 228 (A) an individual who is in the custody of the Division of Child and Family
229 Services or the Division of Juvenile Justice and Youth Services;
- 230 (B) an individual who applies for employment with, or is employed by, the
231 Department of Health and Human Services;
- 232 (C) a parent of a person receiving services from the Division of Services for
233 People with Disabilities, if the parent provides direct care to and resides with
234 the person, including if the parent provides direct care to and resides with the

- 235 person pursuant to a court order; or
- 236 (D) an individual or a department contractor who provides services in an adults
- 237 only substance use disorder program, as defined by rule adopted by the
- 238 Department of Health and Human Services in accordance with Title 63G,
- 239 Chapter 3, Utah Administrative Rulemaking Act, and who is not a program
- 240 director or a member, as defined by Section 26B-2-105, of the program.
- 241 (b) "Application" means a background check application to the office.
- 242 (c) "Bureau" means the Bureau of Criminal Identification within the Department of
- 243 Public Safety, created in Section 53-10-201.
- 244 (d) "Criminal finding" means a record of:
- 245 (i) an arrest for a criminal offense;
- 246 (ii) a warrant for a criminal arrest;
- 247 (iii) charges for a criminal offense; or
- 248 (iv) a criminal conviction.
- 249 (e) "Direct access" means that an individual has, or likely will have:
- 250 (i) contact with or access to a child or vulnerable adult by which the individual will
- 251 have the opportunity for personal communication or touch with the child or
- 252 vulnerable adult; or
- 253 (ii) an opportunity to view medical, financial, or other confidential personal
- 254 identifying information of the child, the child's parent or legal guardian, or the
- 255 vulnerable adult.
- 256 (f)(i) "Direct access qualified" means that the applicant has an eligible determination
- 257 by the office within the license and renewal time period; and
- 258 (ii) no more than 180 days have passed since the date on which the applicant's
- 259 association with a certification, contract, or licensee with the department expires.
- 260 (g) "Incidental care" means occasional care, not in excess of five hours per week and
- 261 never overnight, for a foster child.
- 262 (h) "Licensee" means an individual or a human services program licensed by the
- 263 division.
- 264 (i) "Non-criminal finding" means a record maintained in:
- 265 (i) the Division of Child and Family Services' Management Information System
- 266 described in Section 80-2-1001;
- 267 (ii) the Division of Child and Family Services' Licensing Information System
- 268 described in Section 80-2-1002;

- (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210;
- (iv) juvenile court arrest, adjudication, and disposition records;
- (v) the Sex, Kidnap, and Child Abuse Offender Registry described in [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex offender registry; or
- (vi) a state child abuse or neglect registry.

(j) "Office" means the Office of Background Processing within the department.

(k) "Personal identifying information" means:

- (i) current name, former names, nicknames, and aliases;
- (ii) date of birth;
- (iii) physical address and email address;
- (iv) telephone number;
- (v) driver license or other government-issued identification;
- (vi) social security number;
- (vii) only for applicants who are 18 years old or older, fingerprints, in a form specified by the office; and
- (viii) other information specified by the office by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) Except as provided in Subsection (12), an applicant or a representative shall submit the following to the office:

- (a) personal identifying information;
- (b) a fee established by the office under Section 63J-1-504;
- (c) a disclosure form, specified by the office, for consent for:
 - (i) an initial background check upon association with a certification, contract, or licensee with the department;
 - (ii) ongoing monitoring of fingerprints and registries until no longer associated with a certification, contract, or licensee with the department for 180 days;
 - (iii) a background check when the office determines that reasonable cause exists; and
 - (iv) retention of personal identifying information, including fingerprints, for monitoring and notification as described in Subsections (3)(c) and (4);
- (d) if an applicant resided outside of the United States and its territories during the five years immediately preceding the day on which the information described in

Subsections (2)(a) through (c) is submitted to the office, documentation establishing whether the applicant was convicted of a crime during the time that the applicant resided outside of the United States or its territories; and

- (e) an application showing an applicant's association with a certification, contract, or a licensee with the department, for the purpose of the office tracking the direct access qualified status of the applicant, which expires 180 days after the date on which the applicant is no longer associated with a certification, contract, or a licensee with the department.

(3) The office:

- (a) shall perform the following duties as part of a background check of an applicant before the office grants or denies direct access qualified status to an applicant:

- (i) check state and regional criminal background databases for the applicant's criminal history by:
 - (A) submitting personal identifying information to the bureau for a search; or
 - (B) using the applicant's personal identifying information to search state and regional criminal background databases as authorized under Section 53-10-108;
- (ii) submit the applicant's personal identifying information and fingerprints to the bureau for a criminal history search of applicable national criminal background databases;
- (iii) search the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002;
- (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in [Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex offender registry for an applicant 18 years old or older;
- (v) if the applicant is associated with a licensee for a prospective foster or adoptive parent, search the Division of Child and Family Services' Management Information System described in Section 80-2-1001;
- (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210;
- (vii) search the juvenile court records for substantiated findings of severe child abuse or neglect described in Section 80-3-404; and
- (viii) search the juvenile court arrest, adjudication, and disposition records, as provided under Section 78A-6-209;

- (b) may conduct all or portions of a background check in connection with determining whether an applicant is direct access qualified, as provided by rule, made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- (i) for an annual renewal; or
 - (ii) when the office determines that reasonable cause exists;
- (c) may submit an applicant's personal identifying information, including fingerprints, to the bureau for checking, retaining, and monitoring of state and national criminal background databases and for notifying the office of new criminal activity associated with the applicant;
- (d) shall track the status of an applicant under this section to ensure that the applicant is not required to duplicate the submission of the applicant's fingerprints if the applicant is associated with more than one certification, contract, or licensee with the department;
- (e) shall notify the bureau when a direct access qualified individual has not been associated with a certification, contract, or licensee with the department for a period of 180 days;
- (f) shall adopt measures to strictly limit access to personal identifying information solely to the individuals responsible for processing and entering the applications for background checks and to protect the security of the personal identifying information the office reviews under this Subsection (3);
- (g) as necessary to comply with the federal requirement to check a state's child abuse and neglect registry regarding any applicant working in a congregate care program, shall:
- (i) search the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002; and
 - (ii) require the child abuse and neglect registry be checked in each state where an applicant resided at any time during the five years immediately preceding the day on which the application is submitted to the office; and
- (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this Subsection (3) relating to background checks.
- (4)(a) With the personal identifying information the office submits to the bureau under Subsection (3), the bureau shall check against state and regional criminal background databases for the applicant's criminal history.

- 371 (b) With the personal identifying information and fingerprints the office submits to the
372 bureau under Subsection (3), the bureau shall check against national criminal
373 background databases for the applicant's criminal history.
- 374 (c) Upon direction from the office, and with the personal identifying information and
375 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:
- 376 (i) maintain a separate file of the fingerprints for search by future submissions to the
377 local and regional criminal records databases, including latent prints; and
378 (ii) monitor state and regional criminal background databases and identify criminal
379 activity associated with the applicant.
- 380 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of
381 Investigation Next Generation Identification System, to be retained in the Federal
382 Bureau of Investigation Next Generation Identification System for the purpose of:
- 383 (i) being searched by future submissions to the national criminal records databases,
384 including the Federal Bureau of Investigation Next Generation Identification
385 System and latent prints; and
386 (ii) monitoring national criminal background databases and identifying criminal
387 activity associated with the applicant.
- 388 (e) The ~~[Bureau]~~ bureau shall notify and release to the office all information of criminal
389 activity associated with the applicant.
- 390 (f) Upon notice that an individual who has direct access qualified status will no longer
391 be associated with a certification, contract, or licensee with the department, the
392 bureau shall:
- 393 (i) discard and destroy any retained fingerprints; and
394 (ii) notify the Federal Bureau of Investigation when the license has expired or an
395 individual's direct access to a child or a vulnerable adult has ceased, so that the
396 Federal Bureau of Investigation will discard and destroy the retained fingerprints
397 from the Federal Bureau of Investigation Next Generation Identification System.
- 398 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access
399 qualified status to an applicant who, within three years from the date on which the
400 office conducts the background check, was convicted of:
- 401 (i) a felony or misdemeanor involving conduct that constitutes any of the following:
- 402 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,
403 cruelty to animals, or bestiality;
404 (B) a violation of any pornography law, including sexual exploitation of a minor

- 405 or aggravated sexual exploitation of a minor;
- 406 (C) sexual solicitation or prostitution;
- 407 (D) a violent offense committed in the presence of a child, as described in Section
- 408 76-3-203.10;
- 409 (E) an offense included in Title 76, Chapter 4, Part 4, Enticement of a Minor;
- 410 (F) an offense included in Title 76, Chapter 5, Offenses Against the Individual;
- 411 (G) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act;
- 412 (H) an offense included in Title 76, Chapter 7, Offenses Against the Family;
- 413 (I) an offense included in Title 76, Chapter 9, Part 4, Offenses Against Privacy;
- 414 (J) an offense included in Title 76, Chapter 10, Part 4, Weapons of Mass
- 415 Destruction;
- 416 (K) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking
- 417 Injunctions;
- 418 (L) aggravated arson, as described in Section 76-6-103;
- 419 (M) aggravated burglary, as described in Section 76-6-203;
- 420 (N) aggravated exploitation of prostitution, as described in Section 76-10-1306;
- 421 (O) aggravated robbery, as described in Section 76-6-302;
- 422 (P) endangering persons in a human services program, as described in Section
- 423 26B-2-113;
- 424 (Q) failure to report, as described in Section 80-2-609;
- 425 (R) identity fraud crime, as described in Section 76-6-1102;
- 426 (S) leaving a child unattended in a motor vehicle, as described in Section
- 427 76-10-2202;
- 428 (T) riot, as described in Section 76-9-101;
- 429 (U) sexual battery, as described in Section 76-9-702.1; or
- 430 (V) threatening with or using a dangerous weapon in a fight or quarrel, as
- 431 described in Section 76-10-506; or
- 432 (ii) a felony or misdemeanor offense committed outside of the state that, if committed
- 433 in the state, would constitute a violation of an offense described in Subsection
- 434 (5)(a)(i).
- 435 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a
- 436 peer support provider or a mental health professional, if the applicant provides
- 437 services in a program that serves only adults with a primary mental health
- 438 diagnosis, with or without a co-occurring substance use disorder.

(ii) The office shall conduct a comprehensive review of an applicant described in Subsection (5)(b)(i) in accordance with Subsection (7).

(c) The office shall deny direct access qualified status to an applicant if the office finds that a court order prohibits the applicant from having direct access to a child or vulnerable adult.

(6) The office shall conduct a comprehensive review of an applicant's background check if the applicant:

(a) has a felony or class A misdemeanor conviction that is more than three years from the date on which the office conducts the background check, for an offense described in Subsection (5)(a);

(b) has a felony charge or conviction that is no more than 10 years from the date on which the office conducts the background check for an offense not described in Subsection (5)(a);

(c) has a felony charge or conviction that is more than 10 years from the date on which the office conducts the background check, for an offense not described in Subsection (5)(a), with criminal or non-criminal findings after the date of the felony charge or conviction;

(d) has a class B misdemeanor or class C misdemeanor conviction that is more than three years and no more than 10 years from the date on which the office conducts the background check for an offense described in Subsection (5)(a);

(e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10 years from the date on which the office conducts the background check, for an offense described in Subsection (5)(a), with criminal or non-criminal findings after the date of conviction;

(f) has a misdemeanor charge or conviction that is no more than three years from the date on which the office conducts the background check for an offense not described in Subsection (5)(a);

(g) has a misdemeanor charge or conviction that is more than three years from the date on which the office conducts the background check, for an offense not described in Subsection (5)(a), with criminal or non-criminal findings after the date of charge or conviction;

(h) is currently subject to a plea in abeyance or diversion agreement for an offense described in Subsection (5)(a);

(i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in [Title

~~77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry]~~ Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex offender registry;

(j) has a record of an adjudication in juvenile court for an act that, if committed by an adult, would be a felony or misdemeanor, if the applicant is:

(i) under 28 years old; or

(ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or a misdemeanor offense described in Subsection (5)(a);

(k) has a pending charge for an offense described in Subsection (5)(a);

(l) has a listing that occurred no more than 15 years from the date on which the office conducts the background check in the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002;

(m) has a listing that occurred more than 15 years from the date on which the office conducts the background check in the Division of Child and Family Services' Licensing Information System described in Section 80-2-1002, with criminal or non-criminal findings after the date of the listing;

(n) has a listing that occurred no more than 15 years from the date on which the office conducts the background check in the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210;

(o) has a listing that occurred more than 15 years from the date on which the office conducts the background check in the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or exploitation database described in Section 26B-6-210, with criminal or non-criminal findings after the date of the listing;

(p) has a substantiated finding that occurred no more than 15 years from the date on which the office conducts the background check of severe child abuse or neglect under Section 80-3-404 or 80-3-504[-]; or

(q) has a substantiated finding that occurred more than 15 years from the date on which the office conducts the background check of severe child abuse or neglect under Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of the listing.

(7)(a) The comprehensive review shall include an examination of:

(i) the date of the offense or incident;

- (ii) the nature and seriousness of the offense or incident;
- (iii) the circumstances under which the offense or incident occurred;
- (iv) the age of the perpetrator when the offense or incident occurred;
- (v) whether the offense or incident was an isolated or repeated incident;
- (vi) whether the offense or incident directly relates to abuse of a child or vulnerable adult, including:
 - (A) actual or threatened, nonaccidental physical, mental, or financial harm;
 - (B) sexual abuse;
 - (C) sexual exploitation; or
 - (D) negligent treatment;
- (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric treatment received, or additional academic or vocational schooling completed;
- (viii) the applicant's risk of harm to clientele in the program or in the capacity for which the applicant is applying; and
- (ix) if the background check of an applicant is being conducted for the purpose of giving direct access qualified status to an applicant seeking a position in a congregate care program or to become a prospective foster or adoptive parent, any listing in the Division of Child and Family Services' Management Information System described in Section 80-2-1001.

(b) At the conclusion of the comprehensive review, the office shall deny direct access qualified status to an applicant if the office finds the approval would likely create a risk of harm to a child or vulnerable adult.

(8) The office shall grant direct access qualified status to an applicant who is not denied under this section.

(9)(a) The office may conditionally grant direct access qualified status to an applicant, for a maximum of 60 days after the day on which the office sends written notice, without requiring that the applicant be directly supervised, if the office:

- (i) is awaiting the results of the criminal history search of national criminal background databases; and
- (ii) would otherwise grant direct access qualified status to the applicant under this section.

(b) The office may conditionally grant direct access qualified status to an applicant, for a maximum of one year after the day on which the office sends written notice, without requiring that the applicant be directly supervised if the office:

(i) is awaiting the results of an out-of-state registry for providers other than foster and adoptive parents; and

(ii) would otherwise grant direct access qualified status to the applicant under this section.

(c) Upon receiving the results of the criminal history search of a national criminal background database, the office shall grant or deny direct access qualified status to the applicant in accordance with this section.

(10)(a) Each time an applicant is associated with a licensee, the department shall review the current status of the applicant's background check to ensure the applicant is still eligible for direct access qualified status in accordance with this section.

(b) A licensee may not permit an individual to have direct access to a child or a vulnerable adult without being directly supervised unless:

(i) the individual is the parent or guardian of the child, or the guardian of the vulnerable adult;

(ii) the individual is approved by the parent or guardian of the child, or the guardian of the vulnerable adult, to have direct access to the child or the vulnerable adult;

(iii) the individual is only permitted to have direct access to a vulnerable adult who voluntarily invites the individual to visit; or

(iv) the individual only provides incidental care for a foster child on behalf of a foster parent who has used reasonable and prudent judgment to select the individual to provide the incidental care for the foster child.

(c) Notwithstanding any other provision of this section, an applicant who is denied direct access qualified status shall not have direct access to a child or vulnerable adult unless the office grants direct access qualified status to the applicant through a subsequent application in accordance with this section.

(11) If the office denies direct access qualified status to an applicant, the applicant may request a hearing in the department's Office of Administrative Hearings to challenge the office's decision.

(12)(a) This Subsection (12) applies to an applicant associated with a certification, contract, or licensee serving adults only.

(b) A program director or a member, as defined in Section 26B-2-105, of the licensee shall comply with this section.

(c) The office shall conduct a comprehensive review for an applicant if:

(i) the applicant is seeking a position:

- 575 (A) as a peer support provider;
- 576 (B) as a mental health professional; or
- 577 (C) in a program that serves only adults with a primary mental health diagnosis,
- 578 with or without a co-occurring substance use disorder; and
- 579 (ii) within three years from the date on which the office conducts the background
- 580 check, the applicant has a felony or misdemeanor charge or conviction or a
- 581 non-criminal finding.
- 582 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate
- 583 care program, an applicant seeking to provide a prospective foster home, an applicant
- 584 seeking to provide a prospective adoptive home, and each adult living in the home of
- 585 the prospective foster or prospective adoptive home.
- 586 (b) As federally required, the office shall:
- 587 (i) check the child abuse and neglect registry in each state where each applicant
- 588 resided in the five years immediately preceding the day on which the applicant
- 589 applied to be a foster or adoptive parent, to determine whether the prospective
- 590 foster or adoptive parent is listed in the registry as having a substantiated or
- 591 supported finding of child abuse or neglect; and
- 592 (ii) except for applicants seeking a position in a congregate care program, check the
- 593 child abuse and neglect registry in each state where each adult living in the home
- 594 of the prospective foster or adoptive home resided in the five years immediately
- 595 preceding the day on which the applicant applied to be a foster or adoptive parent,
- 596 to determine whether the adult is listed in the registry as having a substantiated or
- 597 supported finding of child abuse or neglect.
- 598 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:
- 599 (i) federal law or rule permits otherwise; or
- 600 (ii) the requirements would prohibit the Division of Child and Family Services or a
- 601 court from placing a child with:
- 602 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or
- 603 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,
- 604 or 80-3-303, pending completion of the background check described in
- 605 Subsections (5), (6), and (7).
- 606 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access
- 607 qualified status if the applicant has been convicted of:
- 608 (i) a felony involving conduct that constitutes any of the following:

- 609 (A) child abuse, as described in Sections 76-5-109, 76-5-109.2, and 76-5-109.3;
610 (B) commission of domestic violence in the presence of a child, as described in
611 Section 76-5-114;
612 (C) abuse or neglect of a child with a disability, as described in Section 76-5-110;
613 (D) intentional aggravated abuse of a vulnerable adult, as described in Section
614 76-5-111;
615 (E) endangerment of a child or vulnerable adult, as described in Section
616 76-5-112.5;
617 (F) aggravated murder, as described in Section 76-5-202;
618 (G) murder, as described in Section 76-5-203;
619 (H) manslaughter, as described in Section 76-5-205;
620 (I) child abuse homicide, as described in Section 76-5-208;
621 (J) homicide by assault, as described in Section 76-5-209;
622 (K) kidnapping, as described in Section 76-5-301;
623 (L) child kidnapping, as described in Section 76-5-301.1;
624 (M) aggravated kidnapping, as described in Section 76-5-302;
625 (N) human trafficking of a child, as described in Section 76-5-308.5;
626 (O) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;
627 (P) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual
628 Exploitation Act;
629 (Q) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
630 (R) aggravated arson, as described in Section 76-6-103;
631 (S) aggravated burglary, as described in Section 76-6-203;
632 (T) aggravated robbery, as described in Section 76-6-302;
633 (U) lewdness involving a child, as described in Section 76-9-702.5;
634 (V) incest, as described in Section 76-7-102; or
635 (W) domestic violence, as described in Section 77-36-1; or
636 (ii) an offense committed outside the state that, if committed in the state, would
637 constitute a violation of an offense described in Subsection (13)(d)(i).
638 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access
639 qualified status to an applicant if, within the five years from the date on which the
640 office conducts the background check, the applicant was convicted of a felony
641 involving conduct that constitutes a violation of any of the following:
642 (i) aggravated assault, as described in Section 76-5-103;

- 643 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
644 (iii) mayhem, as described in Section 76-5-105;
645 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;
646 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
647 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances
648 Act;
649 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance
650 Precursor Act; or
651 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 652 (f) In addition to the circumstances described in Subsection (6), the office shall conduct
653 a comprehensive review of an applicant's background check under this section if the
654 applicant:
- 655 (i) has an offense described in Subsection (5)(a);
656 (ii) has an infraction conviction entered on a date that is no more than three years
657 before the date on which the office conducts the background check;
658 (iii) has a listing in the Division of Child and Family Services' Licensing Information
659 System described in Section 80-2-1002;
660 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,
661 neglect, or exploitation database described in Section 26B-2-210;
662 (v) has a substantiated finding of severe child abuse or neglect under Section
663 80-3-404 or 80-3-504; or
664 (vi) has a listing on the registry check described in Subsection (13)(b) as having a
665 substantiated or supported finding of a severe type of child abuse or neglect, as
666 defined in Section 80-1-102.
- 667 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
668 office may make rules, consistent with this part, to:
- 669 (a) establish procedures for, and information to be examined in, the comprehensive
670 review described in Subsections (6), (7), and (13); and
671 (b) determine whether to consider an offense or incident that occurred while an
672 individual was in the custody of the Division of Child and Family Services or the
673 Division of Juvenile Justice and Youth Services for purposes of granting or denying
674 direct access qualified status to an applicant.
- 675 Section 4. Section **41-3-205.5** is amended to read:
676 **41-3-205.5 (Effective 05/07/25). Licenses -- Criminal background check**

required on salesperson's licenses -- Payment of cost.

- (1)(a) Every applicant for a salesperson's license shall submit fingerprints with a completed application to the division.
- (b) ~~[A person]~~ An individual required to renew a salesperson license on or before June 30, 2010, shall submit fingerprints to the division on or before November 30, 2010.
- (2) The division shall submit fingerprints for each applicant described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.
- (3) The Bureau of Criminal Identification shall:
- (a) check the information submitted by the division for an applicant under Subsection (2) against the applicable state and regional criminal records databases; and
- (b) release to the division all information obtained under Subsection (3)(a) relating to the applicant.
- (4)(a) The Bureau of Criminal Identification shall maintain a separate file of fingerprints submitted under Subsection (2) and notify the division when a new entry is made in the applicable state and regional database against ~~[a person]~~ an individual whose fingerprints are held in the file regarding any matter involving an arrest under state law involving:
- (i) motor vehicles;
- (ii) controlled substances;
- (iii) fraud; or
- ~~[(iv) a registerable sex offense under Section 77-41-106.]~~
- (iv) an offense that would result in the individual being a sex offender under Subsection 53-29-202(2)(b) and required to register for the individual's lifetime under Subsection 53-29-203(1)(b).
- (b) Upon request by the division, the Bureau of Criminal Identification shall inform the division whether a person whose arrest was reported to the division under Subsection (4)(a) was subsequently convicted of the charge for which the person was arrested.
- (5) In addition to any fees imposed under this chapter, the division shall:
- (a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Subsections (3) and (4); and
- (b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.
- (6) The division shall use information received from the Bureau of Criminal Identification

under this section to determine whether a license should be denied, suspended, or revoked under Section 41-3-209.

Section 5. Section **41-3-209** is amended to read:

41-3-209 (Effective 05/07/25). Administrator's findings -- Suspension and revocation of license.

(1) If the administrator finds that an applicant is not qualified to receive a license, a license may not be granted.

(2)(a) If the administrator finds that there is reasonable cause to deny, suspend, or revoke a license issued under this chapter, the administrator shall deny, suspend, or revoke the license.

(b) Reasonable cause for denial, suspension, or revocation of a license includes, in relation to the applicant or license holder or any of the applicant or license holder's partners, officers, or directors:

(i) lack of a principal place of business or authorized service center as required by this chapter;

(ii) lack of a sales tax license required under Title 59, Chapter 12, Sales and Use Tax Act;

(iii) lack of a bond in effect as required by this chapter;

(iv) current revocation or suspension of a dealer, dismantler, auction, or salesperson license issued in another state;

(v) nonpayment of required fees;

(vi) making a false statement on any application for a license under this chapter or for a special license plate;

(vii) a violation of any state or federal law involving motor vehicles;

(viii) a violation of any state or federal law involving controlled substances;

(ix) charges filed with any county attorney, district attorney, or U.S. attorney in any court of competent jurisdiction for a violation of any state or federal law involving motor vehicles;

(x) a violation of any state or federal law involving fraud;

(xi) a violation of any state or federal law involving ~~[a registerable sex offense under Section 77-41-106]~~ an offense that would result in the individual being a sex offender under Subsection 53-29-202(2)(b) and required to register for the individual's lifetime under Subsection 53-29-203(1)(b);

(xii) having had a license issued under this chapter revoked within five years from

- 745 the date of application; or
- 746 (xiii) failure to comply with any applicable qualification or requirement imposed
- 747 under this chapter.
- 748 (c) Any action taken by the administrator under Subsection (2)(b)(ix) shall remain in
- 749 effect until a final resolution is reached by the court involved or the charges are
- 750 dropped.
- 751 (3) If the administrator finds that an applicant is not qualified to receive a license under this
- 752 section, the administrator shall provide the applicant written notice of the reason for the
- 753 denial.
- 754 (4) If the administrator finds that the license holder has been convicted by a court of
- 755 competent jurisdiction of violating any of the provisions of this chapter or any rules
- 756 made by the administrator, or finds other reasonable cause, the administrator may, by
- 757 complying with the emergency procedures of Title 63G, Chapter 4, Administrative
- 758 Procedures Act:
- 759 (a) suspend the license on terms and for a period of time the administrator finds
- 760 reasonable; or
- 761 (b) revoke the license.
- 762 (5)(a) After suspending or revoking a license, the administrator may take reasonable
- 763 action to:
- 764 (i) notify the public that the licensee is no longer in business; and
- 765 (ii) prevent the former licensee from violating the law by conducting business
- 766 without a license.
- 767 (b) Action under Subsection (5)(a) may include signs, banners, barriers, locks, bulletins,
- 768 and notices.
- 769 (c) Any business being conducted incidental to the business for which the former
- 770 licensee was licensed may continue to operate subject to the preventive action taken
- 771 under this subsection.
- 772 Section 6. Section **42-1-1** is amended to read:
- 773 **42-1-1 (Effective 05/07/25). By petition to district court -- Contents.**
- 774 (1) Any natural person, desiring to change the natural person's name, may file a petition in
- 775 the district court of the county where the natural person resides, setting forth:
- 776 (a) the cause for which the change of name is sought;
- 777 (b) the name proposed; and
- 778 (c) that the natural person has been a bona fide resident of the county for the year

immediately prior to the filing of the petition.

(2)(a) A natural person petitioning for a name change under this section shall indicate on the petition whether the individual is [~~registered with the state's Sex and Kidnap Offender Registry~~] required to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.

(b) The court may request additional information from a natural person who is [~~registered with the state's Sex and Kidnap Offender Registry~~] required to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, to make the determination described in Subsection [~~77-41-105(8)~~] 53-29-303(3).

(3) The provisions of Title 76, Chapter 8, Part 5, Falsification in Official Matters, apply to this section when applicable.

Section 7. Section **53-3-205** is amended to read:

53-3-205 (Effective 05/07/25). Application for license or endorsement -- Fee required -- Tests -- Expiration dates of licenses and endorsements -- Information required -- Previous licenses surrendered -- Driving record transferred from other states -- Reinstatement -- Fee required -- License agreement.

(1) An application for an original license, provisional license, or endorsement shall be:

(a) made upon a form furnished by the division; and

(b) accompanied by a nonrefundable fee set under Section 53-3-105.

(2) An application and fee for an original provisional class D license or an original class D license entitle the applicant to:

(a) not more than three attempts to pass both the knowledge and the skills tests for a class D license within six months after the date of the application;

(b) a learner permit if needed pending completion of the application and testing process; and

(c) an original class D license and license certificate after all tests are passed and requirements are completed.

(3) An application and fee for a motorcycle or taxicab endorsement entitle the applicant to:

(a) not more than three attempts to pass both the knowledge and skills tests within six months after the date of the application;

(b) a motorcycle learner permit after the motorcycle knowledge test is passed; and

(c) a motorcycle or taxicab endorsement when all tests are passed.

(4) An application for a commercial class A, B, or C license entitles the applicant to:

(a) not more than two attempts to pass a knowledge test when accompanied by the fee

provided in Subsection 53-3-105(18);

(b) not more than two attempts to pass a skills test when accompanied by a fee in Subsection 53-3-105(19) within six months after the date of application;

(c) both a commercial driver instruction permit and a temporary license permit for the license class held before the applicant submits the application if needed after the knowledge test is passed; and

(d) an original commercial class A, B, or C license and license certificate when all applicable tests are passed.

(5) An application and fee for a CDL endorsement entitle the applicant to:

(a) not more than two attempts to pass a knowledge test and not more than two attempts to pass a skills test within six months after the date of the application; and

(b) a CDL endorsement when all tests are passed.

(6)(a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement test within the number of attempts provided in Subsection (4) or (5), each test may be taken two additional times within the six months for the fee provided in Section 53-3-105.

(b)(i) An out-of-state resident who holds a valid CDIP issued by a state or jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test administered by the division if the out-of-state resident pays the fee provided in Subsection 53-3-105(19).

(ii) The division shall:

(A) electronically transmit skills test results for an out-of-state resident to the licensing agency in the state or jurisdiction in which the out-of-state resident has obtained a valid CDIP; and

(B) provide the out-of-state resident with documentary evidence upon successful completion of the skills test.

(7)(a)(i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original class D license expires on the birth date of the applicant in the eighth year after the year the license certificate was issued.

(ii) An original provisional class D license expires on the birth date of the applicant in the fifth year following the year the license certificate was issued.

(iii) Except as provided in Subsection (7)(f), a limited term class D license expires on the birth date of the applicant in the fifth year the license certificate was issued.

(b) Except as provided under Subsections (7)(f) and (g), a renewal or an extension to a

license expires on the birth date of the licensee in the eighth year after the expiration date of the license certificate renewed or extended.

(c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on the same date as the last license certificate issued.

(d) An endorsement to a license expires on the same date as the license certificate regardless of the date the endorsement was granted.

(e)(i) A regular license certificate and an endorsement to the regular license certificate held by an individual described in Subsection (7)(e)(ii), that expires during the time period the individual is stationed outside of the state, is valid until 90 days after the individual's orders are terminated, the individual is discharged, or the individual's assignment is changed or terminated, unless:

(A) the license is suspended, disqualified, denied, or has been cancelled or revoked by the division; or

(B) the licensee updates the information or photograph on the license certificate.

(ii) The provisions in Subsection (7)(e)(i) apply to an individual:

(A) ordered to active duty and stationed outside of Utah in any of the armed forces of the United States;

(B) who is an immediate family member or dependent of an individual described in Subsection (7)(e)(ii)(A) and is residing outside of Utah;

(C) who is a civilian employee of the United States State Department or United States Department of Defense and is stationed outside of the United States; or

(D) who is an immediate family member or dependent of an individual described in Subsection (7)(e)(ii)(C) and is residing outside of the United States.

(f)(i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or a renewal to a limited-term license certificate expires:

(A) on the expiration date of the period of time of the individual's authorized stay in the United States or on the date provided under this Subsection (7), whichever is sooner; or

(B) on the date of issuance in the first year following the year that the limited-term license certificate was issued if there is no definite end to the individual's period of authorized stay.

(ii) A limited-term license certificate or a renewal to a limited-term license certificate issued to an approved asylee or a refugee expires on the birth date of the applicant in the fifth year following the year that the limited-term license certificate was

881 issued.

882 (g) A driving privilege card issued or renewed under Section 53-3-207 expires on the

883 birth date of the applicant in the first year following the year that the driving privilege

884 card was issued or renewed.

885 (8)(a) In addition to the information required by Title 63G, Chapter 4, Administrative

886 Procedures Act, for requests for agency action, an applicant shall:

887 (i) provide:

888 (A) the applicant's full legal name;

889 (B) the applicant's birth date;

890 (C) the applicant's sex;

891 (D)(I) documentary evidence of the applicant's valid social security number;

892 (II) written proof that the applicant is ineligible to receive a social security

893 number;

894 (III) the applicant's temporary identification number (ITIN) issued by the

895 Internal Revenue Service for an individual who:

896 (Aa) does not qualify for a social security number; and

897 (Bb) is applying for a driving privilege card; or

898 (IV) other documentary evidence approved by the division;

899 (E) the applicant's Utah residence address as documented by a form or forms

900 acceptable under rules made by the division under Section 53-3-104, unless the

901 application is for a temporary CDL issued under Subsection 53-3-407(2)(b);

902 and

903 (F) fingerprints, or a fingerprint confirmation form described in Subsection

904 53-3-205.5(1)(a)(ii), and a photograph in accordance with Section 53-3-205.5

905 if the applicant is applying for a driving privilege card;

906 (ii) provide evidence of the applicant's lawful presence in the United States by

907 providing documentary evidence:

908 (A) that the applicant is:

909 (I) a United States citizen;

910 (II) a United States national; or

911 (III) a legal permanent resident alien; or

912 (B) of the applicant's:

913 (I) unexpired immigrant or nonimmigrant visa status for admission into the

914 United States;

- 915 (II) pending or approved application for asylum in the United States;
916 (III) admission into the United States as a refugee;
917 (IV) pending or approved application for temporary protected status in the
918 United States;
919 (V) approved deferred action status;
920 (VI) pending application for adjustment of status to legal permanent resident or
921 conditional resident; or
922 (VII) conditional permanent resident alien status;
923 (iii) provide a description of the applicant;
924 (iv) state whether the applicant has previously been licensed to drive a motor vehicle
925 and, if so, when and by what state or country;
926 (v) state whether the applicant has ever had a license suspended, cancelled, revoked,
927 disqualified, or denied in the last 10 years, or whether the applicant has ever had a
928 license application refused, and if so, the date of and reason for the suspension,
929 cancellation, revocation, disqualification, denial, or refusal;
930 (vi) state whether the applicant intends to make an anatomical gift under Title 26B,
931 Chapter 8, Part 3, Revised Uniform Anatomical Gift Act, in compliance with
932 Subsection (15);
933 (vii) state whether the applicant is required to register as a sex offender, kidnap
934 offender, or child abuse offender, in accordance with ~~[Title 77, Chapter 41, Sex,~~
935 ~~Kidnap, and Child Abuse Offender Registry]~~ Title 53, Chapter 29, Sex, Kidnap,
936 and Child Abuse Offender Registry;
937 (viii) state whether the applicant is a veteran of the United States military, provide
938 verification that the applicant was granted an honorable or general discharge from
939 the United States Armed Forces, and state whether the applicant does or does not
940 authorize sharing the information with the Department of Veterans and Military
941 Affairs;
942 (ix) provide all other information the division requires; and
943 (x) sign the application which signature may include an electronic signature as
944 defined in Section 46-4-102.
945 (b) Unless the applicant provides acceptable verification of homelessness as described in
946 rules made by the division, an applicant shall have a Utah residence address, unless
947 the application is for a temporary CDL issued under Subsection 53-3-407(2)(b).
948 (c) An applicant shall provide evidence of lawful presence in the United States in

949 accordance with Subsection (8)(a)(ii), unless the application is for a driving privilege
950 card.

