

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

109

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;

- 133 (iii) a sexual offense;
- 134 (iv) a felony involving a motor vehicle;
- 135 (v) a crime involving property damage;
- 136 (vi) a crime involving theft;
- 137 (vii) a crime of violence; or
- 138 (viii) an act of terror;
- 139 (c) is required to register as a sex offender, kidnap offender, or child abuse offender in
 140 accordance with [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender~~
 141 ~~Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry;
- 142 (d) does not have a valid Utah driver license; or
- 143 (e) is not at least 18 years old.
- 144 (3)(a) A transportation network company shall prohibit a transportation network driver
 145 from accepting a request for a prearranged ride if the motor vehicle that the
 146 transportation network driver uses to provide transportation network services fails to
 147 comply with:
- 148 (i) equipment standards described in Section 41-6a-1601; and
- 149 (ii) emission requirements adopted by a county under Section 41-6a-1642.
- 150 (b)(i) If upon visual inspection, a defect relating to the equipment standards
 151 described in Section 41-6a-1601 can be reasonably identified, an airport operator
 152 may perform a safety inspection of a transportation network driver's vehicle
 153 operating within the airport to ensure compliance with equipment standards
 154 described in Section 41-6a-1601.
- 155 (ii) An airport operator shall conduct all inspections under this Subsection (3) in such
 156 a manner to minimize impact to the transportation network driver's and
 157 transportation network company vehicle's availability to provide prearranged rides.
- 158 (4) A transportation network driver, while providing transportation network services, shall
 159 carry proof, in physical or electronic form, that the transportation network driver is
 160 covered by insurance that satisfies the requirements of Section 13-51-108.

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

162 **13-67-101 (Effective 05/07/25). Definitions.**

163 As used in this chapter:

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

- 167 conviction and is conducted by searching:
- 168 (a) available and regularly updated government public record databases that in the
- 169 aggregate provide national coverage for criminal conviction records; or
- 170 (b) a regularly updated database with national coverage of criminal conviction records
- 171 and sexual offender registries maintained by a private vendor.
- 172 (3)(a) "Criminal conviction" means a conviction for a crime in this state, another state,
- 173 or under federal law.
- 174 (b) "Criminal conviction" includes an offense that would require registration under [~~Title~~
- 175 ~~77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter
- 176 29, Sex, Kidnap, and Child Abuse Offender Registry, or under a similar law in a
- 177 different jurisdiction.
- 178 (4) "Division" means the Division of Consumer Protection in the Department of Commerce.
- 179 (5) "Fraud ban" means the expulsion of a member from an online dating service because, in
- 180 the judgment of the online dating service provider, there is a significant risk the member
- 181 will attempt to obtain money from another member through fraudulent means.
- 182 (6) "Member" means an individual who submits to an online dating service provider the
- 183 information required by the online dating service provider to access the online dating
- 184 service provider's online dating service.
- 185 (7) "Online dating service" means a product or service that is:
- 186 (a) conducted through a website or a mobile application; and
- 187 (b) primarily marketed and intended to offer a member access to dating or romantic
- 188 relationships with another member by arranging or facilitating the social introduction
- 189 of members.
- 190 (8) "Online dating service provider" means a person [~~predominately~~] predominantly
- 191 engaged in the business of offering an online dating service.
- 192 (9) "Utah member" means a member who provides a Utah billing address or zip code when
- 193 registering with an online dating service provider.

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

195 **26B-2-120 (Effective 05/07/25). Background check -- Direct access to children or**

196 **vulnerable adults.**

- 197 (1) As used in this section:
- 198 (a)(i) "Applicant" means an individual who is associated with a certification,
- 199 contract, or licensee with the department under this part and has direct access,
- 200 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;

- 269 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or
270 exploitation database described in Section 26B-6-210;
- 271 (iv) juvenile court arrest, adjudication, and disposition records;
- 272 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in [~~Title 77,~~
273 ~~Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry]~~ Title 53, Chapter
274 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex offender
275 registry; or
- 276 (vi) a state child abuse or neglect registry.
- 277 (j) "Office" means the Office of Background Processing within the department.
- 278 (k) "Personal identifying information" means:
- 279 (i) current name, former names, nicknames, and aliases;
- 280 (ii) date of birth;
- 281 (iii) physical address and email address;
- 282 (iv) telephone number;
- 283 (v) driver license or other government-issued identification;
- 284 (vi) social security number;
- 285 (vii) only for applicants who are 18 years old or older, fingerprints, in a form
286 specified by the office; and
- 287 (viii) other information specified by the office by rule made in accordance with Title
288 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 289 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the
290 following to the office:
- 291 (a) personal identifying information;
- 292 (b) a fee established by the office under Section 63J-1-504;
- 293 (c) a disclosure form, specified by the office, for consent for:
- 294 (i) an initial background check upon association with a certification, contract, or
295 licensee with the department;
- 296 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a
297 certification, contract, or licensee with the department for 180 days;
- 298 (iii) a background check when the office determines that reasonable cause exists; and
- 299 (iv) retention of personal identifying information, including fingerprints, for
300 monitoring and notification as described in Subsections (3)(c) and (4);
- 301 (d) if an applicant resided outside of the United States and its territories during the five
302 years immediately preceding the day on which the information described in

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

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

311 (3) The office:

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

314 (i) check state and regional criminal background databases for the applicant's
315 criminal history by:

316 (A) submitting personal identifying information to the bureau for a search; or

317 (B) using the applicant's personal identifying information to search state and

318 regional criminal background databases as authorized under Section 53-10-108;

319 (ii) submit the applicant's personal identifying information and fingerprints to the
320 bureau for a criminal history search of applicable national criminal background
321 databases;

322 (iii) search the Division of Child and Family Services' Licensing Information System
323 described in Section 80-2-1002;

324 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in [~~Title~~
325 ~~77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53,

326 Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex
327 offender registry for an applicant 18 years old or older;

328 (v) if the applicant is associated with a licensee for a prospective foster or adoptive
329 parent, search the Division of Child and Family Services' Management
330 Information System described in Section 80-2-1001;

331 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,
332 or exploitation database described in Section 26B-6-210;

333 (vii) search the juvenile court records for substantiated findings of severe child abuse
334 or neglect described in Section 80-3-404; and

335 (viii) search the juvenile court arrest, adjudication, and disposition records, as
336 provided under Section 78A-6-209;

- 337 (b) may conduct all or portions of a background check in connection with determining
338 whether an applicant is direct access qualified, as provided by rule, made by the
339 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
340 (i) for an annual renewal; or
341 (ii) when the office determines that reasonable cause exists;
- 342 (c) may submit an applicant's personal identifying information, including fingerprints, to
343 the bureau for checking, retaining, and monitoring of state and national criminal
344 background databases and for notifying the office of new criminal activity associated
345 with the applicant;
- 346 (d) shall track the status of an applicant under this section to ensure that the applicant is
347 not required to duplicate the submission of the applicant's fingerprints if the applicant
348 is associated with more than one certification, contract, or licensee with the
349 department;
- 350 (e) shall notify the bureau when a direct access qualified individual has not been
351 associated with a certification, contract, or licensee with the department for a period
352 of 180 days;
- 353 (f) shall adopt measures to strictly limit access to personal identifying information solely
354 to the individuals responsible for processing and entering the applications for
355 background checks and to protect the security of the personal identifying information
356 the office reviews under this Subsection (3);
- 357 (g) as necessary to comply with the federal requirement to check a state's child abuse
358 and neglect registry regarding any applicant working in a congregate care program,
359 shall:
- 360 (i) search the Division of Child and Family Services' Licensing Information System
361 described in Section 80-2-1002; and
362 (ii) require the child abuse and neglect registry be checked in each state where an
363 applicant resided at any time during the five years immediately preceding the day
364 on which the application is submitted to the office; and
- 365 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
366 Rulemaking Act, to implement the provisions of this Subsection (3) relating to
367 background checks.
- 368 (4)(a) With the personal identifying information the office submits to the bureau under
369 Subsection (3), the bureau shall check against state and regional criminal background
370 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.

- 439 (ii) The office shall conduct a comprehensive review of an applicant described in
440 Subsection (5)(b)(i) in accordance with Subsection (7).
- 441 (c) The office shall deny direct access qualified status to an applicant if the office finds
442 that a court order prohibits the applicant from having direct access to a child or
443 vulnerable adult.
- 444 (6) The office shall conduct a comprehensive review of an applicant's background check if
445 the applicant:
- 446 (a) has a felony or class A misdemeanor conviction that is more than three years from
447 the date on which the office conducts the background check, for an offense described
448 in Subsection (5)(a);
- 449 (b) has a felony charge or conviction that is no more than 10 years from the date on
450 which the office conducts the background check for an offense not described in
451 Subsection (5)(a);
- 452 (c) has a felony charge or conviction that is more than 10 years from the date on which
453 the office conducts the background check, for an offense not described in Subsection
454 (5)(a), with criminal or non-criminal findings after the date of the felony charge or
455 conviction;
- 456 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than
457 three years and no more than 10 years from the date on which the office conducts the
458 background check for an offense described in Subsection (5)(a);
- 459 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10
460 years from the date on which the office conducts the background check, for an
461 offense described in Subsection (5)(a), with criminal or non-criminal findings after
462 the date of conviction;
- 463 (f) has a misdemeanor charge or conviction that is no more than three years from the
464 date on which the office conducts the background check for an offense not described
465 in Subsection (5)(a);
- 466 (g) has a misdemeanor charge or conviction that is more than three years from the date
467 on which the office conducts the background check, for an offense not described in
468 Subsection (5)(a), with criminal or non-criminal findings after the date of charge or
469 conviction;
- 470 (h) is currently subject to a plea in abeyance or diversion agreement for an offense
471 described in Subsection (5)(a);
- 472 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in [Title

- 473 ~~77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry]~~ Title 53, Chapter
474 29, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex offender
475 registry;
- 476 (j) has a record of an adjudication in juvenile court for an act that, if committed by an
477 adult, would be a felony or misdemeanor, if the applicant is:
- 478 (i) under 28 years old; or
479 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is
480 currently subject to a plea in abeyance or diversion agreement for a felony or a
481 misdemeanor offense described in Subsection (5)(a);
- 482 (k) has a pending charge for an offense described in Subsection (5)(a);
- 483 (l) has a listing that occurred no more than 15 years from the date on which the office
484 conducts the background check in the Division of Child and Family Services'
485 Licensing Information System described in Section 80-2-1002;
- 486 (m) has a listing that occurred more than 15 years from the date on which the office
487 conducts the background check in the Division of Child and Family Services'
488 Licensing Information System described in Section 80-2-1002, with criminal or
489 non-criminal findings after the date of the listing;
- 490 (n) has a listing that occurred no more than 15 years from the date on which the office
491 conducts the background check in the Division of Aging and Adult Services'
492 vulnerable adult abuse, neglect, or exploitation database described in Section
493 26B-6-210;
- 494 (o) has a listing that occurred more than 15 years from the date on which the office
495 conducts the background check in the Division of Aging and Adult Services'
496 vulnerable adult abuse, neglect, or exploitation database described in Section
497 26B-6-210, with criminal or non-criminal findings after the date of the listing;
- 498 (p) has a substantiated finding that occurred no more than 15 years from the date on
499 which the office conducts the background check of severe child abuse or neglect
500 under Section 80-3-404 or 80-3-504[-]; or
- 501 (q) has a substantiated finding that occurred more than 15 years from the date on which
502 the office conducts the background check of severe child abuse or neglect under
503 Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of
504 the listing.
- 505 (7)(a) The comprehensive review shall include an examination of:
- 506 (i) the date of the offense or incident;

- 507 (ii) the nature and seriousness of the offense or incident;
- 508 (iii) the circumstances under which the offense or incident occurred;
- 509 (iv) the age of the perpetrator when the offense or incident occurred;
- 510 (v) whether the offense or incident was an isolated or repeated incident;
- 511 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable
- 512 adult, including:
- 513 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
- 514 (B) sexual abuse;
- 515 (C) sexual exploitation; or
- 516 (D) negligent treatment;
- 517 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric
- 518 treatment received, or additional academic or vocational schooling completed;
- 519 (viii) the applicant's risk of harm to clientele in the program or in the capacity for
- 520 which the applicant is applying; and
- 521 (ix) if the background check of an applicant is being conducted for the purpose of
- 522 giving direct access qualified status to an applicant seeking a position in a
- 523 congregate care program or to become a prospective foster or adoptive parent, any
- 524 listing in the Division of Child and Family Services' Management Information
- 525 System described in Section 80-2-1001.
- 526 (b) At the conclusion of the comprehensive review, the office shall deny direct access
- 527 qualified status to an applicant if the office finds the approval would likely create a
- 528 risk of harm to a child or vulnerable adult.
- 529 (8) The office shall grant direct access qualified status to an applicant who is not denied
- 530 under this section.
- 531 (9)(a) The office may conditionally grant direct access qualified status to an applicant,
- 532 for a maximum of 60 days after the day on which the office sends written notice,
- 533 without requiring that the applicant be directly supervised, if the office:
- 534 (i) is awaiting the results of the criminal history search of national criminal
- 535 background databases; and
- 536 (ii) would otherwise grant direct access qualified status to the applicant under this
- 537 section.
- 538 (b) The office may conditionally grant direct access qualified status to an applicant, for a
- 539 maximum of one year after the day on which the office sends written notice, without
- 540 requiring that the applicant be directly supervised if the office:

- 541 (i) is awaiting the results of an out-of-state registry for providers other than foster and
542 adoptive parents; and
- 543 (ii) would otherwise grant direct access qualified status to the applicant under this
544 section.
- 545 (c) Upon receiving the results of the criminal history search of a national criminal
546 background database, the office shall grant or deny direct access qualified status to
547 the applicant in accordance with this section.
- 548 (10)(a) Each time an applicant is associated with a licensee, the department shall review
549 the current status of the applicant's background check to ensure the applicant is still
550 eligible for direct access qualified status in accordance with this section.
- 551 (b) A licensee may not permit an individual to have direct access to a child or a
552 vulnerable adult without being directly supervised unless:
- 553 (i) the individual is the parent or guardian of the child, or the guardian of the
554 vulnerable adult;
- 555 (ii) the individual is approved by the parent or guardian of the child, or the guardian
556 of the vulnerable adult, to have direct access to the child or the vulnerable adult;
- 557 (iii) the individual is only permitted to have direct access to a vulnerable adult who
558 voluntarily invites the individual to visit; or
- 559 (iv) the individual only provides incidental care for a foster child on behalf of a foster
560 parent who has used reasonable and prudent judgment to select the individual to
561 provide the incidental care for the foster child.
- 562 (c) Notwithstanding any other provision of this section, an applicant who is denied direct
563 access qualified status shall not have direct access to a child or vulnerable adult
564 unless the office grants direct access qualified status to the applicant through a
565 subsequent application in accordance with this section.
- 566 (11) If the office denies direct access qualified status to an applicant, the applicant may
567 request a hearing in the department's Office of Administrative Hearings to challenge the
568 office's decision.
- 569 (12)(a) This Subsection (12) applies to an applicant associated with a certification,
570 contract, or licensee serving adults only.
- 571 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee
572 shall comply with this section.
- 573 (c) The office shall conduct a comprehensive review for an applicant if:
- 574 (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,
- 603a or 80-3-303, pending completion of the background check described in
- 604 Subsections (5), (6), and (7).
- 605
- 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**
677 **required on salesperson's licenses -- Payment of cost.**

- 678 (1)(a) Every applicant for a salesperson's license shall submit fingerprints with a
679 completed application to the division.
- 680 (b) [~~A person~~] An individual required to renew a salesperson license on or before June
681 30, 2010, shall submit fingerprints to the division on or before November 30, 2010.
- 682 (2) The division shall submit fingerprints for each applicant described in Subsection (1) to
683 the Bureau of Criminal Identification established in Section 53-10-201.
- 684 (3) The Bureau of Criminal Identification shall:
- 685 (a) check the information submitted by the division for an applicant under Subsection (2)
686 against the applicable state and regional criminal records databases; and
- 687 (b) release to the division all information obtained under Subsection (3)(a) relating to the
688 applicant.
- 689 (4)(a) The Bureau of Criminal Identification shall maintain a separate file of
690 fingerprints submitted under Subsection (2) and notify the division when a new entry
691 is made in the applicable state and regional database against [~~a person~~] an individual
692 whose fingerprints are held in the file regarding any matter involving an arrest under
693 state law involving:
- 694 (i) motor vehicles;
- 695 (ii) controlled substances;
- 696 (iii) fraud; or
- 697 [~~(iv) a registerable sex offense under Section 77-41-106.~~]
- 698 (iv) an offense that would result in the individual being a sex offender under
699 Subsection 53-29-202(2)(b) and required to register for the individual's lifetime
700 under Subsection 53-29-203(1)(b).
- 701 (b) Upon request by the division, the Bureau of Criminal Identification shall inform the
702 division whether a person whose arrest was reported to the division under Subsection
703 (4)(a) was subsequently convicted of the charge for which the person was arrested.
- 704 (5) In addition to any fees imposed under this chapter, the division shall:
- 705 (a) impose on individuals submitting fingerprints in accordance with this section the fees
706 that the Bureau of Criminal Identification is authorized to collect for the services the
707 Bureau of Criminal Identification provides under Subsections (3) and (4); and
- 708 (b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal
709 Identification.

710 (6) The division shall use information received from the Bureau of Criminal Identification
711 under this section to determine whether a license should be denied, suspended, or
712 revoked under Section 41-3-209.

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

714 **41-3-209 (Effective 05/07/25). Administrator's findings -- Suspension and**
715 **revocation of license.**

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

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

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

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

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

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

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

731 (v) nonpayment of required fees;

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

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

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

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

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

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

- 744 (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
779 immediately prior to the filing of the petition.

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

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

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

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

791 **53-3-205 (Effective 05/07/25). Application for license or endorsement -- Fee**
792 **required -- Tests -- Expiration dates of licenses and endorsements -- Information**
793 **required -- Previous licenses surrendered -- Driving record transferred from other states**
794 **-- Reinstatement -- Fee required -- License agreement.**

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

- 796 (a) made upon a form furnished by the division; and
- 797 (b) accompanied by a nonrefundable fee set under Section 53-3-105.

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

- 800 (a) not more than three attempts to pass both the knowledge and the skills tests for a
801 class D license within six months after the date of the application;
- 802 (b) a learner permit if needed pending completion of the application and testing process;
803 and
- 804 (c) an original class D license and license certificate after all tests are passed and
805 requirements are completed.

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

- 807 (a) not more than three attempts to pass both the knowledge and skills tests within six
808 months after the date of the application;
- 809 (b) a motorcycle learner permit after the motorcycle knowledge test is passed; and
- 810 (c) a motorcycle or taxicab endorsement when all tests are passed.

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

- 812 (a) not more than two attempts to pass a knowledge test when accompanied by the fee
813 provided in Subsection 53-3-105(18);
- 814 (b) not more than two attempts to pass a skills test when accompanied by a fee in
815 Subsection 53-3-105(19) within six months after the date of application;
- 816 (c) both a commercial driver instruction permit and a temporary license permit for the
817 license class held before the applicant submits the application if needed after the
818 knowledge test is passed; and
- 819 (d) an original commercial class A, B, or C license and license certificate when all
820 applicable tests are passed.
- 821 (5) An application and fee for a CDL endorsement entitle the applicant to:
- 822 (a) not more than two attempts to pass a knowledge test and not more than two attempts
823 to pass a skills test within six months after the date of the application; and
- 824 (b) a CDL endorsement when all tests are passed.
- 825 (6)(a) If a CDL applicant does not pass a knowledge test, skills test, or an endorsement
826 test within the number of attempts provided in Subsection (4) or (5), each test may be
827 taken two additional times within the six months for the fee provided in Section
828 53-3-105.
- 829 (b)(i) An out-of-state resident who holds a valid CDIP issued by a state or
830 jurisdiction that is compliant with 49 C.F.R. Part 383 may take a skills test
831 administered by the division if the out-of-state resident pays the fee provided in
832 Subsection 53-3-105(19).
- 833 (ii) The division shall:
- 834 (A) electronically transmit skills test results for an out-of-state resident to the
835 licensing agency in the state or jurisdiction in which the out-of-state resident
836 has obtained a valid CDIP; and
- 837 (B) provide the out-of-state resident with documentary evidence upon successful
838 completion of the skills test.
- 839 (7)(a)(i) Except as provided under Subsections (7)(a)(ii), (f), and (g), an original
840 class D license expires on the birth date of the applicant in the eighth year after the
841 year the license certificate was issued.
- 842 (ii) An original provisional class D license expires on the birth date of the applicant
843 in the fifth year following the year the license certificate was issued.
- 844 (iii) Except as provided in Subsection (7)(f), a limited term class D license expires on
845 the birth date of the applicant in the fifth year the license certificate was issued.

- 846 (b) Except as provided under Subsections (7)(f) and (g), a renewal or an extension to a
847 license expires on the birth date of the licensee in the eighth year after the expiration
848 date of the license certificate renewed or extended.
- 849 (c) Except as provided under Subsections (7)(f) and (g), a duplicate license expires on
850 the same date as the last license certificate issued.
- 851 (d) An endorsement to a license expires on the same date as the license certificate
852 regardless of the date the endorsement was granted.
- 853 (e)(i) A regular license certificate and an endorsement to the regular license
854 certificate held by an individual described in Subsection (7)(e)(ii), that expires
855 during the time period the individual is stationed outside of the state, is valid until
856 90 days after the individual's orders are terminated, the individual is discharged, or
857 the individual's assignment is changed or terminated, unless:
- 858 (A) the license is suspended, disqualified, denied, or has been cancelled or
859 revoked by the division; or
- 860 (B) the licensee updates the information or photograph on the license certificate.
- 861 (ii) The provisions in Subsection (7)(e)(i) apply to an individual:
- 862 (A) ordered to active duty and stationed outside of Utah in any of the armed forces
863 of the United States;
- 864 (B) who is an immediate family member or dependent of an individual described
865 in Subsection (7)(e)(ii)(A) and is residing outside of Utah;
- 866 (C) who is a civilian employee of the United States State Department or United
867 States Department of Defense and is stationed outside of the United States; or
- 868 (D) who is an immediate family member or dependent of an individual described
869 in Subsection (7)(e)(ii)(C) and is residing outside of the United States.
- 870 (f)(i) Except as provided in Subsection (7)(f)(ii), a limited-term license certificate or
871 a renewal to a limited-term license certificate expires:
- 872 (A) on the expiration date of the period of time of the individual's authorized stay
873 in the United States or on the date provided under this Subsection (7),
874 whichever is sooner; or
- 875 (B) on the date of issuance in the first year following the year that the limited-term
876 license certificate was issued if there is no definite end to the individual's
877 period of authorized stay.
- 878 (ii) A limited-term license certificate or a renewal to a limited-term license certificate
879 issued to an approved asylee or a refugee expires on the birth date of the applicant

880 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
983 duplicate license is issued under Subsection (10)(c)(i).

984 (11)(a) When an application is received from an applicant previously licensed in
985 another state to drive a motor vehicle, the division shall request a copy of the driver's
986 record from the other state.

987 (b) When received, the driver's record becomes part of the driver's record in this state
988 with the same effect as though entered originally on the driver's record in this state.

989 (12) An application for reinstatement of a license after the suspension, cancellation,
990 disqualification, denial, or revocation of a previous license is accompanied by the
991 additional fee or fees specified in Section 53-3-105.

992 (13) An individual who has an appointment with the division for testing and fails to keep
993 the appointment or to cancel at least 48 hours in advance of the appointment shall pay
994 the fee under Section 53-3-105.

995 (14) An applicant who applies for an original license or renewal of a license agrees that the
996 individual's license is subject to a suspension or revocation authorized under this title or
997 Title 41, Motor Vehicles.

998 (15)(a) A licensee shall authenticate the indication of intent under Subsection (8)(a)(vi)
999 in accordance with division rule.

1000 (b)(i) Notwithstanding Title 63G, Chapter 2, Government Records Access and
1001 Management Act, the division may, upon request, release to an organ procurement
1002 organization, as defined in Section 26B-8-301, the names and addresses of all
1003 applicants who, under Subsection (8)(a)(vi), indicate that they intend to make an
1004 anatomical gift.

1005 (ii) An organ procurement organization may use released information only to:

1006 (A) obtain additional information for an anatomical gift registry; and

1007 (B) inform licensees of anatomical gift options, procedures, and benefits.

1008 (16) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
1009 Act, the division may release to the Department of Veterans and Military Affairs the
1010 names and addresses of all applicants who indicate their status as a veteran under
1011 Subsection (8)(a)(viii).

1012 (17) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management
1013 Act, the division shall, upon request, release to the Sex, Kidnap, and Child Abuse
1014 Offender Registry office in the Department of Public Safety, the names and addresses of
1015 all applicants who, under Subsection (8)(a)(vii), indicate they are required to register as

1016 a sex offender, kidnap offender, or child abuse offender in accordance with [~~Title 77,~~
 1017 ~~Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex,
 1018 Kidnap, and Child Abuse Offender Registry.

1019 (18) The division and its employees are not liable, as a result of false or inaccurate
 1020 information provided under Subsection (8)(a)(vi) or (viii), for direct or indirect:

- 1021 (a) loss;
- 1022 (b) detriment; or
- 1023 (c) injury.

1024 (19) An applicant who knowingly fails to provide the information required under
 1025 Subsection (8)(a)(vii) is guilty of a class A misdemeanor.

1026 (20) A person may not hold both an unexpired Utah license certificate and an unexpired
 1027 identification card.

1028 (21)(a) An applicant who applies for an original motorcycle endorsement to a regular
 1029 license certificate is exempt from the requirement to pass the knowledge and skills
 1030 test to be eligible for the motorcycle endorsement if the applicant:

- 1031 (i) is a resident of the state of Utah;
- 1032 (ii)(A) is ordered to active duty and stationed outside of Utah in any of the armed
 1033 forces of the United States; or
- 1034 (B) is an immediate family member or dependent of an individual described in
 1035 Subsection (21)(a)(ii)(A) and is residing outside of Utah;
- 1036 (iii) has a digitized driver license photo on file with the division;
- 1037 (iv) provides proof to the division of the successful completion of a certified
 1038 Motorcycle Safety Foundation rider training course; and
- 1039 (v) provides the necessary information and documentary evidence required under
 1040 Subsection (8).

1041 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 1042 division shall make rules:

- 1043 (i) establishing the procedures for an individual to obtain a motorcycle endorsement
 1044 under this Subsection (21); and
- 1045 (ii) identifying the applicable restrictions for a motorcycle endorsement issued under
 1046 this Subsection (21).

1047 Section 8. Section **53-3-216** is amended to read:

1048 **53-3-216 (Effective 05/07/25). Change of address -- Duty of licensee to notify**
 1049 **division within 10 days -- Change of name -- Proof necessary -- Method of giving notice**

1050 **by division.**

1051 (1)(a) Except as provided in Subsection (1)(b), if an individual, after applying for or
1052 receiving a license, moves from the address named in the application or in the license
1053 certificate issued to the individual, the individual shall, within 10 days after the day
1054 on which the individual moves, notify the division in a manner specified by the
1055 division of the individual's new address and the number of any license certificate held
1056 by the individual.

1057 (b) If an individual who is required to register as a sex offender, kidnap offender, or
1058 child abuse offender under [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse~~
1059 ~~Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender
1060 Registry, after applying for or receiving a license, moves from the address named in
1061 the application or in the license certificate issued to the individual, the individual
1062 shall, within 30 days after the day on which the individual moves, apply for an
1063 updated license in-person at a division office.