951 (d) The division shall maintain on the division's computerized records an applicant's:

952 (i)(A) social security number;

953 (B) temporary identification number (ITIN); or

954 (C) other number assigned by the division if Subsection (8)(a)(i)(D)(IV) applies;

955 and

956 (ii) indication whether the applicant is required to register as a sex offender, kidnap
957 offender, or child abuse offender in accordance with [~~Title 77, Chapter 41, Sex,~~
958 ~~Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap,
959 and Child Abuse Offender Registry.

960 (9) The division shall require proof of an applicant's name, birth date, and birthplace by at
961 least one of the following means:

962 (a) current license certificate;

963 (b) birth certificate;

964 (c) Selective Service registration; or

965 (d) other proof, including church records, family Bible notations, school records, or
966 other evidence considered acceptable by the division.

967 (10)(a) Except as provided in Subsection (10)(c), if an applicant receives a license in a
968 higher class than what the applicant originally was issued:

969 (i) the license application is treated as an original application; and

970 (ii) license and endorsement fees is assessed under Section 53-3-105.

971 (b) An applicant that receives a downgraded license in a lower license class during an
972 existing license cycle that has not expired:

973 (i) may be issued a duplicate license with a lower license classification for the
974 remainder of the existing license cycle; and

975 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a
976 duplicate license is issued under Subsection (10)(b)(i).

977 (c) An applicant who has received a downgraded license in a lower license class under
978 Subsection (10)(b):

979 (i) may, when eligible, receive a duplicate license in the highest class previously
980 issued during a license cycle that has not expired for the remainder of the existing
981 license cycle; and

982 (ii) shall be assessed a duplicate license fee under Subsection 53-3-105(25) if a

- duplicate license is issued under Subsection (10)(c)(i).
- (11)(a) When an application is received from an applicant previously licensed in another state to drive a motor vehicle, the division shall request a copy of the driver's record from the other state.
- (b) When received, the driver's record becomes part of the driver's record in this state with the same effect as though entered originally on the driver's record in this state.
- (12) An application for reinstatement of a license after the suspension, cancellation, disqualification, denial, or revocation of a previous license is accompanied by the additional fee or fees specified in Section 53-3-105.
- (13) An individual who has an appointment with the division for testing and fails to keep the appointment or to cancel at least 48 hours in advance of the appointment shall pay the fee under Section 53-3-105.
- (14) An applicant who applies for an original license or renewal of a license agrees that the individual's license is subject to a suspension or revocation authorized under this title or Title 41, Motor Vehicles.
- (15)(a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi) in accordance with division rule.
- (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26B-8-301, the names and addresses of all applicants who, under Subsection (8)(a)(vi), indicate that they intend to make an anatomical gift.
- (ii) An organ procurement organization may use released information only to:
- (A) obtain additional information for an anatomical gift registry; and
- (B) inform licensees of anatomical gift options, procedures, and benefits.
- (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all applicants who indicate their status as a veteran under Subsection (8)(a)(viii).
- (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse Offender Registry office in the Department of Public Safety, the names and addresses of all applicants who, under Subsection (8)(a)(vii), indicate they are required to register as a sex offender, kidnap offender, or child abuse offender in accordance with [Title 77,

~~Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry]~~ Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry.

(18) The division and its employees are not liable, as a result of false or inaccurate information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

- (a) loss;
- (b) detriment; or
- (c) injury.

(19) An applicant who knowingly fails to provide the information required under Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

(20) A person may not hold both an unexpired Utah license certificate and an unexpired identification card.

(21)(a) An applicant who applies for an original motorcycle endorsement to a regular license certificate is exempt from the requirement to pass the knowledge and skills test to be eligible for the motorcycle endorsement if the applicant:

- (i) is a resident of the state of Utah;
- (ii)(A) is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States; or
- (B) is an immediate family member or dependent of an individual described in Subsection (21)(a)(ii)(A) and is residing outside of Utah;
- (iii) has a digitized driver license photo on file with the division;
- (iv) provides proof to the division of the successful completion of a certified Motorcycle Safety Foundation rider training course; and
- (v) provides the necessary information and documentary evidence required under Subsection (8).

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:

- (i) establishing the procedures for an individual to obtain a motorcycle endorsement under this Subsection (21); and
- (ii) identifying the applicable restrictions for a motorcycle endorsement issued under this Subsection (21).

Section 8. Section **53-3-216** is amended to read:

53-3-216 (Effective 05/07/25). Change of address -- Duty of licensee to notify division within 10 days -- Change of name -- Proof necessary -- Method of giving notice by division.

- (1)(a) Except as provided in Subsection (1)(b), if an individual, after applying for or receiving a license, moves from the address named in the application or in the license certificate issued to the individual, the individual shall, within 10 days after the day on which the individual moves, notify the division in a manner specified by the division of the individual's new address and the number of any license certificate held by the individual.
- (b) If an individual who is required to register as a sex offender, kidnap offender, or child abuse offender under ~~[Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry]~~ Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, after applying for or receiving a license, moves from the address named in the application or in the license certificate issued to the individual, the individual shall, within 30 days after the day on which the individual moves, apply for an updated license in-person at a division office.
- (2) If an applicant requests to change the surname on the applicant's license, the division shall issue a substitute license with the new name upon receiving an application and fee for a duplicate license and any of the following proofs of the applicant's full legal name:
- (a) an original or certified copy of the applicant's marriage certificate;
 - (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name, showing the name change;
 - (c) an original or certified copy of a birth certificate issued by a government agency;
 - (d) a certified copy of a divorce decree or annulment granted the applicant that specifies the name change requested; or
 - (e) a certified copy of a divorce decree that does not specify the name change requested together with:
 - (i) an original or certified copy of the applicant's birth certificate;
 - (ii) the applicant's marriage license;
 - (iii) a driver license record showing use of a maiden name; or
 - (iv) other documentation the division finds acceptable.
- (3)(a) If the division is authorized or required to give a notice under this chapter or other law regulating the operation of vehicles, the notice shall, unless otherwise prescribed, be given by:
- (i) personal delivery to the individual to be notified; or
 - (ii) deposit in the United States mail with postage prepaid, addressed to the individual at the individual's address as shown by the records of the division.

- 1085 (b) The giving of notice by mail is complete upon the expiration of four days after the
1086 deposit of the notice.
- 1087 (c) Proof of the giving of notice in either manner may be made by the certificate of an
1088 officer or employee of the division or affidavit of an individual 18 years [~~of age~~] old
1089 or older, naming the individual to whom the notice was given and specifying the
1090 time, place, and manner of giving the notice.
- 1091 (4) The division may use state mailing or United States Postal Service information to:
1092 (a) verify an address on an application or on records of the division; and
1093 (b) correct mailing addresses in the division's records.
- 1094 (5) A violation of the provisions of Subsection (1) is an infraction.
- 1095 Section 9. Section **53-3-804** is amended to read:
- 1096 **53-3-804 (Effective 05/07/25). Application for identification card -- Required**
1097 **information -- Release of anatomical gift information -- Cancellation of identification**
1098 **card.**
- 1099 (1) To apply for a regular identification card or limited-term identification card, an
1100 applicant shall:
1101 (a) be a Utah resident;
1102 (b) have a Utah residence address; and
1103 (c) appear in person at any license examining station.
- 1104 (2) An applicant shall provide the following information to the division:
1105 (a) true and full legal name and Utah residence address;
1106 (b) date of birth as set forth in a certified copy of the applicant's birth certificate, or other
1107 satisfactory evidence of birth, which shall be attached to the application;
1108 (c)(i) social security number; or
1109 (ii) written proof that the applicant is ineligible to receive a social security number;
1110 (d) place of birth;
1111 (e) height and weight;
1112 (f) color of eyes and hair;
1113 (g) signature;
1114 (h) photograph;
1115 (i) evidence of the applicant's lawful presence in the United States by providing
1116 documentary evidence:
1117 (i) that the applicant is:
1118 (A) a United States citizen;

- 1119 (B) a United States national; or
1120 (C) a legal permanent resident alien; or
1121 (ii) of the applicant's:
1122 (A) unexpired immigrant or nonimmigrant visa status for admission into the
1123 United States;
1124 (B) pending or approved application for asylum in the United States;
1125 (C) admission into the United States as a refugee;
1126 (D) pending or approved application for temporary protected status in the United
1127 States;
1128 (E) approved deferred action status;
1129 (F) pending application for adjustment of status to legal permanent resident or
1130 conditional resident; or
1131 (G) conditional permanent resident alien status;
1132 (j) an indication whether the applicant intends to make an anatomical gift under Title
1133 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act;
1134 (k) an indication whether the applicant is required to register as a sex offender, kidnap
1135 offender, or child abuse offender in accordance with [~~Title 77, Chapter 41, Sex,~~
1136 ~~Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and
1137 Child Abuse Offender Registry; and
1138 (l) an indication whether the applicant is a veteran of the United States Armed Forces,
1139 verification that the applicant has received an honorable or general discharge from
1140 the United States Armed Forces, and an indication whether the applicant does or does
1141 not authorize sharing the information with the state Department of Veterans and
1142 Military Affairs.
- 1143 (3)(a) The requirements of Section 53-3-234 apply to this section for each individual,
1144 age 16 and older, applying for an identification card.
- 1145 (b) Refusal to consent to the release of information under Section 53-3-234 shall result
1146 in the denial of the identification card.
- 1147 (4) An individual person who knowingly fails to provide the information required under
1148 Subsection (2)(k) is guilty of a class A misdemeanor.
- 1149 (5)(a) A person may not hold both an unexpired Utah license certificate and an
1150 unexpired identification card.
- 1151 (b) A person who holds a regular or limited term Utah driver license and chooses to
1152 relinquish the person's driving privilege may apply for an identification card under

1153 this chapter, provided:

1154 (i) the driver:

1155 (A) no longer qualifies for a driver license for failure to meet the requirement in
1156 Section 53-3-304; or

1157 (B) makes a personal decision to permanently discontinue driving;

1158 (ii) the driver:

1159 (A) submits an application to the division on a form approved by the division in
1160 person, through electronic means, or by mail;

1161 (B) affirms their intention to permanently discontinue driving; and

1162 (C) surrenders to the division the driver license certificate; and

1163 (iii) the division possesses a digital photograph of the driver obtained within the
1164 preceding 10 years.

1165 (c)(i) The division shall waive the fee under Section 53-3-105 for an identification
1166 card for an original identification card application under this Subsection (5).

1167 (ii) The fee waiver described in Subsection (5)(c)(i) does not apply to a person whose
1168 driving privilege is suspended or revoked.

1169 (6) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
1170 Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse
1171 Offender Registry office in the Department of Public Safety, the names and addresses of
1172 all applicants who, under Subsection (2)(k), indicate they are required to register as a sex
1173 offender, kidnap offender, or child abuse offender in accordance with [~~Title 77, Chapter~~
1174 ~~41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap,
1175 and Child Abuse Offender Registry.

1176 Section 10. Section **53-3-806.5** is amended to read:

1177 **53-3-806.5 (Effective 05/07/25). Identification card required if offender does not**
1178 **have driver license.**

1179 (1)(a) An individual who does not hold a current driver license in compliance with
1180 Section 53-3-205 and is required to register as a sex offender, kidnap offender, or
1181 child abuse offender in accordance with [~~Title 77, Chapter 41, Sex, Kidnap, and~~
1182 ~~Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse
1183 Offender Registry, shall obtain an identification card.

1184 (b) The individual shall maintain a current identification card during the time the
1185 individual is required to register as a sex offender, kidnap offender, or child abuse
1186 offender and the individual does not hold a valid driver license.

(2) Failure to maintain a current identification card as required under Subsection (1) is a class A misdemeanor for each month of violation of Subsection (1).

Section 11. Section **53-3-807** is amended to read:

53-3-807 (Effective 05/07/25). Expiration -- Address and name change -- Extension.

(1)(a) A regular identification card expires on the birth date of the applicant in the fifth year after the issuance of the regular identification card.

(b) A limited-term identification card expires on:

(i) the expiration date of the period of time of the individual's authorized stay in the United States or on the birth date of the applicant in the fifth year after the issuance of the limited-term identification card, whichever is sooner; or

(ii) on the date of issuance in the first year after the year that the limited-term identification card was issued if there is no definite end to the individual's period of authorized stay.

(2)(a) Except as provided in Subsection (2)(b), if an individual has applied for and received an identification card and subsequently moves from the address shown on the application or on the card, the individual shall, within 10 days after the day on which the individual moves, notify the division in a manner specified by the division of the individual's new address.

(b) If an individual who is required to register as a sex offender, kidnap offender, or child abuse offender under [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, has applied for and received an identification card and subsequently moves from the address shown on the application or on the card, the individual shall, within 30 days after the day on which the individual moves, apply for an updated identification card in-person at a division office.

(3) If an individual has applied for and received an identification card and subsequently changes the individual's name under Title 42, Chapter 1, Change of Name, the individual:

(a) shall surrender the card to the division; and

(b) may apply for a new card in the individual's new name by:

(i) furnishing proper documentation to the division as provided in Section 53-3-804; and

(ii) paying the fee required under Section 53-3-105.

- (4) A person 21 years old or older with a disability, as defined under the Americans with Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on an identification card for five years if the person with a disability or an agent of the person with a disability:
- (a) requests that the division send the application form to obtain the extension or requests an application form in person at the division's offices;
 - (b) completes the application;
 - (c) certifies that the extension is for a person 21 years old or older with a disability; and
 - (d) returns the application to the division together with the identification card fee required under Section 53-3-105.
- (5)(a) The division may extend a valid regular identification card issued after January 1, 2010, for five years at any time within six months before the day on which the identification card expires.
- (b) The application for an extension of a regular identification card is accompanied by a fee under Section 53-3-105.
- (c) The division shall allow extensions:
- (i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105; and
 - (ii) only if the applicant qualifies under this section.
- (6)(a) A regular identification card may only be extended once under Subsections (4) and (5).
- (b) After an extension an application for an identification card must be applied for in person at the division's offices.

Section 12. Section **53-10-214** is amended to read:

53-10-214 (Effective 05/07/25). Reporting requirements.

The bureau shall submit a record received pursuant to Section 53-10-208.1 for all nonextraditable warrants issued for violent felonies as defined in Section 76-3-203.5 and all nonextraditable warrants issued for knowingly failing to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, for a sexual offense pursuant to Section [~~77-41-107~~] 53-29-305 to the National Crime Information Center within 48 hours of receipt, excluding Saturdays, Sundays, and legal holidays.

Section 13. Section **53-10-403** is amended to read:

53-10-403 (Effective 05/07/25). DNA specimen analysis -- Application to offenders, including minors.

- 1255 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
- 1256 (a) a person who has pled guilty to or has been convicted of any of the offenses under
- 1257 Subsection (2)(a) or (b) on or after July 1, 2002;
- 1258 (b) a person who has pled guilty to or has been convicted by any other state or by the
- 1259 United States government of an offense which if committed in this state would be
- 1260 punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after
- 1261 July 1, 2003;
- 1262 (c) a person who has been booked on or after January 1, 2011, through December 31,
- 1263 2014, for any offense under Subsection (2)(c);
- 1264 (d) a person who has been booked:
- 1265 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May
- 1266 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any
- 1267 felony offense; or
- 1268 (ii) on or after January 1, 2015, for any felony offense; or
- 1269 (e) a minor:
- 1270 (i)(A) who is adjudicated by the juvenile court for an offense described in
- 1271 Subsection (2) that is within the jurisdiction of the juvenile court on or after
- 1272 July 1, 2002; or
- 1273 (B) who is adjudicated by the juvenile court for an offense described in
- 1274 Subsection (2) and is in the legal custody of the Division of Juvenile Justice
- 1275 Services for the offense on or after July 1, 2002; and
- 1276 (ii) who is 14 years old or older at the time of the commission of the offense
- 1277 described in Subsection (2).
- 1278 (2) Offenses referred to in Subsection (1) are:
- 1279 (a) any felony or class A misdemeanor under the Utah Code;
- 1280 (b) any offense under Subsection (2)(a):
- 1281 (i) for which the court enters a judgment for conviction to a lower degree of offense
- 1282 under Section 76-3-402; or
- 1283 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
- 1284 defined in Section 77-2a-1; or
- 1285 (c)(i) any violent felony as defined in Section 53-10-403.5;
- 1286 (ii) sale or use of body parts, Section 26B-8-315;
- 1287 (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;
- 1288 (iv) operating a motor vehicle with any amount of a controlled substance in an

1289 individual's body and causing serious bodily injury or death, as codified before
1290 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8
1291 (2)(g);
1292 (v) a felony violation of enticing a minor, Section 76-4-401;
1293 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
1294 (vii) a felony violation of propelling a substance or object at a correctional officer, a
1295 peace officer, or an employee or a volunteer, including health care providers,
1296 Section 76-5-102.6;
1297 (viii) automobile homicide, Subsection 76-5-207(2)(b);
1298 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human
1299 smuggling, Section 76-5-310.1;
1300 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
1301 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
1302 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
1303 (xiii) sale of a child, Section 76-7-203;
1304 (xiv) aggravated escape, Section 76-8-309.3;
1305 (xv) a felony violation of threatened or attempted assault on an elected official,
1306 Section 76-8-313;
1307 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or
1308 a member of the Board of Pardons and Parole or acting against a family member
1309 of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
1310 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge
1311 or a member of the Board of Pardons and Parole or acting against a family
1312 member of a judge or a member of the Board of Pardons and Parole, Section
1313 76-8-316.2;
1314 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
1315 against a judge or a member of the Board of Pardons and Parole or acting against
1316 a family member of a judge or a member of the Board of Pardons and Parole,
1317 Section 76-8-316.4;
1318 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate
1319 against a judge or a member of the Board of Pardons and Parole or acting against
1320 a family member of a judge or a member of the Board of Pardons and Parole,
1321 Section 76-8-316.6;
1322 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;

- (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
(xxii) a felony violation of sexual battery, Section 76-9-702.1;
(xxiii) a felony violation of lewdness involving a child, Section 76-9-702.5;
(xxiv) a felony violation of abuse or desecration of a dead human body, Section 76-9-704;
(xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section 76-10-402;
(xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction, Section 76-10-403;
(xxvii) possession of a concealed firearm in the commission of a violent felony, Subsection 76-10-504(4);
(xxviii) assault with the intent to commit bus hijacking with a dangerous weapon, Subsection 76-10-1504(3);
(xxix) commercial obstruction, Subsection 76-10-2402(2);
(xxx) a felony violation of failure to register as a sex or kidnap offender, Section [77-41-107] 53-29-305;
(xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or
(xxxii) violation of condition for release after arrest under Section 78B-7-802.

Section 14. Section **53-10-404** is amended to read:

53-10-404 (Effective 05/07/25). DNA specimen analysis -- Requirement to obtain the specimen.

(1) As used in this section, "person" means a person or minor described in Section 53-10-403.

(2)(a) A person under Section 53-10-403 or any person required to register as a sex offender, kidnap offender, or child abuse offender under [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, shall provide a DNA specimen and shall reimburse the agency responsible for obtaining the DNA specimen \$150 for the cost of obtaining the DNA specimen unless:

- (i) the person was booked under Section 53-10-403 and is not required to reimburse the agency under Section 53-10-404.5; or
- (ii) the agency determines the person lacks the ability to pay.

(b)(i)(A) The responsible agencies shall establish guidelines and procedures for determining if the person is able to pay the fee.

- 1357 (B) An agency's implementation of Subsection (2)(b)(i) meets an agency's
1358 obligation to determine an inmate's ability to pay.
- 1359 (ii) An agency's guidelines and procedures may provide for the assessment of \$150
1360 on the inmate's county trust fund account and may allow a negative balance in the
1361 account until the \$150 is paid in full.
- 1362 (3)(a)(i) All fees collected under Subsection (2) shall be deposited into the DNA
1363 Specimen Restricted Account created in Section 53-10-407, except that the
1364 agency collecting the fee may retain not more than \$25 per individual specimen
1365 for the costs of obtaining the saliva DNA specimen.
- 1366 (ii) The agency collecting the \$150 fee may not retain from each separate fee more
1367 than \$25, and no amount of the \$150 fee may be credited to any other fee or
1368 agency obligation.
- 1369 (b) The responsible agency shall determine the method of collecting the DNA specimen.
1370 Unless the responsible agency determines there are substantial reasons for using a
1371 different method of collection or the person refuses to cooperate with the collection,
1372 the preferred method of collection shall be obtaining a saliva specimen.
- 1373 (c) The responsible agency may use reasonable force, as established by its guidelines
1374 and procedures, to collect the DNA sample if the person refuses to cooperate with the
1375 collection.
- 1376 (d) If the judgment places the person on probation, the person shall submit to the
1377 obtaining of a DNA specimen as a condition of the probation.
- 1378 (e)(i) Under this section a person is required to provide one DNA specimen and pay
1379 the collection fee as required under this section.
- 1380 (ii) The person shall provide an additional DNA specimen only if the DNA specimen
1381 previously provided is not adequate for analysis.
- 1382 (iii) The collection fee is not imposed for a second or subsequent DNA specimen
1383 collected under this section.
- 1384 (f) Any agency that is authorized to obtain a DNA specimen under this part may collect
1385 any outstanding amount of a fee due under this section from any person who owes
1386 any portion of the fee and deposit the amount in the DNA Specimen Restricted
1387 Account created in Section 53-10-407.
- 1388 (4)(a) The responsible agency shall cause a DNA specimen to be obtained as soon as
1389 possible and transferred to the Department of Public Safety:
- 1390 (i) after a conviction or an adjudication by the juvenile court;

- 1391 (ii) on and after January 1, 2011, through December 31, 2014, after the booking of a
1392 person for any offense under Subsection 53-10-403(1)(c); and
- 1393 (iii) on and after January 1, 2015, after the booking of a person for any felony
1394 offense, as provided under Subsection 53-10-403(1)(d)(ii).
- 1395 (b) On and after May 13, 2014, through December 31, 2014, the responsible agency may
1396 cause a DNA specimen to be obtained and transferred to the Department of Public
1397 Safety after the booking of a person for any felony offense, as provided under
1398 Subsection 53-10-403(1)(d)(i).
- 1399 (c) If notified by the Department of Public Safety that a DNA specimen is not adequate
1400 for analysis, the agency shall, as soon as possible:
- 1401 (i) obtain and transmit an additional DNA specimen; or
- 1402 (ii) request that another agency that has direct access to the person and that is
1403 authorized to collect DNA specimens under this section collect the necessary
1404 second DNA specimen and transmit it to the Department of Public Safety.
- 1405 (d) Each agency that is responsible for collecting DNA specimens under this section
1406 shall establish:
- 1407 (i) a tracking procedure to record the handling and transfer of each DNA specimen it
1408 obtains; and
- 1409 (ii) a procedure to account for the management of all fees it collects under this
1410 section.
- 1411 (5)(a) The Department of Corrections is the responsible agency whenever the person is
1412 committed to the custody of or is under the supervision of the Department of
1413 Corrections.
- 1414 (b) If a minor described in Subsection 53-10-403(3) is not committed to the legal
1415 custody of the Division of Juvenile Justice and Youth Services upon an adjudication,
1416 the juvenile court is the responsible agency regarding the collection of a DNA
1417 specimen from the minor.
- 1418 (c) If a minor described in Subsection 53-10-403(3) is committed to the legal custody of
1419 the Division of Juvenile Justice and Youth Services upon an adjudication, the
1420 Division of Juvenile Justice and Youth Services is the responsible agency regarding
1421 the collection of a DNA specimen from the minor.
- 1422 (d) The sheriff operating a county jail is the responsible agency regarding the collection
1423 of DNA specimens from persons who:
- 1424 (i) have pled guilty to or have been convicted of an offense listed under Subsection

- 1425 53-10-403(2) but who have not been committed to the custody of or are not under
1426 the supervision of the Department of Corrections;
- 1427 (ii) are incarcerated in the county jail:
- 1428 (A) as a condition of probation for a felony offense; or
- 1429 (B) for a misdemeanor offense for which collection of a DNA specimen is
1430 required;
- 1431 (iii) on and after January 1, 2011, through May 12, 2014, are booked at the county
1432 jail for any offense under Subsection 53-10-403(1)(c); and
- 1433 (iv) are booked at the county jail:
- 1434 (A) by a law enforcement agency that is obtaining a DNA specimen for any felony
1435 offense on or after May 13, 2014, through December 31, 2014, under
1436 Subsection 53-10-404(4)(b); or
- 1437 (B) on or after January 1, 2015, for any felony offense.
- 1438 (e) Each agency required to collect a DNA specimen under this section shall:
- 1439 (i) designate employees to obtain the saliva DNA specimens required under this
1440 section; and
- 1441 (ii) ensure that employees designated to collect the DNA specimens receive
1442 appropriate training and that the specimens are obtained in accordance with
1443 generally accepted protocol.
- 1444 (6)(a) As used in this Subsection (6), "department" means the Department of
1445 Corrections.
- 1446 (b) Priority of obtaining DNA specimens by the department is:
- 1447 (i) first, to obtain DNA specimens of persons who as of July 1, 2002, are in the
1448 custody of or under the supervision of the department before these persons are
1449 released from incarceration, parole, or probation, if their release date is prior to
1450 that of persons under Subsection (6)(b)(ii), but in no case later than July 1, 2004;
1451 and
- 1452 (ii) second, the department shall obtain DNA specimens from persons who are
1453 committed to the custody of the department or who are placed under the
1454 supervision of the department after July 1, 2002, within 120 days after the
1455 commitment, if possible, but not later than prior to release from incarceration if
1456 the person is imprisoned, or prior to the termination of probation if the person is
1457 placed on probation.
- 1458 (c) The priority for obtaining DNA specimens from persons under Subsection (6)(b)(ii)

1459 is:

1460 (i) first, persons on probation;

1461 (ii) second, persons on parole; and

1462 (iii) third, incarcerated persons.

1463 (d) Implementation of the schedule of priority under Subsection (6)(c) is subject to the
1464 priority of Subsection (6)(b)(i), to ensure that the Department of Corrections obtains
1465 DNA specimens from persons in the custody of or under the supervision of the
1466 Department of Corrections as of July 1, 2002, prior to their release.

1467 (7)(a) As used in this Subsection (7):

1468 (i) "Court" means the juvenile court.

1469 (ii) "Division" means the Division of Juvenile Justice and Youth Services.

1470 (b) Priority of obtaining DNA specimens by the court from minors under Section
1471 53-10-403 whose cases are under the jurisdiction of the court but who are not in the
1472 legal custody of the division shall be:

1473 (i) first, to obtain specimens from minors whose cases, as of July 1, 2002, are under
1474 the court's jurisdiction, before the court's jurisdiction over the minors' cases
1475 terminates; and

1476 (ii) second, to obtain specimens from minors whose cases are under the jurisdiction
1477 of the court after July 1, 2002, within 120 days of the minor's case being found to
1478 be within the court's jurisdiction, if possible, but no later than before the court's
1479 jurisdiction over the minor's case terminates.

1480 (c) Priority of obtaining DNA specimens by the division from minors under Section
1481 53-10-403 who are committed to the legal custody of the division shall be:

1482 (i) first, to obtain specimens from minors who as of July 1, 2002, are within the
1483 division's legal custody and who have not previously provided a DNA specimen
1484 under this section, before termination of the division's legal custody of these
1485 minors; and

1486 (ii) second, to obtain specimens from minors who are placed in the legal custody of
1487 the division after July 1, 2002, within 120 days of the minor's being placed in the
1488 custody of the division, if possible, but no later than before the termination of the
1489 court's jurisdiction over the minor's case.

1490 (8)(a) The Department of Corrections, the juvenile court, the Division of Juvenile
1491 Justice and Youth Services, and all law enforcement agencies in the state shall by
1492 policy establish procedures for obtaining saliva DNA specimens, and shall provide

training for employees designated to collect saliva DNA specimens.

(b)(i) The department may designate correctional officers, including those employed by the adult probation and parole section of the department, to obtain the saliva DNA specimens required under this section.

(ii) The department shall ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol.

(c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405.

Section 15. Section **53-29-101** is enacted to read:

CHAPTER 29. SEX, KIDNAP, AND CHILD ABUSE OFFENDER REGISTRY

Part 1. General Provisions

53-29-101 (Effective 05/07/25). Definitions.

As used in this chapter:

(1) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.

(2) "Certificate of eligibility" means the certificate issued by the bureau described in Section 53-29-207.

(3) "Child abuse offender" means an individual who meets the requirements under Subsection 53-29-202(2)(a).

(4)(a) "Convicted" means a plea or conviction of:

(i) guilty;

(ii) guilty with a mental illness; or

(iii) no contest.

(b) "Convicted" includes, except as provided in Subsection 53-29-202(4), the period a plea is held in abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.

(c) "Convicted" does not include:

(i) a withdrawn or dismissed plea in abeyance;

(ii) a diversion agreement; or

(iii) an adjudication of a minor for an offense under Section 80-6-701.

(5) "Division" means the Division of Juvenile Justice and Youth Services.

(6) "Employed" means employment that is full time or part time, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(7) "Kidnap offender" means an individual who meets the requirements under Subsection

1526 53-29-202(2)(c).

1527 (8) "Offender" means an individual who qualifies as a sex offender, a kidnap offender, or a
1528 child abuse offender as described in Section 53-29-202.

1529 (9)(a) "Online identifier" means any electronic mail, chat, instant messenger, social
1530 networking, or similar name used for Internet communication.

1531 (b) "Online identifier" does not include date of birth, social security number, PIN
1532 number, or Internet passwords.

1533 (10) "Primary residence" means the location where an offender regularly resides, even if the
1534 offender intends to move to another location or return to another location at a future date.

1535 (11) "Registrable offense" means an offense described in Subsection 53-29-202(1).

1536 (12) "Registration website" means the Sex, Kidnap, and Child Abuse Offender Notification
1537 and Registration website described in Section 53-29-404.

1538 (13) "Registry" means the Sex, Kidnap, and Child Abuse Offender Registry maintained by
1539 the department and created in Section 53-29-102 to monitor and track offenders.

1540 (14) "Registry office" means the office within the department that manages the Sex,
1541 Kidnap, and Child Abuse Offender Registry.

1542 (15) "Sex offender" means an individual who meets the requirements under Subsection
1543 53-29-202(2)(b).

1544 (16) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to registration in
1545 any jurisdiction.

1546 Section 16. Section **53-29-102** is enacted to read:

1547 **53-29-102 (Effective 05/07/25). Sex, Kidnap, and Child Abuse Offender Registry**
1548 **-- Creation -- Purpose.**

1549 (1) The department, to assist law enforcement in investigating kidnapping and sex-related
1550 crimes and in apprehending offenders, shall:

1551 (a) develop and operate a system known as the Sex, Kidnap, and Child Abuse Offender
1552 Registry to collect, analyze, maintain, and disseminate information on offenders and
1553 registrable offenses; and

1554 (b) make information listed in Subsection 53-29-404(3) available to the public.

1555 (2) This chapter does not create or impose any duty on any individual to request or obtain
1556 information regarding any offender from the department.

1557 Section 17. Section **53-29-201** is enacted to read:

1558 **Part 2. Registrable Offenses, Timelines for Registration, and Petitions for Removal**
1559 **53-29-201 (Effective 05/07/25). Definitions.**

1560 As used in this part:

1561 (1) "Court" means a state, federal, or military court.

1562 (2) "External jurisdiction" means:

1563 (a) a state of the United States not including Utah;

1564 (b) the United States federal government;

1565 (c) Indian country;

1566 (d) a United States territory;

1567 (e) the United States military; or

1568 (f) Canada, Australia, New Zealand, or the United Kingdom.

1569 (3) "Indian country" means:

1570 (a) all land within the limits of an Indian reservation under the jurisdiction of the United
 1571 States government, regardless of the issuance of any patent, and includes
 1572 rights-of-way running through the reservation;

1573 (b) all dependent Indian communities within the borders of the United States whether
 1574 within the original or subsequently acquired territory, and whether or not within the
 1575 limits of a state; and

1576 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
 1577 not been extinguished, including rights-of-way running through the allotments.

1578 (4) "Natural parent" means a minor's biological or adoptive parent, including the minor's
 1579 noncustodial parent.

1580 (5) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving
 1581 Under the Influence and Reckless Driving.