1064 (2) If an applicant requests to change the surname on the applicant's license, the division
1065 shall issue a substitute license with the new name upon receiving an application and fee
1066 for a duplicate license and any of the following proofs of the applicant's full legal name:

- 1067 (a) an original or certified copy of the applicant's marriage certificate;
- 1068 (b) a certified copy of a court order under Title 42, Chapter 1, Change of Name, showing
1069 the name change;
- 1070 (c) an original or certified copy of a birth certificate issued by a government agency;
- 1071 (d) a certified copy of a divorce decree or annulment granted the applicant that specifies
1072 the name change requested; or
- 1073 (e) a certified copy of a divorce decree that does not specify the name change requested
1074 together with:
- 1075 (i) an original or certified copy of the applicant's birth certificate;
- 1076 (ii) the applicant's marriage license;
- 1077 (iii) a driver license record showing use of a maiden name; or
- 1078 (iv) other documentation the division finds acceptable.

1079 (3)(a) If the division is authorized or required to give a notice under this chapter or
1080 other law regulating the operation of vehicles, the notice shall, unless otherwise
1081 prescribed, be given by:

- 1082 (i) personal delivery to the individual to be notified; or
- 1083 (ii) deposit in the United States mail with postage prepaid, addressed to the individual

- 1084 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.
- 1187 (2) Failure to maintain a current identification card as required under Subsection (1) is a
1188 class A misdemeanor for each month of violation of Subsection (1).
- 1189 Section 11. Section **53-3-807** is amended to read:
- 1190 **53-3-807 (Effective 05/07/25). Expiration -- Address and name change --**
1191 **Extension.**
- 1192 (1)(a) A regular identification card expires on the birth date of the applicant in the fifth
1193 year after the issuance of the regular identification card.
- 1194 (b) A limited-term identification card expires on:
- 1195 (i) the expiration date of the period of time of the individual's authorized stay in the
1196 United States or on the birth date of the applicant in the fifth year after the
1197 issuance of the limited-term identification card, whichever is sooner; or
- 1198 (ii) on the date of issuance in the first year after the year that the limited-term
1199 identification card was issued if there is no definite end to the individual's period
1200 of authorized stay.
- 1201 (2)(a) Except as provided in Subsection (2)(b), if an individual has applied for and
1202 received an identification card and subsequently moves from the address shown on
1203 the application or on the card, the individual shall, within 10 days after the day on
1204 which the individual moves, notify the division in a manner specified by the division
1205 of the individual's new address.
- 1206 (b) If an individual who is required to register as a sex offender, kidnap offender, or
1207 child abuse offender under [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse~~
1208 ~~Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender
1209 Registry, has applied for and received an identification card and subsequently moves
1210 from the address shown on the application or on the card, the individual shall, within
1211 30 days after the day on which the individual moves, apply for an updated
1212 identification card in-person at a division office.
- 1213 (3) If an individual has applied for and received an identification card and subsequently
1214 changes the individual's name under Title 42, Chapter 1, Change of Name, the
1215 individual:
- 1216 (a) shall surrender the card to the division; and
- 1217 (b) may apply for a new card in the individual's new name by:
- 1218 (i) furnishing proper documentation to the division as provided in Section 53-3-804;
1219 and

- 1220 (ii) paying the fee required under Section 53-3-105.
- 1221 (4) A person 21 years old or older with a disability, as defined under the Americans with
 1222 Disabilities Act of 1990, Pub. L. 101-336, may extend the expiration date on an
 1223 identification card for five years if the person with a disability or an agent of the person
 1224 with a disability:
- 1225 (a) requests that the division send the application form to obtain the extension or
 1226 requests an application form in person at the division's offices;
- 1227 (b) completes the application;
- 1228 (c) certifies that the extension is for a person 21 years old or older with a disability; and
- 1229 (d) returns the application to the division together with the identification card fee
 1230 required under Section 53-3-105.
- 1231 (5)(a) The division may extend a valid regular identification card issued after January 1,
 1232 2010, for five years at any time within six months before the day on which the
 1233 identification card expires.
- 1234 (b) The application for an extension of a regular identification card is accompanied by a
 1235 fee under Section 53-3-105.
- 1236 (c) The division shall allow extensions:
- 1237 (i) by mail, electronic means, or other means as determined by the division at the
 1238 appropriate extension fee rate under Section 53-3-105; and
- 1239 (ii) only if the applicant qualifies under this section.
- 1240 (6)(a) A regular identification card may only be extended once under Subsections (4)
 1241 and (5).
- 1242 (b) After an extension an application for an identification card must be applied for in
 1243 person at the division's offices.
- 1244 Section 12. Section **53-10-214** is amended to read:
- 1245 **53-10-214 (Effective 05/07/25). Reporting requirements.**
- 1246 The bureau shall submit a record received pursuant to Section 53-10-208.1 for all
 1247 nonextraditable warrants issued for violent felonies as defined in Section 76-3-203.5 and all
 1248 nonextraditable warrants issued for knowingly failing to register under Title 53, Chapter 29,
 1249 Sex, Kidnap, and Child Abuse Offender Registry, for a sexual offense pursuant to Section [
 1250 77-41-107] 53-29-305 to the National Crime Information Center within 48 hours of receipt,
 1251 excluding Saturdays, Sundays, and legal holidays.
- 1252 Section 13. Section **53-10-403** is amended to read:
- 1253 **53-10-403 (Effective 05/07/25). DNA specimen analysis -- Application to**

1254 **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;
 1323 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
 1324 (xxii) a felony violation of sexual battery, Section 76-9-702.1;
 1325 (xxiii) a felony violation of lewdness involving a child, Section 76-9-702.5;
 1326 (xxiv) a felony violation of abuse or desecration of a dead human body, Section
 1327 76-9-704;
 1328 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section
 1329 76-10-402;
 1330 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
 1331 Section 76-10-403;
 1332 (xxvii) possession of a concealed firearm in the commission of a violent felony,
 1333 Subsection 76-10-504(4);
 1334 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon,
 1335 Subsection 76-10-1504(3);
 1336 (xxix) commercial obstruction, Subsection 76-10-2402(2);
 1337 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section [
 1338 ~~77-41-107~~] 53-29-305;
 1339 (xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or
 1340 (xxxii) violation of condition for release after arrest under Section 78B-7-802.

1341 Section 14. Section **53-10-404** is amended to read:

1342 **53-10-404 (Effective 05/07/25). DNA specimen analysis -- Requirement to obtain**
 1343 **the specimen.**

- 1344 (1) As used in this section, "person" means a person or minor described in Section
 1345 53-10-403.
- 1346 (2)(a) A person under Section 53-10-403 or any person required to register as a sex
 1347 offender, kidnap offender, or child abuse offender under [~~Title 77, Chapter 41, Sex,~~
 1348 ~~Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and
 1349 Child Abuse Offender Registry, shall provide a DNA specimen and shall reimburse
 1350 the agency responsible for obtaining the DNA specimen \$150 for the cost of
 1351 obtaining the DNA specimen unless:
- 1352 (i) the person was booked under Section 53-10-403 and is not required to reimburse
 - 1353 the agency under Section 53-10-404.5; or
 - 1354 (ii) the agency determines the person lacks the ability to pay.
- 1355 (b)(i)(A) The responsible agencies shall establish guidelines and procedures for

- 1356 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
 1493 training for employees designated to collect saliva DNA specimens.

1494 (b)(i) The department may designate correctional officers, including those employed
 1495 by the adult probation and parole section of the department, to obtain the saliva
 1496 DNA specimens required under this section.

1497 (ii) The department shall ensure that the designated employees receive appropriate
 1498 training and that the specimens are obtained in accordance with accepted protocol.

1499 (c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405.

1500 Section 15. Section **53-29-101** is enacted to read:

1501 **CHAPTER 29. SEX, KIDNAP, AND CHILD ABUSE OFFENDER REGISTRY**

1502 **Part 1. General Provisions**

1503 **53-29-101 (Effective 05/07/25). Definitions.**

1504 As used in this chapter:

1505 (1) "Bureau" means the Bureau of Criminal Identification of the Department of Public
 1506 Safety established in Section 53-10-201.

1507 (2) "Certificate of eligibility" means the certificate issued by the bureau described in
 1508 Section 53-29-207.

1509 (3) "Child abuse offender" means an individual who meets the requirements under
 1510 Subsection 53-29-202(2)(a).

1511 (4)(a) "Convicted" means a plea or conviction of:

1512 (i) guilty;

1513 (ii) guilty with a mental illness; or

1514 (iii) no contest.

1515 (b) "Convicted" includes, except as provided in Subsection 53-29-202(4), the period a
 1516 plea is held in abeyance pursuant to a plea in abeyance agreement as defined in
 1517 Section 77-2a-1.

1518 (c) "Convicted" does not include:

1519 (i) a withdrawn or dismissed plea in abeyance;

1520 (ii) a diversion agreement; or

1521 (iii) an adjudication of a minor for an offense under Section 80-6-701.

1522 (5) "Division" means the Division of Juvenile Justice and Youth Services.

1523 (6) "Employed" means employment that is full time or part time, whether financially
 1524 compensated, volunteered, or for the purpose of government or educational benefit.

- 1525 (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 (xxxii) aggravated exploitation of prostitution under Section 76-10-1306;
 1630 (xxxiii) kidnapping under Subsection 76-5-301(2)(c) or (d), if the offender was not the
 1631 natural parent of the child victim;
 1632 (xxxiv) child kidnapping under Section 76-5-301.1, if the offender was not the
 1633 natural parent of the child victim;
 1634 (xxxv) aggravated kidnapping under Section 76-5-302, if the offender was not the
 1635 natural parent of the child victim;
 1636 (xxxvi) human trafficking for labor under Section 76-5-308, if the offender was not
 1637 the natural parent of the child victim;
 1638 (xxxvii) human smuggling under Section 76-5-308.3, if the offender was not the
 1639 natural parent of the child victim;
 1640 (xxxviii) 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 (xxxix) aggravated human trafficking for labor under Section 76-5-310, if the
 1643 offender was not the natural parent of the child victim;
 1644 (xl) aggravated human smuggling under Section 76-5-310.1, if the offender was
 1645 not the natural parent of the child victim;
 1646 (xli) 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 (xli) attempting, soliciting, or conspiring to commit a felony violation of an offense
 1649 listed in Subsections (1)(a)(i) through (xl);
 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
 1696 described in Subsection (1)(a)(i) or a substantially equivalent offense;

1697 (b) a sex offender if the individual:

1698 (i) has committed, attempted, solicited, or conspired to commit an offense described
 1699 in Subsections (1)(a)(ii) through (xxxii); or

1700 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
 1701 described in Subsections (1)(a)(ii) through (xxxii) or a substantially equivalent
 1702 offense; or

1703 (c) a kidnap offender if the individual:

1704 (i) has committed, attempted, solicited, or conspired to commit an offense described
 1705 in Subsections (1)(a)(xxxii) through (xl); or

1706 (ii) meets a requirement described in Subsections (1)(b) through (e) for an offense
 1707 described in Subsections (1)(a)(xxxii) through (xl) or a substantially equivalent
 1708 offense.

1709 (3) An individual who has committed a registrable offense described in Subsection
 1710 (1)(d)(ii)(B) in an external jurisdiction that is not substantially equivalent to an offense
 1711 described in Subsection (1)(a) and is required to register on a sex, kidnap, and child
 1712 abuse registry, or an equivalent registry, in the individual's state of residence is a child
 1713 abuse offender, sex offender, or kidnap offender based on the individual's status on the
 1714 registry in the individual's state of residence.

1715 (4) Notwithstanding Subsection 53-29-101(2)(a), a plea of guilty or nolo contendere to a
 1716 charge of sexual battery or lewdness that is held in abeyance under Title 77, Chapter 2a,
 1717 Pleas in Abeyance, is the equivalent of a conviction even if the charge is subsequently
 1718 reduced or dismissed in accordance with the plea in abeyance agreement.

1719 Section 19. Section **53-29-203** is enacted to read:

1720 **53-29-203 (Effective 05/07/25). Registration lengths -- 10 years -- Lifetime.**

1721 (1) Except as provided in Subsection (2), (3), or (4), an individual who commits a
 1722 registrable offense is required to register on the registry for:

1723 (a) 10 years after the day on which the offender's sentence for the offense has been
 1724 terminated if the registrable offense is for:

1725 (i) a felony or class A misdemeanor violation of enticing a minor under Section
 1726 76-4-401, if the offender enticed the minor to engage in sexual activity that is one

1727 of the offenses described in Subsections (1)(a)(ii) through (xxiii);
1728 (ii) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
1729 (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;
 1798 (xxii) five or more convictions of sexual battery under Section 76-9-702.1, or a
 1799 substantially equivalent offense in an external jurisdiction;
 1800 (xxiii) any combination of convictions of lewdness under Section 76-9-702, and of
 1801 sexual battery under Section 76-9-702.1, or substantially equivalent offenses in an
 1802 external jurisdiction, that total five or more convictions;
 1803 (xxiv) aggravated exploitation of prostitution under Section 76-10-1306, on or after
 1804 May 10, 2011; or
 1805 (xxv) attempting, soliciting, or conspiring to commit an offense listed in Subsections
 1806 (1)(b)(i) through (xxiv) if the attempt, solicitation, or conspiracy is a registrable
 1807 offense.
- 1808 (2) An individual who qualifies as an offender based on a conviction in an external
 1809 jurisdiction for a registrable offense or a substantially equivalent offense and is on an
 1810 external jurisdiction's sex, kidnap, and child abuse registry, or an equivalent registry, is
 1811 required to register on the registry for the time period required by the external
 1812 jurisdiction.
- 1813 (3) If the sentencing court at any time after an offender is convicted of an offense requiring
 1814 lifetime registration described in Subsection (1)(b) determines that the offender was
 1815 under 21 years old at the time the offense was committed and the offense did not involve
 1816 force or coercion, the requirement that the offender register for the offender's lifetime
 1817 does not apply and the offender shall register for 10 years after the day on which the
 1818 offender's sentence for the offense has been terminated.
- 1819 (4) Except for an individual who is adjudicated for a registrable offense and is an offender
 1820 who meets the requirements under Subsection 53-29-202(1)(f), an individual who is
 1821 under 18 years old and commits a registrable offense after May 3, 2023, is not subject to
 1822 registration requirements under this chapter unless the offender:
 1823 (a) is charged by criminal information in juvenile court under Section 80-6-503;
 1824 (b) is bound over to district court in accordance with Section 80-6-504; and
 1825 (c) is convicted of a registrable offense.
- 1826 (5) An offender subject to the 10-year or lifetime registration requirements under
 1827 Subsection (1) may petition the court for an order of removal from the registry in
 1828 accordance with Section 53-29-204, 53-29-205, or 53-29-206.

1829 Section 20. Section **53-29-204** is enacted to read:

1830 **53-29-204** (Effective **05/07/25**). **Five-year petition for removal from registry --**

1831 **Eligibility.**

1832 (1) An offender who is required to register on the registry for a registrable offense
 1833 described in Subsection (2) that is subject to a 10-year registration period, as described
 1834 in Section 53-29-203, is eligible to petition the court under Section 53-29-207 for an
 1835 order of removal from the registry after five years after the day on which the offender's
 1836 sentence for the offense has been terminated if:

- 1837 (a) the offense is the only offense for which the offender was required to register;
 1838 (b) the offender has not been convicted of another offense, excluding a traffic offense,
 1839 after the day on which the offender was convicted of the offense for which the
 1840 offender is required to register, as evidenced by a certificate of eligibility issued by
 1841 the bureau;
 1842 (c) the offender successfully completed all treatment ordered by the court or the Board
 1843 of Pardons and Parole relating to the offense; and
 1844 (d) the offender has paid all restitution ordered by the court or the Board of Pardons and
 1845 Parole relating to the offense.

1846 (2) The offenses that qualify for a five-year petition for an order of removal from the
 1847 registry referenced in Subsection (1) are:

- 1848 (a) a class A misdemeanor violation of enticing a minor under Section 76-4-401;
 1849 (b) kidnapping under Subsection 76-5-301(2)(c) or (d);
 1850 (c) a felony violation of unlawful sexual activity with a minor under Section 76-5-401,
 1851 if, at the time of the offense, the offender is not more than 10 years older than the
 1852 victim;
 1853 (d) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the
 1854 offender is not more than 10 years older than the victim;
 1855 (e) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, if at the
 1856 time of the offense, the offender is not more than 15 years older than the victim;
 1857 (f) a class A misdemeanor violation of voyeurism under Section 76-9-702.7;
 1858 (g) attempting, soliciting, or conspiring to commit an offense listed in Subsections (2)(a)
 1859 through (f) if the attempt, solicitation, or conspiracy is a registrable offense; and
 1860 (h) an offense committed in an external jurisdiction that is not substantially equivalent to
 1861 a registrable offense described in Subsection 53-29-202(1)(a).

1862 Section 21. Section **53-29-205** is enacted to read:

1863 **53-29-205 (Effective 05/07/25). Ten-year petition for removal from registry --**
1864 **Eligibility.**

- 1865 (1) An offender who is required to register on the registry for a registrable offense
1866 described in Subsection (3) subject to a 10-year registration period as described in
1867 Section 53-29-203 is eligible to petition the court under Section 53-29-207 for an order
1868 of removal from the registry at a 10-year after entrance into the community period
1869 described in Subsection (2) if:
- 1870 (a) the offender has not been convicted of another offense that is a class A misdemeanor,
1871 felony, or capital felony within the most recent 10-year period after the date
1872 described in Subsection (2), as evidenced by a certificate of eligibility issued by the
1873 bureau;
- 1874 (b) the offender successfully completed all treatment ordered by the court or the Board
1875 of Pardons and Parole relating to the offense; and
- 1876 (c) the offender has paid all restitution ordered by the court or the Board of Pardons and
1877 Parole relating to the offense.
- 1878 (2) An offender who qualifies under Subsection (1) may petition the court under Section
1879 53-29-207 for an order of removal from the registry if 10 years have passed after the
1880 later of the following events in which the offender entered into the community:
- 1881 (a) the day on which the offender was placed on probation;
- 1882 (b) the day on which the offender was released from incarceration to parole;
- 1883 (c) the day on which the offender's sentence was terminated without parole;
- 1884 (d) the day on which the offender entered a community-based residential program; or
- 1885 (e) for a minor, as defined in Section 80-1-102, the day on which the division's custody
1886 of the offender was terminated.
- 1887 (3) The offenses that qualify for a 10-year petition for an order of removal from the registry
1888 referenced in Subsection (1) are:
- 1889 (a) a felony violation of enticing a minor under Section 76-4-401, if the offender enticed
1890 the minor to engage in sexual activity that is one of the offenses described in
1891 Subsections (3)(b) through (v);
- 1892 (b) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b);
- 1893 (c) human trafficking for labor under Section 76-5-308;
- 1894 (d) human smuggling under Section 76-5-308.3;
- 1895 (e) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
- 1896 (f) aggravated human trafficking for labor under Section 76-5-310;

- 1897 (g) aggravated human smuggling under Section 76-5-310.1;
- 1898 (h) human trafficking of a vulnerable adult for labor under Section 76-5-311;
- 1899 (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.

1968 (3) An individual who is as an offender under Section 53-29-202 based on a conviction in
 1969 an external jurisdiction for a registrable offense or a substantially equivalent offense,
 1970 and is required to register on the external jurisdiction's sex, kidnap, or child abuse
 1971 offender registry, or an equivalent registry, may petition for removal from the registry in
 1972 accordance with the requirements of this section if the individual:

1973 (a) is required to register on the external jurisdiction's sex, kidnap, or child abuse
 1974 offender registry, or an equivalent registry, for the individual's lifetime;
 1975 (b) meets the requirements described in Subsections (1)(a) through (d);
 1976 (c) has resided in this state for at least 183 days in a year for two consecutive years; and
 1977 (d) intends to primarily reside in this state.

1978 Section 23. Section **53-29-207** is enacted to read:

1979 **53-29-207 (Effective 05/07/25). Process to petition for removal from registry --**
 1980 **Offender, bureau, court, and prosecutor responsibilities.**

1981 (1) Before an an offender who is eligible to petition for an order of removal from the
 1982 registry as described in Section 53-29-204, 53-29-205, or 53-29-206 may file a petition
 1983 with the court for an order of removal from the registry, the offender shall apply to the
 1984 bureau for a certificate of eligibility for removal from the registry that states that the
 1985 offender has met certain qualifications for removal.

1986 (2) After the bureau receives an offender's application for a certificate of eligibility for
 1987 removal from the registry, the bureau shall:

1988 (a) perform a check of records of governmental agencies, including national criminal
 1989 databases, to determine whether an offender meets the requirements described in:

1990 (i) Subsection 53-29-204(1), if the offender is seeking a five-year petition for
 1991 removal;

1992 (ii) Subsections 53-29-205(1) and (2), if the offender is seeking a 10-year petition for
 1993 removal; or

1994 (iii) Subsections 53-29-206(1) and (2), if the offender is seeking a 20-year petition
 1995 for removal; and

1996 (b) if the bureau determines that the offender meets the requirements described in
 1997 Subsection (2)(a), issue a certificate of eligibility for removal from the registry to the
 1998 offender, which is valid for 90 days after the day on which the bureau issues the

- 1999 certificate.
- 2000 (3)(a) After an offender has received the certificate of eligibility for removal from the
2001 registry described in Subsection (2), the offender may petition the court for an order
2002 or removal from the registry, and shall include in the petition:
- 2003 (i) the original information or indictment regarding the registrable offense that the
2004 offender committed;
- 2005 (ii) the court docket; and
- 2006 (iii) the certificate of eligibility for removal from the registry.
- 2007 (b) An offender who files a petition with the court as described in Subsection (3)(a) shall
2008 provide a copy of the petition to the prosecutor.
- 2009 (4) A prosecutor, upon receipt of the petition described in Subsection (3), shall:
- 2010 (a) provide notice of the petition by first-class mail to the victim at the most recent
2011 address of record on file or, if the victim is still a minor under 18 years old, to the
2012 parent or guardian of the victim, that includes:
- 2013 (i) a copy of the petition;
- 2014 (ii) an explanation that the victim has a right to object to the removal of the offender
2015 from the registry or make other recommendations to the court; and
- 2016 (iii) instructions for how the victim can file an objection or recommendation with the
2017 court; and
- 2018 (b) provide the following, if available, to the court within 30 days after the day on which
2019 the prosecutor receives the petition:
- 2020 (i) the presentencing report created for the offender based on the registrable offense
2021 committed by the offender;
- 2022 (ii) any evaluation done as part of sentencing for the registrable offense; and
- 2023 (iii) other information the prosecutor determines the court should consider.
- 2024 (5) A victim, or the victim's parent or guardian if the victim is a minor under 18 years old,
2025 may respond to a petition described in Subsection (3) by filing a recommendation or
2026 objection with the court within 45 days after the day on which the petition is mailed to
2027 the victim.
- 2028 (6)(a) A court receiving a petition under this section shall:
- 2029 (i) review the petition and all documents submitted with the petition; and
- 2030 (ii) hold a hearing if requested by the prosecutor or the victim.
- 2031 (b)(i) Except as provided in Subsection (6)(b)(ii) or (iii), the court may grant the
2032 petition for removal and order the removal of the offender from the registry if the

- 2033 court determines that the offender has met the requirements described in the
2034 certificate of eligibility for removal issued under Subsection (2) and removal is
2035 not contrary to the interests of the public.
- 2036 (ii) When considering a petition filed by an offender subject to a lifetime registration
2037 requirement and eligible for a 20-year petition for removal from the registry as
2038 described in Section 53-29-206, the court shall determine whether the offender has
2039 demonstrated, by clear and convincing evidence, that the offender is rehabilitated
2040 and does not pose a threat to the safety of the public.
- 2041 (iii) In making the determination described in Subsection (6)(b)(ii), the court may
2042 consider:
- 2043 (A) the nature and degree of violence involved in the registrable offense;
2044 (B) the age and number of victims of the registrable offense;
2045 (C) the age of the offender at the time the registrable offense was committed;
2046 (D) the offender's performance while on supervision for the registrable offense;
2047 (E) the offender's stability in employment and housing;
2048 (F) the offender's community and personal support system;
2049 (G) other criminal and relevant noncriminal behavior of the offender both before
2050 and after the offender committed the registrable offense;
2051 (H) if applicable, the level of risk posed by the offender as evidenced by the
2052 evidence-based risk assessment described in Subsection 53-29-206(1)(d); and
2053 (I) any other relevant factors.
- 2054 (c) In determining whether removal from the registry is contrary to the interests of the
2055 public, the court may not consider removal unless the offender has substantially
2056 complied with all registration requirements under this chapter at all times.
- 2057 (d) If the court grants the petition, the court shall forward a copy of the order directing
2058 removal of the offender from the registry to the department and the office of the
2059 prosecutor.
- 2060 (e)(i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the
2061 offender may not submit another petition for three years after the day on which the
2062 court denied the petition.
- 2063 (ii) If the offender is an offender subject to a lifetime registration requirement and
2064 eligible for a 20-year petition for removal from the registry as described in Section
2065 53-29-206 and files a petition for removal that is denied by the court, the offender
2066 may not submit another petition for eight years after the day on which the court

2067 denied the petition.

2068 (f) The court shall notify the victim and the registry office of the court's decision under
 2069 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
 2138 with the department, as required under this chapter, upon the offender's admission and
 2139 upon the offender's discharge.
- 2140 (7)(a) A municipal or county law enforcement agency shall register an offender who
 2141 resides within the agency's jurisdiction and is not under the supervision of the
 2142 Division of Adult Probation and Parole within the Department of Corrections.
- 2143 (b) A municipal or county law enforcement agency may conduct offender registration
 2144 under this chapter, if the agency ensures that the agency's staff responsible for
 2145 registration:
- 2146 (i) have received initial training by the department and have been certified by the
 2147 department as qualified and authorized to conduct registrations and enter offender
 2148 registration information into the registry database; and
- 2149 (ii) annually certifies with the department.
- 2150 (8) An agency in the state that registers with the department an offender on probation, an
 2151 offender who has been released from confinement to parole status or termination, or an
 2152 offender whose sentence has expired, shall inform the offender of the duty to comply
 2153 with the continuing registration requirements of this chapter during the period of
 2154 registration required in Section 53-29-203, including:
- 2155 (a) notification to the state agencies in the states where the registrant presently resides
 2156 and plans to reside when moving across state lines;
- 2157 (b) verification of address at least every 60 days pursuant to a parole agreement for
 2158 lifetime parolees; and
- 2159 (c) notification to the out-of-state agency where the offender is living, regardless of
 2160 whether the offender is a resident of that state.
- 2161 Section 26. Section **53-29-303** is enacted to read:
- 2162 **53-29-303 (Effective 05/07/25). Court responsibilities related to the registry.**
- 2163 (1) The court shall, after an offender is convicted of a registrable offense, within three
 2164 business days after the day on which the conviction is entered, forward a signed copy of
 2165 the judgment and sentence to the registry office.
- 2166 (2) Upon modifying, withdrawing, setting aside, vacating, or otherwise altering a
 2167 conviction for a registrable offense, the court shall, within three business days, forward a

- 2168 signed copy of the order to the registry office.
- 2169 (3)(a) An offender may change the offender's name in accordance with Title 42,
- 2170 Chapter 1, Change of Name, if the name change is not contrary to the interests of the
- 2171 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;
 - 2206 (iii) a physical description, including the offender's date of birth, height, weight, eye
2207 color, and hair color;
 - 2208 (iv) the make, model, color, year, plate number, and vehicle identification number of
2209 a vehicle or vehicles the offender owns or drives more than 12 times per year;
 - 2210 (v) a current photograph of the offender;
 - 2211 (vi) a set of fingerprints, if a set has not already been provided;
 - 2212 (vii) a DNA specimen, taken in accordance with Section 53-10-404, if a set has not
2213 already been provided;
 - 2214 (viii) telephone numbers and any other designations used by the offender for routing
2215 or self-identification in telephonic communications from fixed locations or
2216 cellular telephones;
 - 2217 (ix) online identifiers and the addresses the offender uses for routing or
2218 self-identification in Internet communications or postings;
 - 2219 (x) the name and Internet address of all websites on which the offender is registered
2220 using an online identifier, including all online identifiers used to access those
2221 websites;
 - 2222 (xi) a copy of the offender's passport, if a passport has been issued to the offender;
 - 2223 (xii) if the offender is an alien, all documents establishing the offender's immigration
2224 status;
 - 2225 (xiii) all professional licenses that authorize the offender to engage in an occupation
2226 or carry out a trade or business, including any identifiers, such as numbers;
 - 2227 (xiv) each educational institution in Utah at which the offender is employed or is a
2228 student, and a change of enrollment or employment status of the offender at an
2229 educational institution;
 - 2230 (xv) the name, the telephone number, and the address of a place where the offender is
2231 employed or will be employed;
 - 2232 (xvi) the name, the telephone number, and the address of a place where the offender
2233 works as a volunteer or will work as a volunteer; and
 - 2234 (xvii) the offender's social security number.
- 2235 (b) The department shall redact information regarding the identity or location of a victim

- 2236 from information provided under Subsection (4)(a).
- 2237 (5) Notwithstanding Subsections (4)(a)(ix) and (x) and 53-29-404(7), an offender is not
- 2238 required to provide the department with:
- 2239 (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
 2291 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~~
 2328 ~~with Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, due to a~~
 2329 ~~conviction for an offense that is committed against a person younger than 18 years~~
 2330 ~~old.]~~
- 2331 (2) For purposes of Subsection (1)(c)(i)(F), a sex offender who has committed a registrable
 2332 offense against an individual younger than 18 years old is subject to a victim requested
 2333 restriction if:
- 2334 (a) the sex offender is on probation or parole for an offense that requires the offender to
 2335 register in accordance with ~~[Title 77, Chapter 41, Sex, Kidnap, and Child Abuse~~
 2336 ~~Offender Registry]~~ this chapter;
- 2337 (b) the victim or the victim's parent or guardian advises the ~~[Department of Public Safety]~~

2338 department that the victim elects to restrict the sex offender from the area and
 2339 authorizes the [~~Department of Public Safety~~] department to advise the sex offender of
 2340 the area where the victim resides; and

2341 (c) the [~~Department of Public Safety~~] department notifies the sex offender in writing that
 2342 the sex offender is prohibited from being in the area described in Subsection
 2343 (1)(c)(i)(F) and provides a description of the location of the protected area to the sex
 2344 offender.