1582 Section 18. Section **53-29-202** is enacted to read:

1583 **53-29-202 (Effective 05/07/25). Registrable offenses -- Status as a sex offender,**
 1584 **kidnap offender, and child abuse offender established.**

1585 (1) An individual is an offender described in Subsection (2) and subject to the requirements,
 1586 restrictions, and penalties described in this chapter if the individual:

1587 (a) has been convicted in this state of:

1588 (i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);

1589 (ii) a felony or class A misdemeanor violation of enticing a minor under Section
 1590 76-4-401;

1591 (iii) sexual exploitation of a vulnerable adult under Section 76-5b-202;

1592 (iv) human trafficking for sexual exploitation under Section 76-5-308.1;

1593 (v) human trafficking of a child for sexual exploitation under Subsection

1594 76-5-308.5(4)(b);
1595 (vi) aggravated human trafficking for sexual exploitation under Section 76-5-310;
1596 (vii) human trafficking of a vulnerable adult for sexual exploitation under Section
1597 76-5-311;
1598 (viii) unlawful sexual activity with a minor under Section 76-5-401, except as
1599 provided in Subsection 76-5-401(3)(b) or (c);
1600 (ix) sexual abuse of a minor under Section 76-5-401.1, on the individual's first
1601 offense unless the individual was younger than 21 years old at the time of the
1602 offense then on the individual's second offense;
1603 (x) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
1604 (xi) rape under Section 76-5-402;
1605 (xii) rape of a child under Section 76-5-402.1;
1606 (xiii) object rape under Section 76-5-402.2;
1607 (xiv) object rape of a child under Section 76-5-402.3;
1608 (xv) a felony violation of forcible sodomy under Section 76-5-403;
1609 (xvi) sodomy on a child under Section 76-5-403.1;
1610 (xvii) forcible sexual abuse under Section 76-5-404;
1611 (xviii) sexual abuse of a child under Section 76-5-404.1;
1612 (xix) aggravated sexual abuse of a child under Section 76-5-404.3;
1613 (xx) aggravated sexual assault under Section 76-5-405;
1614 (xxi) custodial sexual relations under Section 76-5-412, if the victim in custody is
1615 younger than 18 years old and the offense is committed on or after May 10, 2011;
1616 (xxii) sexual exploitation of a minor under Section 76-5b-201;
1617 (xxiii) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
1618 (xxiv) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
1619 (xxv) incest under Section 76-7-102;
1620 (xxvi) lewdness under Section 76-9-702, if the individual has been convicted of the
1621 offense four or more times;
1622 (xxvii) sexual battery under Section 76-9-702.1, if the individual has been convicted
1623 of the offense four or more times;
1624 (xxviii) any combination of convictions of lewdness under Section 76-9-702, and of
1625 sexual battery under Section 76-9-702.1, that total four or more convictions;
1626 (xxix) lewdness involving a child under Section 76-9-702.5;
1627 (xxx) a felony or class A misdemeanor violation of voyeurism under Section

1628 76-9-702.7;
1629 (xxxix) aggravated exploitation of prostitution under Section 76-10-1306;
1630 (xxxvii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the
1631 natural parent of the child victim;
1632 (xxxviii) child kidnapping under Section 76-5-301.1, if the offender was not the
1633 natural parent of the child victim;
1634 (xxxix) aggravated kidnapping under Section 76-5-302, if the offender was not the
1635 natural parent of the child victim;
1636 (xl) human trafficking for labor under Section 76-5-308, if the offender was not
1637 the natural parent of the child victim;
1638 (xli) human smuggling under Section 76-5-308.3, if the offender was not the
1639 natural parent of the child victim;
1640 (xlii) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if
1641 the offender was not the natural parent of the child victim;
1642 (xliii) aggravated human trafficking for labor under Section 76-5-310, if the
1643 offender was not the natural parent of the child victim;
1644 (xliv) aggravated human smuggling under Section 76-5-310.1, if the offender was
1645 not the natural parent of the child victim;
1646 (xlv) human trafficking of a vulnerable adult for labor under Section 76-5-311, if the
1647 offender was not the natural parent of the child victim; or
1648 (xlii) attempting, soliciting, or conspiring to commit a felony violation of an offense
1649 listed in Subsections (1)(a)(i) through (xlv);
1650 (b)(i) has been convicted of a criminal offense, or an attempt, solicitation, or
1651 conspiracy to commit a criminal offense in an external jurisdiction that is
1652 substantially equivalent to the offense listed in Subsection (1)(a); and
1653 (ii)(A) is a Utah resident; or
1654 (B) is not a Utah resident and is in this state for a total of 10 days in a 12-month
1655 period, regardless of whether the individual intends to permanently reside in
1656 this state;
1657 (c)(i)(A) is required to register on a registry in an external jurisdiction for
1658 individuals who have committed an offense listed in Subsection (1)(a) or a
1659 substantially equivalent offense;
1660 (B) is ordered by a court to register on a registry for individuals who have
1661 committed an offense listed in Subsection (1)(a) or a substantially equivalent

- 1662 offense; or
- 1663 (C) would be required to register on a registry in an external jurisdiction for
- 1664 individuals who have committed an offense listed in Subsection (1)(a), or a
- 1665 substantially equivalent offense, if residing in the external jurisdiction of the
- 1666 conviction regardless of the date of the conviction or a previous registration
- 1667 requirement; and
- 1668 (ii) is in this state for a total of 10 days in a 12-month period, regardless of whether
- 1669 the individual intends to permanently reside in this state;
- 1670 (d)(i)(A) is a nonresident regularly employed or working in this state; or
- 1671 (B) who is a student in this state; and
- 1672 (ii)(A) is convicted of an offense listed in Subsection (1)(a) or a substantially
- 1673 equivalent offense in an external jurisdiction; or
- 1674 (B) is required to register on a sex, kidnap, and child abuse registry, or an
- 1675 equivalent registry, in the individual's state of residence based on a conviction
- 1676 for an offense that is not substantially equivalent to an offense listed in
- 1677 Subsection (1)(a);
- 1678 (e) is found not guilty by reason of insanity in this state or in an external jurisdiction of
- 1679 an offense listed in Subsection (1)(a) or a substantially equivalent offense; or
- 1680 (f)(i) is adjudicated under Section 80-6-701 for one or more offenses listed in
- 1681 Subsection (1)(a); and
- 1682 (ii) has been committed to the division for secure care, as defined in Section 80-1-102,
- 1683 for that offense if:
- 1684 (A) the individual remains in the division's custody until 30 days before the
- 1685 individual's 21st birthday;
- 1686 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
- 1687 under Section 80-6-605 and the individual remains in the division's custody
- 1688 until 30 days before the individual's 25th birthday; or
- 1689 (C) the individual is moved from the division's custody to the custody of the
- 1690 department before expiration of the division's jurisdiction over the individual.
- 1691 (2) Subject to Subsection (3), an individual is:
- 1692 (a) a child abuse offender if the individual:
- 1693 (i) has committed, attempted, solicited, or conspired to commit an offense described
- 1694 in Subsection (1)(a)(i); or
- 1695 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense

described in Subsection (1)(a)(i) or a substantially equivalent offense;
 (b) a sex offender if the individual:
 (i) has committed, attempted, solicited, or conspired to commit an offense described
in Subsections (1)(a)(ii) through (xxxi); or
 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
described in Subsections (1)(a)(ii) through (xxxi) or a substantially equivalent
offense; or

(c) a kidnap offender if the individual:
 (i) has committed, attempted, solicited, or conspired to commit an offense described
in Subsections (1)(a)(xxxii) through (xl); or
 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
described in Subsections (1)(a)(xxxii) through (xl) or a substantially equivalent
offense.

(3) An individual who has committed a registrable offense described in Subsection
(1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense
described in Subsection (1)(a) and is required to register on a sex, kidnap, and child
abuse registry, or an equivalent registry, in the individual's state of residence is a child
abuse offender, sex offender, or kidnap offender based on the individual's status on the
registry in the individual's state of residence.
 (4) Notwithstanding Subsection 53-29-101(2)(a), a plea of guilty or nolo contendere to a
charge of sexual battery or lewdness that is held in abeyance under Title 77, Chapter 2a,
Pleas in Abeyance, is the equivalent of a conviction even if the charge is subsequently
reduced or dismissed in accordance with the plea in abeyance agreement.

Section 19. Section **53-29-203** is enacted to read:

53-29-203 (Effective 05/07/25). Registration lengths -- 10 years -- Lifetime.

(1) Except as provided in Subsection (2), (3), or (4), an individual who commits a
registrable offense is required to register on the registry for:
 (a) 10 years after the day on which the offender's sentence for the offense has been
terminated if the registrable offense is for:
 (i) a felony or class A misdemeanor violation of enticing a minor under Section
76-4-401, if the offender enticed the minor to engage in sexual activity that is one
of the offenses described in Subsections (1)(a)(ii) through (xxiii);
 (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 (iii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the

- 1730 natural parent of the child victim;
- 1731 (iv) human trafficking for labor under Section 76-5-308, if the offender was not the
- 1732 natural parent of the child victim;
- 1733 (v) human smuggling under Section 76-5-308.3, if the offender was not the natural
- 1734 parent of the child victim;
- 1735 (vi) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a), if the
- 1736 offender was not the natural parent of the child victim;
- 1737 (vii) aggravated human trafficking for labor under Section 76-5-310, if the offender
- 1738 was not the natural parent of the child victim;
- 1739 (viii) aggravated human smuggling under Section 76-5-310.1;
- 1740 (ix) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- 1741 (x) a felony violation of unlawful sexual activity with a minor under Section 76-5-401;
- 1742 (xi) sexual abuse of a minor under Section 76-5-401.1;
- 1743 (xii) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 1744 (xiii) forcible sexual abuse under Section 76-5-404;
- 1745 (xiv) custodial sexual relations under Section 76-5-412;
- 1746 (xv) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 1747 (xvi) sexual extortion under Subsection 76-5b-204(2)(a);
- 1748 (xvii) incest under Section 76-7-102;
- 1749 (xviii) four to seven convictions of lewdness under Section 76-9-702;
- 1750 (xix) four to seven convictions of sexual battery under Section 76-9-702.1;
- 1751 (xx) any combination of convictions of lewdness under Section 76-9-702, and of
- 1752 sexual battery under Section 76-9-702.1, that total four to seven convictions;
- 1753 (xxi) lewdness involving a child under Section 76-9-702.5;
- 1754 (xxii) a felony or class A misdemeanor violation of voyeurism under Section
- 1755 76-9-702.7;
- 1756 (xxiii) aggravated exploitation of prostitution under Section 76-10-1306, committed
- 1757 on or before May 9, 2011; or
- 1758 (xxiv) attempting, soliciting, or conspiring to commit an offense listed in Subsections
- 1759 (1)(a)(i) through (xxiii) if the attempt, solicitation, or conspiracy is a registrable
- 1760 offense; or
- 1761 (b) for the offender's lifetime if the registrable offense is:
- 1762 (i) a conviction for an offense described in Subsection (1)(a), if the offender has, at
- 1763 the time of conviction for the offense;

- 1764 (A) previously been convicted of an offense described in Subsection (1)(a), or a
1765 substantially equivalent offense in an external jurisdiction, not including the
1766 offenses listed in Subsections (1)(a)(xviii) through (xx); or
1767 (B) previously been required to register as an offender for an offense described in
1768 Subsection (1)(a) committed as a juvenile;
1769 (ii) a felony violation of enticing a minor under Section 76-4-401, if the offender
1770 enticed the minor to engage in sexual activity that is one of the offenses described
1771 in Subsections (1)(b)(iii) through (xxiv);
1772 (iii) child kidnapping under Section 76-5-301.1, if the offender was not the natural
1773 parent of the child victim;
1774 (iv) aggravated kidnapping under Section 76-5-302, if the offender was not the
1775 natural parent of the child victim;
1776 (v) human trafficking for sexual exploitation under Section 76-5-308.1, if the
1777 offender was not the natural parent of the child victim;
1778 (vi) human trafficking of a child for sexual exploitation under Subsection
1779 76-5-308.5(4)(b), if the offender was not the natural parent of the child victim;
1780 (vii) aggravated human trafficking for sexual exploitation under Section 76-5-310, if
1781 the offender was not the natural parent of the child victim;
1782 (viii) human trafficking of a vulnerable adult for sexual exploitation under Section
1783 76-5-311, if the offender was not the natural parent of the child victim;
1784 (ix) forcible sodomy under Section 76-5-403;
1785 (x) sexual abuse of a child under Section 76-5-404.1;
1786 (xi) sexual exploitation of a minor under Section 76-5b-201;
1787 (xii) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
1788 (xiii) aggravated sexual extortion under Subsection 76-5b-204(2)(b);
1789 (xiv) rape under Section 76-5-402;
1790 (xv) rape of a child under Section 76-5-402.1;
1791 (xvi) object rape under Section 76-5-402.2;
1792 (xvii) object rape of a child under Section 76-5-402.3;
1793 (xviii) sodomy on a child under Section 76-5-403.1;
1794 (xix) aggravated sexual abuse of a child under Section 76-5-404.3;
1795 (xx) aggravated sexual assault under Section 76-5-405;
1796 (xxi) five or more convictions of lewdness under Section 76-9-702, or a substantially
1797 equivalent offense in an external jurisdiction;

- (xxii) five or more convictions of sexual battery under Section 76-9-702.1, or a substantially equivalent offense in an external jurisdiction;
- (xxiii) any combination of convictions of lewdness under Section 76-9-702, and of sexual battery under Section 76-9-702.1, or substantially equivalent offenses in an external jurisdiction, that total five or more convictions;
- (xxiv) aggravated exploitation of prostitution under Section 76-10-1306, on or after May 10, 2011; or
- (xxv) attempting, soliciting, or conspiring to commit an offense listed in Subsections (1)(b)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a registrable offense.
- (2) An individual who qualifies as an offender based on a conviction in an external jurisdiction for a registrable offense or a substantially equivalent offense and is on an external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is required to register on the registry for the time period required by the external jurisdiction.
- (3) If the sentencing court at any time after an offender is convicted of an offense requiring lifetime registration described in Subsection (1)(b) determines that the offender was under 21 years old at the time the offense was committed and the offense did not involve force or coercion, the requirement that the offender register for the offender's lifetime does not apply and the offender shall register for 10 years after the day on which the offender's sentence for the offense has been terminated.
- (4) Except for an individual who is adjudicated for a registrable offense and is an offender who meets the requirements under Subsection 53-29-202(1)(f), an individual who is under 18 years old and commits a registrable offense after May 3, 2023, is not subject to registration requirements under this chapter unless the offender:
- (a) is charged by criminal information in juvenile court under Section 80-6-503;
- (b) is bound over to district court in accordance with Section 80-6-504; and
- (c) is convicted of a registrable offense.
- (5) An offender subject to the 10-year or lifetime registration requirements under Subsection (1) may petition the court for an order of removal from the registry in accordance with Section 53-29-204, 53-29-205, or 53-29-206.

Section 20. Section **53-29-204** is enacted to read:

53-29-204 (Effective 05/07/25). Five-year petition for removal from registry --

Eligibility.

- (1) An offender who is required to register on the registry for a registrable offense described in Subsection (2) that is subject to a 10-year registration period, as described in Section 53-29-203, is eligible to petition the court under Section 53-29-207 for an order of removal from the registry after five years after the day on which the offender's sentence for the offense has been terminated if:
- (a) the offense is the only offense for which the offender was required to register;
 - (b) the offender has not been convicted of another offense, excluding a traffic offense, after the day on which the offender was convicted of the offense for which the offender is required to register, as evidenced by a certificate of eligibility issued by the bureau;
 - (c) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and
 - (d) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense.
- (2) The offenses that qualify for a five-year petition for an order of removal from the registry referenced in Subsection (1) are:
- (a) a class A misdemeanor violation of enticing a minor under Section 76-4-401;
 - (b) kidnapping under Subsection 76-5-301(2)(c) or (d);
 - (c) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the offense, the offender is not more than 10 years older than the victim;
 - (d) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the offender is not more than 10 years older than the victim;
 - (e) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if at the time of the offense, the offender is not more than 15 years older than the victim;
 - (f) a class A misdemeanor violation of voyeurism under Section 76-9-702.7;
 - (g) attempting, soliciting, or conspiring to commit an offense listed in Subsections (2)(a) through (f) if the attempt, solicitation, or conspiracy is a registrable offense; and
 - (h) an offense committed in an external jurisdiction that is not substantially equivalent to a registrable offense described in Subsection 53-29-202(1)(a).

Section 21. Section **53-29-205** is enacted to read:

53-29-205 (Effective 05/07/25). Ten-year petition for removal from registry -- Eligibility.

- (1) An offender who is required to register on the registry for a registrable offense

- described in Subsection (3) subject to a 10-year registration period as described in Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order of removal from the registry at a 10-year after entrance into the community period described in Subsection (2) if:
- (a) the offender has not been convicted of another offense that is a class A misdemeanor, felony, or capital felony within the most recent 10-year period after the date described in Subsection (2), as evidenced by a certificate of eligibility issued by the bureau;
 - (b) the offender successfully completed all treatment ordered by the court or the Board of Pardons and Parole relating to the offense; and
 - (c) the offender has paid all restitution ordered by the court or the Board of Pardons and Parole relating to the offense.
- (2) An offender who qualifies under Subsection (1) may petition the court under Section 53-29-207 for an order of removal from the registry if 10 years have passed after the later of the following events in which the offender entered into the community:
- (a) the day on which the offender was placed on probation;
 - (b) the day on which the offender was released from incarceration to parole;
 - (c) the day on which the offender's sentence was terminated without parole;
 - (d) the day on which the offender entered a community-based residential program; or
 - (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody of the offender was terminated.
- (3) The offenses that qualify for a 10-year petition for an order of removal from the registry referenced in Subsection (1) are:
- (a) a felony violation of enticing a minor under Section 76-4-401, if the offender enticed the minor to engage in sexual activity that is one of the offenses described in Subsections (3)(b) through (v);
 - (b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
 - (c) human trafficking for labor under Section 76-5-308;
 - (d) human smuggling under Section 76-5-308.3;
 - (e) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
 - (f) aggravated human trafficking for labor under Section 76-5-310;
 - (g) aggravated human smuggling under Section 76-5-310.1;
 - (h) human trafficking of a vulnerable adult for labor under Section 76-5-311;
 - (i) a felony violation of unlawful sexual activity with a minor under Section 76-5-401, if,

- 1900 at the time of the offense, the offender is more than 10 years older than the victim;
- 1901 (j) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the
- 1902 offender is more than 10 years older than the victim;
- 1903 (k) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if, at the
- 1904 time of the offense, the offender is more than 15 years older than the victim;
- 1905 (l) forcible sexual abuse under Section 76-5-404;
- 1906 (m) custodial sexual relations under Section 76-5-412, if the victim in custody is
- 1907 younger than 18 years old and the offense is committed on or after May 10, 2011;
- 1908 (n) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 1909 (o) sexual extortion under Subsection 76-5b-204(2)(a);
- 1910 (p) incest under Section 76-7-102;
- 1911 (q) four convictions of lewdness under Section 76-9-702;
- 1912 (r) four convictions of sexual battery under Section 76-9-702.1;
- 1913 (s) any combination of convictions of lewdness under Section 76-9-702, and of sexual
- 1914 battery under Section 76-9-702.1, that total four convictions;
- 1915 (t) lewdness involving a child under Section 76-9-702.5;
- 1916 (u) a felony violation of voyeurism under Section 76-9-702.7;
- 1917 (v) aggravated exploitation of prostitution under Section 76-10-1306, committed on or
- 1918 before May 9, 2011;
- 1919 (w) attempting, soliciting, or conspiring to commit an offense listed in Subsections (3)(a)
- 1920 through (w) if the attempt, solicitation, or conspiracy is a registrable offense; or
- 1921 (x) an offense described in Subsection 53-29-203(1)(b) that would otherwise be subject
- 1922 to a 20-year petition for removal as described in Section 53-29-206, if:
- 1923 (i) the sentencing court determines that the offender was under 21 years old at the
- 1924 time the offense was committed; and
- 1925 (ii) the offense did not involve force or coercion as described in Subsection
- 1926 53-29-203(3).
- 1927 (4) An individual who is as an offender under Section 53-29-202 based on a conviction in
- 1928 an external jurisdiction for a registrable offense, or a substantially equivalent offense,
- 1929 and is required to register on the external jurisdiction's sex, kidnap, or child abuse
- 1930 offender registry, or an equivalent registry, may petition for removal from the registry in
- 1931 accordance with the requirements of this section if the individual:
- 1932 (a) does not have a lifetime registration requirement on the external jurisdiction's sex,
- 1933 kidnap, or child abuse offender registry, or an equivalent registry;

- 1934 (b) meets the requirements described in Subsections (1)(a) through (c);
1935 (c) has resided in this state for at least 183 days in a year for two consecutive years; and
1936 (d) intends to primarily reside in this state.

1937 Section 22. Section **53-29-206** is enacted to read:

1938 **53-29-206 (Effective 05/07/25). Twenty-year petition for removal from registry**
1939 **-- Eligibility.**

- 1940 (1) An offender who is required to register on the registry for a registrable offense subject
1941 to a lifetime registration period described in Subsection 53-29-203(1)(b) is eligible to
1942 petition the court under Section 53-29-207 for an order of removal from the registry at a
1943 20-year entrance into the community period described in Subsection (2) if:
1944 (a) the offender has not been convicted of another offense that is a class A misdemeanor,
1945 felony, or capital felony within the most recent 20-year period after the date
1946 described in Subsection (2), as evidenced by a certificate of eligibility issued by the
1947 bureau;
1948 (b) the offender successfully completed all treatment ordered by the court or the Board
1949 of Pardons and Parole relating to the offense;
1950 (c) the offender has paid all restitution ordered by the court or the Board of Pardons and
1951 Parole relating to the offense; and
1952 (d) the offender submits to an evidence-based risk assessment that:
1953 (i) meets the standards for the current risk assessment, score, and risk level required
1954 by the Board of Pardons and Parole for parole termination requests;
1955 (ii) is completed within the six months before the date on which the petition is filed;
1956 and
1957 (iii) describes the evidence-based risk assessment of the current level of risk to the
1958 safety of the public posed by the offender.
1959 (2) An offender who qualifies under Subsection (1) may petition the court under Section
1960 53-29-207 for an order of removal from the registry if 20 years have passed after the
1961 later of the following events in which the offender has entered into the community:
1962 (a) the day on which the offender was placed on probation;
1963 (b) the day on which the offender was released from incarceration to parole;
1964 (c) the day on which the offender's sentence was terminated without parole;
1965 (d) the day on which the offender entered a community-based residential program; or
1966 (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody
1967 of the offender was terminated.

(3) An individual who is as an offender under Section 53-29-202 based on a conviction in an external jurisdiction for a registrable offense or a substantially equivalent offense, and is required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, may petition for removal from the registry in accordance with the requirements of this section if the individual:

- (a) is required to register on the external jurisdiction's sex, kidnap, or child abuse offender registry, or an equivalent registry, for the individual's lifetime;
- (b) meets the requirements described in Subsections (1)(a) through (d);
- (c) has resided in this state for at least 183 days in a year for two consecutive years; and
- (d) intends to primarily reside in this state.

Section 23. Section **53-29-207** is enacted to read:

53-29-207 (Effective 05/07/25). Process to petition for removal from registry -- Offender, bureau, court, and prosecutor responsibilities.

(1) Before an an offender who is eligible to petition for an order of removal from the registry as described in Section 53-29-204, 53-29-205, or 53-29-206 may file a petition with the court for an order of removal from the registry, the offender shall apply to the bureau for a certificate of eligibility for removal from the registry that states that the offender has met certain qualifications for removal.

(2) After the bureau receives an offender's application for a certificate of eligibility for removal from the registry, the bureau shall:

- (a) perform a check of records of governmental agencies, including national criminal databases, to determine whether an offender meets the requirements described in:
 - (i) Subsection 53-29-204(1), if the offender is seeking a five-year petition for removal;
 - (ii) Subsections 53-29-205(1) and (2), if the offender is seeking a 10-year petition for removal; or
 - (iii) Subsections 53-29-206(1) and (2), if the offender is seeking a 20-year petition for removal; and
- (b) if the bureau determines that the offender meets the requirements described in Subsection (2)(a), issue a certificate of eligibility for removal from the registry to the offender, which is valid for 90 days after the day on which the bureau issues the certificate.

(3)(a) After an offender has received the certificate of eligibility for removal from the registry described in Subsection (2), the offender may petition the court for an order

or removal from the registry, and shall include in the petition:

(i) the original information or indictment regarding the registrable offense that the offender committed;

(ii) the court docket; and

(iii) the certificate of eligibility for removal from the registry.

(b) An offender who files a petition with the court as described in Subsection (3)(a) shall provide a copy of the petition to the prosecutor.

(4) A prosecutor, upon receipt of the petition described in Subsection (3), shall:

(a) provide notice of the petition by first-class mail to the victim at the most recent address of record on file or, if the victim is still a minor under 18 years old, to the parent or guardian of the victim, that includes:

(i) a copy of the petition;

(ii) an explanation that the victim has a right to object to the removal of the offender from the registry or make other recommendations to the court; and

(iii) instructions for how the victim can file an objection or recommendation with the court; and

(b) provide the following, if available, to the court within 30 days after the day on which the prosecutor receives the petition:

(i) the presentencing report created for the offender based on the registrable offense committed by the offender;

(ii) any evaluation done as part of sentencing for the registrable offense; and

(iii) other information the prosecutor determines the court should consider.

(5) A victim, or the victim's parent or guardian if the victim is a minor under 18 years old, may respond to a petition described in Subsection (3) by filing a recommendation or objection with the court within 45 days after the day on which the petition is mailed to the victim.

(6)(a) A court receiving a petition under this section shall:

(i) review the petition and all documents submitted with the petition; and

(ii) hold a hearing if requested by the prosecutor or the victim.

(b)(i) Except as provided in Subsection (6)(b)(ii) or (iii), the court may grant the petition for removal and order the removal of the offender from the registry if the court determines that the offender has met the requirements described in the certificate of eligibility for removal issued under Subsection (2) and removal is not contrary to the interests of the public.

(ii) When considering a petition filed by an offender subject to a lifetime registration requirement and eligible for a 20-year petition for removal from the registry as described in Section 53-29-206, the court shall determine whether the offender has demonstrated, by clear and convincing evidence, that the offender is rehabilitated and does not pose a threat to the safety of the public.

(iii) In making the determination described in Subsection (6)(b)(ii), the court may consider:

(A) the nature and degree of violence involved in the registrable offense;

(B) the age and number of victims of the registrable offense;

(C) the age of the offender at the time the registrable offense was committed;

(D) the offender's performance while on supervision for the registrable offense;

(E) the offender's stability in employment and housing;

(F) the offender's community and personal support system;

(G) other criminal and relevant noncriminal behavior of the offender both before and after the offender committed the registrable offense;

(H) if applicable, the level of risk posed by the offender as evidenced by the evidence-based risk assessment described in Subsection 53-29-206(1)(d); and

(I) any other relevant factors.

(c) In determining whether removal from the registry is contrary to the interests of the public, the court may not consider removal unless the offender has substantially complied with all registration requirements under this chapter at all times.

(d) If the court grants the petition, the court shall forward a copy of the order directing removal of the offender from the registry to the department and the office of the prosecutor.

(e)(i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the offender may not submit another petition for three years after the day on which the court denied the petition.

(ii) If the offender is an offender subject to a lifetime registration requirement and eligible for a 20-year petition for removal from the registry as described in Section 53-29-206 and files a petition for removal that is denied by the court, the offender may not submit another petition for eight years after the day on which the court denied the petition.

(f) The court shall notify the victim and the registry office of the court's decision under this Subsection (6) within three days after the day on which the court issues the

2070 court's decision.

2071 (7)(a) An offender who intentionally or knowingly provides false or misleading
2072 information to the bureau when applying for a certificate of eligibility under this
2073 section is guilty of a class B misdemeanor and subject to prosecution under Section
2074 76-8-504.6.

2075 (b) The bureau may, even if the offender is not prosecuted for providing the false or
2076 misleading information, deny a certificate of eligibility to an offender who provides
2077 false or misleading information on an application.

2078 (8)(a)(i) The bureau shall charge application and issuance fees for a certificate of
2079 eligibility for removal from the registry under this section in accordance with the
2080 process in Section 63J-1-504.

2081 (ii) The application fee shall be paid at the time the offender submits an application to
2082 the bureau for a certificate of eligibility for removal from the registry.

2083 (iii) If the bureau determines that the issuance of a certificate of eligibility for
2084 removal from the registry is appropriate, the offender will be charged an
2085 additional fee for the issuance of the certificate.

2086 (b) Funds generated under this Subsection (8) shall be deposited into the General Fund
2087 as a dedicated credit by the department to cover the costs incurred in determining
2088 eligibility.

2089 Section 24. Section **53-29-301** is enacted to read:

2090 **Part 3. Offender, Court, and Law Enforcement Responsibilities**

2091 **53-29-301 (Effective 05/07/25). Definitions.**

2092 As used in this part:

2093 (1) "Business day" means a day on which state offices are open for regular business.

2094 (2) "Correctional facility" means:

2095 (a) a county jail;

2096 (b) a secure correctional facility as defined by Section 64-13-1; or

2097 (c) a secure care facility as defined in Section 80-1-102.

2098 (3) "Secondary residence" means real property that an offender owns or has a financial
2099 interest in, or a location where the offender stays overnight a total of 10 or more nights
2100 in a 12-month period when not staying at the offender's primary residence.

2101 Section 25. Section **53-29-302** is enacted to read:

2102 **53-29-302 (Effective 05/07/25). Law enforcement and agency responsibilities**
2103 **related to the registry.**

- 2104 (1) A law enforcement agency shall, in the manner prescribed by the department, inform
2105 the department of:
- 2106 (a) the receipt of a report or complaint of a registrable offense, within three business
2107 days after the day on which the law enforcement agency received the report or
2108 complaint; and
- 2109 (b) the arrest of an individual suspected of a registrable offense, within five business
2110 days after the day on which the law enforcement agency arrested the individual.
- 2111 (2) The Department of Corrections shall register an offender in the custody of the
2112 Department of Corrections with the department upon:
- 2113 (a) placement on probation;
- 2114 (b) commitment to a secure correctional facility operated by or under contract with the
2115 Department of Corrections;
- 2116 (c) release from confinement to parole status, termination or expiration of sentence, or
2117 escape;
- 2118 (d) entrance to and release from any community-based residential program operated by
2119 or under contract with the Department of Corrections; or
- 2120 (e) termination of probation or parole.
- 2121 (3) The sheriff of the county in which an offender is confined shall register an offender with
2122 the department, as required under this chapter, if the offender is not in the custody of the
2123 Department of Corrections and is confined in a correctional facility not operated by or
2124 under contract with the Department of Corrections upon:
- 2125 (a) commitment to the correctional facility; and
- 2126 (b) release from confinement.
- 2127 (4)(a) Except as provided in Subsection (4)(b), if an offender is sent on an assignment
2128 outside a secure facility, including being assigned for firefighting or disaster control,
2129 the official who has physical custody of the offender shall, within a reasonable time
2130 after the day of the offender's removal from the secure facility, notify the local law
2131 enforcement agencies where the offender is assigned.
- 2132 (b) Subsection (4)(a) does not apply to an offender temporarily released from a secure
2133 facility setting who is under the supervision of a correctional facility official.
- 2134 (5) The division shall register an offender in the custody of the division with the
2135 department, as required under this chapter, before the offender's release from custody of
2136 the division.
- 2137 (6) A state mental hospital shall register an offender committed to the state mental hospital

with the department, as required under this chapter, upon the offender's admission and upon the offender's discharge.

(7)(a) A municipal or county law enforcement agency shall register an offender who resides within the agency's jurisdiction and is not under the supervision of the Division of Adult Probation and Parole within the Department of Corrections.

(b) A municipal or county law enforcement agency may conduct offender registration under this chapter, if the agency ensures that the agency's staff responsible for registration:

(i) have received initial training by the department and have been certified by the department as qualified and authorized to conduct registrations and enter offender registration information into the registry database; and

(ii) annually certifies with the department.

(8) An agency in the state that registers with the department an offender on probation, an offender who has been released from confinement to parole status or termination, or an offender whose sentence has expired, shall inform the offender of the duty to comply with the continuing registration requirements of this chapter during the period of registration required in Section 53-29-203, including:

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

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

(c) notification to the out-of-state agency where the offender is living, regardless of whether the offender is a resident of that state.

Section 26. Section **53-29-303** is enacted to read:

53-29-303 (Effective 05/07/25). Court responsibilities related to the registry.

(1) The court shall, after an offender is convicted of a registrable offense, within three business days after the day on which the conviction is entered, forward a signed copy of the judgment and sentence to the registry office.

(2) Upon modifying, withdrawing, setting aside, vacating, or otherwise altering a conviction for a registrable offense, the court shall, within three business days, forward a signed copy of the order to the registry office.

(3)(a) An offender may change the offender's name in accordance with Title 42, Chapter 1, Change of Name, if the name change is not contrary to the interests of the public.