2345 (3) A sex offender who has committed a registrable offense against an individual younger
 2346 than 18 years old may not:

2347 (a) be in a protected area except:

2348 (i) when the sex offender must be in a protected area to perform the sex offender's
 2349 parental responsibilities;

2350 (ii)(A) when the protected area is a public or private primary or secondary school;
 2351 and

2352 (B) the school is open and being used for a public activity other than a
 2353 school-related function that involves a minor; or

2354 (iii)(A) if the protected area is a licensed day care or preschool facility located
 2355 within a building that is open to the public for purposes other than the
 2356 operation of the day care or preschool facility; and

2357 (B) the sex offender does not enter a part of the building that is occupied by the
 2358 day care or preschool facility; or

2359 (b) serve as an athletic coach, manager, or trainer for a sports team of which a minor
 2360 who is younger than 18 years old is a member.

2361 (4) A sex offender who violates this section is guilty of:

2362 (a) a class A misdemeanor; or

2363 (b) if previously convicted of violating this section within the last ten years, a third
 2364 degree felony.

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

2367 ~~[77-27-21.8]~~ **53-29-307 (Effective 05/07/25). Sex offender in presence of a child -- Definitions**

2368 **-- Penalties.**

2369 (1) As used in this section:

2370 (a) "Accompany" means:

2371 (i) to be in the presence of an individual; and

- 2372 (ii) to move or travel with that individual from one location to another, whether
 2373 outdoors, indoors, or in or on any type of vehicle.
- 2374 (b) "Child" means an individual younger than 14 years ~~[of age]~~ old.
- 2375 (2) A sex offender subject to registration in accordance with ~~[Title 77, Chapter 41, Sex,~~
 2376 ~~Kidnap, and Child Abuse Offender Registry]~~ this chapter, for ~~[an]~~ a registrable offense
 2377 committed or attempted to be committed against a child younger than 14 years ~~[of age]~~
 2378 old is guilty of a class A misdemeanor if the sex offender requests, invites, or solicits a
 2379 child to accompany the sex offender, under circumstances that do not constitute an
 2380 attempt to violate Section 76-5-301.1, child kidnapping, unless:
- 2381 (a)(i) the sex offender, prior to accompanying the child:
- 2382 (A) verbally advises the child's parent or legal guardian that the sex offender is on
 2383 the state sex offender registry and is required by state law to obtain written
 2384 permission in order for the sex offender to accompany the child; and
- 2385 (B) requests that the child's parent or legal guardian provide written authorization
 2386 for the sex offender to accompany the child, including the specific dates and
 2387 locations;
- 2388 (ii) the child's parent or legal guardian has provided to the sex offender written
 2389 authorization, including the specific dates and locations, for the sex offender to
 2390 accompany the child; and
- 2391 (iii) the sex offender has possession of the written authorization and is accompanying
 2392 the child only at the dates and locations specified in the authorization;
- 2393 (b) the child's parent or guardian has verbally authorized the sex offender to accompany
 2394 the child either in the child's residence or on property appurtenant to the child's
 2395 residence, but in no other locations; or
- 2396 (c) the child is the natural child of the sex offender, and the offender is not prohibited by
 2397 any court order, or probation or parole provision, from contact with the child.
- 2398 (3)(a) A sex offender convicted of a violation of Subsection (2) is subject to registration
 2399 in accordance with ~~[Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender~~
 2400 ~~Registry]~~ this chapter, for an additional five years subsequent to the required
 2401 registration ~~[under Section 77-41-105]~~ described in Section 53-29-203.
- 2402 (b) The period of additional registration imposed under Subsection (3)(a) is also in
 2403 addition to any period of registration imposed under Subsection ~~[77-41-107(3)]~~
 2404 53-29-305(3) for failure to comply with registration requirements.
- 2405 (4) It is not a defense to a prosecution under this section that the defendant mistakenly

2406 believed the individual to be 14 years [~~of age~~] old or older at the time of the offense or
 2407 was unaware of the individual's true age.

2408 (5) This section does not apply if a sex offender is acting to rescue a child who is in an
 2409 emergency and life-threatening situation.

2410 Section 31. Section **53-29-401** is enacted to read:

2411

Part 4. Department Functions Related to the Registry

2412 **53-29-401 (Effective 05/07/25). Definitions.**

2413 Reserved.

2414 Section 32. Section **53-29-402** is enacted to read:

2415 **53-29-402 (Effective 05/07/25). Department responsibilities related to the**
 2416 **registry.**

2417 (1) The department shall:

2418 (a) maintain the registration website;

2419 (b) ensure that the registration information collected regarding an offender's enrollment
 2420 or employment at an educational institution is:

2421 (i)(A) promptly made available to any law enforcement agency that has
 2422 jurisdiction where the institution is located if the educational institution is an
 2423 institution of higher education; or

2424 (B) promptly made available to the district superintendent of the school district
 2425 where the offender is employed if the educational institution is an institution of
 2426 primary education; and

2427 (ii) entered into the appropriate state records or data system; and

2428 (c) make available to an offender the name of the local law enforcement agency or state
 2429 agency that the offender should contact to register, the location for registering, and
 2430 the requirements of registration.

2431 (2)(a) When the department receives offender registration information regarding a
 2432 change of an offender's primary residence, the department shall, within five days
 2433 after the day on which the department receives the information, electronically notify
 2434 the law enforcement agencies that have jurisdiction over the area where:

2435 (i) the residence that the offender is leaving is located; and

2436 (ii) the residence to which the offender is moving is located.

2437 (b) The department shall provide notification under Subsection (2)(a) if the offender's
 2438 change of address is:

- 2439 (i) between law enforcement agency jurisdictions; or
 2440 (ii) within one law enforcement agency jurisdiction.

2441 (3) The department may make administrative rules necessary to implement this chapter,
 2442 including:

- 2443 (a) the method for dissemination of the information; and
 2444 (b) instructions to the public regarding the use of the information.

2445 Section 33. Section **53-29-403** is enacted to read:

2446 **53-29-403 (Effective 05/07/25). Intervention in legal action by the department.**

2447 (1) Subject to Subsection (2), the department may intervene in any matter, including a
 2448 criminal action, where the matter purports to affect an individual's registration
 2449 requirements under this chapter.

2450 (2) The department may only file a motion to intervene under Subsection (1) within 60 days
 2451 after the day on which:

2452 (a) the sentencing court enters a judgment or sentence against an individual for a
 2453 registrable offense, if the details of the written plea agreement, judgment, or sentence
 2454 indicate that the individual's registration requirements under this chapter could be
 2455 affected; or

2456 (b) a court modifies, withdraws, sets aside, vacates, or otherwise alters an individual's
 2457 conviction for a registrable offense, affecting the individual's registration requirement
 2458 under this chapter if the written plea agreement, judgment, or sentence entered at the
 2459 time the individual was sentenced did not indicate that the individual's registration
 2460 requirement could be affected.

2461 Section 34. Section **53-29-404** is enacted to read:

2462 **53-29-404 (Effective 05/07/25). Sex, Kidnap, and Child Abuse Offender**

2463 **Notification and Registration website.**

2464 (1) The department shall maintain a Sex, Kidnap, and Child Abuse Offender Notification
 2465 and Registration website on the Internet available to the public.

2466 (2) The registration website shall be indexed by both the surname of the offender and by
 2467 postal codes.

2468 (3)(a) Except as provided in Subsection (3)(b), the registration website shall include the
 2469 following information:

2470 (i) all names and aliases by which the offender is or has been known, but not
 2471 including any online identifiers;

2472 (ii) the addresses of the offender's primary, secondary, and temporary residences;

- 2473 (iii) a physical description, including the offender's date of birth, height, weight, eye
2474 color, and hair color;
- 2475 (iv) the make, model, color, year, and plate number of any vehicle or vehicles the
2476 offender owns or regularly drives;
- 2477 (v) a current photograph of the offender;
- 2478 (vi) a list of all professional licenses that authorize the offender to engage in an
2479 occupation or carry out a trade or business;
- 2480 (vii) each educational institution in Utah at which the offender is employed or is a
2481 student;
- 2482 (viii) a list of places where the offender works as a volunteer;
- 2483 (ix) any registrable offenses for which the offender has been convicted or
2484 adjudicated; and
- 2485 (x) other relevant identifying information of the offender as determined by the
2486 department.
- 2487 (b) The department shall redact any information the department receives under
2488 Subsection (3)(a) that, if disclosed, could reasonably identify a victim.
- 2489 (4)(a) The department shall enable the public to search the registration website to
2490 determine if the following search criteria are linked to an offender:
- 2491 (i) telephone numbers or other designations for an offender provided under
2492 Subsection 53-29-304(4)(a)(vii);
- 2493 (ii) online identifiers or other addresses for an offender provided under Subsection
2494 53-29-304(4)(a)(ix); and
- 2495 (iii) names and Internet addresses of websites on which an offender is registered
2496 using an online identifier, including the online identifier used to access the
2497 website.
- 2498 (b) The department shall ensure that a search performed using the criteria in Subsection
2499 (4)(a):
- 2500 (i) provides the individual requesting the search with only information regarding
2501 whether the criteria are linked to an offender; and
- 2502 (ii) does not return the name or any other identifying information about an offender.
- 2503 (c) The department is not required to:
- 2504 (i) report the results of the search under Subsection (4)(a) to a law enforcement
2505 agency; or
- 2506 (ii) based on the results of a search under Subsection (4)(a), open an investigation.

- 2507 (5)(a) Subject to Subsection (5)(b), the department shall place a disclaimer on the
2508 registration website informing the public that:
- 2509 (i) the information contained on the site is obtained from offenders and the
2510 department does not guarantee the information's accuracy or completeness;
2511 (ii) members of the public are not allowed to use the information to harass or threaten
2512 an offender or a member of an offender's family; and
2513 (iii) harassment, stalking, or threats against an offender or an offender's family are
2514 prohibited and may violate Utah criminal laws.
- 2515 (b) Before a user may access the registry website, the department shall require the user
2516 to indicate that the user has read the disclaimer, understands the disclaimer, and
2517 agrees to comply with the disclaimer's terms.
- 2518 (6)(a) If an offender was under 18 years old at the time of committing a registrable
2519 offense described in Subsection 53-29-202(1)(a), (c), or (f), and as a result is required
2520 to register on the registry, the department shall maintain, but not publish, the
2521 offender's information on the registration website.
- 2522 (b)(i) If, based on the information provided to the department by the sentencing
2523 court, prosecuting entity, offender, or offender's counsel, the department cannot
2524 determine whether the offender is eligible for an exemption to publication on the
2525 registration website as described in Subsection (6)(a), the department shall
2526 continue to publish the offender's information on the registration website.
- 2527 (ii) Information may be provided to the department at any time in order to clarify the
2528 offender's age at the time the offender committed the registrable offense.
- 2529 (iii) This section does not prohibit the department from seeking or receiving
2530 information from individuals or entities other than those identified in Subsection
2531 (6)(b)(i).
- 2532 (c) This Subsection (6):
- 2533 (i) applies to an offender with a registration requirement on or after May 3, 2023,
2534 regardless of when the offender was first required to register; and
- 2535 (ii) does not apply to an offender who is required to register for the offender's lifetime
2536 due to the offender being convicted of two or more registrable offenses or being
2537 convicted of one registrable offense and, at the time of the conviction for the
2538 registrable offense, being previously required to register as an offender for an
2539 offense committed as a juvenile as described in Subsection 53-29-203(1)(b).
- 2540 (7) In the case of an offender adjudicated in an external jurisdiction as a juvenile and

2541 required to register under this chapter the department shall maintain, but not publish, the
 2542 offender's information on the registration website if the external jurisdiction where the
 2543 juvenile offender was adjudicated does not publish the juvenile offender's information
 2544 on a public website.

2545 (8) Any information in the department's possession not listed in Subsection (3)(a) that is not
 2546 available to the public shall be shared:

2547 (a) for a purpose under this chapter; or

2548 (b) in accordance with Section 63G-2-206.

2549 Section 35. Section **53-29-405** is enacted to read:

2550 **53-29-405 (Effective 05/07/25). Removal for offenses or convictions for which**
 2551 **registration is no longer required.**

2552 (1) The department shall automatically remove an individual who is currently on the
 2553 registry if:

2554 (a) the only offense or offenses for which the individual is on the registry are listed in
 2555 Subsection (2); or

2556 (b) the department receives a formal notification or order from the court or the Board of
 2557 Pardons and Parole that the conviction for the registrable offense for which the
 2558 individual is on the registry has been reversed, vacated, or pardoned.

2559 (2) The offenses described in Subsection (1)(a) are:

2560 (a) a class B or class C misdemeanor for enticing a minor under Section 76-4-401;

2561 (b) kidnapping under Subsection 76-5-301(2)(a) or (b);

2562 (c) child kidnapping under Section 76-5-301.1, if the offender was the natural parent of
 2563 the child victim;

2564 (d) unlawful detention under Section 76-5-304;

2565 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B
 2566 misdemeanor for unlawful sexual intercourse, under Section 76-5-401; or

2567 (f) sodomy, but not forcible sodomy, under Section 76-5-403.

2568 (3) The department shall notify an individual who has been removed from the registry in
 2569 accordance with Subsection (1) and inform the individual in the notice that the
 2570 individual is no longer required to register as an offender.

2571 (4) An individual who is currently on the registry may submit a request to the department to
 2572 be removed from the registry if the individual believes that the individual qualifies for
 2573 removal under Subsection (1).

2574 (5) The department, upon receipt of a request for removal from the registry in accordance

- 2575 with this section, shall:
- 2576 (a) check the registry for the individual's current status;
- 2577 (b) determine whether the individual qualifies for removal based upon this section; and
- 2578 (c) notify the individual in writing of the department's determination and whether the
- 2579 individual:
- 2580 (i) qualifies for removal from the registry; or
- 2581 (ii) does not qualify for removal.
- 2582 (6) If the department determines that the individual qualifies for removal from the registry,
- 2583 the department shall remove the offender from the registry.
- 2584 (7)(a) If the department determines that the individual does not qualify for removal
- 2585 from the registry, the department shall provide an explanation in writing for the
- 2586 department's determination.
- 2587 (b) The department's determination under Subsection (7)(a) is final and not subject to
- 2588 administrative review.
- 2589 (8) The department or an employee of the department is not civilly liable for a
- 2590 determination made in good faith in accordance with this section.
- 2591 (9)(a) The department shall provide a response to a request for removal within 30 days
- 2592 after the day on which the department receives the request.
- 2593 (b) If the response under Subsection (9)(a) cannot be provided within 30 days after the
- 2594 day on which the department receives the request, the department shall notify the
- 2595 individual that the response may be delayed up to 30 additional days.

2596 Section 36. Section **57-8-3** is amended to read:

2597 **57-8-3 (Effective 05/07/25). Definitions.**

2598 As used in this chapter:

- 2599 (1) "Assessment" means any charge imposed by the association, including:
- 2600 (a) common expenses on or against a unit owner pursuant to the provisions of the
- 2601 declaration, bylaws, or this chapter; and
- 2602 (b) an amount that an association of unit owners assesses to a unit owner under
- 2603 Subsection 57-8-43(9)(g).
- 2604 (2) "Association of unit owners" or "association" means all of the unit owners:
- 2605 (a) acting as a group in accordance with the declaration and bylaws; or
- 2606 (b) organized as a legal entity in accordance with the declaration.
- 2607 (3) "Building" means a building, containing units, and comprising a part of the property.
- 2608 (4) "Commercial condominium project" means a condominium project that has no

- 2609 residential units within the project.
- 2610 (5) "Common areas and facilities" unless otherwise provided in the declaration or lawful
2611 amendments to the declaration means:
- 2612 (a) the land included within the condominium project, whether leasehold or in fee
2613 simple;
- 2614 (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls,
2615 corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;
- 2616 (c) the basements, yards, gardens, parking areas, and storage spaces;
- 2617 (d) the premises for lodging of janitors or persons in charge of the property;
- 2618 (e) installations of central services such as power, light, gas, hot and cold water, heating,
2619 refrigeration, air conditioning, and incinerating;
- 2620 (f) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all
2621 apparatus and installations existing for common use;
- 2622 (g) such community and commercial facilities as may be provided for in the declaration;
2623 and
- 2624 (h) all other parts of the property necessary or convenient to its existence, maintenance,
2625 and safety, or normally in common use.
- 2626 (6) "Common expenses" means:
- 2627 (a) all sums lawfully assessed against the unit owners;
- 2628 (b) expenses of administration, maintenance, repair, or replacement of the common areas
2629 and facilities;
- 2630 (c) expenses agreed upon as common expenses by the association of unit owners; and
- 2631 (d) expenses declared common expenses by this chapter, or by the declaration or the
2632 bylaws.
- 2633 (7) "Common profits," unless otherwise provided in the declaration or lawful amendments
2634 to the declaration, means the balance of all income, rents, profits, and revenues from the
2635 common areas and facilities remaining after the deduction of the common expenses.
- 2636 (8) "Condominium" means the ownership of a single unit in a multiunit project together
2637 with an undivided interest in common in the common areas and facilities of the property.
- 2638 (9) "Condominium plat" means a plat or plats of survey of land and units prepared in
2639 accordance with Section 57-8-13.
- 2640 (10) "Condominium project" means a real estate condominium project; a plan or project
2641 whereby two or more units, whether contained in existing or proposed apartments,
2642 commercial or industrial buildings or structures, or otherwise, are separately offered or

2643 proposed to be offered for sale. Condominium project also means the property when the
2644 context so requires.

2645 (11) "Condominium unit" means a unit together with the undivided interest in the common
2646 areas and facilities appertaining to that unit. Any reference in this chapter to a
2647 condominium unit includes both a physical unit together with its appurtenant undivided
2648 interest in the common areas and facilities and a time period unit together with its
2649 appurtenant undivided interest, unless the reference is specifically limited to a time
2650 period unit.

2651 (12) "Contractible condominium" means a condominium project from which one or more
2652 portions of the land within the project may be withdrawn in accordance with provisions
2653 of the declaration and of this chapter. If the withdrawal can occur only by the expiration
2654 or termination of one or more leases, then the condominium project is not a contractible
2655 condominium within the meaning of this chapter.

2656 (13) "Convertible land" means a building site which is a portion of the common areas and
2657 facilities, described by metes and bounds, within which additional units or limited
2658 common areas and facilities may be created in accordance with this chapter.

2659 (14) "Convertible space" means a portion of the structure within the condominium project,
2660 which portion may be converted into one or more units or common areas and facilities,
2661 including limited common areas and facilities in accordance with this chapter.

2662 (15) "Declarant" means all persons who execute the declaration or on whose behalf the
2663 declaration is executed. From the time of the recordation of any amendment to the
2664 declaration expanding an expandable condominium, all persons who execute that
2665 amendment or on whose behalf that amendment is executed shall also come within this
2666 definition. Any successors of the persons referred to in this subsection who come to
2667 stand in the same relation to the condominium project as their predecessors also come
2668 within this definition.

2669 (16) "Declaration" means the instrument by which the property is submitted to the
2670 provisions of this act, as it from time to time may be lawfully amended.

2671 (17) "Electrical corporation" means the same as that term is defined in Section 54-2-1.

2672 (18) "Expandable condominium" means a condominium project to which additional land or
2673 an interest in it may be added in accordance with the declaration and this chapter.

2674 (19) "Gas corporation" means the same as that term is defined in Section 54-2-1.

2675 (20) "Governing documents":

2676 (a) means a written instrument by which an association of unit owners may:

- 2677 (i) exercise powers; or
2678 (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the
2679 association of unit owners; and
- 2680 (b) includes:
- 2681 (i) articles of incorporation;
2682 (ii) bylaws;
2683 (iii) a plat;
2684 (iv) a declaration of covenants, conditions, and restrictions; and
2685 (v) rules of the association of unit owners.
- 2686 (21) "Independent third party" means a person that:
- 2687 (a) is not related to the unit owner;
2688 (b) shares no pecuniary interests with the unit owner; and
2689 (c) purchases the unit in good faith and without the intent to defraud a current or future
2690 lienholder.
- 2691 (22) "Judicial foreclosure" means a foreclosure of a unit:
- 2692 (a) for the nonpayment of an assessment;
2693 (b) in the manner provided by law for the foreclosure of a mortgage on real property; and
2694 (c) as provided in this chapter.
- 2695 (23) "Leasehold condominium" means a condominium project in all or any portion of
2696 which each unit owner owns an estate for years in his unit, or in the land upon which
2697 that unit is situated, or both, with all those leasehold interests to expire naturally at the
2698 same time. A condominium project including leased land, or an interest in the land,
2699 upon which no units are situated or to be situated is not a leasehold condominium within
2700 the meaning of this chapter.
- 2701 (24) "Limited common areas and facilities" means those common areas and facilities
2702 designated in the declaration as reserved for use of a certain unit or units to the exclusion
2703 of the other units.
- 2704 (25) "Majority" or "majority of the unit owners," unless otherwise provided in the
2705 declaration or lawful amendments to the declaration, means the owners of more than
2706 50% in the aggregate in interest of the undivided ownership of the common areas and
2707 facilities.
- 2708 (26) "Management committee" means the committee as provided in the declaration charged
2709 with and having the responsibility and authority to make and to enforce all of the
2710 reasonable rules covering the operation and maintenance of the property.

- 2711 (27) "Management committee meeting" means a gathering of a management committee,
2712 whether in person or by means of electronic communication, at which the management
2713 committee can take binding action.
- 2714 (28)(a) "Means of electronic communication" means an electronic system that allows
2715 individuals to communicate orally in real time.
- 2716 (b) "Means of electronic communication" includes:
- 2717 (i) web conferencing;
2718 (ii) video conferencing; and
2719 (iii) telephone conferencing.
- 2720 (29) "Mixed-use condominium project" means a condominium project that has both
2721 residential and commercial units in the condominium project.
- 2722 (30) "Nonjudicial foreclosure" means the sale of a unit:
- 2723 (a) for the nonpayment of an assessment;
2724 (b) in the same manner as the sale of trust property under Sections 57-1-19 through
2725 57-1-34; and
2726 (c) as provided in this chapter.
- 2727 (31) "Par value" means a number of dollars or points assigned to each unit by the
2728 declaration. Substantially identical units shall be assigned the same par value, but units
2729 located at substantially different heights above the ground, or having substantially
2730 different views, or having substantially different amenities or other characteristics that
2731 might result in differences in market value, may be considered substantially identical
2732 within the meaning of this subsection. If par value is stated in terms of dollars, that
2733 statement may not be considered to reflect or control the sales price or fair market value
2734 of any unit, and no opinion, appraisal, or fair market transaction at a different figure may
2735 affect the par value of any unit, or any undivided interest in the common areas and
2736 facilities, voting rights in the unit owners' association, liability for common expenses, or
2737 right to common profits, assigned on the basis thereof.
- 2738 (32) "Period of administrative control" means the period of control described in Subsection
2739 57-8-16.5(1).
- 2740 (33) "Person" means an individual, corporation, partnership, association, trustee, or other
2741 legal entity.
- 2742 (34) "Political sign" means any sign or document that advocates:
- 2743 (a) the election or defeat of a candidate for public office; or
2744 (b) the approval or defeat of a ballot proposition.

- 2745 (35) "Property" means the land, whether leasehold or in fee simple, the building, if any, all
2746 improvements and structures thereon, all easements, rights, and appurtenances belonging
2747 thereto, and all articles of personal property intended for use in connection therewith.
- 2748 (36) "Protected area" means the same as that term is defined in Section [77-27-21.7]
2749 53-29-306.
- 2750 (37) "Record," "recording," "recorded," and "recorder" have the meaning stated in Chapter
2751 3, Recording of Documents.
- 2752 (38) "Rentals" or "rental unit" means:
- 2753 (a) a unit that:
- 2754 (i) is not owned by an entity or trust; and
- 2755 (ii) is occupied by an individual while the unit owner is not occupying the unit as the
2756 unit owner's primary residence; or
- 2757 (b) an occupied unit owned by an entity or trust, regardless of who occupies the unit.
- 2758 (39) "Size" means the number of cubic feet, or the number of square feet of ground or floor
2759 space, within each unit as computed by reference to the record of survey map and
2760 rounded off to a whole number. Certain spaces within the units including attic,
2761 basement, or garage space may be omitted from the calculation or be partially
2762 discounted by the use of a ratio, if the same basis of calculation is employed for all units
2763 in the condominium project and if that basis is described in the declaration.
- 2764 (40) "Time period unit" means an annually recurring part or parts of a year specified in the
2765 declaration as a period for which a unit is separately owned and includes a timeshare
2766 estate as defined in Section 57-19-2.
- 2767 (41) "Unconstructed unit" means a unit that:
- 2768 (a) is intended, as depicted in the condominium plat, to be fully or partially contained in
2769 a building; and
- 2770 (b) is not constructed.
- 2771 (42)(a) "Unit" means a separate part of the property intended for any type of
2772 independent use, which is created by the recording of a declaration and a
2773 condominium plat that describes the unit boundaries.
- 2774 (b) "Unit" includes one or more rooms or spaces located in one or more floors or a
2775 portion of a floor in a building.
- 2776 (c) "Unit" includes a convertible space, in accordance with Subsection 57-8-13.4(3).
- 2777 (43) "Unit number" means the number, letter, or combination of numbers and letters
2778 designating the unit in the declaration and in the record of survey map.