- 2172 (b) Notwithstanding Section 42-1-2, an offender shall provide notice to the department
2173 at least 30 days before the day on which the hearing for the name change is held.
- 2174 (c) The court shall provide a copy of the order granting the offender's name change to
2175 the department within 10 days after the day on which the court issues the order.
- 2176 (d) If the court orders an offender's name to be changed, the department shall publish on
2177 the registration website the offender's former name and the offender's changed name
2178 as an alias.
- 2179 (4) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
2180 Act, information under Subsection (2) that is collected and released under Subsection
2181 53-29-404(3)(a) is public information, unless otherwise restricted under this chapter.
- 2182 (5) The department shall redact information regarding the identity or location of a victim
2183 from information provided under Subsection (2).
- 2184 Section 27. Section **53-29-304** is enacted to read:
- 2185 **53-29-304 (Effective 05/07/25). Offender responsibilities related to the registry.**
- 2186 (1) An offender shall:
- 2187 (a) if the offender is on probation or parole under the supervision of the Department of
2188 Corrections, register in person with the Division of Adult Probation and Parole; or
- 2189 (b) if the offender is not on probation or parole under the supervision of the Department
2190 of Corrections, register in person with the police department or sheriff's office that
2191 has jurisdiction over the area where the offender resides.
- 2192 (2) An offender registering under Subsection (1) shall register for the duration of the
2193 offender's applicable registration period described in Section 53-29-203:
- 2194 (a) each year during the month of the offender's date of birth;
- 2195 (b) during the month that is the sixth month after the offender's birth month; and
- 2196 (c) within three business days after the day on which there is a change of the offender's
2197 primary residence, any secondary residences, place of employment, vehicle
2198 information, or educational information described in Subsection (4).
- 2199 (3) An offender who enters this state from another jurisdiction is required to register with
2200 the department within 10 days after the day on which the offender enters the state,
2201 regardless of the offender's length of stay.
- 2202 (4)(a) When registering under Subsection (1), an offender shall provide the following
2203 information:
- 2204 (i) all names and aliases by which the offender is or has been known;
- 2205 (ii) the addresses of the offender's primary and secondary residences;

- (iii) a physical description, including the offender's date of birth, height, weight, eye color, and hair color;
- (iv) the make, model, color, year, plate number, and vehicle identification number of a vehicle or vehicles the offender owns or drives more than 12 times per year;
- (v) a current photograph of the offender;
- (vi) a set of fingerprints, if a set has not already been provided;
- (vii) a DNA specimen, taken in accordance with Section 53-10-404, if a set has not already been provided;
- (viii) telephone numbers and any other designations used by the offender for routing or self-identification in telephonic communications from fixed locations or cellular telephones;
- (ix) online identifiers and the addresses the offender uses for routing or self-identification in Internet communications or postings;
- (x) the name and Internet address of all websites on which the offender is registered using an online identifier, including all online identifiers used to access those websites;
- (xi) a copy of the offender's passport, if a passport has been issued to the offender;
- (xii) if the offender is an alien, all documents establishing the offender's immigration status;
- (xiii) all professional licenses that authorize the offender to engage in an occupation or carry out a trade or business, including any identifiers, such as numbers;
- (xiv) each educational institution in Utah at which the offender is employed or is a student, and a change of enrollment or employment status of the offender at an educational institution;
- (xv) the name, the telephone number, and the address of a place where the offender is employed or will be employed;
- (xvi) the name, the telephone number, and the address of a place where the offender works as a volunteer or will work as a volunteer; and
- (xvii) the offender's social security number.
- (b) The department shall redact information regarding the identity or location of a victim from information provided under Subsection (4)(a).
- (5) Notwithstanding Subsections (4)(a)(ix) and (x) and 53-29-404(7), an offender is not required to provide the department with:
- (a) the offender's online identifier and password used exclusively for the offender's

- 2240 employment on equipment provided by an employer and used to access the
2241 employer's private network; or
- 2242 (b) online identifiers for the offender's financial accounts, including a bank, retirement,
2243 or investment account.
- 2244 (6) Notwithstanding Title 77, Chapter 40a, Expungement of Criminal Records, an offender
2245 convicted of a registrable offense is required to register in accordance with this section
2246 unless the offender is removed from the registry under Section 53-29-207.
- 2247 (7) Except as provided in Subsection 53-29-404(7), in the case of an offender adjudicated in
2248 another jurisdiction as a juvenile and required to register under this chapter, the offender
2249 shall register in the time period and in the frequency consistent with the requirements of
2250 Subsection (3).
- 2251 (8)(a) An offender required to register on the registry shall, in the month of the
2252 offender's birth:
- 2253 (i) pay to the department an annual fee of \$100 each year the offender is subject to
2254 the registration requirements of this chapter; and
- 2255 (ii) pay to the registering agency, if the registering agency is an agency other than the
2256 department, an annual fee of not more than \$25, which may be assessed by that
2257 agency for providing registration.
- 2258 (b) Notwithstanding Subsection (8)(a), an offender who is confined in a secure facility
2259 or in a state mental hospital is not required to pay the annual fee.
- 2260 (c) The department shall deposit fees collected in accordance with this chapter into the
2261 General Fund as a dedicated credit, to be used by the department for maintaining the
2262 offender registry under this chapter and monitoring offender registration compliance,
2263 including the costs of:
- 2264 (i) data entry;
- 2265 (ii) processing registration packets;
- 2266 (iii) updating registry information; and
- 2267 (iv) reporting an offender not in compliance with registration requirements to a law
2268 enforcement agency.
- 2269 Section 28. Section **53-29-305** is enacted to read:
- 2270 **53-29-305 (Effective 05/07/25). Failing to register or providing false or**
2271 **incomplete information -- Penalties.**
- 2272 (1) An offender who knowingly fails to register under this chapter or provides false or
2273 incomplete information is guilty of:

- 2274 (a) a third degree felony and shall be sentenced to serve a term of incarceration of not
 2275 less than 30 days and also at least one year of probation if:
 2276 (i) the offender is required to register for a registrable offense that is a felony or
 2277 adjudicated delinquent for a registrable offense committed before May 3, 2023,
 2278 that would be a felony if the juvenile were an adult; or
 2279 (ii) the offender is required to register for the offender's lifetime as described in
 2280 Subsection 53-29-203(1)(b); or
 2281 (b) a class A misdemeanor and shall be sentenced to serve a term of incarceration of not
 2282 less than 30 days and also at least one year of probation if the offender is required to
 2283 register for a misdemeanor conviction that is a registrable offense or is adjudicated
 2284 delinquent for a registrable offense committed before May 3, 2023, that would be a
 2285 misdemeanor if the juvenile were an adult.

- 2286 (2)(a) The court or Board of Pardons and Parole may not release an individual who
 2287 violates this chapter from serving the term required under Subsection (1).
 2288 (b) This Subsection (2) supersedes any other provision of the law contrary to this chapter.
 2289 (3) The offender shall register for an additional year for every year in which the offender
 2290 does not comply with the registration requirements of this chapter.

2291 Section 29. Section **53-29-306**, which is renumbered from Section 77-27-21.7 is renumbered
 2292 and amended to read:

2293 **[77-27-21.7] 53-29-306 (Effective 05/07/25). Sex offender restrictions.**

2294 (1) As used in this section:

- 2295 (a) "Condominium project" means the same as that term is defined in Section 57-8-3.
 2296 (b) "Minor" means an individual who is younger than 18 years old[;] .
 2297 (c)(i) "Protected area" means the premises occupied by:
 2298 (A) a licensed day care or preschool facility;
 2299 (B) a public swimming pool or a swimming pool maintained, operated, or owned
 2300 by a homeowners' association, condominium project, or apartment complex;
 2301 (C) a public or private primary or secondary school that is not on the grounds of a
 2302 correctional facility;
 2303 (D) a community park that is open to the public or a park maintained, operated, or
 2304 owned by a homeowners' association, condominium project, or apartment
 2305 complex;
 2306 (E) a public playground or a playground maintained, operated, or owned by a
 2307 homeowners' association, condominium project, or apartment complex,

2308 including those areas designed to provide minors with space, recreational
2309 equipment, or other amenities intended to allow minors to engage in physical
2310 activity; and

2311 (F) except as provided in Subsection (1)(c)(ii), an area that is 1,000 feet or less
2312 from the residence of a victim of the sex offender if the sex offender is subject
2313 to a victim requested restriction.

2314 (ii) "Protected area" does not include:

2315 (A) the area described in Subsection (1)(c)(i)(F) if the victim is a member of the
2316 immediate family of the sex offender and the terms of the sex offender's
2317 agreement of probation or parole allow the sex offender to reside in the same
2318 residence as the victim;

2319 (B) a park, playground, or swimming pool located on the property of a residential
2320 home;

2321 (C) a park or swimming pool that prohibits minors at all times from using the park
2322 or swimming pool; or

2323 (D) a park or swimming pool maintained, operated, or owned by a homeowners'
2324 association, condominium project, or apartment complex established for
2325 residents 55 years old or older if no minors are present at the park or swimming
2326 pool at the time the sex offender is present at the park or swimming pool.

2327 ~~[(d) "Sex offender" means an adult or juvenile who is required to register in accordance with~~
2328 ~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, due to a conviction~~
2329 ~~for an offense that is committed against a person younger than 18 years old.]~~

2330 (2) For purposes of Subsection (1)(c)(i)(F), a sex offender who has committed a registrable
2331 offense against an individual younger than 18 years old is subject to a victim requested
2332 restriction if:

2333 (a) the sex offender is on probation or parole for an offense that requires the offender to
2334 register in accordance with ~~[Title 77, Chapter 41, Sex, Kidnap, and Child Abuse~~
2335 ~~Offender Registry]~~ this chapter;

2336 (b) the victim or the victim's parent or guardian advises the ~~[Department of Public Safety]~~
2337 department that the victim elects to restrict the sex offender from the area and
2338 authorizes the ~~[Department of Public Safety]~~ department to advise the sex offender of
2339 the area where the victim resides; and

2340 (c) the ~~[Department of Public Safety]~~ department notifies the sex offender in writing that
2341 the sex offender is prohibited from being in the area described in Subsection

2342 (1)(c)(i)(F) and provides a description of the location of the protected area to the sex
2343 offender.

2344 (3) A sex offender who has committed a registrable offense against an individual younger
2345 than 18 years old may not:

2346 (a) be in a protected area except:

2347 (i) when the sex offender must be in a protected area to perform the sex offender's
2348 parental responsibilities;

2349 (ii)(A) when the protected area is a public or private primary or secondary school;
2350 and

2351 (B) the school is open and being used for a public activity other than a
2352 school-related function that involves a minor; or

2353 (iii)(A) if the protected area is a licensed day care or preschool facility located
2354 within a building that is open to the public for purposes other than the
2355 operation of the day care or preschool facility; and

2356 (B) the sex offender does not enter a part of the building that is occupied by the
2357 day care or preschool facility; or

2358 (b) serve as an athletic coach, manager, or trainer for a sports team of which a minor
2359 who is younger than 18 years old is a member.

2360 (4) A sex offender who violates this section is guilty of:

2361 (a) a class A misdemeanor; or

2362 (b) if previously convicted of violating this section within the last ten years, a third
2363 degree felony.

2364 Section 30. Section **53-29-307**, which is renumbered from Section 77-27-21.8 is renumbered
2365 and amended to read:

2366 **[77-27-21.8] 53-29-307 (Effective 05/07/25). Sex offender in presence of a child --**

2367 **Definitions -- Penalties.**

2368 (1) As used in this section:

2369 (a) "Accompany" means:

2370 (i) to be in the presence of an individual; and

2371 (ii) to move or travel with that individual from one location to another, whether
2372 outdoors, indoors, or in or on any type of vehicle.

2373 (b) "Child" means an individual younger than 14 years ~~[of age]~~ old.

2374 (2) A sex offender subject to registration in accordance with ~~[Title 77, Chapter 41, Sex,~~
2375 ~~Kidnap, and Child Abuse Offender Registry]~~ this chapter, for ~~[an]~~ a registrable offense

committed or attempted to be committed against a child younger than 14 years [~~of age~~]
old is guilty of a class A misdemeanor if the sex offender requests, invites, or solicits a
child to accompany the sex offender, under circumstances that do not constitute an
attempt to violate Section 76-5-301.1, child kidnapping, unless:

(a)(i) the sex offender, prior to accompanying the child:

(A) verbally advises the child's parent or legal guardian that the sex offender is on
the state sex offender registry and is required by state law to obtain written
permission in order for the sex offender to accompany the child; and

(B) requests that the child's parent or legal guardian provide written authorization
for the sex offender to accompany the child, including the specific dates and
locations;

(ii) the child's parent or legal guardian has provided to the sex offender written
authorization, including the specific dates and locations, for the sex offender to
accompany the child; and

(iii) the sex offender has possession of the written authorization and is accompanying
the child only at the dates and locations specified in the authorization;

(b) the child's parent or guardian has verbally authorized the sex offender to accompany
the child either in the child's residence or on property appurtenant to the child's
residence, but in no other locations; or

(c) the child is the natural child of the sex offender, and the offender is not prohibited by
any court order, or probation or parole provision, from contact with the child.

(3)(a) A sex offender convicted of a violation of Subsection (2) is subject to registration
in accordance with [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender
Registry~~] this chapter, for an additional five years subsequent to the required
registration [~~under Section 77-41-105~~] described in Section 53-29-203.

(b) The period of additional registration imposed under Subsection (3)(a) is also in
addition to any period of registration imposed under Subsection [~~77-41-107(3)~~]
53-29-305(3) for failure to comply with registration requirements.

(4) It is not a defense to a prosecution under this section that the defendant mistakenly
believed the individual to be 14 years [~~of age~~] old or older at the time of the offense or
was unaware of the individual's true age.

(5) This section does not apply if a sex offender is acting to rescue a child who is in an
emergency and life-threatening situation.

Section 31. Section **53-29-401** is enacted to read:

2410 **Part 4. Department Functions Related to the Registry**2411 **53-29-401 (Effective 05/07/25). Definitions.**2412 Reserved.2413 Section 32. Section **53-29-402** is enacted to read:2414 **53-29-402 (Effective 05/07/25). Department responsibilities related to the**
2415 **registry.**2416 (1) The department shall:2417 (a) maintain the registration website;2418 (b) ensure that the registration information collected regarding an offender's enrollment
2419 or employment at an educational institution is:2420 (i)(A) promptly made available to any law enforcement agency that has
2421 jurisdiction where the institution is located if the educational institution is an
2422 institution of higher education; or2423 (B) promptly made available to the district superintendent of the school district
2424 where the offender is employed if the educational institution is an institution of
2425 primary education; and2426 (ii) entered into the appropriate state records or data system; and2427 (c) make available to an offender the name of the local law enforcement agency or state
2428 agency that the offender should contact to register, the location for registering, and
2429 the requirements of registration.2430 (2)(a) When the department receives offender registration information regarding a
2431 change of an offender's primary residence, the department shall, within five days
2432 after the day on which the department receives the information, electronically notify
2433 the law enforcement agencies that have jurisdiction over the area where:2434 (i) the residence that the offender is leaving is located; and2435 (ii) the residence to which the offender is moving is located.2436 (b) The department shall provide notification under Subsection (2)(a) if the offender's
2437 change of address is:2438 (i) between law enforcement agency jurisdictions; or2439 (ii) within one law enforcement agency jurisdiction.2440 (3) The department may make administrative rules necessary to implement this chapter,
2441 including:2442 (a) the method for dissemination of the information; and2443 (b) instructions to the public regarding the use of the information.

Section 33. Section **53-29-403** is enacted to read:

53-29-403 (Effective 05/07/25). Intervention in legal action by the department.

- (1) Subject to Subsection (2), the department may intervene in any matter, including a criminal action, where the matter purports to affect an individual's registration requirements under this chapter.
- (2) The department may only file a motion to intervene under Subsection (1) within 60 days after the day on which:
- (a) the sentencing court enters a judgment or sentence against an individual for a registrable offense, if the details of the written plea agreement, judgment, or sentence indicate that the individual's registration requirements under this chapter could be affected; or
 - (b) a court modifies, withdraws, sets aside, vacates, or otherwise alters an individual's conviction for a registrable offense, affecting the individual's registration requirement under this chapter if the written plea agreement, judgment, or sentence entered at the time the individual was sentenced did not indicate that the individual's registration requirement could be affected.

Section 34. Section **53-29-404** is enacted to read:

53-29-404 (Effective 05/07/25). Sex, Kidnap, and Child Abuse Offender Notification and Registration website.

- (1) The department shall maintain a Sex, Kidnap, and Child Abuse Offender Notification and Registration website on the Internet available to the public.
- (2) The registration website shall be indexed by both the surname of the offender and by postal codes.
- (3)(a) Except as provided in Subsection (3)(b), the registration website shall include the following information:
- (i) all names and aliases by which the offender is or has been known, but not including any online identifiers;
 - (ii) the addresses of the offender's primary, secondary, and temporary residences;
 - (iii) a physical description, including the offender's date of birth, height, weight, eye color, and hair color;
 - (iv) the make, model, color, year, and plate number of any vehicle or vehicles the offender owns or regularly drives;
 - (v) a current photograph of the offender;
 - (vi) a list of all professional licenses that authorize the offender to engage in an

- 2478 occupation or carry out a trade or business;
2479 (vii) each educational institution in Utah at which the offender is employed or is a
2480 student;
2481 (viii) a list of places where the offender works as a volunteer;
2482 (ix) any registrable offenses for which the offender has been convicted or
2483 adjudicated; and
2484 (x) other relevant identifying information of the offender as determined by the
2485 department.
- 2486 (b) The department shall redact any information the department receives under
2487 Subsection (3)(a) that, if disclosed, could reasonably identify a victim.
- 2488 (4)(a) The department shall enable the public to search the registration website to
2489 determine if the following search criteria are linked to an offender:
- 2490 (i) telephone numbers or other designations for an offender provided under
2491 Subsection 53-29-304(4)(a)(vii);
2492 (ii) online identifiers or other addresses for an offender provided under Subsection
2493 53-29-304(4)(a)(ix); and
2494 (iii) names and Internet addresses of websites on which an offender is registered
2495 using an online identifier, including the online identifier used to access the
2496 website.
- 2497 (b) The department shall ensure that a search performed using the criteria in Subsection
2498 (4)(a):
- 2499 (i) provides the individual requesting the search with only information regarding
2500 whether the criteria are linked to an offender; and
2501 (ii) does not return the name or any other identifying information about an offender.
- 2502 (c) The department is not required to:
- 2503 (i) report the results of the search under Subsection (4)(a) to a law enforcement
2504 agency; or
2505 (ii) based on the results of a search under Subsection (4)(a), open an investigation.
- 2506 (5)(a) Subject to Subsection (5)(b), the department shall place a disclaimer on the
2507 registration website informing the public that:
- 2508 (i) the information contained on the site is obtained from offenders and the
2509 department does not guarantee the information's accuracy or completeness;
2510 (ii) members of the public are not allowed to use the information to harass or threaten
2511 an offender or a member of an offender's family; and

- 2512 (iii) harassment, stalking, or threats against an offender or an offender's family are
2513 prohibited and may violate Utah criminal laws.
- 2514 (b) Before a user may access the registry website, the department shall require the user
2515 to indicate that the user has read the disclaimer, understands the disclaimer, and
2516 agrees to comply with the disclaimer's terms.
- 2517 (6)(a) If an offender was under 18 years old at the time of committing a registrable
2518 offense described in Subsection 53-29-202(1)(a), (c), or (f), and as a result is required
2519 to register on the registry, the department shall maintain, but not publish, the
2520 offender's information on the registration website.
- 2521 (b)(i) If, based on the information provided to the department by the sentencing
2522 court, prosecuting entity, offender, or offender's counsel, the department cannot
2523 determine whether the offender is eligible for an exemption to publication on the
2524 registration website as described in Subsection (6)(a), the department shall
2525 continue to publish the offender's information on the registration website.
- 2526 (ii) Information may be provided to the department at any time in order to clarify the
2527 offender's age at the time the offender committed the registrable offense.
- 2528 (iii) This section does not prohibit the department from seeking or receiving
2529 information from individuals or entities other than those identified in Subsection
2530 (6)(b)(i).
- 2531 (c) This Subsection (6):
- 2532 (i) applies to an offender with a registration requirement on or after May 3, 2023,
2533 regardless of when the offender was first required to register; and
- 2534 (ii) does not apply to an offender who is required to register for the offender's lifetime
2535 due to the offender being convicted of two or more registrable offenses or being
2536 convicted of one registrable offense and, at the time of the conviction for the
2537 registrable offense, being previously required to register as an offender for an
2538 offense committed as a juvenile as described in Subsection 53-29-203(1)(b).
- 2539 (7) In the case of an offender adjudicated in an external jurisdiction as a juvenile and
2540 required to register under this chapter the department shall maintain, but not publish, the
2541 offender's information on the registration website if the external jurisdiction where the
2542 juvenile offender was adjudicated does not publish the juvenile offender's information
2543 on a public website.
- 2544 (8) Any information in the department's possession not listed in Subsection (3)(a) that is not
2545 available to the public shall be shared:

2546 (a) for a purpose under this chapter; or

2547 (b) in accordance with Section 63G-2-206.

2548 Section 35. Section **53-29-405** is enacted to read:

2549 **53-29-405 (Effective 05/07/25). Removal for offenses or convictions for which**
2550 **registration is no longer required.**

2551 (1) The department shall automatically remove an individual who is currently on the
2552 registry if:

2553 (a) the only offense or offenses for which the individual is on the registry are listed in
2554 Subsection (2); or

2555 (b) the department receives a formal notification or order from the court or the Board of
2556 Pardons and Parole that the conviction for the registrable offense for which the
2557 individual is on the registry has been reversed, vacated, or pardoned.

2558 (2) The offenses described in Subsection (1)(a) are:

2559 (a) a class B or class C misdemeanor for enticing a minor under Section 76-4-401;

2560 (b) kidnapping under Subsection 76-5-301(2)(a) or (b);

2561 (c) child kidnapping under Section 76-5-301.1, if the offender was the natural parent of
2562 the child victim;

2563 (d) unlawful detention under Section 76-5-304;

2564 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B
2565 misdemeanor for unlawful sexual intercourse, under Section 76-5-401; or

2566 (f) sodomy, but not forcible sodomy, under Section 76-5-403.

2567 (3) The department shall notify an individual who has been removed from the registry in
2568 accordance with Subsection (1) and inform the individual in the notice that the
2569 individual is no longer required to register as an offender.

2570 (4) An individual who is currently on the registry may submit a request to the department to
2571 be removed from the registry if the individual believes that the individual qualifies for
2572 removal under Subsection (1).

2573 (5) The department, upon receipt of a request for removal from the registry in accordance
2574 with this section, shall:

2575 (a) check the registry for the individual's current status;

2576 (b) determine whether the individual qualifies for removal based upon this section; and

2577 (c) notify the individual in writing of the department's determination and whether the
2578 individual:

2579 (i) qualifies for removal from the registry; or

- 2580 (ii) does not qualify for removal.
- 2581 (6) If the department determines that the individual qualifies for removal from the registry,
2582 the department shall remove the offender from the registry.
- 2583 (7)(a) If the department determines that the individual does not qualify for removal
2584 from the registry, the department shall provide an explanation in writing for the
2585 department's determination.
- 2586 (b) The department's determination under Subsection (7)(a) is final and not subject to
2587 administrative review.
- 2588 (8) The department or an employee of the department is not civilly liable for a
2589 determination made in good faith in accordance with this section.
- 2590 (9)(a) The department shall provide a response to a request for removal within 30 days
2591 after the day on which the department receives the request.
- 2592 (b) If the response under Subsection (9)(a) cannot be provided within 30 days after the
2593 day on which the department receives the request, the department shall notify the
2594 individual that the response may be delayed up to 30 additional days.
- 2595 Section 36. Section **57-8-3** is amended to read:
- 2596 **57-8-3 (Effective 05/07/25). Definitions.**
- 2597 As used in this chapter:
- 2598 (1) "Assessment" means any charge imposed by the association, including:
- 2599 (a) common expenses on or against a unit owner pursuant to the provisions of the
2600 declaration, bylaws, or this chapter; and
- 2601 (b) an amount that an association of unit owners assesses to a unit owner under
2602 Subsection 57-8-43(9)(g).
- 2603 (2) "Association of unit owners" or "association" means all of the unit owners:
- 2604 (a) acting as a group in accordance with the declaration and bylaws; or
- 2605 (b) organized as a legal entity in accordance with the declaration.
- 2606 (3) "Building" means a building, containing units, and comprising a part of the property.
- 2607 (4) "Commercial condominium project" means a condominium project that has no
2608 residential units within the project.
- 2609 (5) "Common areas and facilities" unless otherwise provided in the declaration or lawful
2610 amendments to the declaration means:
- 2611 (a) the land included within the condominium project, whether leasehold or in fee
2612 simple;
- 2613 (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls,

- 2614 corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;
- 2615 (c) the basements, yards, gardens, parking areas, and storage spaces;
- 2616 (d) the premises for lodging of janitors or persons in charge of the property;
- 2617 (e) installations of central services such as power, light, gas, hot and cold water, heating,
- 2618 refrigeration, air conditioning, and incinerating;
- 2619 (f) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all
- 2620 apparatus and installations existing for common use;
- 2621 (g) such community and commercial facilities as may be provided for in the declaration;
- 2622 and
- 2623 (h) all other parts of the property necessary or convenient to its existence, maintenance,
- 2624 and safety, or normally in common use.
- 2625 (6) "Common expenses" means:
- 2626 (a) all sums lawfully assessed against the unit owners;
- 2627 (b) expenses of administration, maintenance, repair, or replacement of the common areas
- 2628 and facilities;
- 2629 (c) expenses agreed upon as common expenses by the association of unit owners; and
- 2630 (d) expenses declared common expenses by this chapter, or by the declaration or the
- 2631 bylaws.
- 2632 (7) "Common profits," unless otherwise provided in the declaration or lawful amendments
- 2633 to the declaration, means the balance of all income, rents, profits, and revenues from the
- 2634 common areas and facilities remaining after the deduction of the common expenses.
- 2635 (8) "Condominium" means the ownership of a single unit in a multiunit project together
- 2636 with an undivided interest in common in the common areas and facilities of the property.
- 2637 (9) "Condominium plat" means a plat or plats of survey of land and units prepared in
- 2638 accordance with Section 57-8-13.
- 2639 (10) "Condominium project" means a real estate condominium project; a plan or project
- 2640 whereby two or more units, whether contained in existing or proposed apartments,
- 2641 commercial or industrial buildings or structures, or otherwise, are separately offered or
- 2642 proposed to be offered for sale. Condominium project also means the property when the
- 2643 context so requires.
- 2644 (11) "Condominium unit" means a unit together with the undivided interest in the common
- 2645 areas and facilities appertaining to that unit. Any reference in this chapter to a
- 2646 condominium unit includes both a physical unit together with its appurtenant undivided
- 2647 interest in the common areas and facilities and a time period unit together with its

- 2648 appurtenant undivided interest, unless the reference is specifically limited to a time
2649 period unit.
- 2650 (12) "Contractible condominium" means a condominium project from which one or more
2651 portions of the land within the project may be withdrawn in accordance with provisions
2652 of the declaration and of this chapter. If the withdrawal can occur only by the expiration
2653 or termination of one or more leases, then the condominium project is not a contractible
2654 condominium within the meaning of this chapter.
- 2655 (13) "Convertible land" means a building site which is a portion of the common areas and
2656 facilities, described by metes and bounds, within which additional units or limited
2657 common areas and facilities may be created in accordance with this chapter.
- 2658 (14) "Convertible space" means a portion of the structure within the condominium project,
2659 which portion may be converted into one or more units or common areas and facilities,
2660 including limited common areas and facilities in accordance with this chapter.
- 2661 (15) "Declarant" means all persons who execute the declaration or on whose behalf the
2662 declaration is executed. From the time of the recordation of any amendment to the
2663 declaration expanding an expandable condominium, all persons who execute that
2664 amendment or on whose behalf that amendment is executed shall also come within this
2665 definition. Any successors of the persons referred to in this subsection who come to
2666 stand in the same relation to the condominium project as their predecessors also come
2667 within this definition.
- 2668 (16) "Declaration" means the instrument by which the property is submitted to the
2669 provisions of this act, as it from time to time may be lawfully amended.
- 2670 (17) "Electrical corporation" means the same as that term is defined in Section 54-2-1.
- 2671 (18) "Expandable condominium" means a condominium project to which additional land or
2672 an interest in it may be added in accordance with the declaration and this chapter.
- 2673 (19) "Gas corporation" means the same as that term is defined in Section 54-2-1.
- 2674 (20) "Governing documents":
- 2675 (a) means a written instrument by which an association of unit owners may:
- 2676 (i) exercise powers; or
- 2677 (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the
2678 association of unit owners; and
- 2679 (b) includes:
- 2680 (i) articles of incorporation;
- 2681 (ii) bylaws;

- 2682 (iii) a plat;
- 2683 (iv) a declaration of covenants, conditions, and restrictions; and
- 2684 (v) rules of the association of unit owners.
- 2685 (21) "Independent third party" means a person that:
- 2686 (a) is not related to the unit owner;
- 2687 (b) shares no pecuniary interests with the unit owner; and
- 2688 (c) purchases the unit in good faith and without the intent to defraud a current or future
- 2689 lienholder.
- 2690 (22) "Judicial foreclosure" means a foreclosure of a unit:
- 2691 (a) for the nonpayment of an assessment;
- 2692 (b) in the manner provided by law for the foreclosure of a mortgage on real property; and
- 2693 (c) as provided in this chapter.
- 2694 (23) "Leasehold condominium" means a condominium project in all or any portion of
- 2695 which each unit owner owns an estate for years in his unit, or in the land upon which
- 2696 that unit is situated, or both, with all those leasehold interests to expire naturally at the
- 2697 same time. A condominium project including leased land, or an interest in the land,
- 2698 upon which no units are situated or to be situated is not a leasehold condominium within
- 2699 the meaning of this chapter.
- 2700 (24) "Limited common areas and facilities" means those common areas and facilities
- 2701 designated in the declaration as reserved for use of a certain unit or units to the exclusion
- 2702 of the other units.
- 2703 (25) "Majority" or "majority of the unit owners," unless otherwise provided in the
- 2704 declaration or lawful amendments to the declaration, means the owners of more than
- 2705 50% in the aggregate in interest of the undivided ownership of the common areas and
- 2706 facilities.
- 2707 (26) "Management committee" means the committee as provided in the declaration charged
- 2708 with and having the responsibility and authority to make and to enforce all of the
- 2709 reasonable rules covering the operation and maintenance of the property.
- 2710 (27) "Management committee meeting" means a gathering of a management committee,
- 2711 whether in person or by means of electronic communication, at which the management
- 2712 committee can take binding action.
- 2713 (28)(a) "Means of electronic communication" means an electronic system that allows
- 2714 individuals to communicate orally in real time.
- 2715 (b) "Means of electronic communication" includes:

- 2716 (i) web conferencing;
2717 (ii) video conferencing; and
2718 (iii) telephone conferencing.
- 2719 (29) "Mixed-use condominium project" means a condominium project that has both
2720 residential and commercial units in the condominium project.
- 2721 (30) "Nonjudicial foreclosure" means the sale of a unit:
2722 (a) for the nonpayment of an assessment;
2723 (b) in the same manner as the sale of trust property under Sections 57-1-19 through
2724 57-1-34; and
2725 (c) as provided in this chapter.
- 2726 (31) "Par value" means a number of dollars or points assigned to each unit by the
2727 declaration. Substantially identical units shall be assigned the same par value, but units
2728 located at substantially different heights above the ground, or having substantially
2729 different views, or having substantially different amenities or other characteristics that
2730 might result in differences in market value, may be considered substantially identical
2731 within the meaning of this subsection. If par value is stated in terms of dollars, that
2732 statement may not be considered to reflect or control the sales price or fair market value
2733 of any unit, and no opinion, appraisal, or fair market transaction at a different figure may
2734 affect the par value of any unit, or any undivided interest in the common areas and
2735 facilities, voting rights in the unit owners' association, liability for common expenses, or
2736 right to common profits, assigned on the basis thereof.
- 2737 (32) "Period of administrative control" means the period of control described in Subsection
2738 57-8-16.5(1).
- 2739 (33) "Person" means an individual, corporation, partnership, association, trustee, or other
2740 legal entity.
- 2741 (34) "Political sign" means any sign or document that advocates:
2742 (a) the election or defeat of a candidate for public office; or
2743 (b) the approval or defeat of a ballot proposition.
- 2744 (35) "Property" means the land, whether leasehold or in fee simple, the building, if any, all
2745 improvements and structures thereon, all easements, rights, and appurtenances belonging
2746 thereto, and all articles of personal property intended for use in connection therewith.
- 2747 (36) "Protected area" means the same as that term is defined in Section ~~[77-27-21.7]~~
2748 53-29-306.
- 2749 (37) "Record," "recording," "recorded," and "recorder" have the meaning stated in Chapter

- 2750 3, Recording of Documents.
- 2751 (38) "Rentals" or "rental unit" means:
- 2752 (a) a unit that:
- 2753 (i) is not owned by an entity or trust; and
- 2754 (ii) is occupied by an individual while the unit owner is not occupying the unit as the
- 2755 unit owner's primary residence; or
- 2756 (b) an occupied unit owned by an entity or trust, regardless of who occupies the unit.
- 2757 (39) "Size" means the number of cubic feet, or the number of square feet of ground or floor
- 2758 space, within each unit as computed by reference to the record of survey map and
- 2759 rounded off to a whole number. Certain spaces within the units including attic,
- 2760 basement, or garage space may be omitted from the calculation or be partially
- 2761 discounted by the use of a ratio, if the same basis of calculation is employed for all units
- 2762 in the condominium project and if that basis is described in the declaration.
- 2763 (40) "Time period unit" means an annually recurring part or parts of a year specified in the
- 2764 declaration as a period for which a unit is separately owned and includes a timeshare
- 2765 estate as defined in Section 57-19-2.
- 2766 (41) "Unconstructed unit" means a unit that:
- 2767 (a) is intended, as depicted in the condominium plat, to be fully or partially contained in
- 2768 a building; and
- 2769 (b) is not constructed.
- 2770 (42)(a) "Unit" means a separate part of the property intended for any type of
- 2771 independent use, which is created by the recording of a declaration and a
- 2772 condominium plat that describes the unit boundaries.
- 2773 (b) "Unit" includes one or more rooms or spaces located in one or more floors or a
- 2774 portion of a floor in a building.
- 2775 (c) "Unit" includes a convertible space, in accordance with Subsection 57-8-13.4(3).
- 2776 (43) "Unit number" means the number, letter, or combination of numbers and letters
- 2777 designating the unit in the declaration and in the record of survey map.
- 2778 (44) "Unit owner" means the person or persons owning a unit in fee simple and an
- 2779 undivided interest in the fee simple estate of the common areas and facilities in the
- 2780 percentage specified and established in the declaration or, in the case of a leasehold
- 2781 condominium project, the person or persons whose leasehold interest or interests in the
- 2782 condominium unit extend for the entire balance of the unexpired term or terms.
- 2783 (45) "Water wise landscaping" means:

- 2784 (a) installation of plant materials, suited to the microclimate and soil conditions, that can:
2785 (i) remain healthy with minimal irrigation once established; or
2786 (ii) be maintained without the use of overhead spray irrigation;
2787 (b) use of water for outdoor irrigation through proper and efficient irrigation design and
2788 water application; or
2789 (c) use of other landscape design features that:
2790 (i) minimize the landscape's need for supplemental water from irrigation;
2791 (ii) reduce the landscape area dedicated to lawn or turf; or
2792 (iii) encourage vegetative coverage.

2793 (46) "Water wise plant material" means a plant material suited to water wise landscaping.

2794 Section 37. Section **57-8-8.1** is amended to read:

2795 **57-8-8.1 (Effective 05/07/25). Equal treatment by rules required -- Limits on**
2796 **rules.**

2797 (1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit
2798 owners similarly.

2799 (b) Notwithstanding Subsection (1)(a), a rule may:

- 2800 (i) vary according to the level and type of service that the association of unit owners
2801 provides to unit owners;
2802 (ii) differ between residential and nonresidential uses; or
2803 (iii) for a unit that a unit owner leases for a term of less than 30 days, impose a
2804 reasonable limit on the number of individuals that may use the common areas and
2805 facilities as the rental unit tenant's guest or as the unit owner's guest.

2806 (2)(a) If a unit owner owns a rental unit and is in compliance with the association of
2807 unit owners' governing documents and any rule that the association of unit owners
2808 adopts under Subsection (5), a rule may not treat the unit owner differently because
2809 the unit owner owns a rental unit.

2810 (b) Notwithstanding Subsection (2)(a), a rule may:

- 2811 (i) limit or prohibit a rental unit owner from using the common areas and facilities for
2812 purposes other than attending an association meeting or managing the rental unit;
2813 (ii) if the rental unit owner retains the right to use the association of unit owners'
2814 common areas and facilities, even occasionally:
2815 (A) charge a rental unit owner a fee to use the common areas and facilities; and
2816 (B) for a unit that a unit owner leases for a term of less than 30 days, impose a
2817 reasonable limit on the number of individuals that may use the common areas

2818 and facilities as the rental unit tenant's guest or as the unit owner's guest; or
2819 (iii) include a provision in the association of unit owners' governing documents that:
2820 (A) requires each tenant of a rental unit to abide by the terms of the governing
2821 documents; and
2822 (B) holds the tenant and the rental unit owner jointly and severally liable for a
2823 violation of a provision of the governing documents.

2824 (3)(a) A rule may not interfere with the freedom of a unit owner to determine the
2825 composition of the unit owner's household.

2826 (b) Notwithstanding Subsection (3)(a), an association of unit owners may:

2827 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
2828 or
2829 (ii) limit the total number of occupants permitted in each residential dwelling on the
2830 basis of the residential dwelling's:
2831 (A) size and facilities; and
2832 (B) fair use of the common areas and facilities.

2833 (4) Unless contrary to a declaration, a rule may require a minimum lease term.

2834 (5) Unless otherwise provided in the declaration, an association of unit owners may by rule:

2835 (a) regulate the use, maintenance, repair, replacement, and modification of common
2836 areas and facilities;

2837 (b) impose and receive any payment, fee, or charge for:

2838 (i) the use, rental, or operation of the common areas, except limited common areas
2839 and facilities; and
2840 (ii) a service provided to a unit owner;

2841 (c) impose a charge for a late payment of an assessment; or
2842 (d) provide for the indemnification of the association of unit owners' officers and
2843 management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit
2844 Corporation Act.

2845 (6)(a) Except as provided in Subsection (6)(b), a rule may not prohibit a unit owner
2846 from installing a personal security camera immediately adjacent to the entryway,
2847 window, or other outside entry point of the owner's condominium unit.

2848 (b) A rule may prohibit a unit owner from installing a personal security camera in a
2849 common area not physically connected to the owner's unit.

2850 (7)(a) A rule may not abridge the right of a unit owner to display a religious or holiday
2851 sign, symbol, or decoration inside the owner's condominium unit.

- 2852 (b) An association may adopt a reasonable time, place, and manner restriction with
2853 respect to a display that is visible from the exterior of a unit.
- 2854 (8)(a) A rule may not:
- 2855 (i) prohibit a unit owner from displaying in a window of the owner's condominium
2856 unit:
- 2857 (A) a for-sale sign; or
- 2858 (B) a political sign;
- 2859 (ii) regulate the content of a political sign; or
- 2860 (iii) establish design criteria for a political sign.
- 2861 (b) Notwithstanding Subsection (8)(a), a rule may reasonably regulate the size and time,
2862 place, and manner of posting a for-sale sign or a political sign.
- 2863 (9) For any area for which one or more unit owners are responsible for landscape
2864 maintenance, the association of unit owners:
- 2865 (a) shall adopt rules supporting water wise landscaping, including:
- 2866 (i) low water use requirements on lawns during drought conditions;
- 2867 (ii) design criterion for water wise landscaping; and
- 2868 (iii) limiting permissible plant material to specific water wise plant material;
- 2869 (b) may not prohibit low water use on lawns during drought conditions; and
- 2870 (c) may not prohibit or restrict the conversion of a grass park strip to water-efficient
2871 landscaping.
- 2872 (10) A rule may restrict a sex offender from accessing a protected area that is maintained,
2873 operated, or owned by the association, subject to the exceptions described in Subsection [
2874 ~~77-27-21.7(3)~~] 53-29-306(3).
- 2875 (11)(a) Except as provided in this Subsection (11), a rule may not prohibit a unit owner
2876 from making modifications, consistent with industry standards, for radon mitigation.
- 2877 (b) Subsection (11)(a) does not apply if the modifications would violate:
- 2878 (i) a local land use ordinance;
- 2879 (ii) a building code;
- 2880 (iii) a health code; or
- 2881 (iv) a fire code.
- 2882 (c) A rule governing the placement or external appearance of modifications may apply to
2883 modifications for radon mitigation unless the rule would:
- 2884 (i) unreasonably interfere with the modifications' functionality; or
- 2885 (ii) add more than 40% of the modifications' original cost to the cost of installing the

2886 modifications.

2887 (d) A rule may require that a unit owner making modifications related to radon
2888 mitigation:

2889 (i) demonstrate or provide proof of radon contamination; and

2890 (ii) provide proof that the modifications and any related construction will be
2891 performed by a licensed person.

2892 (12) A rule shall be reasonable.

2893 (13) A declaration, or an amendment to a declaration, may vary any of the requirements of
2894 Subsections (1) through (5), except Subsection (1)(b)(ii).

2895 (14) This section applies to an association of unit owners regardless of when the association
2896 of unit owners is created.

2897 Section 38. Section **57-8a-102** is amended to read:

2898 **57-8a-102 (Effective 05/07/25). Definitions.**

2899 As used in this chapter:

2900 (1)(a) "Assessment" means a charge imposed or levied:

2901 (i) by the association;

2902 (ii) on or against a lot or a lot owner; and

2903 (iii) pursuant to a governing document recorded with the county recorder.

2904 (b) "Assessment" includes:

2905 (i) a common expense; and

2906 (ii) an amount assessed against a lot owner under Subsection 57-8a-405(7).

2907 (2)(a) Except as provided in Subsection (2)(b), "association" means a corporation or
2908 other legal entity, any member of which:

2909 (i) is an owner of a residential lot located within the jurisdiction of the association, as
2910 described in the governing documents; and

2911 (ii) by virtue of membership or ownership of a residential lot is obligated to pay:

2912 (A) real property taxes;

2913 (B) insurance premiums;

2914 (C) maintenance costs; or

2915 (D) for improvement of real property not owned by the member.

2916 (b) "Association" or "homeowner association" does not include an association created
2917 under Chapter 8, Condominium Ownership Act.

2918 (3) "Board meeting" means a gathering of a board, whether in person or by means of
2919 electronic communication, at which the board can take binding action.

- 2920 (4) "Board of directors" or "board" means the entity, regardless of name, with primary
2921 authority to manage the affairs of the association.
- 2922 (5) "Common areas" means property that the association:
2923 (a) owns;
2924 (b) maintains;
2925 (c) repairs; or
2926 (d) administers.
- 2927 (6) "Common expense" means costs incurred by the association to exercise any of the
2928 powers provided for in the association's governing documents.
- 2929 (7) "Declarant":
2930 (a) means the person who executes a declaration and submits it for recording in the
2931 office of the recorder of the county in which the property described in the declaration
2932 is located; and
2933 (b) includes the person's successor and assign.
- 2934 (8) "Director" means a member of the board of directors.
- 2935 (9) "Electrical corporation" means the same as that term is defined in Section 54-2-1.
- 2936 (10) "Gas corporation" means the same as that term is defined in Section 54-2-1.
- 2937 (11)(a) "Governing documents" means a written instrument by which the association
2938 may:
2939 (i) exercise powers; or
2940 (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the
2941 association.
- 2942 (b) "Governing documents" includes:
2943 (i) articles of incorporation;
2944 (ii) bylaws;
2945 (iii) a plat;
2946 (iv) a declaration of covenants, conditions, and restrictions; and
2947 (v) rules of the association.
- 2948 (12) "Independent third party" means a person that:
2949 (a) is not related to the owner of the residential lot;
2950 (b) shares no pecuniary interests with the owner of the residential lot; and
2951 (c) purchases the residential lot in good faith and without the intent to defraud a current
2952 or future lienholder.
- 2953 (13) "Judicial foreclosure" means a foreclosure of a lot:

- 2954 (a) for the nonpayment of an assessment;
2955 (b) in the manner provided by law for the foreclosure of a mortgage on real property; and
2956 (c) as provided in Part 3, Collection of Assessments.
- 2957 (14) "Lease" or "leasing" means regular, exclusive occupancy of a lot:
2958 (a) by a person or persons other than the owner; and
2959 (b) for which the owner receives a consideration or benefit, including a fee, service,
2960 gratuity, or emolument.
- 2961 (15) "Limited common areas" means common areas described in the declaration and
2962 allocated for the exclusive use of one or more lot owners.
- 2963 (16) "Lot" means:
2964 (a) a lot, parcel, plot, or other division of land:
2965 (i) designated for separate ownership or occupancy; and
2966 (ii)(A) shown on a recorded subdivision plat; or
2967 (B) the boundaries of which are described in a recorded governing document; or
2968 (b)(i) a unit in a condominium association if the condominium association is a part
2969 of a development; or
2970 (ii) a unit in a real estate cooperative if the real estate cooperative is part of a
2971 development.
- 2972 (17)(a) "Means of electronic communication" means an electronic system that allows
2973 individuals to communicate orally in real time.
2974 (b) "Means of electronic communication" includes:
2975 (i) web conferencing;
2976 (ii) video conferencing; and
2977 (iii) telephone conferencing.
- 2978 (18) "Mixed-use project" means a project under this chapter that has both residential and
2979 commercial lots in the project.
- 2980 (19) "Nonjudicial foreclosure" means the sale of a lot:
2981 (a) for the nonpayment of an assessment;
2982 (b) in the same manner as the sale of trust property under Sections 57-1-19 through
2983 57-1-34; and
2984 (c) as provided in Part 3, Collection of Assessments.
- 2985 (20) "Period of administrative control" means the period during which the person who filed
2986 the association's governing documents or the person's successor in interest retains
2987 authority to:

- 2988 (a) appoint or remove members of the association's board of directors; or
 2989 (b) exercise power or authority assigned to the association under the association's
 2990 governing documents.
- 2991 (21) "Political sign" means any sign or document that advocates:
 2992 (a) the election or defeat of a candidate for public office; or
 2993 (b) the approval or defeat of a ballot proposition.
- 2994 (22) "Protected area" means the same as that term is defined in Section 77-27-21.7.
- 2995 (23) "Rentals" or "rental lot" means:
 2996 (a) a lot that:
 2997 (i) is not owned by an entity or trust; and
 2998 (ii) is occupied by an individual while the lot owner is not occupying the lot as the lot
 2999 owner's primary residence;
 3000 (b) an occupied lot owned by an entity or trust, regardless of who occupies the lot; or
 3001 (c) an internal accessory dwelling unit as defined in Section 10-9a-530 or 17-27a-526.
- 3002 (24) "Residential lot" means a lot, the use of which is limited by law, covenant, or
 3003 otherwise to primarily residential or recreational purposes.
- 3004 (25)(a) "Rule" means a policy, guideline, restriction, procedure, or regulation of an
 3005 association that:
 3006 (i) is not set forth in a contract, easement, article of incorporation, bylaw, or
 3007 declaration; and
 3008 (ii) governs:
 3009 (A) the conduct of persons; or
 3010 (B) the use, quality, type, design, or appearance of real property or personal
 3011 property.
- 3012 (b) "Rule" does not include the internal business operating procedures of a board.
- 3013 (26) "Sex offender" means ~~[the same as that term is defined in Section 77-27-21.7]~~ an
 3014 individual who is a sex offender as described in Subsection 53-29-202(2)(b) if the
 3015 offense that the individual committed that resulted in the individual being a sex offender
 3016 was committed against an individual younger than 18 years old.
- 3017 (27) "Solar energy system" means:
 3018 (a) a system that is used to produce electric energy from sunlight; and
 3019 (b) the components of the system described in Subsection (27)(a).
- 3020 Section 39. Section **57-8a-218** is amended to read:
 3021 **57-8a-218 (Effective 05/07/25). Equal treatment by rules required -- Limits on**

3022 **association rules and design criteria.**

3023 (1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot
3024 owners similarly.

3025 (b) Notwithstanding Subsection (1)(a), a rule may:

3026 (i) vary according to the level and type of service that the association provides to lot
3027 owners;

3028 (ii) differ between residential and nonresidential uses; and

3029 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
3030 limit on the number of individuals who may use the common areas and facilities
3031 as guests of the lot tenant or lot owner.

3032 (2)(a) If a lot owner owns a rental lot and is in compliance with the association's
3033 governing documents and any rule that the association adopts under Subsection (4), a
3034 rule may not treat the lot owner differently because the lot owner owns a rental lot.

3035 (b) Notwithstanding Subsection (2)(a), a rule may:

3036 (i) limit or prohibit a rental lot owner from using the common areas for purposes
3037 other than attending an association meeting or managing the rental lot;

3038 (ii) if the rental lot owner retains the right to use the association's common areas,
3039 even occasionally:

3040 (A) charge a rental lot owner a fee to use the common areas; or

3041 (B) for a lot that an owner leases for a term of less than 30 days, impose a
3042 reasonable limit on the number of individuals who may use the common areas
3043 and facilities as guests of the lot tenant or lot owner; or

3044 (iii) include a provision in the association's governing documents that:

3045 (A) requires each tenant of a rental lot to abide by the terms of the governing
3046 documents; and

3047 (B) holds the tenant and the rental lot owner jointly and severally liable for a
3048 violation of a provision of the governing documents.

3049 (3)(a) A rule criterion may not abridge the rights of a lot owner to display a religious or
3050 holiday sign, symbol, or decoration:

3051 (i) inside a dwelling on a lot; or

3052 (ii) outside a dwelling on:

3053 (A) a lot;

3054 (B) the exterior of the dwelling, unless the association has an ownership interest
3055 in, or a maintenance, repair, or replacement obligation for, the exterior; or

- 3056 (C) the front yard of the dwelling, unless the association has an ownership interest
3057 in, or a maintenance, repair, or replacement obligation for, the yard.
- 3058 (b) Notwithstanding Subsection (3)(a), the association may adopt a reasonable time,
3059 place, and manner restriction with respect to a display that is:
- 3060 (i) outside a dwelling on:
- 3061 (A) a lot;
- 3062 (B) the exterior of the dwelling; or
- 3063 (C) the front yard of the dwelling; and
- 3064 (ii) visible from outside the lot.
- 3065 (4)(a) A rule may not prohibit a lot owner from displaying a political sign:
- 3066 (i) inside a dwelling on a lot; or
- 3067 (ii) outside a dwelling on:
- 3068 (A) a lot;
- 3069 (B) the exterior of the dwelling, regardless of whether the association has an
3070 ownership interest in the exterior; or
- 3071 (C) the front yard of the dwelling, regardless of whether the association has an
3072 ownership interest in the yard.
- 3073 (b) A rule may not regulate the content of a political sign.
- 3074 (c) Notwithstanding Subsection (4)(a), a rule may reasonably regulate the time, place,
3075 and manner of posting a political sign.
- 3076 (d) An association design provision may not establish design criteria for a political sign.
- 3077 (5)(a) A rule may not prohibit a lot owner from displaying a for-sale sign:
- 3078 (i) inside a dwelling on a lot; or
- 3079 (ii) outside a dwelling on:
- 3080 (A) a lot;
- 3081 (B) the exterior of the dwelling, regardless of whether the association has an
3082 ownership interest in the exterior; or
- 3083 (C) the front yard of the dwelling, regardless of whether the association has an
3084 ownership interest in the yard.
- 3085 (b) Notwithstanding Subsection (5)(a), a rule may reasonably regulate the time, place,
3086 and manner of posting a for-sale sign.
- 3087 (6)(a) A rule may not interfere with the freedom of a lot owner to determine the
3088 composition of the lot owner's household.
- 3089 (b) Notwithstanding Subsection (6)(a), an association may:

- 3090 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
3091 or
- 3092 (ii) limit the total number of occupants permitted in each residential dwelling on the
3093 basis of the residential dwelling's:
3094 (A) size and facilities; and
3095 (B) fair use of the common areas.
- 3096 (7)(a) A rule may not interfere with a reasonable activity of a lot owner within the
3097 confines of a dwelling or lot, including backyard landscaping or amenities, to the
3098 extent that the activity is in compliance with local laws and ordinances, including
3099 nuisance laws and ordinances.
- 3100 (b) Notwithstanding Subsection (7)(a), a rule may prohibit an activity within the
3101 confines of a dwelling or lot, including backyard landscaping or amenities, if the
3102 activity:
- 3103 (i) is not normally associated with a project restricted to residential use; or
3104 (ii)(A) creates monetary costs for the association or other lot owners;
3105 (B) creates a danger to the health or safety of occupants of other lots;
3106 (C) generates excessive noise or traffic;
3107 (D) creates unsightly conditions visible from outside the dwelling;
3108 (E) creates an unreasonable source of annoyance to persons outside the lot; or
3109 (F) if there are attached dwellings, creates the potential for smoke to enter another
3110 lot owner's dwelling, the common areas, or limited common areas.
- 3111 (c) If permitted by law, an association may adopt rules described in Subsection (7)(b)
3112 that affect the use of or behavior inside the dwelling.
- 3113 (8)(a) A rule may not, to the detriment of a lot owner and over the lot owner's written
3114 objection to the board, alter the allocation of financial burdens among the various lots.
- 3115 (b) Notwithstanding Subsection (8)(a), an association may:
- 3116 (i) change the common areas available to a lot owner;
3117 (ii) adopt generally applicable rules for the use of common areas; or
3118 (iii) deny use privileges to a lot owner who:
3119 (A) is delinquent in paying assessments;
3120 (B) abuses the common areas; or
3121 (C) violates the governing documents.
- 3122 (c) This Subsection (8) does not permit a rule that:
3123 (i) alters the method of levying assessments; or

- 3124 (ii) increases the amount of assessments as provided in the declaration.
- 3125 (9)(a) Subject to Subsection (9)(b), a rule may not:
- 3126 (i) prohibit the transfer of a lot; or
- 3127 (ii) require the consent of the association or board to transfer a lot.
- 3128 (b) Unless contrary to a declaration, a rule may require a minimum lease term.
- 3129 (10)(a) A rule may not require a lot owner to dispose of personal property that was in or
- 3130 on a lot before the adoption of the rule or design criteria if the personal property was
- 3131 in compliance with all rules and other governing documents previously in force.
- 3132 (b) The exemption in Subsection (10)(a):
- 3133 (i) applies during the period of the lot owner's ownership of the lot; and
- 3134 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption
- 3135 of the rule described in Subsection (10)(a).
- 3136 (11) A rule or action by the association or action by the board may not unreasonably
- 3137 impede a declarant's ability to satisfy existing development financing for community
- 3138 improvements and right to develop:
- 3139 (a) the project; or
- 3140 (b) other properties in the vicinity of the project.
- 3141 (12) A rule or association or board action may not interfere with:
- 3142 (a) the use or operation of an amenity that the association does not own or control; or
- 3143 (b) the exercise of a right associated with an easement.
- 3144 (13) A rule may not divest a lot owner of the right to proceed in accordance with a
- 3145 completed application for design review, or to proceed in accordance with another
- 3146 approval process, under the terms of the governing documents in existence at the time
- 3147 the completed application was submitted by the owner for review.
- 3148 (14) Unless otherwise provided in the declaration, an association may by rule:
- 3149 (a) regulate the use, maintenance, repair, replacement, and modification of common
- 3150 areas;
- 3151 (b) impose and receive any payment, fee, or charge for:
- 3152 (i) the use, rental, or operation of the common areas, except limited common areas;
- 3153 and
- 3154 (ii) a service provided to a lot owner;
- 3155 (c) impose a charge for a late payment of an assessment; or
- 3156 (d) provide for the indemnification of the association's officers and board consistent with
- 3157 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

- 3158 (15) A rule may not prohibit a lot owner from installing a personal security camera
3159 immediately adjacent to the entryway, window, or other outside entry point of the
3160 owner's dwelling unit.
- 3161 (16)(a) For any area for which one or more lot owners are responsible for landscape
3162 maintenance of any landscaping within the lot owner's lot or the common areas, the association
3163 shall adopt rules supporting water wise landscaping as defined in Section 57-8a-231
3164 including:
- 3165 (i) low water use requirements on lawns during drought conditions;
 - 3166 (ii) design criterion for water wise landscaping; and
 - 3167 (iii) limiting permissible plant material to specific water wise plant material.
- 3168 (b) A rule may not:
- 3169 (i) prohibit or restrict the conversion of a grass park strip to water wise landscaping
3170 as defined in Section 57-8a-231; or
 - 3171 (ii) prohibit low water use on lawns during drought conditions.
- 3172 (17)(a) Except as provided in Subsection (17)(b), a rule may not prohibit the owner of a
3173 residential lot from constructing an internal accessory dwelling unit, as defined in
3174 Section 10-9a-530 or 17-27a-526, within the owner's residential lot.
- 3175 (b) Subsection (17)(a) does not apply if the construction would violate:
- 3176 (i) a local land use ordinance;
 - 3177 (ii) a building code;
 - 3178 (iii) a health code; or
 - 3179 (iv) a fire code.
- 3180 (18)(a) Except as provided in Subsection (18)(b), a rule may not prohibit the owner of a
3181 residential lot from making modifications, consistent with industry standards, for
3182 radon mitigation.
- 3183 (b) Subsection (18)(a) does not apply if the modifications would violate:
- 3184 (i) a local land use ordinance;
 - 3185 (ii) a building code;
 - 3186 (iii) a health code; or
 - 3187 (iv) a fire code.
- 3188 (c) A rule governing the placement or external appearance of modifications for radon
3189 mitigation does not apply to a lot owner's modifications if the rule would:
- 3190 (i) unreasonably interfere with the modifications' functionality; or
 - 3191 (ii) add more than 40% of the modifications' original cost to the cost of installing the

- 3192 modifications.
- 3193 (d) A rule may require that a lot owner making modifications related to radon mitigation:
- 3194 (i) demonstrate or provide proof of radon contamination; and
- 3195 (ii) provide proof that the modifications and any related construction will be
- 3196 performed by a licensed person.
- 3197 (19) A rule may restrict a sex offender from accessing a protected area that is maintained,
- 3198 operated, or owned by the association, subject to the exceptions described in Subsection [
- 3199 ~~77-27-21.7(3)~~ 53-29-306(3).
- 3200 (20) A rule shall be reasonable.
- 3201 (21) A declaration, or an amendment to a declaration, may vary any of the requirements of
- 3202 Subsections (1), (2), (6), and (8) through (14), except Subsection (1)(b)(ii).
- 3203 (22) A rule may not be inconsistent with a provision of the association's declaration,
- 3204 bylaws, or articles of incorporation.
- 3205 (23) This section applies to an association regardless of when the association is created.
- 3206 Section 40. Section **63G-2-302** is amended to read:
- 3207 **63G-2-302 (Effective 05/07/25). Private records.**
- 3208 (1) The following records are private:
- 3209 (a) records concerning an individual's eligibility for unemployment insurance benefits,
- 3210 social services, welfare benefits, or the determination of benefit levels;
- 3211 (b) records containing data on individuals describing medical history, diagnosis,
- 3212 condition, treatment, evaluation, or similar medical data;
- 3213 (c) records of publicly funded libraries that when examined alone or with other records
- 3214 identify a patron;
- 3215 (d) records received by or generated by or for:
- 3216 (i) the Independent Legislative Ethics Commission, except for:
- 3217 (A) the commission's summary data report that is required under legislative rule;
- 3218 and
- 3219 (B) any other document that is classified as public under legislative rule; or
- 3220 (ii) a Senate or House Ethics Committee in relation to the review of ethics
- 3221 complaints, unless the record is classified as public under legislative rule;
- 3222 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
- 3223 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
- 3224 Review of Executive Branch Ethics Complaints;
- 3225 (f) records received or generated for a Senate confirmation committee concerning

character, professional competence, or physical or mental health of an individual:

(i) if, prior to the meeting, the chair of the committee determines release of the records:

(A) reasonably could be expected to interfere with the investigation undertaken by the committee; or

(B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and

(ii) after the meeting, if the meeting was closed to the public;

(g) employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;

(h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as private according to the requirements of that section;

(i) that part of a record indicating a person's social security number or federal employer identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

(j) that part of a voter registration record identifying a voter's:

(i) driver license or identification card number;

(ii) social security number, or last four digits of the social security number;

(iii) email address;

(iv) date of birth; or

(v) phone number;

(k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or 20A-2-204(4)(b);

(l) a voter registration record that is withheld under Subsection 20A-2-104(7);

(m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;

(n) a record that:

(i) contains information about an individual;

(ii) is voluntarily provided by the individual; and

(iii) goes into an electronic database that:

(A) is designated by and administered under the authority of the Chief Information

- 3260 Officer; and
- 3261 (B) acts as a repository of information about the individual that can be
- 3262 electronically retrieved and used to facilitate the individual's online interaction
- 3263 with a state agency;
- 3264 (o) information provided to the Commissioner of Insurance under:
- 3265 (i) Subsection 31A-23a-115(3)(a);
- 3266 (ii) Subsection 31A-23a-302(4); or
- 3267 (iii) Subsection 31A-26-210(4);
- 3268 (p) information obtained through a criminal background check under Title 11, Chapter
- 3269 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 3270 (q) information provided by an offender that is:
- 3271 (i) required by the registration requirements of [~~Title 77, Chapter 41, Sex, Kidnap,~~
- 3272 ~~and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child
- 3273 Abuse Offender Registry; and
- 3274 (ii) not required to be made available to the public under Subsection [~~77-41-110(4)~~]
- 3275 53-29-404(3)(a);
- 3276 (r) a statement and any supporting documentation filed with the attorney general in
- 3277 accordance with Section 34-45-107, if the federal law or action supporting the filing
- 3278 involves homeland security;
- 3279 (s) electronic toll collection customer account information received or collected under
- 3280 Section 72-6-118 and customer information described in Section 17B-2a-815
- 3281 received or collected by a public transit district, including contact and payment
- 3282 information and customer travel data;
- 3283 (t) an email address provided by a military or overseas voter under Section 20A-16-501;
- 3284 (u) a completed military-overseas ballot that is electronically transmitted under Title
- 3285 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 3286 (v) records received by or generated by or for the Political Subdivisions Ethics Review
- 3287 Commission established in Section 63A-15-201, except for:
- 3288 (i) the commission's summary data report that is required in Section 63A-15-202; and
- 3289 (ii) any other document that is classified as public in accordance with Title 63A,
- 3290 Chapter 15, Political Subdivisions Ethics Review Commission;
- 3291 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of an
- 3292 incident or threat;
- 3293 (x) a criminal background check or credit history report conducted in accordance with

- 3294 Section 63A-3-201;
- 3295 (y) a record described in Subsection 53-5a-104(7);
- 3296 (z) on a record maintained by a county for the purpose of administering property taxes,
- 3297 an individual's:
- 3298 (i) email address;
- 3299 (ii) phone number; or
- 3300 (iii) personal financial information related to a person's payment method;
- 3301 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
- 3302 exemption, deferral, abatement, or relief under:
- 3303 (i) Title 59, Chapter 2, Part 11, Exemptions;
- 3304 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 3305 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 3306 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 3307 (bb) a record provided by the State Tax Commission in response to a request under
- 3308 Subsection 59-1-403(4)(y)(iii);
- 3309 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual
- 3310 child welfare case, as described in Subsection 36-33-103(3); and
- 3311 (dd) a record relating to drug or alcohol testing of a state employee under Section
- 3312 63A-17-1004;
- 3313 (ee) a record relating to a request by a state elected official or state employee who has
- 3314 been threatened to the Division of Technology Services to remove personal
- 3315 identifying information from the open web under Section 63A-16-109; and
- 3316 (ff) a record including confidential information as that term is defined in Section
- 3317 67-27-105.
- 3318 (2) The following records are private if properly classified by a governmental entity:
- 3319 (a) records concerning a current or former employee of, or applicant for employment
- 3320 with a governmental entity, including performance evaluations and personal status
- 3321 information such as race, religion, or disabilities, but not including records that are
- 3322 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
- 3323 Subsection (1)(b);
- 3324 (b) records describing an individual's finances, except that the following are public:
- 3325 (i) records described in Subsection 63G-2-301(2);
- 3326 (ii) information provided to the governmental entity for the purpose of complying
- 3327 with a financial assurance requirement; or

- 3328 (iii) records that must be disclosed in accordance with another statute;
- 3329 (c) records of independent state agencies if the disclosure of those records would
- 3330 conflict with the fiduciary obligations of the agency;
- 3331 (d) other records containing data on individuals the disclosure of which constitutes a
- 3332 clearly unwarranted invasion of personal privacy;
- 3333 (e) records provided by the United States or by a government entity outside the state that
- 3334 are given with the requirement that the records be managed as private records, if the
- 3335 providing entity states in writing that the record would not be subject to public
- 3336 disclosure if retained by it;
- 3337 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
- 3338 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
- 3339 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
- 3340 vulnerable adult; and
- 3341 (g) audio and video recordings created by a body-worn camera, as defined in Section
- 3342 77-7a-103, that record sound or images inside a home or residence except for
- 3343 recordings that:
- 3344 (i) depict the commission of an alleged crime;
- 3345 (ii) record any encounter between a law enforcement officer and a person that results
- 3346 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 3347 (iii) record any encounter that is the subject of a complaint or a legal proceeding
- 3348 against a law enforcement officer or law enforcement agency;
- 3349 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408
- 3350 (1)(f); or
- 3351 (v) have been requested for reclassification as a public record by a subject or
- 3352 authorized agent of a subject featured in the recording.
- 3353 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
- 3354 statements, history, diagnosis, condition, treatment, and evaluation.
- 3355 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
- 3356 doctors, or affiliated entities are not private records or controlled records under
- 3357 Section 63G-2-304 when the records are sought:
- 3358 (i) in connection with any legal or administrative proceeding in which the patient's
- 3359 physical, mental, or emotional condition is an element of any claim or defense; or
- 3360 (ii) after a patient's death, in any legal or administrative proceeding in which any
- 3361 party relies upon the condition as an element of the claim or defense.

- (c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

Section 41. Section **63G-7-301** is amended to read:

63G-7-301 (Effective 05/07/25). Waivers of immunity.