- 2779 (44) "Unit owner" means the person or persons owning a unit in fee simple and an
 2780 undivided interest in the fee simple estate of the common areas and facilities in the
 2781 percentage specified and established in the declaration or, in the case of a leasehold
 2782 condominium project, the person or persons whose leasehold interest or interests in the
 2783 condominium unit extend for the entire balance of the unexpired term or terms.
- 2784 (45) "Water wise landscaping" means:
- 2785 (a) installation of plant materials, suited to the microclimate and soil conditions, that can:
 - 2786 (i) remain healthy with minimal irrigation once established; or
 - 2787 (ii) be maintained without the use of overhead spray irrigation;
 - 2788 (b) use of water for outdoor irrigation through proper and efficient irrigation design and
 2789 water application; or
 - 2790 (c) use of other landscape design features that:
 - 2791 (i) minimize the landscape's need for supplemental water from irrigation;
 - 2792 (ii) reduce the landscape area dedicated to lawn or turf; or
 - 2793 (iii) encourage vegetative coverage.
- 2794 (46) "Water wise plant material" means a plant material suited to water wise landscaping.
 2795 Section 37. Section **57-8-8.1** is amended to read:
- 2796 **57-8-8.1 (Effective 05/07/25). Equal treatment by rules required -- Limits on**
 2797 **rules.**
- 2798 (1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated unit
 2799 owners similarly.
 - 2800 (b) Notwithstanding Subsection (1)(a), a rule may:
 - 2801 (i) vary according to the level and type of service that the association of unit owners
 2802 provides to unit owners;
 - 2803 (ii) differ between residential and nonresidential uses; or
 - 2804 (iii) for a unit that a unit owner leases for a term of less than 30 days, impose a
 2805 reasonable limit on the number of individuals that may use the common areas and
 2806 facilities as the rental unit tenant's guest or as the unit owner's guest.
 - 2807 (2)(a) If a unit owner owns a rental unit and is in compliance with the association of
 2808 unit owners' governing documents and any rule that the association of unit owners
 2809 adopts under Subsection (5), a rule may not treat the unit owner differently because
 2810 the unit owner owns a rental unit.
 - 2811 (b) Notwithstanding Subsection (2)(a), a rule may:
 - 2812 (i) limit or prohibit a rental unit owner from using the common areas and facilities for

- 2813 purposes other than attending an association meeting or managing the rental unit;
- 2814 (ii) if the rental unit owner retains the right to use the association of unit owners'
- 2815 common areas and facilities, even occasionally:
- 2816 (A) charge a rental unit owner a fee to use the common areas and facilities; and
- 2817 (B) for a unit that a unit owner leases for a term of less than 30 days, impose a
- 2818 reasonable limit on the number of individuals that may use the common areas
- 2819 and facilities as the rental unit tenant's guest or as the unit owner's guest; or
- 2820 (iii) include a provision in the association of unit owners' governing documents that:
- 2821 (A) requires each tenant of a rental unit to abide by the terms of the governing
- 2822 documents; and
- 2823 (B) holds the tenant and the rental unit owner jointly and severally liable for a
- 2824 violation of a provision of the governing documents.
- 2825 (3)(a) A rule may not interfere with the freedom of a unit owner to determine the
- 2826 composition of the unit owner's household.
- 2827 (b) Notwithstanding Subsection (3)(a), an association of unit owners may:
- 2828 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
- 2829 or
- 2830 (ii) limit the total number of occupants permitted in each residential dwelling on the
- 2831 basis of the residential dwelling's:
- 2832 (A) size and facilities; and
- 2833 (B) fair use of the common areas and facilities.
- 2834 (4) Unless contrary to a declaration, a rule may require a minimum lease term.
- 2835 (5) Unless otherwise provided in the declaration, an association of unit owners may by rule:
- 2836 (a) regulate the use, maintenance, repair, replacement, and modification of common
- 2837 areas and facilities;
- 2838 (b) impose and receive any payment, fee, or charge for:
- 2839 (i) the use, rental, or operation of the common areas, except limited common areas
- 2840 and facilities; and
- 2841 (ii) a service provided to a unit owner;
- 2842 (c) impose a charge for a late payment of an assessment; or
- 2843 (d) provide for the indemnification of the association of unit owners' officers and
- 2844 management committee consistent with Title 16, Chapter 6a, Utah Revised Nonprofit
- 2845 Corporation Act.
- 2846 (6)(a) Except as provided in Subsection (6)(b), a rule may not prohibit a unit owner

- 2847 from installing a personal security camera immediately adjacent to the entryway,
2848 window, or other outside entry point of the owner's condominium unit.
- 2849 (b) A rule may prohibit a unit owner from installing a personal security camera in a
2850 common area not physically connected to the owner's unit.
- 2851 (7)(a) A rule may not abridge the right of a unit owner to display a religious or holiday
2852 sign, symbol, or decoration inside the owner's condominium unit.
- 2853 (b) An association may adopt a reasonable time, place, and manner restriction with
2854 respect to a display that is visible from the exterior of a unit.
- 2855 (8)(a) A rule may not:
- 2856 (i) prohibit a unit owner from displaying in a window of the owner's condominium
2857 unit:
- 2858 (A) a for-sale sign; or
2859 (B) a political sign;
- 2860 (ii) regulate the content of a political sign; or
2861 (iii) establish design criteria for a political sign.
- 2862 (b) Notwithstanding Subsection (8)(a), a rule may reasonably regulate the size and time,
2863 place, and manner of posting a for-sale sign or a political sign.
- 2864 (9) For any area for which one or more unit owners are responsible for landscape
2865 maintenance, the association of unit owners:
- 2866 (a) shall adopt rules supporting water wise landscaping, including:
- 2867 (i) low water use requirements on lawns during drought conditions;
2868 (ii) design criterion for water wise landscaping; and
2869 (iii) limiting permissible plant material to specific water wise plant material;
- 2870 (b) may not prohibit low water use on lawns during drought conditions; and
2871 (c) may not prohibit or restrict the conversion of a grass park strip to water-efficient
2872 landscaping.
- 2873 (10) A rule may restrict a sex offender from accessing a protected area that is maintained,
2874 operated, or owned by the association, subject to the exceptions described in Subsection [
2875 ~~77-27-21.7(3)~~] 53-29-306(3).
- 2876 (11)(a) Except as provided in this Subsection (11), a rule may not prohibit a unit owner
2877 from making modifications, consistent with industry standards, for radon mitigation.
- 2878 (b) Subsection (11)(a) does not apply if the modifications would violate:
- 2879 (i) a local land use ordinance;
2880 (ii) a building code;

- 2881 (iii) a health code; or
 2882 (iv) a fire code.
- 2883 (c) A rule governing the placement or external appearance of modifications may apply to
 2884 modifications for radon mitigation unless the rule would:
 2885 (i) unreasonably interfere with the modifications' functionality; or
 2886 (ii) add more than 40% of the modifications' original cost to the cost of installing the
 2887 modifications.
- 2888 (d) A rule may require that a unit owner making modifications related to radon
 2889 mitigation:
 2890 (i) demonstrate or provide proof of radon contamination; and
 2891 (ii) provide proof that the modifications and any related construction will be
 2892 performed by a licensed person.
- 2893 (12) A rule shall be reasonable.
- 2894 (13) A declaration, or an amendment to a declaration, may vary any of the requirements of
 2895 Subsections (1) through (5), except Subsection (1)(b)(ii).
- 2896 (14) This section applies to an association of unit owners regardless of when the association
 2897 of unit owners is created.
- 2898 Section 38. Section **57-8a-102** is amended to read:
 2899 **57-8a-102 (Effective 05/07/25). Definitions.**
 2900 As used in this chapter:
- 2901 (1)(a) "Assessment" means a charge imposed or levied:
 2902 (i) by the association;
 2903 (ii) on or against a lot or a lot owner; and
 2904 (iii) pursuant to a governing document recorded with the county recorder.
- 2905 (b) "Assessment" includes:
 2906 (i) a common expense; and
 2907 (ii) an amount assessed against a lot owner under Subsection 57-8a-405(7).
- 2908 (2)(a) Except as provided in Subsection (2)(b), "association" means a corporation or
 2909 other legal entity, any member of which:
 2910 (i) is an owner of a residential lot located within the jurisdiction of the association, as
 2911 described in the governing documents; and
 2912 (ii) by virtue of membership or ownership of a residential lot is obligated to pay:
 2913 (A) real property taxes;
 2914 (B) insurance premiums;

- 2915 (C) maintenance costs; or
- 2916 (D) for improvement of real property not owned by the member.
- 2917 (b) "Association" or "homeowner association" does not include an association created
- 2918 under Chapter 8, Condominium Ownership Act.
- 2919 (3) "Board meeting" means a gathering of a board, whether in person or by means of
- 2920 electronic communication, at which the board can take binding action.
- 2921 (4) "Board of directors" or "board" means the entity, regardless of name, with primary
- 2922 authority to manage the affairs of the association.
- 2923 (5) "Common areas" means property that the association:
- 2924 (a) owns;
- 2925 (b) maintains;
- 2926 (c) repairs; or
- 2927 (d) administers.
- 2928 (6) "Common expense" means costs incurred by the association to exercise any of the
- 2929 powers provided for in the association's governing documents.
- 2930 (7) "Declarant":
- 2931 (a) means the person who executes a declaration and submits it for recording in the
- 2932 office of the recorder of the county in which the property described in the declaration
- 2933 is located; and
- 2934 (b) includes the person's successor and assign.
- 2935 (8) "Director" means a member of the board of directors.
- 2936 (9) "Electrical corporation" means the same as that term is defined in Section 54-2-1.
- 2937 (10) "Gas corporation" means the same as that term is defined in Section 54-2-1.
- 2938 (11)(a) "Governing documents" means a written instrument by which the association
- 2939 may:
- 2940 (i) exercise powers; or
- 2941 (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the
- 2942 association.
- 2943 (b) "Governing documents" includes:
- 2944 (i) articles of incorporation;
- 2945 (ii) bylaws;
- 2946 (iii) a plat;
- 2947 (iv) a declaration of covenants, conditions, and restrictions; and
- 2948 (v) rules of the association.

- 2949 (12) "Independent third party" means a person that:
2950 (a) is not related to the owner of the residential lot;
2951 (b) shares no pecuniary interests with the owner of the residential lot; and
2952 (c) purchases the residential lot in good faith and without the intent to defraud a current
2953 or future lienholder.
- 2954 (13) "Judicial foreclosure" means a foreclosure of a lot:
2955 (a) for the nonpayment of an assessment;
2956 (b) in the manner provided by law for the foreclosure of a mortgage on real property; and
2957 (c) as provided in Part 3, Collection of Assessments.
- 2958 (14) "Lease" or "leasing" means regular, exclusive occupancy of a lot:
2959 (a) by a person or persons other than the owner; and
2960 (b) for which the owner receives a consideration or benefit, including a fee, service,
2961 gratuity, or emolument.
- 2962 (15) "Limited common areas" means common areas described in the declaration and
2963 allocated for the exclusive use of one or more lot owners.
- 2964 (16) "Lot" means:
2965 (a) a lot, parcel, plot, or other division of land:
2966 (i) designated for separate ownership or occupancy; and
2967 (ii)(A) shown on a recorded subdivision plat; or
2968 (B) the boundaries of which are described in a recorded governing document; or
2969 (b)(i) a unit in a condominium association if the condominium association is a part
2970 of a development; or
2971 (ii) a unit in a real estate cooperative if the real estate cooperative is part of a
2972 development.
- 2973 (17)(a) "Means of electronic communication" means an electronic system that allows
2974 individuals to communicate orally in real time.
2975 (b) "Means of electronic communication" includes:
2976 (i) web conferencing;
2977 (ii) video conferencing; and
2978 (iii) telephone conferencing.
- 2979 (18) "Mixed-use project" means a project under this chapter that has both residential and
2980 commercial lots in the project.
- 2981 (19) "Nonjudicial foreclosure" means the sale of a lot:
2982 (a) for the nonpayment of an assessment;

- 2983 (b) in the same manner as the sale of trust property under Sections 57-1-19 through
 2984 57-1-34; and
- 2985 (c) as provided in Part 3, Collection of Assessments.
- 2986 (20) "Period of administrative control" means the period during which the person who filed
 2987 the association's governing documents or the person's successor in interest retains
 2988 authority to:
- 2989 (a) appoint or remove members of the association's board of directors; or
 2990 (b) exercise power or authority assigned to the association under the association's
 2991 governing documents.
- 2992 (21) "Political sign" means any sign or document that advocates:
- 2993 (a) the election or defeat of a candidate for public office; or
 2994 (b) the approval or defeat of a ballot proposition.
- 2995 (22) "Protected area" means the same as that term is defined in Section 77-27-21.7.
- 2996 (23) "Rentals" or "rental lot" means:
- 2997 (a) a lot that:
- 2998 (i) is not owned by an entity or trust; and
 2999 (ii) is occupied by an individual while the lot owner is not occupying the lot as the lot
 3000 owner's primary residence;
- 3001 (b) an occupied lot owned by an entity or trust, regardless of who occupies the lot; or
 3002 (c) an internal accessory dwelling unit as defined in Section 10-9a-530 or 17-27a-526.
- 3003 (24) "Residential lot" means a lot, the use of which is limited by law, covenant, or
 3004 otherwise to primarily residential or recreational purposes.
- 3005 (25)(a) "Rule" means a policy, guideline, restriction, procedure, or regulation of an
 3006 association that:
- 3007 (i) is not set forth in a contract, easement, article of incorporation, bylaw, or
 3008 declaration; and
 3009 (ii) governs:
- 3010 (A) the conduct of persons; or
 3011 (B) the use, quality, type, design, or appearance of real property or personal
 3012 property.
- 3013 (b) "Rule" does not include the internal business operating procedures of a board.
- 3014 (26) "Sex offender" means ~~[the same as that term is defined in Section 77-27-21.7]~~ an
 3015 individual who is a sex offender as described in Subsection 53-29-202(2)(b) if the
 3016 offense that the individual committed that resulted in the individual being a sex offender

3017 was committed against an individual younger than 18 years old.

3018 (27) "Solar energy system" means:

3019 (a) a system that is used to produce electric energy from sunlight; and

3020 (b) the components of the system described in Subsection (27)(a).

3021 Section 39. Section **57-8a-218** is amended to read:

3022 **57-8a-218 (Effective 05/07/25). Equal treatment by rules required -- Limits on**
 3023 **association rules and design criteria.**

3024 (1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot
 3025 owners similarly.

3026 (b) Notwithstanding Subsection (1)(a), a rule may:

3027 (i) vary according to the level and type of service that the association provides to lot
 3028 owners;

3029 (ii) differ between residential and nonresidential uses; and

3030 (iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable
 3031 limit on the number of individuals who may use the common areas and facilities
 3032 as guests of the lot tenant or lot owner.