- (1)(a) Immunity from suit of each governmental entity is waived as to any contractual obligation.
- (b) Actions arising out of contractual rights or obligations are not subject to the requirements of Section 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.
- (c) The Division of Water Resources is not liable for failure to deliver water from a reservoir or associated facility authorized by Title 73, Chapter 26, Bear River Development Act, if the failure to deliver the contractual amount of water is due to drought, other natural condition, or safety condition that causes a deficiency in the amount of available water.
- (2) Immunity from suit of each governmental entity is waived:
- (a) as to any action brought to recover, obtain possession of, or quiet title to real or personal property;
- (b) as to any action brought to foreclose mortgages or other liens on real or personal property, to determine any adverse claim on real or personal property, or to obtain an adjudication about any mortgage or other lien that the governmental entity may have or claim on real or personal property;
- (c) as to any action based on the negligent destruction, damage, or loss of goods, merchandise, or other property while it is in the possession of any governmental entity or employee, if the property was seized for the purpose of forfeiture under any provision of state law;
- (d) subject to Section 63G-7-302, as to any action brought under the authority of Utah Constitution, Article I, Section 22, for the recovery of compensation from the governmental entity when the governmental entity has taken or damaged private property for public uses without just compensation;
- (e) as to any claim for attorney fees or costs under Section 63G-2-209, 63G-2-405, or 63G-2-802;
- (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees Act;
- (g) as to any action brought to obtain relief from a land use regulation that imposes a

- 3396 substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah
 3397 Religious Land Use Act;
- 3398 (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
- 3399 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,
 3400 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on
 3401 them; or
- 3402 (ii) any defective or dangerous condition of a public building, structure, dam,
 3403 reservoir, or other public improvement;
- 3404 (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately
 3405 caused by a negligent act or omission of an employee committed within the scope of
 3406 employment;
- 3407 (j) notwithstanding Subsection 63G-7-101(4), as to a claim for an injury resulting from a
 3408 sexual battery, as provided in Section 76-9-702.1, committed:
- 3409 (i) against a student of a public elementary or secondary school, including a charter
 3410 school; and
- 3411 (ii) by an employee of a public elementary or secondary school or charter school who:
- 3412 (A) at the time of the sexual battery, held a position of special trust, as defined in
 3413 Section 76-5-404.1, with respect to the student;
- 3414 (B) is criminally charged in connection with the sexual battery; and
- 3415 (C) the public elementary or secondary school or charter school knew or in the
 3416 exercise of reasonable care should have known, at the time of the employee's
 3417 hiring, to be a sex offender, a kidnap offender, or a child abuse offender as [
 3418 defined] described in Section [~~77-41-102~~] 53-29-202, required to register under [
 3419 Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry] Title
 3420 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, whose status
 3421 as a sex offender, kidnap offender, or child abuse offender would have been
 3422 revealed in a background check under Section 53G-11-402;
- 3423 (k) as to any action brought under Section 78B-6-2303; and
- 3424 (l) as to any action brought to obtain relief under Title 53B, Chapter 27, Part 6, Student
 3425 Legal Representation.
- 3426 (3)(a) As used in this Subsection (3):
- 3427 (i) "Code of conduct" means a code of conduct that:
- 3428 (A) is not less stringent than a model code of conduct, created by the State Board
 3429 of Education, establishing a professional standard of care for preventing the

- 3430 conduct described in Subsection (3)(a)(i)(D);
- 3431 (B) is adopted by the applicable local education governing body;
- 3432 (C) regulates behavior of a school employee toward a student; and
- 3433 (D) includes a prohibition against any sexual conduct between an employee and a
- 3434 student and against the employee and student sharing any sexually explicit or
- 3435 lewd communication, image, or photograph.
- 3436 (ii) "Local education agency" means:
- 3437 (A) a school district;
- 3438 (B) a charter school; or
- 3439 (C) the Utah Schools for the Deaf and the Blind.
- 3440 (iii) "Local education governing board" means:
- 3441 (A) for a school district, the local school board;
- 3442 (B) for a charter school, the charter school governing board; or
- 3443 (C) for the Utah Schools for the Deaf and the Blind, the state board.
- 3444 (iv) "Public school" means a public elementary or secondary school.
- 3445 (v) "Sexual abuse" means the offense described in Subsection 76-5-404.1(2).
- 3446 (vi) "Sexual battery" means the offense described in Section 76-9-702.1, considering
- 3447 the term "child" in that section to include an individual under age 18.
- 3448 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a
- 3449 claim against a local education agency for an injury resulting from a sexual battery or
- 3450 sexual abuse committed against a student of a public school by a paid employee of
- 3451 the public school who is criminally charged in connection with the sexual battery or
- 3452 sexual abuse, unless:
- 3453 (i) at the time of the sexual battery or sexual abuse, the public school was subject to a
- 3454 code of conduct; and
- 3455 (ii) before the sexual battery or sexual abuse occurred, the public school had:
- 3456 (A) provided training on the code of conduct to the employee; and
- 3457 (B) required the employee to sign a statement acknowledging that the employee
- 3458 has read and understands the code of conduct.
- 3459 (4)(a) As used in this Subsection (4):
- 3460 (i) "Higher education institution" means an institution included within the state
- 3461 system of higher education under Section 53B-1-102.
- 3462 (ii) "Policy governing behavior" means a policy adopted by a higher education
- 3463 institution or the Utah Board of Higher Education that:

- (A) establishes a professional standard of care for preventing the conduct described in Subsections (4)(a)(ii)(C) and (D);
- (B) regulates behavior of a special trust employee toward a subordinate student;
- (C) includes a prohibition against any sexual conduct between a special trust employee and a subordinate student; and
- (D) includes a prohibition against a special trust employee and subordinate student sharing any sexually explicit or lewd communication, image, or photograph.
- (iii) "Sexual battery" means the offense described in Section 76-9-702.1.
- (iv) "Special trust employee" means an employee of a higher education institution who is in a position of special trust, as defined in Section 76-5-404.1, with a higher education student.
- (v) "Subordinate student" means a student:
- (A) of a higher education institution; and
- (B) whose educational opportunities could be adversely impacted by a special trust employee.
- (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a claim for an injury resulting from a sexual battery committed against a subordinate student by a special trust employee, unless:
- (i) the institution proves that the special trust employee's behavior that otherwise would constitute a sexual battery was:
- (A) with a subordinate student who was at least 18 years old at the time of the behavior; and
- (B) with the student's consent; or
- (ii)(A) at the time of the sexual battery, the higher education institution was subject to a policy governing behavior; and
- (B) before the sexual battery occurred, the higher education institution had taken steps to implement and enforce the policy governing behavior.

Section 42. Section **76-1-201** is amended to read:

76-1-201 (Effective 05/07/25). Jurisdiction of offenses.

- (1) A person is subject to prosecution in this state for an offense which the person commits, while either within or outside the state, by the person's own conduct or that of another for which the person is legally accountable, if:
- (a) the offense is committed either wholly or partly within the state;
- (b) the conduct outside the state constitutes an attempt to commit an offense within the

- 3498 state;
- 3499 (c) the conduct outside the state constitutes a conspiracy to commit an offense within the
- 3500 state and an act in furtherance of the conspiracy occurs in the state; or
- 3501 (d) the conduct within the state constitutes an attempt, solicitation, or conspiracy to
- 3502 commit in another jurisdiction an offense under the laws of both this state and the
- 3503 other jurisdiction.
- 3504 (2) An offense is committed partly within this state if either the conduct which is any
- 3505 element of the offense, or the result which is an element, occurs within this state.
- 3506 (3) In homicide offenses, the "result" is either the physical contact which causes death or
- 3507 the death itself.
- 3508 (a) If the body of a homicide victim is found within the state, the death shall be
- 3509 presumed to have occurred within the state.
- 3510 (b) If jurisdiction is based on this presumption, this state retains jurisdiction unless the
- 3511 defendant proves by clear and convincing evidence that:
- 3512 (i) the result of the homicide did not occur in this state; and
- 3513 (ii) the defendant did not engage in any conduct in this state which is any element of
- 3514 the offense.
- 3515 (4)[(a)] An offense which is based on an omission to perform a duty imposed by the law of
- 3516 this state is committed within the state regardless of the location of the offender at the time
- 3517 of the omission.
- 3518 [~~(b) For the purpose of establishing venue for a violation of Subsection 77-41-105(3)~~
- 3519 ~~concerning sex offender, kidnap offender, or child abuse registration, the offense is~~
- 3520 ~~considered to be committed:]~~
- 3521 [~~(i) at the most recent registered primary residence of the offender, if the actual location of the~~
- 3522 ~~offender at the time of the violation is not known; or]~~
- 3523 [~~(ii) at the location of the offender at the time the offender is apprehended.]~~
- 3524 (5)(a) If no jurisdictional issue is raised, the pleadings are sufficient to establish
- 3525 jurisdiction.
- 3526 (b) The defendant may challenge jurisdiction by filing a motion before trial stating
- 3527 which facts exist that deprive the state of jurisdiction.
- 3528 (c) The burden is upon the state to initially establish jurisdiction over the offense by a
- 3529 preponderance of the evidence by showing under the provisions of Subsections (1)
- 3530 through (4) that the offense was committed either wholly or partly within the borders
- 3531 of the state.

- 3532 (d) If after the prosecution has met its burden of proof under Subsection (5)(c) the
3533 defendant claims that the state is deprived of jurisdiction or may not exercise
3534 jurisdiction, the burden is upon the defendant to prove by a preponderance of the
3535 evidence:
- 3536 (i) any facts claimed; and
3537 (ii) why those facts deprive the state of jurisdiction.
- 3538 (6) Facts that deprive the state of jurisdiction or prohibit the state from exercising
3539 jurisdiction include the fact that the:
- 3540 (a) defendant is serving in a position that is entitled to diplomatic immunity from
3541 prosecution and that the defendant's country has not waived that diplomatic immunity;
- 3542 (b) defendant is a member of the armed forces of another country and that the crime that
3543 he is alleged to have committed is one that due to an international agreement, such as
3544 a status of forces agreement between his country and the United States, cedes the
3545 exercise of jurisdiction over him for that offense to his country;
- 3546 (c) defendant is an enrolled member of an Indian tribe, as defined in Section 9-9-101,
3547 and that the Indian tribe has a legal status with the United States or the state that vests
3548 jurisdiction in either tribal or federal courts for certain offenses committed within the
3549 exterior boundaries of a tribal reservation, and that the facts establish that the crime is
3550 one that vests jurisdiction in tribal or federal court; or
- 3551 (d) offense occurred on land that is exclusively within federal jurisdiction.
- 3552 (7)(a) The Legislature finds that identity fraud under Chapter 6, Part 11, Identity Fraud
3553 Act, involves the use of personal identifying information which is uniquely personal
3554 to the consumer or business victim of that identity fraud and which information is
3555 considered to be in lawful possession of the consumer or business victim wherever
3556 the consumer or business victim currently resides or is found.
- 3557 (b) For purposes of Subsection (1)(a), an offense which is based on a violation of
3558 Chapter 6, Part 11, Identity Fraud Act, is committed partly within this state,
3559 regardless of the location of the offender at the time of the offense, if the victim of
3560 the identity fraud resides or is found in this state.
- 3561 (8) The judge shall determine jurisdiction.
- 3562 Section 43. Section **76-1-202** is amended to read:
- 3563 **76-1-202 (Effective 05/07/25). Venue of actions.**
- 3564 (1) Criminal actions shall be tried in the county, district, or precinct where the offense is
3565 alleged to have been committed. In determining the proper place of trial, the following

provisions shall apply:

- (a) If the commission of an offense commenced outside the state is consummated within this state, the offender shall be tried in the county where the offense is consummated.
- (b) When conduct constituting elements of an offense or results that constitute elements, whether the conduct or result constituting elements is in itself unlawful, shall occur in two or more counties, trial of the offense may be held in any of the counties concerned.
- (c) If a person committing an offense upon the person of another is located in one county and his victim is located in another county at the time of the commission of the offense, trial may be held in either county.
- (d) If a cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county.
- (e) A person who commits an inchoate offense may be tried in any county in which any act that is an element of the offense, including the agreement in conspiracy, is committed.
- (f) Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.
- (g) When an offense is committed within this state and it cannot be readily determined in which county or district the offense occurred, the following provisions shall be applicable:
 - (i) When an offense is committed upon any railroad car, vehicle, watercraft, or aircraft passing within this state, the offender may be tried in any county through which such railroad car, vehicle, watercraft, or aircraft has passed.
 - (ii) When an offense is committed on any body of water bordering on or within this state, the offender may be tried in any county adjacent to such body of water. The words "body of water" shall include but not be limited to any stream, river, lake, or reservoir, whether natural or man-made.
 - (iii) A person who commits theft may be tried in any county in which he exerts control over the property affected.
 - (iv) If an offense is committed on or near the boundary of two or more counties, trial of the offense may be held in any of such counties.
 - (v) For any other offense, trial may be held in the county in which the defendant resides, or, if he has no fixed residence, in the county in which he is apprehended

3600 or to which he is extradited.

3601 (h) A person who commits an offense based on Chapter 6, Part 11, Identity Fraud Act,
3602 may be tried in the county:

3603 (i) where the victim's personal identifying information was obtained;

3604 (ii) where the defendant used or attempted to use the personally identifying
3605 information;

3606 (iii) where the victim of the identity fraud resides or is found; or

3607 (iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any
3608 county where the victim's identity was used or obtained, or where the victim
3609 resides or is found.

3610 (i) For the purpose of establishing venue for a violation of [~~Subsection 77-41-105(3)~~]
3611 Section 53-29-304 concerning sex offender, kidnap offender, or child abuse offender
3612 registration, the offense is considered to be committed:

3613 (i) at the most recent registered primary residence of the offender, if the actual
3614 location of the offender at the time of the violation is not known; or

3615 (ii) at the location of the offender at the time the offender is apprehended.

3616 (2) All objections of improper place of trial are waived by a defendant unless made before
3617 trial.

3618 Section 44. Section **76-3-402** is amended to read:

3619 **76-3-402 (Effective 05/07/25). Conviction of lower degree of offense -- Procedure**
3620 **and limitations.**

3621 (1) As used in this section:

3622 (a) "Lower degree of offense" includes an offense for which:

3623 (i) a statutory enhancement is charged in the information or indictment that would
3624 increase either the maximum or the minimum sentence; and

3625 (ii) the court removes the statutory enhancement in accordance with this section.

3626 (b) "Minor regulatory offense" means the same as that term is defined in Section
3627 77-40a-101.

3628 (c)(i) "Rehabilitation program" means a program designed to reduce criminogenic
3629 and recidivism risks.

3630 (ii) "Rehabilitation program" includes:

3631 (A) a domestic violence treatment program, as that term is defined in Section
3632 26B-2-101;

3633 (B) a residential, vocational, and life skills program, as that term is defined in

- 3634 Section 13-53-102;
- 3635 (C) a substance abuse treatment program, as that term is defined in Section
- 3636 26B-2-101;
- 3637 (D) a substance use disorder treatment program, as that term is defined in Section
- 3638 26B-2-101;
- 3639 (E) a youth program, as that term is defined in Section 26B-2-101;
- 3640 (F) a program that meets the standards established by the Department of
- 3641 Corrections under Section 64-13-25;
- 3642 (G) a drug court, a veterans court, or a mental health court certified by the Judicial
- 3643 Council; or
- 3644 (H) a program that is substantially similar to a program described in Subsections
- 3645 (1)(c)(ii)(A) through (G).
- 3646 (d) "Serious offense" means a felony or misdemeanor offense that is not a minor
- 3647 regulatory offense or a traffic offense.
- 3648 (e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.
- 3649 (f)(i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as
- 3650 that term is defined in Section 76-3-203.5.
- 3651 (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or
- 3652 conspiracy to commit an offense, for:
- 3653 (A) the possession, use, or removal of explosive, chemical, or incendiary devices
- 3654 under Subsection 76-10-306(3), (5), or (6); or
- 3655 (B) the purchase or possession of a dangerous weapon or handgun by a restricted
- 3656 person under Section 76-10-503.
- 3657 (2) The court may enter a judgment of conviction for a lower degree of offense than
- 3658 established by statute and impose a sentence at the time of sentencing for the lower
- 3659 degree of offense if the court:
- 3660 (a) takes into account:
- 3661 (i) the nature and circumstances of the offense of which the defendant was found
- 3662 guilty; and
- 3663 (ii) the history and character of the defendant;
- 3664 (b) gives any victim present at the sentencing and the prosecuting attorney an
- 3665 opportunity to be heard; and
- 3666 (c) concludes that the degree of offense established by statute would be unduly harsh to
- 3667 record as a conviction on the record for the defendant.

- 3668 (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
3669 judgment of conviction for a lower degree of offense than established by statute:
- 3670 (a) after the defendant is successfully discharged from probation or parole for the
3671 conviction; and
- 3672 (b) if the court finds that entering a judgment of conviction for a lower degree of offense
3673 is in the interest of justice in accordance with Subsection (7).
- 3674 (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
3675 judgment of conviction for a lower degree of offense than established by statute if:
- 3676 (a) the defendant's probation or parole for the conviction did not result in a successful
3677 discharge but the defendant is successfully discharged from probation or parole for a
3678 subsequent conviction of an offense;
- 3679 (b)(i) at least five years have passed after the day on which the defendant is
3680 sentenced for the subsequent conviction; or
- 3681 (ii) at least three years have passed after the day on which the defendant is sentenced
3682 for the subsequent conviction and the prosecuting attorney consents to the
3683 reduction;
- 3684 (c) the defendant is not convicted of a serious offense during the time period described
3685 in Subsection (4)(b);
- 3686 (d) there are no criminal proceedings pending against the defendant;
- 3687 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
3688 offense;
- 3689 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
3690 attorney consents to the reduction; and
- 3691 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
3692 in the interest of justice in accordance with Subsection (7).
- 3693 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
3694 judgment of conviction for a lower degree of offense than established by statute if:
- 3695 (a) the defendant's probation or parole for the conviction did not result in a successful
3696 discharge but the defendant is successfully discharged from a rehabilitation program;
- 3697 (b) at least three years have passed after the day on which the defendant is successfully
3698 discharged from the rehabilitation program;
- 3699 (c) the defendant is not convicted of a serious offense during the time period described
3700 in Subsection (5)(b);
- 3701 (d) there are no criminal proceedings pending against the defendant;

- 3702 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
3703 offense;
- 3704 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
3705 attorney consents to the reduction; and
- 3706 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
3707 in the interest of justice in accordance with Subsection (7).
- 3708 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
3709 judgment of conviction for a lower degree of offense than established by statute if:
- 3710 (a) at least five years have passed after the day on which the defendant's probation or
3711 parole for the conviction did not result in a successful discharge;
- 3712 (b) the defendant is not convicted of a serious offense during the time period described
3713 in Subsection (6)(a);
- 3714 (c) there are no criminal proceedings pending against the defendant;
- 3715 (d) the defendant is not on probation, on parole, or currently incarcerated for any other
3716 offense;
- 3717 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting
3718 attorney consents to the reduction; and
- 3719 (f) the court finds that entering a judgment of conviction for a lower degree of offense is
3720 in the interest of justice in accordance with Subsection (7).
- 3721 (7) In determining whether entering a judgment of a conviction for a lower degree of
3722 offense is in the interest of justice under Subsection (3), (4), (5), or (6):
- 3723 (a) the court shall consider:
- 3724 (i) the nature, circumstances, and severity of the offense for which a reduction is
3725 sought;
- 3726 (ii) the physical, emotional, or other harm that the defendant caused any victim of the
3727 offense for which the reduction is sought; and
- 3728 (iii) any input from a victim of the offense; and
- 3729 (b) the court may consider:
- 3730 (i) any special characteristics or circumstances of the defendant, including the
3731 defendant's criminogenic risks and needs;
- 3732 (ii) the defendant's criminal history;
- 3733 (iii) the defendant's employment and community service history;
- 3734 (iv) whether the defendant participated in a rehabilitative program and successfully
3735 completed the program;

- 3736 (v) any effect that a reduction would have on the defendant's ability to obtain or
3737 reapply for a professional license from the Department of Commerce;
- 3738 (vi) whether the level of the offense has been reduced by law after the defendant's
3739 conviction;
- 3740 (vii) any potential impact that the reduction would have on public safety; or
3741 (viii) any other circumstances that are reasonably related to the defendant or the
3742 offense for which the reduction is sought.
- 3743 (8)(a) A court may only enter a judgment of conviction for a lower degree of offense
3744 under Subsection (3), (4), (5), or (6) after:
- 3745 (i) notice is provided to the other party;
- 3746 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice
3747 to any victims; and
- 3748 (iii) a hearing is held if a hearing is requested by either party.
- 3749 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a
3750 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5),
3751 or (6).
- 3752 (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the
3753 motion, the moving party has the burden to provide evidence sufficient to
3754 demonstrate that the requirements under Subsection (3), (4), (5), or (6) are met.
- 3755 (d) If a defendant files a motion under this section, the prosecuting attorney shall
3756 respond to the motion within 35 days after the day on which the motion is filed with
3757 the court.
- 3758 (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower
3759 degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the
3760 defendant is committed to jail as a condition of probation or is sentenced to prison.
- 3761 (10)(a) An offense may be reduced only one degree under this section, unless the
3762 prosecuting attorney specifically agrees in writing or on the court record that the
3763 offense may be reduced two degrees.
- 3764 (b) An offense may not be reduced under this section by more than two degrees.
- 3765 (11) This section does not preclude an individual from obtaining or being granted an
3766 expungement of the individual's record in accordance with [~~Title 44, Chapter 40A,~~
3767 ~~Expungement of Criminal Records~~] Title 77, Chapter 40a, Expungement of Criminal
3768 Records.
- 3769 (12) The court may not enter a judgment for a conviction for a lower degree of offense

3770 under this section if:

3771 (a) the reduction is specifically precluded by law; or

3772 (b) any unpaid balance remains on court-ordered restitution for the offense for which the
3773 reduction is sought.

3774 (13) When the court enters a judgment for a lower degree of offense under this section, the
3775 actual title of the offense for which the reduction is made may not be altered.

3776 (14)(a) An individual may not obtain a reduction under this section of a conviction that
3777 requires the individual to register as a sex offender, kidnap offender, or child abuse
3778 offender under Section 53-29-202 until the registration requirements under [~~Title 77,~~
3779 ~~Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29,
3780 Sex, Kidnap, and Child Abuse Offender Registry, have expired.

3781 (b) An individual required to register as a sex offender, kidnap offender, or child abuse
3782 offender under Section 53-29-202 and required to register for the individual's lifetime [
3783 ~~under Subsection 77-41-105(3)(e)] as described in Subsection 53-29-203(1)(b),~~ may
3784 not be granted a reduction of the conviction for the offense or offenses that require
3785 the individual to register as a sex offender, kidnap offender, or child abuse offender.

3786 Section 45. Section **76-5-401** is amended to read:

3787 **76-5-401 (Effective 05/07/25). Unlawful sexual activity with a minor -- Penalties**
3788 **-- Evidence of age raised by defendant -- Limitations.**

3789 (1)(a) As used in this section, "minor" means an individual who is 14 years old or older,
3790 but younger than 16 years old, at the time the sexual activity described in Subsection
3791 (2) occurred.

3792 (b) Terms defined in Section 76-1-101.5 apply to this section.

3793 (2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an
3794 actor 18 years old or older commits unlawful sexual activity with a minor if the actor:

3795 (i) has sexual intercourse with the minor;

3796 (ii) engages in any sexual act with the minor involving the genitals of an individual
3797 and the mouth or anus of another individual; or

3798 (iii) causes the penetration, however slight, of the genital or anal opening of the
3799 minor by a foreign object, substance, instrument, or device, including a part of the
3800 human body, with the intent to cause substantial emotional or bodily pain to any
3801 individual or with the intent to arouse or gratify the sexual desire of any individual.

3802 (b) Any touching, however slight, is sufficient to constitute the relevant element of a
3803 violation of Subsection (2)(a)(ii).

- 3804 (3)(a) A violation of Subsection (2) is a third degree felony.
- 3805 (b)[(†)] Notwithstanding Subsection (3)(a) or (c), a violation of Subsection (2) is a class B
- 3806 misdemeanor if the defendant establishes by a preponderance of the evidence the mitigating
- 3807 factor that:
- 3808 [(A)] (i) the defendant is less than four years older than the minor at the time the
- 3809 sexual activity occurred; or
- 3810 [(B)] (ii) the defendant is 18 years old and enrolled in high school at the time the
- 3811 sexual activity occurred.
- 3812 [(ii) An offense under Subsection (3)(b)(i) is not subject to registration under Subsection
- 3813 77-41-102(19)(a)(vii).]
- 3814 (c)[(†)] Notwithstanding Subsection (3)(a), if the defendant establishes by a preponderance of
- 3815 the evidence the mitigating factor that the defendant was younger than 21 years old at the
- 3816 time the sexual activity occurred, the offense is a class A misdemeanor.
- 3817 [(ii) An offense under Subsection (3)(c)(i) is not subject to registration under Subsection
- 3818 77-41-102(19)(a)(vii).]
- 3819 (4) The offenses referred to in Subsection (2)(a) are:
- 3820 (a) rape, in violation of Section 76-5-402;
- 3821 (b) object rape, in violation of Section 76-5-402.2;
- 3822 (c) forcible sodomy, in violation of Section 76-5-403;
- 3823 (d) aggravated sexual assault, in violation of Section 76-5-405; or
- 3824 (e) an attempt to commit an offense listed in Subsections (4)(a) through (4)(d).
- 3825 Section 46. Section **76-5-401.1** is amended to read:
- 3826 **76-5-401.1 (Effective 05/07/25). Sexual abuse of a minor.**
- 3827 (1)(a) As used in this section:
- 3828 (i) "Indecent liberties" means:
- 3829 (A) the actor touching another individual's genitals, anus, buttocks, pubic area, or
- 3830 female breast;
- 3831 (B) causing any part of an individual's body to touch the actor's or another's
- 3832 genitals, pubic area, anus, buttocks, or female breast;
- 3833 (C) simulating or pretending to engage in sexual intercourse with another
- 3834 individual, including genital-genital, oral-genital, anal-genital, or oral-anal
- 3835 intercourse; or
- 3836 (D) causing an individual to simulate or pretend to engage in sexual intercourse
- 3837 with the actor or another, including genital-genital, oral-genital, anal-genital, or

3838 oral-anal intercourse.

3839 (ii) "Minor" means an individual who is 14 years old or older, but younger than 16
3840 years old, at the time the sexual activity described in Subsection (2) occurred.

3841 (b) Terms defined in Section 76-1-101.5 apply to this section.

3842 (2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an
3843 actor commits sexual abuse of a minor if the actor:

3844 (i) is four years or more older than the minor; and

3845 (ii) with the intent to cause substantial emotional or bodily pain to any individual, or
3846 with the intent to arouse or gratify the sexual desire of any individual:

3847 (A) touches the anus, buttocks, pubic area, or any part of the genitals of the minor;

3848 (B) touches the breast of a female minor; or

3849 (C) otherwise takes indecent liberties with the minor.

3850 (b) Any touching, even if accomplished through clothing, is sufficient to constitute the
3851 relevant element of a violation of Subsection (2)(a).

3852 (3) A violation of Subsection (2)(a) is[~~:~~]

3853 [~~(a)~~] a class A misdemeanor[~~;~~and] .

3854 [~~(b) not subject to registration under Subsection 77-41-102(19)(a)(viii) on a first offense if the~~
3855 ~~offender was younger than 21 years old at the time of the offense.]~~

3856 (4) The offenses referred to in Subsection (2)(a) are:

3857 (a) unlawful sexual activity with a minor, in violation of Section 76-5-401;

3858 (b) rape, in violation of Section 76-5-402;

3859 (c) object rape, in violation of Section 76-5-402.2;

3860 (d) forcible sodomy, in violation of Section 76-5-403;

3861 (e) aggravated sexual assault, in violation of Section 76-5-405; or

3862 (f) an attempt to commit an offense listed in Subsections (4)(a) through (e).

3863 Section 47. Section **76-5-401.3** is amended to read:

3864 **76-5-401.3 (Effective 05/07/25). Unlawful adolescent sexual activity -- Penalties**
3865 **-- Limitations.**

3866 (1)(a) As used in this section, "adolescent" means an individual who is 12 years old or
3867 older but younger than 18 years old.

3868 (b) Terms defined in Section 76-1-101.5 apply to this section.

3869 (2) Under circumstances not amounting to an offense listed in Subsection (5), an actor
3870 commits unlawful sexual activity if:

3871 (a)(i) the actor is 12 years old or older but younger than 18 years old;

- 3872 (ii) the actor engages in sexual activity with an adolescent;
3873 (iii) the actor is not the biological sibling of the adolescent; and
3874 (iv) both the actor and the adolescent mutually agree to the sexual activity; or
3875 (b)(i) the actor engages in sexual activity with an adolescent who is 13 years old;
3876 (ii) the actor is 18 years old and enrolled in high school at the time that the sexual
3877 activity occurred;
3878 (iii) the actor is not the biological sibling of the adolescent; and
3879 (iv) both the actor and the adolescent mutually agree to the sexual activity.
- 3880 (3)(a) A violation of Subsection (2)(a) is a:
3881 (i) third degree felony if an actor who is 17 years old engages in unlawful adolescent
3882 sexual activity with an adolescent who is 13 years old;
3883 (ii) third degree felony if an actor who is 16 years old engages in unlawful adolescent
3884 sexual activity with an adolescent who is 12 years old;
3885 (iii) class A misdemeanor if an actor who is 16 years old engages in unlawful
3886 adolescent sexual activity with an adolescent who is 13 years old;
3887 (iv) class A misdemeanor if an actor who is 14 or 15 years old engages in unlawful
3888 adolescent sexual activity with an adolescent who is 12 years old;
3889 (v) class B misdemeanor if an actor who is 17 years old engages in unlawful
3890 adolescent sexual activity with an adolescent who is 14 years old;
3891 (vi) class B misdemeanor if an actor who is 15 years old engages in unlawful
3892 adolescent sexual activity with an adolescent who is 13 years old;
3893 (vii) class C misdemeanor if an actor who is 12 or 13 years old engages in unlawful
3894 adolescent sexual activity with an adolescent who is 12 or 13 years old; and
3895 (viii) class C misdemeanor if an actor who is 14 years old engages in unlawful
3896 adolescent sexual activity with an adolescent who is 13 years old.
- 3897 (b) A violation of Subsection (2)(b) is a third degree felony.
- 3898 (4) The actor and the adolescent do not mutually agree to the sexual activity under
3899 Subsection (2) if:
3900 (a) the adolescent expresses lack of agreement to the sexual activity through words or
3901 conduct;
3902 (b) the actor overcomes the adolescent's will through:
3903 (i) threats to the adolescent or any other individual;
3904 (ii) force;
3905 (iii) coercion; or

- 3906 (iv) enticement;
- 3907 (c) the actor is able to overcome the adolescent through concealment or by the element
- 3908 of surprise;
- 3909 (d) the actor knows, or reasonably should know, that the adolescent has a mental disease
- 3910 or defect, which renders the adolescent unable to:
- 3911 (i) appraise the nature of the act;
- 3912 (ii) resist the act;
- 3913 (iii) understand the possible consequences to the adolescent's health or safety; or
- 3914 (iv) appraise the nature of the relationship between the actor and the adolescent;
- 3915 (e) the actor knows that the adolescent participates in the sexual activity because the
- 3916 adolescent erroneously believes that the actor is someone else; or
- 3917 (f) the actor intentionally impaired the power of the adolescent to appraise or control the
- 3918 adolescent's conduct by administering any substance without the adolescent's
- 3919 knowledge.

3920 (5) The offenses referred to in Subsection (2) are:

- 3921 (a) rape under Section 76-5-402;
- 3922 (b) object rape under Section 76-5-402.2;
- 3923 (c) forcible sodomy under Section 76-5-403;
- 3924 (d) aggravated sexual assault under Section 76-5-405;
- 3925 (e) incest under Section 76-7-102; or
- 3926 (f) an attempt to commit an offense listed in Subsections (5)(a) through (e).

3927 (6) An offense under this section is not eligible for a nonjudicial adjustment under Section

3928 80-6-303.5 or a referral to a youth court under Section 80-6-902.

3929 (7) Except for an offense that is transferred to a district court by the juvenile court in

3930 accordance with Section 80-6-504, the district court may enter any sentence or

3931 combination of sentences that would have been available in juvenile court but for the

3932 delayed reporting or delayed filing of the information in the district court.

3933 ~~[(8) An offense under this section is not subject to registration under Subsection 77-41-102~~

3934 ~~(19).]~~

3935 Section 48. Section **76-9-702** is amended to read:

3936 **76-9-702 (Effective 05/07/25). Lewdness.**

3937 (1) A person is guilty of lewdness if the person under circumstances not amounting to rape,

3938 object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, sexual

3939 abuse of a minor, unlawful sexual conduct with a 16- or 17-year-old, custodial sexual

3940 relations under Section 76-5-412, custodial sexual misconduct under Section 76-5-412.2,
3941 custodial sexual relations with youth receiving state services under Section 76-5-413,
3942 custodial sexual misconduct with youth receiving state services under Section 76-5-413.2,
3943 or an attempt to commit any of these offenses, performs any of the following acts in a
3944 public place or under circumstances which the person should know will likely cause
3945 affront or alarm to, on, or in the presence of another individual who is 14 years old or
3946 older:

3947 (a) an act of sexual intercourse or sodomy;

3948 (b) exposes his or her genitals, the female breast below the top of the areola, the
3949 buttocks, the anus, or the pubic area;

3950 (c) masturbates; or

3951 (d) any other act of lewdness.

3952 (2)(a) A person convicted the first or second time of a violation of Subsection (1) is
3953 guilty of a class B misdemeanor, except under Subsection (2)(b).

3954 (b) A person convicted of a violation of Subsection (1) is guilty of a third degree felony
3955 if at the time of the violation:

3956 (i) the person is a sex offender as defined in Section ~~[77-27-21.7]~~ 57-8a-102;

3957 (ii) the person has been previously convicted two or more times of violating
3958 Subsection (1);

3959 (iii) the person has previously been convicted of a violation of Subsection (1) and has
3960 also previously been convicted of a violation of Section 76-9-702.5;

3961 (iv) the person commits the offense of lewdness while also committing the offense of:

3962 (A) criminal trespass in a sex-designated changing room under Subsection
3963 76-6-206(2)(d);

3964 (B) lewdness involving a child under Section 76-9-702.5;

3965 (C) voyeurism under Section 76-9-702.7; or

3966 (D) loitering in a privacy space under Section 76-9-702.8; or

3967 (v) the person commits the offense of lewdness in a sex-designated privacy space, as
3968 defined in Section 76-9-702.8, that is not designated for individuals of the actor's
3969 sex.

3970 (c)(i) ~~[For]~~ As described in Subsection 53-29-202(4), for purposes of this Subsection

3971 ~~(2)[-and Subsection 77-41-102(19)]~~, a plea of guilty or nolo contendere to a

3972 charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas

3973 in Abeyance, is the equivalent of a conviction.

3974 (ii) This Subsection (2)(c) also applies if the charge under this Subsection (2) has
3975 been subsequently reduced or dismissed in accordance with the plea in abeyance
3976 agreement.

3977 (3)(a) As used in this Subsection (3):

3978 (i) "Common area of a privacy space" means any area of a privacy space other than:

3979 (A) a toilet stall with a closed door;

3980 (B) immediately in front of a urinal during use; or

3981 (C) a shower stall with a closed door or other closed covering.

3982 (ii) "Privacy space" means the same as that term is defined in Section 76-9-702.8.

3983 (b) The common area of a privacy space constitutes a public place or circumstance
3984 described in Subsection (1) where an act or an attempted act described in Subsection
3985 (1) constitutes lewdness.

3986 (c) Within the common area of a dressing room, fitting room, locker room, changing
3987 facility, or any other space designated for multiple individuals to dress or undress
3988 within the same space, exposing, displaying, or otherwise uncovering genitalia that
3989 does not correspond with the sex designation of the changing room constitutes an act
3990 or an attempted act described in Subsection (1) that constitutes lewdness.

3991 (4) A woman's breast feeding, including breast feeding in any location where the woman
3992 otherwise may rightfully be, does not under any circumstance constitute a lewd act,
3993 irrespective of whether or not the breast is covered during or incidental to feeding.

3994 Section 49. Section **76-9-702.1** is amended to read:

3995 **76-9-702.1 (Effective 05/07/25). Sexual battery.**

3996 (1) An actor is guilty of sexual battery if the actor, under circumstances not amounting to an
3997 offense under Subsection (2), intentionally touches, whether or not through clothing, the
3998 anus, buttocks, or any part of the genitals of another individual, or the breast of a female
3999 individual, and the actor's conduct is under circumstances the actor knows or should
4000 know will likely cause affront or alarm to the individual touched.

4001 (2) Offenses referred to in Subsection (1) are:

4002 (a) rape under Section 76-5-402;

4003 (b) rape of a child under Section 76-5-402.1;

4004 (c) object rape under Section 76-5-402.2;

4005 (d) object rape of a child under Section 76-5-402.3;

4006 (e) forcible sodomy under Subsection 76-5-403(2);

4007 (f) sodomy on a child under Section 76-5-403.1;

- 4008 (g) forcible sexual abuse under Section 76-5-404;
- 4009 (h) sexual abuse of a child under Section 76-5-404.1;
- 4010 (i) aggravated sexual abuse of a child under Section 76-5-404.3;
- 4011 (j) aggravated sexual assault under Section 76-5-405; and
- 4012 (k) an attempt to commit an offense under this Subsection (2).
- 4013 (3) Sexual battery is a class A misdemeanor.
- 4014 ~~[(4)(a) For purposes of Subsection 77-41-102(19) only, a plea of guilty or nolo contendere~~
- 4015 ~~to a charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in~~
- 4016 ~~Abeyance, is the equivalent of a conviction.]~~
- 4017 ~~[(b) This Subsection (4) also applies if the charge under this section has been subsequently~~
- 4018 ~~reduced or dismissed in accordance with the plea in abeyance agreement.]~~
- 4019 Section 50. Section **76-9-702.5** is amended to read:
- 4020 **76-9-702.5 (Effective 05/07/25). Lewdness involving a child.**
- 4021 (1) As used in this section:
- 4022 (a) "In the presence of" includes within visual contact through an electronic device.
- 4023 (b) "Common area of a privacy space" means the same as that term is defined in Section
- 4024 76-9-702.
- 4025 (c) "Privacy space" means the same as that term is defined in Section 76-9-702.8.
- 4026 (2) A person is guilty of lewdness involving a child if the person under circumstances not
- 4027 amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse
- 4028 of a child, aggravated sexual abuse of a child, or an attempt to commit any of those
- 4029 offenses, intentionally or knowingly:
- 4030 (a) does any of the following in the presence of a child who is under 14 years of age:
- 4031 (i) performs an act of sexual intercourse or sodomy;
- 4032 (ii) exposes his or her genitals, the female breast below the top of the areola, the
- 4033 buttocks, the anus, or the pubic area:
- 4034 (A) in a public place; or
- 4035 (B) in a private place under circumstances the person should know will likely
- 4036 cause affront or alarm or with the intent to arouse or gratify the sexual desire of
- 4037 the actor or the child;
- 4038 (iii) masturbates; or
- 4039 (iv) performs any other act of lewdness; or
- 4040 (b) under circumstances not amounting to sexual exploitation of a child under Section
- 4041 76-5b-201 or aggravated sexual exploitation of a child under Section 76-5b-201.1,

causes a child under the age of 14 years to expose his or her genitals, anus, or breast, if female, to the actor, with the intent to arouse or gratify the sexual desire of the actor or the child.

(3)(a) Lewdness involving a child is a class A misdemeanor, except under Subsection (3)(b).

(b) Lewdness involving a child is a third degree felony if at the time of the violation:

(i) the person is a sex offender [~~as defined in Section 77-27-21.7~~] as described in Subsection 53-29-202(2)(b) and the offense that the individual committed that resulted in the individual being a sex offender was committed against an individual younger than 18 years old;

(ii) the person has previously been convicted of a violation of this section;

(iii) the person commits the offense of lewdness involving a child while also committing the offense of:

(A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);

(B) lewdness under Section 76-9-702;

(C) voyeurism under Section 76-9-702.7; or

(D) loitering in a privacy space under Section 76-9-702.8; or

(iv) the person commits the offense of lewdness involving a child in a sex-designated privacy space, as defined in Section 76-9-702.8, that is not designated for individuals of the actor's sex.

(4)(a) The common area of a privacy space constitutes a public place or circumstance described in Subsection (2) where an act or an attempted act described in Subsection (2) constitutes lewdness involving a child.

(b) Within the common area of a government entity's dressing room, fitting room, locker room, changing facility, or any other space designated for multiple individuals to dress or undress within the same space, exposing, displaying, or otherwise uncovering genitalia that does not correspond with the sex designation of the changing room constitutes an act or an attempted act described in Subsection (2) that constitutes lewdness involving a child.

Section 51. Section **77-2-2.3** is amended to read:

77-2-2.3 (Effective 05/07/25). Reducing the level of an offense.

(1) Notwithstanding any other provision of law, a prosecuting attorney may:

(a) present and file an information charging an individual for an offense under

Subsections 76-3-103(1)(b) through (d), Subsection 76-3-103(2), or Section 76-3-104 with a classification of the offense at one degree lower than the classification that is provided in statute if the prosecuting attorney believes that the sentence would be disproportionate to the offense because there are special circumstances relating to the offense; or

(b) subject to the approval of the court, amend an information, as part of a plea agreement, to charge an individual for an offense under Subsections 76-3-103(1)(b) through (d), Subsection 76-3-103(2), or Section 76-3-104 with a classification of the offense at one degree lower than the classification that is provided in statute.

(2) A court may:

(a) enter a judgment of conviction for an offense filed under Subsection (1) at one degree lower than classified in statute; and

(b) impose a sentence for the offense filed under Subsection (1) at one degree lower than classified in statute.

(3) A conviction of an offense at one degree lower than classified in statute under Subsection (2) does not affect the requirements for registration of the offense under [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, if the elements of the offense for which the defendant is convicted are the same as the elements of [an] a registrable offense described in Section [~~77-41-102~~] 53-29-202.

(4) This section does not preclude an individual from obtaining and being granted an expungement for the individual's record in accordance with Title 77, Chapter 40a, Expungement of Criminal Records.

Section 52. Section **77-11c-101** is amended to read:

77-11c-101 (Effective 05/07/25). Definitions.

As used in this chapter:

(1) "Acquitted" means the same as that term is defined in Section 77-11b-101.

(2) "Adjudicated" means that:

(a)(i) a judgment of conviction by plea or verdict of an offense has been entered by a court; and

(ii) a sentence has been imposed by the court; or

(b) a judgment has been entered for an adjudication of an offense by a juvenile court under Section 80-6-701.

(3) "Adjudication" means:

- 4110 (a) a judgment of conviction by plea or verdict of an offense; or
4111 (b) an adjudication for an offense by a juvenile court under Section 80-6-701.
- 4112 (4) "Agency" means the same as that term is defined in Section 77-11a-101.
- 4113 (5) "Appellate court" means the Utah Court of Appeals, the Utah Supreme Court, or the
4114 United States Supreme Court.
- 4115 (6)(a) "Biological evidence" means an item that contains blood, semen, hair, saliva,
4116 epithelial cells, latent fingerprint evidence that may contain biological material
4117 suitable for DNA testing, or other identifiable human biological material that:
- 4118 (i) is collected as part of an investigation or prosecution of a violent felony offense;
4119 and
4120 (ii) may reasonably be used to incriminate or exculpate a person for the violent
4121 felony offense.
- 4122 (b) "Biological evidence" includes:
- 4123 (i) material that is catalogued separately, including:
4124 (A) on a slide or swab; or
4125 (B) inside a test tube, if the evidentiary sample that previously was inside the test
4126 tube has been consumed by testing;
- 4127 (ii) material that is present on other evidence, including clothing, a ligature, bedding,
4128 a drinking cup, a cigarette, or a weapon, from which a DNA profile may be
4129 obtained;
- 4130 (iii) the contents of a sexual assault kit; and
4131 (iv) for a violent felony offense, material described in this Subsection (6) that is in
4132 the custody of an evidence collecting or retaining entity on May 4, 2022.
- 4133 (7) "Claimant" means the same as that term is defined in Section 77-11a-101.
- 4134 (8) "Computer" means the same as that term is defined in Section 77-11a-101.
- 4135 (9) "Continuous chain of custody" means:
- 4136 (a) for a law enforcement agency or a court, that legal standards regarding a continuous
4137 chain of custody are maintained; and
4138 (b) for an entity that is not a law enforcement agency or a court, that the entity maintains
4139 a record in accordance with legal standards required of the entity.
- 4140 (10) "Contraband" means the same as that term is defined in Section 77-11a-101.
- 4141 (11) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 4142 (12) "Court" means a municipal, county, or state court.
- 4143 (13) "DNA" means deoxyribonucleic acid.

- 4144 (14) "DNA profile" means a unique identifier of an individual derived from DNA.
- 4145 (15) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.
- 4146 (16) "Evidence" means property, contraband, or an item or substance that:
- 4147 (a) is seized or collected as part of an investigation or prosecution of an offense; and
- 4148 (b) may reasonably be used to incriminate or exculpate an individual for an offense.
- 4149 (17)(a) "Evidence collecting or retaining entity" means an entity within the state that
- 4150 collects, stores, or retrieves biological evidence.
- 4151 (b) "Evidence collecting or retaining entity" includes:
- 4152 (i) a medical or forensic entity;
- 4153 (ii) a law enforcement agency;
- 4154 (iii) a court; and
- 4155 (iv) an official, employee, or agent of an entity or agency described in this Subsection
- 4156 (17).
- 4157 (v) "Evidence collecting or retaining entity" does not include a collecting facility
- 4158 defined in Section 53-10-902.
- 4159 (18) "Exhibit" means property, contraband, or an item or substance that is admitted into
- 4160 evidence for a court proceeding.
- 4161 (19) "In custody" means an individual who:
- 4162 (a) is incarcerated, civilly committed, on parole, or on probation; or
- 4163 (b) is required to register under [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse~~
- 4164 ~~Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender
- 4165 Registry.
- 4166 (20) "Law enforcement agency" means the same as that term is defined in Section
- 4167 77-11a-101.
- 4168 (21) "Medical or forensic entity" means a private or public hospital, medical facility, or
- 4169 other entity that secures biological evidence or conducts forensic examinations related to
- 4170 criminal investigations.
- 4171 (22) "Physical evidence" includes evidence that:
- 4172 (a) is related to:
- 4173 (i) an investigation;
- 4174 (ii) an arrest; or
- 4175 (iii) a prosecution that resulted in a judgment of conviction; and
- 4176 (b) is in the actual or constructive possession of a law enforcement agency or a court or
- 4177 an agent of a law enforcement agency or a court.

- 4178 (23) "Property" means the same as that term is defined in Section 77-11a-101.
4179 (24) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
4180 (25) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
4181 (26) "Victim" means the same as that term is defined in Section 53-10-902.
4182 (27) "Violent felony offense" means the same as the term "violent felony" is defined in
4183 Section 76-3-203.5.

4184 (28) "Wildlife" means the same as that term is defined in Section 23A-1-101.

4185 Section 53. Section **77-27-5.2** is amended to read:

4186 **77-27-5.2 (Effective 05/07/25). Board authority to order removal from Sex,**
4187 **Kidnap, and Child Abuse Offender Registry.**

4188 (1) If the board grants a pardon for a conviction described in Section 53-29-202 that is the
4189 basis for an individual's registration on the Sex, Kidnap, and Child Abuse Offender
4190 Registry, the board shall issue an order directing the Department of Public Safety to
4191 remove the individual's name and personal information relating to the pardoned
4192 conviction from the Sex, Kidnap, and Child Abuse Offender Registry.

4193 (2) An order described in Subsection (1), issued by the board, satisfies the notification
4194 requirement described in Subsection [~~77-41-113(1)(b)~~] 53-29-405(1)(b).

4195 Section 54. Section **77-38-605** is amended to read:

4196 **77-38-605 (Effective 05/07/25). Administration -- Application.**

4197 (1) The commission shall provide an application form to an applicant who seeks to
4198 participate in the program under this part.

4199 (2) The commission may not charge an applicant or program participant for an application
4200 or participation fee to apply for, or participate in, the program.

4201 (3) The application shall include:

4202 (a) the applicant's name;

4203 (b) a mailing address, a phone number, and an email address where the applicant may be
4204 contacted by the commission;

4205 (c) an indication regarding whether the assailant is employed by a state or local
4206 government entity, and if applicable, the name of the state or local government entity;

4207 (d) a statement that the applicant understands and consents to:

4208 (i) remain enrolled in the program for four years, unless the applicant's participation
4209 in the program is cancelled under Section 77-38-617;

4210 (ii) while the applicant is enrolled in the program, notify the commission when the
4211 applicant changes the applicant's actual address or legal name;

- 4212 (iii) develop a safety plan with a program assistant;
- 4213 (iv) authorize the commission to notify a state or local government entity that the
- 4214 applicant is a program participant;
- 4215 (v) submit written notice to the commission if the applicant chooses to cancel the
- 4216 applicant's participation in the program;
- 4217 (vi) register to vote in person at the office of the clerk in the county where the
- 4218 applicant's actual address is located; and
- 4219 (vii) certify that the commission is the applicant's designated agent for service of
- 4220 process for personal service;
- 4221 (e) evidence that the applicant, or a minor or an incapacitated individual residing with
- 4222 the applicant, is a victim, including:
- 4223 (i) a law enforcement, court, or other state, local, or federal government agency
- 4224 record; or
- 4225 (ii) a document from:
- 4226 (A) a domestic violence program, facility, or shelter;
- 4227 (B) a sexual assault program; or
- 4228 (C) a religious, medical, or other professional from whom the applicant, or the
- 4229 minor or the incapacitated individual residing with the applicant, sought
- 4230 assistance in dealing with alleged abuse, domestic violence, stalking, or a
- 4231 sexual offense;
- 4232 (f) a statement from the applicant that a disclosure of the applicant's actual address
- 4233 would endanger the applicant, or a minor or an incapacitated individual residing with
- 4234 the applicant;
- 4235 (g) a statement by the applicant that the applicant:
- 4236 (i) resides at a residential address that is not known by the assailant;
- 4237 (ii) has relocated to a different residential address in the past 90 days that is not
- 4238 known by the assailant; or
- 4239 (iii) will relocate to a different residential address in the state within 90 days that is
- 4240 not known by the assailant;
- 4241 (h) the actual address that:
- 4242 (i) the applicant requests that the commission not disclose; and
- 4243 (ii) is at risk of discovery by the assailant or potential assailant;
- 4244 (i) a statement by the applicant disclosing:
- 4245 (i) the existence of a court order or action involving the applicant, or a minor or an

- 4246 incapacitated individual residing with the applicant, related to a divorce
4247 proceeding, a child support order or judgment, or the allocation of custody or
4248 parent-time; and
- 4249 (ii) the court that issued the order or has jurisdiction over the action;
- 4250 (j) the name of any other individual who resides with the applicant who needs to be a
4251 program participant to ensure the safety of the applicant, or a minor or an
4252 incapacitated individual residing with the applicant;
- 4253 (k) a statement by the applicant that:
- 4254 (i) the applicant, or a minor or an incapacitated individual residing at the same
4255 address as the applicant, will benefit from participation in the program;
- 4256 (ii) if the applicant intends to vote, the applicant will register to vote at the office of
4257 the clerk in the county in which the applicant actually resides; and
- 4258 (iii) the applicant does not have a current obligation to register as a sex offender,
4259 kidnap offender, or child abuse offender under ~~[Title 77, Chapter 41, Sex, Kidnap,~~
4260 ~~and Child Abuse Offender Registry]~~ Title 53, Chapter 29, Sex, Kidnap, and Child
4261 Abuse Offender Registry;
- 4262 (l) a statement by the applicant, under penalty of perjury, that the information contained
4263 in the application is true;
- 4264 (m) a statement that:
- 4265 (i) if the applicant intends to use the assigned address for any correspondence with
4266 the State Tax Commission, the applicant must provide the State Tax Commission
4267 with the applicant's social security number, federal employee identification
4268 number, and any other identification number related to a tax, fee, charge, or
4269 license administered by the State Tax Commission; and
- 4270 (ii) if the applicant intends to use the assigned address for correspondence to a state
4271 or local government entity for the purpose of titling or registering a motor vehicle
4272 or a watercraft that is owned or leased by the applicant, the applicant shall provide
4273 to the state or local government entity for each motor vehicle or watercraft:
- 4274 (A) the motor vehicle or hull identification number;
- 4275 (B) the license plate or registration number for the motor vehicle or the watercraft;
- 4276 and
- 4277 (C) the physical address where each motor vehicle or watercraft is stored; and
- 4278 (n) a statement that any assistance or counseling provided by a program assistant as part
4279 of the program does not constitute legal advice or legal services to the applicant.

Section 55. Section **77-40a-303** is amended to read:

77-40a-303 (Effective 05/07/25). Requirements for a certificate of eligibility to expunge records of a conviction.

- (1) Except as otherwise provided by this section, a petitioner is eligible to receive a certificate of eligibility from the bureau to expunge the records of a conviction if:
- (a) the petitioner has paid in full all fines and interest ordered by the court related to the conviction for which expungement is sought;
 - (b) the petitioner has paid in full all restitution ordered by the court under Section 77-38b-205; and
 - (c) the following time periods have passed after the day on which the petitioner was convicted or released from incarceration, parole, or probation, whichever occurred last, for the conviction that the petitioner seeks to expunge:
 - (i) 10 years for the conviction of a misdemeanor under Subsection 41-6a-501(2);
 - (ii) 10 years for the conviction of a felony for operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
 - (iii) seven years for the conviction of a felony;
 - (iv) five years for the conviction of a drug possession offense that is a felony;
 - (v) five years for the conviction of a class A misdemeanor;
 - (vi) four years for the conviction of a class B misdemeanor; or
 - (vii) three years for the conviction of a class C misdemeanor or infraction.
- (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau to expunge the records of a conviction under Subsection (1) if:
- (a) except as provided in Subsection (3), the conviction for which expungement is sought is:
 - (i) a capital felony;
 - (ii) a first degree felony;
 - (iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5 (1)(c)(i);
 - (iv) a felony conviction described in Subsection 41-6a-501(2);
 - (v) an offense, or a combination of offenses, that would ~~require the individual to register as a sex offender, as defined in Section 77-41-102~~ result in the individual being a sex offender under Subsection 53-29-202(2)(b); or

- 4314 (vi) ~~[a registerable child abuse offense as defined in Subsection 77-41-102(1);]~~ an
4315 offense, or a combination of offenses, that would result in the individual being a
4316 child abuse offender under Subsection 53-29-202(2)(a);
- 4317 (b) there is a criminal proceeding for a misdemeanor or felony offense pending against
4318 the petitioner, unless the criminal proceeding is for a traffic offense;
- 4319 (c) there is a plea in abeyance for a misdemeanor or felony offense pending against the
4320 petitioner, unless the plea in abeyance is for a traffic offense;
- 4321 (d) the petitioner is currently incarcerated, on parole, or on probation, unless the
4322 petitioner is on probation or parole for an infraction, a traffic offense, or a minor
4323 regulatory offense;
- 4324 (e) the petitioner intentionally or knowingly provides false or misleading information on
4325 the application for a certificate of eligibility;
- 4326 (f) there is a criminal protective order or a criminal stalking injunction in effect for the
4327 case; or
- 4328 (g) the bureau determines that the petitioner's criminal history makes the petitioner
4329 ineligible for a certificate of eligibility under Subsection (4) or (5).
- 4330 (3) Subsection (2)(a) does not apply to a conviction for a qualifying sexual offense, as
4331 defined in Section 76-3-209, if, at the time of the offense, a petitioner who committed
4332 the offense was at least 14 years old but under 18 years old, unless the petitioner was
4333 convicted by a district court as an adult in accordance with ~~[Title 80, Chapter 6, Part 5,~~
4334 ~~Transfer to District Court]~~ Title 80, Chapter 6, Part 5, Minor Tried as an Adult.
- 4335 (4) Subject to Subsections (6), (7), and (8), a petitioner is not eligible to receive a certificate
4336 of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau
4337 determines that the petitioner's criminal history, including previously expunged
4338 convictions, contains any of the following:
- 4339 (a) two or more felony convictions other than for drug possession offenses, each of
4340 which is contained in a separate criminal episode;
- 4341 (b) any combination of three or more convictions other than for drug possession offenses
4342 that include two class A misdemeanor convictions, each of which is contained in a
4343 separate criminal episode;
- 4344 (c) any combination of four or more convictions other than for drug possession offenses
4345 that include three class B misdemeanor convictions, each of which is contained in a
4346 separate criminal episode; or
- 4347 (d) five or more convictions other than for drug possession offenses of any degree

- 4348 whether misdemeanor or felony, each of which is contained in a separate criminal
4349 episode.
- 4350 (5) Subject to Subsections (7) and (8), a petitioner is not eligible to receive a certificate of
4351 eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau
4352 determines that the petitioner's criminal history, including previously expunged
4353 convictions, contains any of the following:
- 4354 (a) three or more felony convictions for drug possession offenses, each of which is
4355 contained in a separate criminal episode; or
- 4356 (b) any combination of five or more convictions for drug possession offenses, each of
4357 which is contained in a separate criminal episode.
- 4358 (6) If the petitioner's criminal history contains convictions for both a drug possession
4359 offense and a non-drug possession offense arising from the same criminal episode, the
4360 bureau shall count that criminal episode as a conviction under Subsection (4) if any
4361 non-drug possession offense in that episode:
- 4362 (a) is a felony or class A misdemeanor; or
- 4363 (b) has the same or a longer waiting period under Subsection (1)(c) than any drug
4364 possession offense in that episode.
- 4365 (7) Except as provided in Subsection (8), if at least 10 years have passed after the day on
4366 which the petitioner was convicted or released from incarceration, parole, or probation,
4367 whichever occurred last, for all convictions:
- 4368 (a) each numerical eligibility limit under Subsections (4)(a) and (b) shall be increased by
4369 one; and
- 4370 (b) each numerical eligibility limit under Subsections (4)(c) and (d) is not applicable if
4371 the highest level of convicted offense in the criminal episode is:
- 4372 (i) a class B misdemeanor;
- 4373 (ii) a class C misdemeanor;
- 4374 (iii) a drug possession offense if none of the non-drug possession offenses in the
4375 criminal episode are a felony or a class A misdemeanor; or
- 4376 (iv) an infraction.
- 4377 (8) When determining whether a petitioner is eligible for a certificate of eligibility under
4378 Subsection (4), (5), or (7), the bureau may not consider a petitioner's pending case or
4379 prior conviction for:
- 4380 (a) an infraction;
- 4381 (b) a traffic offense;

(c) a minor regulatory offense; or

(d) a clean slate eligible case that was automatically expunged.

(9) If the petitioner received a pardon before May 14, 2013, from the Utah Board of Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned crimes in accordance with Section 77-27-5.1.

Section 56. Section **77-40a-403** is amended to read:

77-40a-403 (Effective 05/07/25). Release and use of expunged records -- Agencies.

(1)(a) An agency with an expunged record, or any employee of an agency with an expunged record, may not knowingly or intentionally divulge any information contained in the expunged record to any person, or another agency, without a court order unless:

(i) specifically authorized by Subsection (4) or Section 77-40a-404; or

(ii) subject to Subsection (1)(b), the information in an expunged record is being shared with another agency through a records management system that both agencies use for the purpose of record management.

(b) An agency with a records management system may not disclose any information in an expunged record to another agency or person, or allow another agency or person access to an expunged record, if that agency or person does not use the records management system for the purpose of record management.

(2) The following entities or agencies may receive information contained in expunged records upon specific request:

(a) the Board of Pardons and Parole;

(b) Peace Officer Standards and Training;

(c) federal authorities if required by federal law;

(d) the State Board of Education;

(e) the Commission on Criminal and Juvenile Justice, for purposes of investigating applicants for judicial office; and

(f) a research institution or an agency engaged in research regarding the criminal justice system if:

(i) the research institution or agency provides a legitimate research purpose for gathering information from the expunged records;

(ii) the research institution or agency enters into a data sharing agreement with the court or agency with custody of the expunged records that protects the

- 4416 confidentiality of any identifying information in the expunged records;
- 4417 (iii) any research using expunged records does not include any individual's name or
- 4418 identifying information in any product of that research; and
- 4419 (iv) any product resulting from research using expunged records includes a disclosure
- 4420 that expunged records were used for research purposes.
- 4421 (3) Except as otherwise provided by this section or by court order, a person, an agency, or
- 4422 an entity authorized by this section to view expunged records may not reveal or release
- 4423 any information obtained from the expunged records to anyone outside the specific
- 4424 request, including distribution on a public website.
- 4425 (4) A prosecuting attorney may communicate with another prosecuting attorney, or another
- 4426 prosecutorial agency, regarding information in an expunged record that includes a
- 4427 conviction, or a charge dismissed as a result of a successful completion of a plea in
- 4428 abeyance agreement, for:
- 4429 (a) stalking as described in Section 76-5-106.5;
- 4430 (b) a domestic violence offense as defined in Section 77-36-1;
- 4431 (c) an offense that would ~~[require the individual to register as a sex offender, kidnap~~
- 4432 ~~offender, or child abuse offender as defined in Section 77-41-102]~~ result in the
- 4433 individual being a child abuse offender, a sex offender, or a kidnap offender under
- 4434 Section 53-29-202; or
- 4435 (d) a weapons offense under Title 76, Chapter 10, Part 5, Weapons.
- 4436 (5) Except as provided in Subsection (7), a prosecuting attorney may not use an expunged
- 4437 record for the purpose of a sentencing enhancement or as a basis for charging an
- 4438 individual with an offense that requires a prior conviction.
- 4439 (6) The bureau may also use the information in the bureau's index as provided in Section
- 4440 53-5-704.
- 4441 (7) If an individual is charged with a felony, or an offense eligible for enhancement based
- 4442 on a prior conviction, after obtaining an order of expungement, the prosecuting attorney
- 4443 may petition the court in which the individual is charged to open the expunged records
- 4444 upon a showing of good cause.
- 4445 (8)(a) For judicial sentencing, a court may order any records expunged under this
- 4446 chapter or Section 77-27-5.1 to be opened and admitted into evidence.
- 4447 (b) The records are confidential and are available for inspection only by the court,
- 4448 parties, counsel for the parties, and any other person who is authorized by the court to
- 4449 inspect them.

(c) At the end of the action or proceeding, the court shall order the records expunged again.

(d) Any person authorized by this Subsection (8) to view expunged records may not reveal or release any information obtained from the expunged records to anyone outside the court.

(9) Records released under this chapter are classified as protected under Section 63G-2-305 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to Records, and Subsection 53-10-108(2)(k) for records held by the bureau.

Section 57. Section **78A-2-301** is amended to read:

78A-2-301 (Effective 05/07/25). Civil fees of the courts of record -- Courts complex design.

(1)(a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not governed by another subsection is \$375.

(b) The fee for filing a complaint or petition is:

(i) \$90 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;

(ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;

(iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;

(iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed for an action described in Title 81, Chapter 4, Dissolution of Marriage;

(v) \$35 for a petition for temporary separation described in Section 81-4-104;

(vi) \$125 if the petition is for removal from the [The-]Sex, Kidnap, and Child Abuse Offender Registry under Section [77-41-112] 53-29-204, 53-29-205, or 53-29-206; and

(vii) \$35 if the petition is for guardianship and the prospective ward is the biological or adoptive child of the petitioner.

(c) The fee for filing a small claims affidavit is:

(i) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$2,000 or less;

(ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

(iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney fees is \$7,500 or more.

- (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party complaint, or other claim for relief against an existing or joined party other than the original complaint or petition is:
- (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
 - (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000 and less than \$10,000;
 - (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is \$10,000 or more, or the party seeks relief other than monetary damages; and
 - (iv) \$130 if the original petition is filed for an action described in Title 81, Chapter 4, Dissolution of Marriage.
- (e) The fee for filing a small claims counter affidavit is:
- (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
 - (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
 - (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is \$7,500 or more.
- (f) The fee for depositing funds under Section 57-1-29 when not associated with an action already before the court is determined under Subsection (1)(b) based on the amount deposited.
- (g) The fee for filing a petition is:
- (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims department; and
 - (ii) \$80 for an appeal of a municipal administrative determination in accordance with Section 10-3-703.7.
- (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or petition for writ of certiorari is \$240.
- (i) The fee for filing a petition for expungement is \$150.
- (j)(i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated to and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement Act.

- 4518 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
4519 allocated by the state treasurer to be deposited into the restricted account,
4520 Children's Legal Defense Account, as provided in Section 51-9-408.
- 4521 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
4522 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account
4523 as provided in Section 78B-6-209.
- 4524 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
4525 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state
4526 treasurer to be deposited into the restricted account, Court Security Account, as
4527 provided in Section 78A-2-602.
- 4528 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)
4529 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the
4530 restricted account, Court Security Account, as provided in Section 78A-2-602.
- 4531 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
4532 United States is \$35.
- 4533 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
4534 50% of the fee for filing an original action seeking the same relief.
- 4535 (m) The fee for filing probate or child custody documents from another state is \$35.
- 4536 (n)(i) The fee for filing an abstract or transcript of judgment, order, or decree of the
4537 State Tax Commission is \$30.
- 4538 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this
4539 state or a judgment, order, or decree of an administrative agency, commission,
4540 board, council, or hearing officer of this state or of its political subdivisions other
4541 than the State Tax Commission, is \$50.
- 4542 (o) The fee for filing a judgment by confession without action under Section 78B-5-205
4543 is \$35.
- 4544 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation
4545 under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
4546 action before the court is \$35.
- 4547 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
4548 other than a protective order or stalking injunction is \$100.
- 4549 (r) The fee for filing any accounting required by law is:
- 4550 (i) \$15 for an estate valued at \$50,000 or less;
- 4551 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

- 4552 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
4553 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
4554 (v) \$175 for an estate valued at more than \$168,000.
- 4555 (s) The fee for filing a demand for a civil jury is \$250.
- 4556 (t) The fee for filing a notice of deposition in this state concerning an action pending in
4557 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.
- 4558 (u) The fee for filing documents that require judicial approval but are not part of an
4559 action before the court is \$35.
- 4560 (v) The fee for a petition to open a sealed record is \$35.
- 4561 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
4562 addition to any fee for a complaint or petition.
- 4563 (x)(i) The fee for a petition for authorization for a minor to marry required by
4564 Section 81-2-304 is \$5.
- 4565 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,
4566 Emancipation, is \$50.
- 4567 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.
- 4568 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- 4569 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per
4570 page.
- 4571 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of
4572 documents and forms and for the search and retrieval of records under Title 63G,
4573 Chapter 2, Government Records Access and Management Act. Fees under
4574 Subsection (1)(bb) and (cc) shall be credited to the court as a reimbursement of
4575 expenditures.
- 4576 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of
4577 the public to conduct a limited amount of searches on the Xchange database without
4578 having to pay a monthly subscription fee.
- 4579 (dd) There is no fee for services or the filing of documents not listed in this section or
4580 otherwise provided by law.
- 4581 (ee) Except as provided in this section, all fees collected under this section are paid to
4582 the General Fund. Except as provided in this section, all fees shall be paid at the time
4583 the clerk accepts the pleading for filing or performs the requested service.
- 4584 (ff) The filing fees under this section may not be charged to the state, the state's
4585 agencies, or political subdivisions filing or defending any action. In judgments

awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

(2)(a)(i) From March 17, 1994, until June 30, 1998, the state court administrator shall transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction and Management Capital Projects Fund.

(ii)(A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction and Management shall use up to \$3,750,000 of the revenue deposited into the Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a courts complex in Salt Lake City.

(B) If the Legislature approves funding for construction of a courts complex in Salt Lake City in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use the revenue deposited into the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

(C) After the courts complex is completed and all bills connected with its construction have been paid, the Division of Facilities Construction and Management shall use any money remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building.

(iii) The Division of Facilities Construction and Management may enter into agreements and make expenditures related to this project before the receipt of revenues provided for under this Subsection (2)(a)(iii).

(iv) The Division of Facilities Construction and Management shall:

(A) make those expenditures from unexpended and unencumbered building funds already appropriated to the Capital Projects Fund; and

(B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this Subsection (2).

(b) After June 30, 1998, the state court administrator shall ensure that all revenues representing the difference between the fees in effect after May 2, 1994, and the fees

- 4620 in effect before February 1, 1994, are transferred to the Division of Finance for
4621 deposit in the restricted account.
- 4622 (c) The Division of Finance shall deposit all revenues received from the state court
4623 administrator into the restricted account created by this section.
- 4624 (d)(i) From May 1, 1995, until June 30, 1998, the state court administrator shall
4625 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title
4626 41, Motor Vehicles, in a court of record to the Division of Facilities Construction
4627 and Management Capital Projects Fund. The division of money pursuant to
4628 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
4629 paid.
- 4630 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer
4631 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
4632 Vehicles, in a court of record to the Division of Finance for deposit in the
4633 restricted account created by this section. The division of money pursuant to
4634 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
4635 paid.
- 4636 (3)(a) There is created within the General Fund a restricted account known as the State
4637 Courts Complex Account.
- 4638 (b) The Legislature may appropriate money from the restricted account to the state court
4639 administrator for the following purposes only:
- 4640 (i) to repay costs associated with the construction of the court complex that were
4641 funded from sources other than revenues provided for under this Subsection
4642 (3)(b)(i); and
- 4643 (ii) to cover operations and maintenance costs on the court complex.
- 4644 Section 58. Section **78B-8-302** is amended to read:
- 4645 **78B-8-302 (Effective 05/07/25). Process servers.**
- 4646 (1) A complaint, a summons, or a subpoena may be served by an individual who is:
- 4647 (a) 18 years old or older at the time of service; and
- 4648 (b) not a party to the action or a party's attorney.
- 4649 (2) Except as provided in Subsection (5), the following may serve all process issued by the
4650 courts of this state:
- 4651 (a) a peace officer employed by a political subdivision of the state acting within the
4652 scope and jurisdiction of the peace officer's employment;
- 4653 (b) a sheriff or appointed deputy sheriff employed by a county of the state;

- 4654 (c) a constable, or the constable's deputy, serving in compliance with applicable law;
4655 (d) an investigator employed by the state and authorized by law to serve civil process; or
4656 (e) a private investigator licensed in accordance with Title 53, Chapter 9, Private
4657 Investigator Regulation Act.
- 4658 (3) A private investigator licensed in accordance with Title 53, Chapter 9, Private
4659 Investigator Regulation Act, may not make an arrest pursuant to a bench warrant.
- 4660 (4) While serving process, a private investigator shall:
- 4661 (a) have on the investigator's body a visible form of credentials and identification
4662 identifying:
- 4663 (i) the investigator's name;
4664 (ii) that the investigator is a licensed private investigator; and
4665 (iii) the name and address of the agency employing the investigator or, if the
4666 investigator is self-employed, the address of the investigator's place of business;
- 4667 (b) verbally communicate to the person being served that the investigator is acting as a
4668 process server; and
- 4669 (c) print on the first page of each document served:
- 4670 (i) the investigator's name and identification number as a private investigator; and
4671 (ii) the address and phone number for the investigator's place of business.
- 4672 (5) The following may only serve process under this section when the use of force is
4673 authorized on the face of the document, or when a breach of the peace is imminent or
4674 likely under the totality of the circumstances:
- 4675 (a) a law enforcement officer, as defined in Section 53-13-103; or
4676 (b) a special function officer, as defined in Section 53-13-105, who is:
- 4677 (i) employed as an appointed deputy sheriff by a county of the state; or
4678 (ii) a constable.
- 4679 (6) The following may not serve process issued by a court:
- 4680 (a) an individual convicted of a felony violation of an offense [~~listed in Subsection~~
4681 77-41-102(19)] that would result in the individual being a sex offender under
4682 Subsection 53-29-202(2)(b); or
- 4683 (b) an individual who is a respondent in a proceeding described in Title 78B, Chapter 7,
4684 Protective Orders and Stalking Injunctions, in which a court has granted the
4685 petitioner a protective order.
- 4686 (7) An individual serving process shall:
- 4687 (a) legibly document the date and time of service on the front page of the document

- 4688 being served;
- 4689 (b) legibly print the process server's name, address, and telephone number on the return
- 4690 of service;
- 4691 (c) sign the return of service in substantial compliance with Title 78B, Chapter 18a,
- 4692 Uniform Unsworn Declarations Act;
- 4693 (d) if the process server is a peace officer, sheriff, or deputy sheriff, legibly print the
- 4694 badge number of the process server on the return of service; and
- 4695 (e) if the process server is a private investigator, legibly print the private investigator's
- 4696 identification number on the return of service.
- 4697 Section 59. Section **80-3-406** is amended to read:
- 4698 **80-3-406 (Effective 05/07/25). Permanency plan -- Reunification services.**
- 4699 (1) If the juvenile court orders continued removal at the dispositional hearing under Section
- 4700 80-3-402, and that the minor remain in the custody of the division, the juvenile court
- 4701 shall first:
- 4702 (a) establish a primary permanency plan and a concurrent permanency plan for the minor
- 4703 in accordance with this section; and
- 4704 (b) determine whether, in view of the primary permanency plan, reunification services
- 4705 are appropriate for the minor and the minor's family under Subsections (5) through (8).
- 4706 (2)(a) The concurrent permanency plan shall include:
- 4707 (i) a representative list of the conditions under which the primary permanency plan
- 4708 will be abandoned in favor of the concurrent permanency plan; and
- 4709 (ii) an explanation of the effect of abandoning or modifying the primary permanency
- 4710 plan.
- 4711 (b) In determining the primary permanency plan and concurrent permanency plan, the
- 4712 juvenile court shall consider:
- 4713 (i) the preference for kinship placement over nonkinship placement, including the
- 4714 rebuttable presumption described in Subsection 80-3-302(7)(a);
- 4715 (ii) the potential for a guardianship placement if parental rights are terminated and no
- 4716 appropriate adoption placement is available; and
- 4717 (iii) the use of an individualized permanency plan, only as a last resort.
- 4718 (3)(a) The juvenile court may amend a minor's primary permanency plan before the
- 4719 establishment of a final permanency plan under Section 80-3-409.
- 4720 (b) The juvenile court is not limited to the terms of the concurrent permanency plan in
- 4721 the event that the primary permanency plan is abandoned.

(c) If, at any time, the juvenile court determines that reunification is no longer a minor's primary permanency plan, the juvenile court shall conduct a permanency hearing in accordance with Section 80-3-409 on or before the earlier of:

(i) 30 days after the day on which the juvenile court makes the determination described in this Subsection (3)(c); or

(ii) the day on which the provision of reunification services, described in Section 80-3-409, ends.

(4)(a) Because of the state's interest in and responsibility to protect and provide permanency for minors who are abused, neglected, or dependent, the Legislature finds that a parent's interest in receiving reunification services is limited.

(b) The juvenile court may determine that:

(i) efforts to reunify a minor with the minor's family are not reasonable or appropriate, based on the individual circumstances; and

(ii) reunification services should not be provided.

(c) In determining reasonable efforts to be made with respect to a minor, and in making reasonable efforts, the juvenile court and the division shall consider the minor's health, safety, and welfare as the paramount concern.

(5) There is a presumption that reunification services should not be provided to a parent if the juvenile court finds, by clear and convincing evidence, that any of the following circumstances exist:

(a) the whereabouts of the parents are unknown, based on a verified affidavit indicating that a reasonably diligent search has failed to locate the parent;

(b) subject to Subsection (6)(a), the parent is suffering from a mental illness of such magnitude that the mental illness renders the parent incapable of utilizing reunification services;

(c) the minor was previously adjudicated as an abused child due to physical abuse, sexual abuse, or sexual exploitation, and following the adjudication the child:

(i) was removed from the custody of the minor's parent;

(ii) was subsequently returned to the custody of the parent; and

(iii) is being removed due to additional physical abuse, sexual abuse, or sexual exploitation;

(d) the parent:

(i) caused the death of another minor through abuse or neglect;

(ii) committed, aided, abetted, attempted, conspired, or solicited to commit:

- 4756 (A) murder or manslaughter of a minor; or
4757 (B) child abuse homicide;
4758 (iii) committed sexual abuse against the minor;
4759 (iv) is [~~a registered sex offender or required to register as a sex offender~~] a sex
4760 offender under Subsection 53-29-202(2)(b); or
4761 (v)(A) intentionally, knowingly, or recklessly causes the death of another parent
4762 of the minor;
4763 (B) is identified by a law enforcement agency as the primary suspect in an
4764 investigation for intentionally, knowingly, or recklessly causing the death of
4765 another parent of the minor; or
4766 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
4767 recklessly causing the death of another parent of the minor;
4768 (e) the minor suffered severe abuse by the parent or by any individual known by the
4769 parent if the parent knew or reasonably should have known that the individual was
4770 abusing the minor;
4771 (f) the minor is adjudicated as an abused minor as a result of severe abuse by the parent,
4772 and the juvenile court finds that it would not benefit the minor to pursue reunification
4773 services with the offending parent;
4774 (g) the parent's rights are terminated with regard to any other minor;
4775 (h) the minor was removed from the minor's home on at least two previous occasions
4776 and reunification services were offered or provided to the family at those times;
4777 (i) the parent has abandoned the minor for a period of six months or longer;
4778 (j) the parent permitted the minor to reside, on a permanent or temporary basis, at a
4779 location where the parent knew or should have known that a clandestine laboratory
4780 operation was located;
4781 (k) except as provided in Subsection (6)(b), with respect to a parent who is the minor's
4782 birth mother, the minor has fetal alcohol syndrome, fetal alcohol spectrum disorder,
4783 or was exposed to an illegal or prescription drug that was abused by the minor's
4784 mother while the minor was in utero, if the minor was taken into division custody for
4785 that reason, unless the mother agrees to enroll in, is currently enrolled in, or has
4786 recently and successfully completed a substance use disorder treatment program
4787 approved by the department; or
4788 (l) any other circumstance that the juvenile court determines should preclude
4789 reunification efforts or services.

- (6)(a) The juvenile court shall base the finding under Subsection (5)(b) on competent evidence from at least two medical or mental health professionals, who are not associates, establishing that, even with the provision of services, the parent is not likely to be capable of adequately caring for the minor within 12 months after the day on which the juvenile court finding is made.
- (b) The juvenile court may disregard the provisions of Subsection (5)(k) if the juvenile court finds, under the circumstances of the case, that the substance use disorder treatment described in Subsection (5)(k) is not warranted.
- (7) In determining whether reunification services are appropriate, the juvenile court shall take into consideration:
- (a) failure of the parent to respond to previous services or comply with a previous child and family plan;
 - (b) the fact that the minor was abused while the parent was under the influence of drugs or alcohol;
 - (c) any history of violent behavior directed at the minor or an immediate family member;
 - (d) whether a parent continues to live with an individual who abused the minor;
 - (e) any patterns of the parent's behavior that have exposed the minor to repeated abuse;
 - (f) testimony by a competent professional that the parent's behavior is unlikely to be successful; and
 - (g) whether the parent has expressed an interest in reunification with the minor.
- (8) If, under Subsections (5)(b) through (l), the juvenile court does not order reunification services, a permanency hearing shall be conducted within 30 days in accordance with Section 80-3-409.
- (9)(a) Subject to Subsections (9)(b) through (e), if the juvenile court determines that reunification services are appropriate for the minor and the minor's family, the juvenile court shall provide for reasonable parent-time with the parent or parents from whose custody the minor was removed, unless parent-time is not in the best interest of the minor.
- (b) Parent-time is in the best interests of a minor unless the juvenile court makes a finding that it is necessary to deny parent-time in order to:
- (i) protect the physical safety of the minor;
 - (ii) protect the life of the minor; or
 - (iii) prevent the minor from being traumatized by contact with the parent due to the minor's fear of the parent in light of the nature of the alleged abuse or neglect.

(c) Notwithstanding Subsection (9)(a), a juvenile court may not deny parent-time based solely on a parent's failure to:

(i) prove that the parent has not used legal or illegal substances; or

(ii) comply with an aspect of the child and family plan that is ordered by the juvenile court.

(d) Parent-time shall be under the least restrictive conditions necessary to:

(i) protect the physical safety of the child; or

(ii) prevent the child from being traumatized by contact with the parent due to the minor's fear of the parent in light of the nature of the alleged abuse or neglect.

(e)(i) The division or the person designated by the division or a court to supervise a parent-time session may deny parent-time for the session if the division or the supervising person determines that, based on the parent's condition, it is necessary to deny parent-time to:

(A) protect the physical safety of the child;

(B) protect the life of the child; or

(C) consistent with Subsection (9)(e)(ii), prevent the child from being traumatized by contact with the parent.

(ii) In determining whether the condition of the parent described in Subsection (9)(e)(i) will traumatize a child, the division or the person supervising the parent-time session shall consider the impact that the parent's condition will have on the child in light of:

(A) the child's fear of the parent; and

(B) the nature of the alleged abuse or neglect.

(10)(a) If the juvenile court determines that reunification services are appropriate, the juvenile court shall order that the division make reasonable efforts to provide services to the minor and the minor's parent for the purpose of facilitating reunification of the family, for a specified period of time.

(b) In providing the services described in Subsection (10)(a), the juvenile court and the division shall consider the minor's health, safety, and welfare as the paramount concern.

(11) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or severe neglect are involved:

(a) the juvenile court does not have any duty to order reunification services; and

(b) the division does not have a duty to make reasonable efforts to or in any other way

- 4858 attempt to provide reunification services or attempt to rehabilitate the offending
4859 parent or parents.
- 4860 (12)(a) The juvenile court shall:
- 4861 (i) determine whether the services offered or provided by the division under the child
4862 and family plan constitute reasonable efforts on the part of the division;
- 4863 (ii) determine and define the responsibilities of the parent under the child and family
4864 plan in accordance with Subsection 80-3-307(5)(g)(iii); and
- 4865 (iii) identify verbally on the record, or in a written document provided to the parties,
4866 the responsibilities described in Subsection (12)(a)(ii), for the purpose of assisting
4867 in any future determination regarding the provision of reasonable efforts, in
4868 accordance with state and federal law.
- 4869 (b) If the parent is in a substance use disorder treatment program, other than a certified
4870 drug court program, the juvenile court may order the parent:
- 4871 (i) to submit to supplementary drug or alcohol testing, in accordance with Subsection
4872 80-3-110(6), in addition to the testing recommended by the parent's substance use
4873 disorder program based on a finding of reasonable suspicion that the parent is
4874 abusing drugs or alcohol; and
- 4875 (ii) to provide the results of drug or alcohol testing recommended by the substance
4876 use disorder program to the juvenile court or division.
- 4877 (13)(a) The time period for reunification services may not exceed 12 months from the
4878 day on which the minor was initially removed from the minor's home, unless the time
4879 period is extended under Subsection 80-3-409(7).
- 4880 (b) This section does not entitle any parent to an entire 12 months of reunification
4881 services.
- 4882 (14)(a) If reunification services are ordered, the juvenile court may terminate those
4883 services at any time.
- 4884 (b) If, at any time, continuation of reasonable efforts to reunify a minor is determined to
4885 be inconsistent with the final permanency plan for the minor established under
4886 Section 80-3-409, then measures shall be taken, in a timely manner, to:
- 4887 (i) place the minor in accordance with the final permanency plan; and
- 4888 (ii) complete whatever steps are necessary to finalize the permanent placement of the
4889 minor.
- 4890 (15) Any physical custody of the minor by the parent or a relative during the period
4891 described in Subsections (10) through (14) does not interrupt the running of the period.

- 4892 (16)(a) If reunification services are ordered, the juvenile court shall conduct a
4893 permanency hearing in accordance with Section 80-3-409 before the day on which
4894 the time period for reunification services expires.
- 4895 (b) The permanency hearing shall be held no later than 12 months after the original
4896 removal of the minor.
- 4897 (c) If reunification services are not ordered, a permanency hearing shall be conducted
4898 within 30 days in accordance with Section 80-3-409.
- 4899 (17) With regard to a minor in the custody of the division whose parent or parents are
4900 ordered to receive reunification services but who have abandoned that minor for a period
4901 of six months from the day on which reunification services are ordered:
- 4902 (a) the juvenile court shall terminate reunification services; and
4903 (b) the division shall petition the juvenile court for termination of parental rights.
- 4904 (18) When a minor is under the custody of the division and has been separated from a
4905 sibling due to foster care or adoptive placement, a juvenile court may order sibling
4906 visitation, subject to the division obtaining consent from the sibling's guardian,
4907 according to the juvenile court's determination of the best interests of the minor for
4908 whom the hearing is held.
- 4909 (19)(a) If reunification services are not ordered under this section, and the whereabouts
4910 of a parent becomes known within six months after the day on which the out-of-home
4911 placement of the minor is made, the juvenile court may order the division to provide
4912 reunification services.
- 4913 (b) The time limits described in this section are not tolled by the parent's absence.
- 4914 (20)(a) If a parent is incarcerated or institutionalized, the juvenile court shall order
4915 reasonable services unless the juvenile court determines that those services would be
4916 detrimental to the minor.
- 4917 (b) In making the determination described in Subsection (20)(a), the juvenile court shall
4918 consider:
- 4919 (i) the age of the minor;
4920 (ii) the degree of parent-child bonding;
4921 (iii) the length of the sentence;
4922 (iv) the nature of the treatment;
4923 (v) the nature of the crime or illness;
4924 (vi) the degree of detriment to the minor if services are not offered;
4925 (vii) for a minor who is 10 years old or older, the minor's attitude toward the

4926 implementation of family reunification services; and

4927 (viii) any other appropriate factors.

4928 (c) Reunification services for an incarcerated parent are subject to the time limitations
4929 imposed in this section.

4930 (d) Reunification services for an institutionalized parent are subject to the time
4931 limitations imposed in this section, unless the juvenile court determines that
4932 continued reunification services would be in the minor's best interest.

4933 Section 60. Section **80-5-201** is amended to read:

4934 **80-5-201 (Effective 05/07/25). Division responsibilities.**

4935 (1) The division is responsible for all minors committed to the division by juvenile courts
4936 under Sections 80-6-703 and 80-6-705.

4937 (2) The division shall:

4938 (a) establish and administer a continuum of community, secure, and nonsecure programs
4939 for all minors committed to the division;

4940 (b) establish and maintain all detention and secure care facilities and set minimum
4941 standards for all detention and secure care facilities;

4942 (c) establish and operate prevention and early intervention youth services programs for
4943 nonadjudicated minors placed with the division;

4944 (d) establish observation and assessment programs necessary to serve minors in a
4945 nonresidential setting under Subsection 80-6-706(1);

4946 (e) place minors committed to the division under Section 80-6-703 in the most
4947 appropriate program for supervision and treatment;

4948 (f) employ staff necessary to:

4949 (i) supervise and control minors committed to the division for secure care or
4950 placement in the community;

4951 (ii) supervise and coordinate treatment of minors committed to the division for
4952 placement in community-based programs; and

4953 (iii) control and supervise adjudicated and nonadjudicated minors placed with the
4954 division for temporary services in juvenile receiving centers, youth services, and
4955 other programs established by the division;

4956 (g) control or detain a minor committed to the division, or in the temporary custody of
4957 the division, in a manner that is consistent with public safety and rules made by the
4958 division;

4959 (h) establish and operate work programs for minors committed to the division by the

- juvenile court that:
- (i) are not residential;
 - (ii) provide labor to help in the operation, repair, and maintenance of public facilities, parks, highways, and other programs designated by the division;
 - (iii) provide educational and prevocational programs in cooperation with the State Board of Education for minors placed in the program; and
 - (iv) provide counseling to minors;
- (i) establish minimum standards for the operation of all private residential and nonresidential rehabilitation facilities that provide services to minors who have committed an offense in this state or in any other state;
- (j) provide regular training for secure care staff, detention staff, case management staff, and staff of the community-based programs;
- (k) designate employees to obtain the saliva DNA specimens required under Section 53-10-403;
- (l) ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol;
- (m) register an individual with the Department of Public Safety who:
- (i) is adjudicated for an offense [~~listed in Subsection 77-41-102(1) or 77-41-102(19)~~]
that would result in the individual being a child abuse offender under Subsection 53-29-202(2)(a) or a sex offender under Subsection 53-29-202(2)(b);
 - (ii) is committed to the division for secure care; and
 - (iii)(A) if the individual is a youth offender, remains in the division's custody 30 days before the individual's 21st birthday; or
(B) if the individual is a serious youth offender, remains in the division's custody 30 days before the individual's 25th birthday; and
- (n) ensure that a program delivered to a minor under this section is an evidence-based program in accordance with Section 63M-7-208.
- (3)(a) The division is authorized to employ special function officers, as defined in Section 53-13-105, to:
- (i) locate and apprehend minors who have absconded from division custody;
 - (ii) transport minors taken into custody in accordance with division policy;
 - (iii) investigate cases; and
 - (iv) carry out other duties as assigned by the division.
- (b) A special function officer may be:

- 4994 (i) employed through a contract with the Department of Public Safety, or any law
4995 enforcement agency certified by the Peace Officer Standards and Training
4996 Division; or
4997 (ii) directly hired by the division.
- 4998 (4) In the event of an unauthorized leave from secure care, detention, a community-based
4999 program, a juvenile receiving center, a home, or any other designated placement of a
5000 minor, a division employee has the authority and duty to locate and apprehend the
5001 minor, or to initiate action with a local law enforcement agency for assistance.
- 5002 (5) The division may proceed with an initial medical screening or assessment of a child
5003 admitted to a detention facility to ensure the safety of the child and others in the
5004 detention facility if the division makes a good faith effort to obtain consent for the
5005 screening or assessment from the child's parent or guardian.
- 5006 Section 61. Section **80-8-101** is amended to read:
5007 **80-8-101 (Effective 05/07/25). Definitions.**
5008 As used in this chapter:
- 5009 (1) "Child" means an individual under 18 years old.
- 5010 (2) "Registered sex offender check" means a search of:
5011 (a) the ~~[state's Sex and Kidnap Offender Registry]~~ registry described in ~~[Title 77, Chapter~~
5012 ~~41, Sex and Kidnap Offender Registry]~~ Title 53, Chapter 29, Sex, Kidnap, and Child
5013 Abuse Offender Registry; and
5014 (b) the National Sex Offender Public Website administered by the United States
5015 Department of Justice.
- 5016 (3) "Sexual abuse" means the same as that term is defined in Section 78B-2-308.
- 5017 (4)(a) "Youth services organization" means a sports league, athletic association, church
5018 or religious organization, scouting organization, or similar formally organized
5019 association, league, or organization, that provides recreational, educational, cultural,
5020 or social programs or activities to 25 or more children.
- 5021 (b) "Youth services organization" does not include any person that is required to conduct
5022 a background check on employees or volunteers under any other provision of state or
5023 federal law.
- 5024 (5) "Youth worker" means an individual:
5025 (a) who is 18 years old or older;
5026 (b) who is employed by or volunteers with a youth services organization; and
5027 (c) whose responsibilities as an employee or volunteer with the youth services

5028 organization give the individual regular and repeated care, supervision, guidance, or
5029 control of a child or children.

5030 Section 62. Section **80-8-201** is amended to read:

5031 **80-8-201 (Effective 05/07/25). Youth protection requirements.**

5032 (1) A youth service organization may not employ a youth worker or allow an individual to
5033 volunteer as a youth worker unless the youth service organization has completed a
5034 registered sex offender check for the individual.

5035 (2) A youth services organization shall require a potential youth worker to provide the
5036 individual's full name and a current, government-issued identification to facilitate the
5037 registered sex offender check required by Subsection (1).

5038 (3) If an individual is registered on the [~~state's Sex and Kidnap Offender Registry~~] registry
5039 described in Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or
5040 the National Sex Offender Public Website, a youth service organization may not employ
5041 the individual as a youth worker or allow the individual to volunteer as a youth worker.

5042 Section 63. Section **81-9-202** is amended to read:

5043 **81-9-202 (Effective 05/07/25). Advisory guidelines for a custody and parent-time**
5044 **arrangement.**

5045 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,
5046 the following advisory guidelines are suggested to govern a custody and parent-time
5047 arrangement between parents.

5048 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a
5049 court-imposed solution.

5050 (3) A parent-time schedule shall be used to maximize the continuity and stability of the
5051 minor child's life.

5052 (4) Each parent shall give special consideration to make the minor child available to attend
5053 family functions including funerals, weddings, family reunions, religious holidays,
5054 important ceremonies, and other significant events in the life of the minor child or in the
5055 life of either parent which may inadvertently conflict with the parent-time schedule.

5056 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return
5057 of the minor child when the parent-time order is entered.

5058 (b) The court may change the responsibility described in Subsection (5)(a) at any time a
5059 subsequent modification is made to the parent-time order.

5060 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:
5061 (i) have the minor child ready for parent-time at the time the minor child is to be

- 5062 picked up ; and
- 5063 (ii) be present at the custodial home or make reasonable alternate arrangements to
- 5064 receive the minor child at the time the minor child is returned.
- 5065 (d) If the custodial parent will be transporting the minor child, the noncustodial parent
- 5066 shall:
- 5067 (i) be at the appointed place at the time the noncustodial parent is to receive the
- 5068 minor child; and
- 5069 (ii) have the minor child ready to be picked up at the appointed time and place or
- 5070 have made reasonable alternate arrangements for the custodial parent to pick up
- 5071 the minor child.
- 5072 (6) A parent may not interrupt regular school hours for a school-age minor child for the
- 5073 exercise of parent-time.
- 5074 (7) The court may:
- 5075 (a) make alterations in the parent-time schedule to reasonably accommodate the work
- 5076 schedule of both parents; and
- 5077 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the
- 5078 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 5079 (8) The court may make alterations in the parent-time schedule to reasonably accommodate
- 5080 the distance between the parties and the expense of exercising parent-time.
- 5081 (9) A parent may not withhold parent-time or child support due to the other parent's failure
- 5082 to comply with a court-ordered parent-time schedule.
- 5083 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of
- 5084 receiving notice of all significant school, social, sports, and community functions in
- 5085 which the minor child is participating or being honored.
- 5086 (b) The noncustodial parent is entitled to attend and participate fully in the functions
- 5087 described in Subsection (10)(a).
- 5088 (c) The noncustodial parent shall have access directly to all school reports including
- 5089 preschool and daycare reports and medical records.
- 5090 (d) A parent shall immediately notify the other parent in the event of a medical
- 5091 emergency.
- 5092 (11) Each parent shall provide the other with the parent's current address and telephone
- 5093 number, email address, and other virtual parent-time access information within 24 hours
- 5094 of any change.
- 5095 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable

5096 and uncensored communications with the minor child, in the form of mail privileges
5097 and virtual parent-time if the equipment is reasonably available.

5098 (b) If the parents cannot agree on whether the equipment is reasonably available, the
5099 court shall decide whether the equipment for virtual parent-time is reasonably
5100 availableby taking into consideration:

5101 (i) the best interests of the minor child;

5102 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and

5103 (iii) any other factors the court considers material.

5104 (13)(a) Parental care is presumed to be better care for the minor child than surrogate
5105 care.

5106 (b) The court shall encourage the parties to cooperate in allowing the noncustodial
5107 parent, if willing and able to transport the minor child, to provide the child care.

5108 (c) Child care arrangements existing during the marriage are preferred as are child care
5109 arrangements with nominal or no charge.

5110 (14) Each parent shall:

5111 (a) provide all surrogate care providers with the name, current address, and telephone
5112 number of the other parent; and

5113 (b) provide the noncustodial parent with the name, current address, and telephone
5114 number of all surrogate care providers unless the court for good cause orders
5115 otherwise.

5116 (15)(a) Each parent is entitled to an equal division of major religious holidays
5117 celebrated by the parents.

5118 (b) The parent who celebrates a religious holiday that the other parent does not celebrate
5119 shall have the right to be together with the minor child on the religious holiday.

5120 (16) If the minor child is on a different parent-time schedule than a sibling, based on
5121 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for
5122 parent-time with all the minor children so that parent-time is uniform between school
5123 aged and nonschool aged children, is appropriate.

5124 (17)(a) When one or both parents are servicemembers or contemplating joining a
5125 uniformed service, the parents should resolve issues of custodial responsibility in the
5126 event of deployment as soon as practicable through reaching a voluntary agreement
5127 pursuant to Section 78B-20-201 or through court order obtained pursuant to this part.

5128 (b) Service members shall ensure their family care plan reflects orders and agreements
5129 entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents

5130 Custody, Parent-time, and Visitation Act.

5131 (18) A parent shall immediately notify the other parent if:

5132 (a) the parent resides with an individual or provides an individual with access to the
5133 minor child; and

5134 (b) the parent knows that the individual:

5135 (i) is required to register as a sex offender,~~[-or] a kidnap offender, or a child abuse~~
5136 ~~offender for an offense committed against a minor child under [Title 77, Chapter~~
5137 ~~41, Sex and Kidnap Offender Registry] Title 53, Chapter 29, Sex, Kidnap, and~~
5138 ~~Child Abuse Offender Registry; or~~

5139 ~~[(ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child Abuse~~
5140 ~~Offender Registry; or]~~

5141 ~~[(iii)]~~ (ii) has been convicted of:

5142 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
5143 76-5-114, or 76-5-208;

5144 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
5145 Offenses;

5146 (C) an offense for kidnapping or human trafficking of a minor child under Title
5147 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

5148 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
5149 Sexual Exploitation Act; or

5150 (E) an offense that is substantially similar to an offense under Subsections [
5151 ~~(18)(b)(iii)(A)] (18)(b)(ii)(A)~~ through (D).

5152 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the
5153 parent shall provide the following information to the other parent:

5154 (i) an itinerary of travel dates;

5155 (ii) destinations;

5156 (iii) places where the minor child or traveling parent can be reached; and

5157 (iv) the name and telephone number of an available third person who would be
5158 knowledgeable of the minor child's location.

5159 (b) Unchaperoned travel of a minor child under the age of five years is not
5160 recommended.

5161 Section 64. Section **81-9-208** is amended to read:

5162 **81-9-208 (Effective 05/07/25). Modification or termination of a custody or**
5163 **parent-time order -- Noncompliance with a parent-time order.**

- 5164 (1) The court has continuing jurisdiction to make subsequent changes to modify:
- 5165 (a) custody of a minor child if there is a showing of a substantial and material change in
- 5166 circumstances since the entry of the order; and
- 5167 (b) parent-time for a minor child if there is a showing that there is a change in
- 5168 circumstances since the entry of the order.
- 5169 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
- 5170 showing by a parent that the other parent:
- 5171 (a) resides with an individual or provides an individual with access to the minor child;
- 5172 and
- 5173 (b) knows that the individual:
- 5174 (i) is required to register as a sex offender,~~[or]~~ a kidnap offender, or a child abuse
- 5175 offender for an offense committed against a minor child under ~~[Title 77, Chapter~~
- 5176 ~~41, Sex and Kidnap Offender Registry]~~ Title 53, Chapter 29, Sex, Kidnap, and
- 5177 Child Abuse Offender Registry; or
- 5178 ~~[(ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child Abuse~~
- 5179 ~~Offender Registry; or]~~
- 5180 ~~[(iii)]~~ (ii) has been convicted of:
- 5181 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
- 5182 76-5-114, or 76-5-208;
- 5183 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
- 5184 Offenses;
- 5185 (C) an offense for kidnapping or human trafficking of a minor child under Title
- 5186 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 5187 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
- 5188 Sexual Exploitation Act; or
- 5189 (E) an offense that is substantially similar to an offense under Subsections [
- 5190 ~~(2)(b)(iii)(A)]~~ ~~(2)(b)(ii)(A)~~ through (D).
- 5191 (3) On the petition of one or both of the parents, or the joint legal or physical custodians if
- 5192 they are not the parents, the court may, after a hearing, modify or terminate an order that
- 5193 established joint legal custody or joint physical custody if:
- 5194 (a) the verified petition or accompanying affidavit initially alleges that admissible
- 5195 evidence will show that there has been a substantial and material change in the
- 5196 circumstances of the minor child or one or both parents or joint legal or physical
- 5197 custodians since the entry of the order to be modified;

(b) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child; and

(c)(i) both parents have complied in good faith with the dispute resolution procedure in accordance with Subsection 81-9-205(8); or

(ii) if no dispute resolution procedure is contained in the order that established joint legal custody or joint physical custody, the court orders the parents to participate in a dispute resolution procedure in accordance with Subsection 81-9-205(13) unless the parents certify that, in good faith, they have used a dispute resolution procedure to resolve their dispute.

(4)(a) In determining whether the best interest of a minor child will be served by either modifying or terminating the joint legal custody or joint physical custody order, the court shall, in addition to other factors the court considers relevant, consider the factors described in Sections 81-9-204 and 81-9-205.

(b) A court order modifying or terminating an existing joint legal custody or joint physical custody order shall contain written findings that:

(i) a substantial and material change of circumstance has occurred; and

(ii) a modification of the terms and conditions of the order would be an improvement for and in the best interest of the minor child.

(c) The court shall give substantial weight to the existing joint legal custody or joint physical custody order when the minor child is thriving, happy, and well-adjusted.

(5) The court shall, in every case regarding a petition for termination of a joint legal custody or joint physical custody order, consider reasonable alternatives to preserve the existing order in accordance with Section 81-9-204.

(6) The court may modify the terms and conditions of the existing order in accordance with this chapter and may order the parents to file a parenting plan in accordance with Section 81-9-203.

(7) A parent requesting a modification from sole custody to joint legal custody or joint physical custody or both, or any other type of shared parenting arrangement, shall file and serve a proposed parenting plan with the petition to modify in accordance with Section 81-9-203.

(8) If an issue before the court involves custodial responsibility in the event of deployment of one or both parents who are service members, and the service member has not yet been notified of deployment, the court shall resolve the issue based on the standards in Sections 78B-20-306 through 78B-20-309.

- (9) If the court finds that an action to modify custody or parent-time is filed or answered frivolously and, in a manner, designed to harass the other party, the court shall assess attorney fees as costs against the offending party.
- (10) If a petition to modify custody or parent-time provisions of a court order is made and denied, the court shall order the petitioner to pay the reasonable attorney fees expended by the prevailing party in that action if the court determines that the petition was without merit and not asserted or defended against in good faith.
- (11) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a visitation order by a grandparent or other member of the immediate family where a visitation or parent-time right has been previously granted by the court, the court:
- (a) may award to the prevailing party:
 - (i) actual attorney fees incurred;
 - (ii) the costs incurred by the prevailing party because of the other party's failure to provide or exercise court-ordered visitation or parent-time, including:
 - (A) court costs;
 - (B) child care expenses;
 - (C) transportation expenses actually incurred;
 - (D) lost wages, if ascertainable; or
 - (E) counseling for a parent or a minor child if ordered or approved by the court; or
 - (iii) any other appropriate equitable remedy; and
 - (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up parent-time is not in the best interest of the minor child.
- Section 65. Repealer.**
- This bill repeals:
- Section 77-41-102, (Effective 05/07/25)Definitions.**
- Section 77-41-103, (Effective 05/07/25)Department duties.**
- Section 77-41-104, (Effective 05/07/25)Registration of offenders -- Department and agency requirements.**
- Section 77-41-106, (Effective 05/07/25)Offenses requiring lifetime registration.**
- Section 77-41-107, (Effective 05/07/25)Penalties.**
- Section 77-41-108, (Effective 05/07/25)Classification of information.**
- Section 77-41-109, (Effective 05/07/25)Miscellaneous provisions.**
- Section 77-41-110, (Effective 05/07/25)Sex offender, kidnap offender, and child abuse offender registry -- Department to maintain.**

5266 Section **77-41-111**, (Effective 05/07/25)Fees.
5267 Section **77-41-112**, (Effective 05/07/25)Removal from registry -- Requirements --
5268 **Procedure.**
5269 Section **77-41-113**, (Effective 05/07/25)Removal for offenses or convictions for which
5270 **registration is no longer required.**
5271 Section **77-41-114**, (Effective 05/07/25)Registration for individuals under 18 years old
5272 **at the time of the offense.**
5273 Section **77-41-105**, (Effective 05/07/25)Registration of offenders -- Offender
5274 **responsibilities.**
5275 Section 66. **Effective Date.**
5276 This bill takes effect on May 7, 2025.