3033 (2)(a) If a lot owner owns a rental lot and is in compliance with the association's
 3034 governing documents and any rule that the association adopts under Subsection (4), a
 3035 rule may not treat the lot owner differently because the lot owner owns a rental lot.

3036 (b) Notwithstanding Subsection (2)(a), a rule may:

3037 (i) limit or prohibit a rental lot owner from using the common areas for purposes
 3038 other than attending an association meeting or managing the rental lot;

3039 (ii) if the rental lot owner retains the right to use the association's common areas,
 3040 even occasionally:

3041 (A) charge a rental lot owner a fee to use the common areas; or

3042 (B) for a lot that an owner leases for a term of less than 30 days, impose a
 3043 reasonable limit on the number of individuals who may use the common areas
 3044 and facilities as guests of the lot tenant or lot owner; or

3045 (iii) include a provision in the association's governing documents that:

3046 (A) requires each tenant of a rental lot to abide by the terms of the governing
 3047 documents; and

3048 (B) holds the tenant and the rental lot owner jointly and severally liable for a
 3049 violation of a provision of the governing documents.

3050 (3)(a) A rule criterion may not abridge the rights of a lot owner to display a religious or

- 3051 holiday sign, symbol, or decoration:
- 3052 (i) inside a dwelling on a lot; or
- 3053 (ii) outside a dwelling on:
- 3054 (A) a lot;
- 3055 (B) the exterior of the dwelling, unless the association has an ownership interest
- 3056 in, or a maintenance, repair, or replacement obligation for, the exterior; or
- 3057 (C) the front yard of the dwelling, unless the association has an ownership interest
- 3058 in, or a maintenance, repair, or replacement obligation for, the yard.
- 3059 (b) Notwithstanding Subsection (3)(a), the association may adopt a reasonable time,
- 3060 place, and manner restriction with respect to a display that is:
- 3061 (i) outside a dwelling on:
- 3062 (A) a lot;
- 3063 (B) the exterior of the dwelling; or
- 3064 (C) the front yard of the dwelling; and
- 3065 (ii) visible from outside the lot.
- 3066 (4)(a) A rule may not prohibit a lot owner from displaying a political sign:
- 3067 (i) inside a dwelling on a lot; or
- 3068 (ii) outside a dwelling on:
- 3069 (A) a lot;
- 3070 (B) the exterior of the dwelling, regardless of whether the association has an
- 3071 ownership interest in the exterior; or
- 3072 (C) the front yard of the dwelling, regardless of whether the association has an
- 3073 ownership interest in the yard.
- 3074 (b) A rule may not regulate the content of a political sign.
- 3075 (c) Notwithstanding Subsection (4)(a), a rule may reasonably regulate the time, place,
- 3076 and manner of posting a political sign.
- 3077 (d) An association design provision may not establish design criteria for a political sign.
- 3078 (5)(a) A rule may not prohibit a lot owner from displaying a for-sale sign:
- 3079 (i) inside a dwelling on a lot; or
- 3080 (ii) outside a dwelling on:
- 3081 (A) a lot;
- 3082 (B) the exterior of the dwelling, regardless of whether the association has an
- 3083 ownership interest in the exterior; or
- 3084 (C) the front yard of the dwelling, regardless of whether the association has an

- 3085 ownership interest in the yard.
- 3086 (b) Notwithstanding Subsection (5)(a), a rule may reasonably regulate the time, place,
3087 and manner of posting a for-sale sign.
- 3088 (6)(a) A rule may not interfere with the freedom of a lot owner to determine the
3089 composition of the lot owner's household.
- 3090 (b) Notwithstanding Subsection (6)(a), an association may:
- 3091 (i) require that all occupants of a dwelling be members of a single housekeeping unit;
3092 or
- 3093 (ii) limit the total number of occupants permitted in each residential dwelling on the
3094 basis of the residential dwelling's:
- 3095 (A) size and facilities; and
3096 (B) fair use of the common areas.
- 3097 (7)(a) A rule may not interfere with a reasonable activity of a lot owner within the
3098 confines of a dwelling or lot, including backyard landscaping or amenities, to the
3099 extent that the activity is in compliance with local laws and ordinances, including
3100 nuisance laws and ordinances.
- 3101 (b) Notwithstanding Subsection (7)(a), a rule may prohibit an activity within the
3102 confines of a dwelling or lot, including backyard landscaping or amenities, if the
3103 activity:
- 3104 (i) is not normally associated with a project restricted to residential use; or
3105 (ii)(A) creates monetary costs for the association or other lot owners;
3106 (B) creates a danger to the health or safety of occupants of other lots;
3107 (C) generates excessive noise or traffic;
3108 (D) creates unsightly conditions visible from outside the dwelling;
3109 (E) creates an unreasonable source of annoyance to persons outside the lot; or
3110 (F) if there are attached dwellings, creates the potential for smoke to enter another
3111 lot owner's dwelling, the common areas, or limited common areas.
- 3112 (c) If permitted by law, an association may adopt rules described in Subsection (7)(b)
3113 that affect the use of or behavior inside the dwelling.
- 3114 (8)(a) A rule may not, to the detriment of a lot owner and over the lot owner's written
3115 objection to the board, alter the allocation of financial burdens among the various lots.
- 3116 (b) Notwithstanding Subsection (8)(a), an association may:
- 3117 (i) change the common areas available to a lot owner;
3118 (ii) adopt generally applicable rules for the use of common areas; or

- 3119 (iii) deny use privileges to a lot owner who:
- 3120 (A) is delinquent in paying assessments;
- 3121 (B) abuses the common areas; or
- 3122 (C) violates the governing documents.
- 3123 (c) This Subsection (8) does not permit a rule that:
- 3124 (i) alters the method of levying assessments; or
- 3125 (ii) increases the amount of assessments as provided in the declaration.
- 3126 (9)(a) Subject to Subsection (9)(b), a rule may not:
- 3127 (i) prohibit the transfer of a lot; or
- 3128 (ii) require the consent of the association or board to transfer a lot.
- 3129 (b) Unless contrary to a declaration, a rule may require a minimum lease term.
- 3130 (10)(a) A rule may not require a lot owner to dispose of personal property that was in or
- 3131 on a lot before the adoption of the rule or design criteria if the personal property was
- 3132 in compliance with all rules and other governing documents previously in force.
- 3133 (b) The exemption in Subsection (10)(a):
- 3134 (i) applies during the period of the lot owner's ownership of the lot; and
- 3135 (ii) does not apply to a subsequent lot owner who takes title to the lot after adoption
- 3136 of the rule described in Subsection (10)(a).
- 3137 (11) A rule or action by the association or action by the board may not unreasonably
- 3138 impede a declarant's ability to satisfy existing development financing for community
- 3139 improvements and right to develop:
- 3140 (a) the project; or
- 3141 (b) other properties in the vicinity of the project.
- 3142 (12) A rule or association or board action may not interfere with:
- 3143 (a) the use or operation of an amenity that the association does not own or control; or
- 3144 (b) the exercise of a right associated with an easement.
- 3145 (13) A rule may not divest a lot owner of the right to proceed in accordance with a
- 3146 completed application for design review, or to proceed in accordance with another
- 3147 approval process, under the terms of the governing documents in existence at the time
- 3148 the completed application was submitted by the owner for review.
- 3149 (14) Unless otherwise provided in the declaration, an association may by rule:
- 3150 (a) regulate the use, maintenance, repair, replacement, and modification of common
- 3151 areas;
- 3152 (b) impose and receive any payment, fee, or charge for:

- 3153 (i) the use, rental, or operation of the common areas, except limited common areas;
3154 and
- 3155 (ii) a service provided to a lot owner;
- 3156 (c) impose a charge for a late payment of an assessment; or
- 3157 (d) provide for the indemnification of the association's officers and board consistent with
3158 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- 3159 (15) A rule may not prohibit a lot owner from installing a personal security camera
3160 immediately adjacent to the entryway, window, or other outside entry point of the
3161 owner's dwelling unit.
- 3162 (16)(a) For any area for which one or more lot owners are responsible for landscape
3163 maintenance of any landscaping within the lot owner's lot or the common areas, the association
3164 shall adopt rules supporting water wise landscaping as defined in Section 57-8a-231
3165 including:
- 3166 (i) low water use requirements on lawns during drought conditions;
- 3167 (ii) design criterion for water wise landscaping; and
- 3168 (iii) limiting permissible plant material to specific water wise plant material.
- 3169 (b) A rule may not:
- 3170 (i) prohibit or restrict the conversion of a grass park strip to water wise landscaping
3171 as defined in Section 57-8a-231; or
- 3172 (ii) prohibit low water use on lawns during drought conditions.
- 3173 (17)(a) Except as provided in Subsection (17)(b), a rule may not prohibit the owner of a
3174 residential lot from constructing an internal accessory dwelling unit, as defined in
3175 Section 10-9a-530 or 17-27a-526, within the owner's residential lot.
- 3176 (b) Subsection (17)(a) does not apply if the construction would violate:
- 3177 (i) a local land use ordinance;
- 3178 (ii) a building code;
- 3179 (iii) a health code; or
- 3180 (iv) a fire code.
- 3181 (18)(a) Except as provided in Subsection (18)(b), a rule may not prohibit the owner of a
3182 residential lot from making modifications, consistent with industry standards, for
3183 radon mitigation.
- 3184 (b) Subsection (18)(a) does not apply if the modifications would violate:
- 3185 (i) a local land use ordinance;
- 3186 (ii) a building code;

- 3187 (iii) a health code; or
3188 (iv) a fire code.
- 3189 (c) A rule governing the placement or external appearance of modifications for radon
3190 mitigation does not apply to a lot owner's modifications if the rule would:
3191 (i) unreasonably interfere with the modifications' functionality; or
3192 (ii) add more than 40% of the modifications' original cost to the cost of installing the
3193 modifications.
- 3194 (d) A rule may require that a lot owner making modifications related to radon mitigation:
3195 (i) demonstrate or provide proof of radon contamination; and
3196 (ii) provide proof that the modifications and any related construction will be
3197 performed by a licensed person.
- 3198 (19) A rule may restrict a sex offender from accessing a protected area that is maintained,
3199 operated, or owned by the association, subject to the exceptions described in Subsection [
3200 ~~77-27-21.7(3)~~ 53-29-306(3).
- 3201 (20) A rule shall be reasonable.
- 3202 (21) A declaration, or an amendment to a declaration, may vary any of the requirements of
3203 Subsections (1), (2), (6), and (8) through (14), except Subsection (1)(b)(ii).
- 3204 (22) A rule may not be inconsistent with a provision of the association's declaration,
3205 bylaws, or articles of incorporation.
- 3206 (23) This section applies to an association regardless of when the association is created.
3207 Section 40. Section **63G-2-302** is amended to read:
3208 **63G-2-302 (Effective 05/07/25). Private records.**
- 3209 (1) The following records are private:
3210 (a) records concerning an individual's eligibility for unemployment insurance benefits,
3211 social services, welfare benefits, or the determination of benefit levels;
3212 (b) records containing data on individuals describing medical history, diagnosis,
3213 condition, treatment, evaluation, or similar medical data;
3214 (c) records of publicly funded libraries that when examined alone or with other records
3215 identify a patron;
3216 (d) records received by or generated by or for:
3217 (i) the Independent Legislative Ethics Commission, except for:
3218 (A) the commission's summary data report that is required under legislative rule;
3219 and
3220 (B) any other document that is classified as public under legislative rule; or

- 3221 (ii) a Senate or House Ethics Committee in relation to the review of ethics
3222 complaints, unless the record is classified as public under legislative rule;
- 3223 (e) records received by, or generated by or for, the Independent Executive Branch Ethics
3224 Commission, except as otherwise expressly provided in Title 63A, Chapter 14,
3225 Review of Executive Branch Ethics Complaints;
- 3226 (f) records received or generated for a Senate confirmation committee concerning
3227 character, professional competence, or physical or mental health of an individual:
- 3228 (i) if, prior to the meeting, the chair of the committee determines release of the
3229 records:
- 3230 (A) reasonably could be expected to interfere with the investigation undertaken by
3231 the committee; or
- 3232 (B) would create a danger of depriving a person of a right to a fair proceeding or
3233 impartial hearing; and
- 3234 (ii) after the meeting, if the meeting was closed to the public;
- 3235 (g) employment records concerning a current or former employee of, or applicant for
3236 employment with, a governmental entity that would disclose that individual's home
3237 address, home telephone number, social security number, insurance coverage, marital
3238 status, or payroll deductions;
- 3239 (h) records or parts of records under Section 63G-2-303 that a current or former
3240 employee identifies as private according to the requirements of that section;
- 3241 (i) that part of a record indicating a person's social security number or federal employer
3242 identification number if provided under Section 31A-23a-104, 31A-25-202,
3243 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 3244 (j) that part of a voter registration record identifying a voter's:
- 3245 (i) driver license or identification card number;
- 3246 (ii) social security number, or last four digits of the social security number;
- 3247 (iii) email address;
- 3248 (iv) date of birth; or
- 3249 (v) phone number;
- 3250 (k) a voter registration record that is classified as a private record by the lieutenant
3251 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
3252 20A-2-204(4)(b);
- 3253 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 3254 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any

- 3255 verification submitted in support of the form;
- 3256 (n) a record that:
- 3257 (i) contains information about an individual;
- 3258 (ii) is voluntarily provided by the individual; and
- 3259 (iii) goes into an electronic database that:
- 3260 (A) is designated by and administered under the authority of the Chief Information
- 3261 Officer; and
- 3262 (B) acts as a repository of information about the individual that can be
- 3263 electronically retrieved and used to facilitate the individual's online interaction
- 3264 with a state agency;
- 3265 (o) information provided to the Commissioner of Insurance under:
- 3266 (i) Subsection 31A-23a-115(3)(a);
- 3267 (ii) Subsection 31A-23a-302(4); or
- 3268 (iii) Subsection 31A-26-210(4);
- 3269 (p) information obtained through a criminal background check under Title 11, Chapter
- 3270 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 3271 (q) information provided by an offender that is:
- 3272 (i) required by the registration requirements of [~~Title 77, Chapter 41, Sex, Kidnap,~~
- 3273 ~~and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child
- 3274 Abuse Offender Registry; and
- 3275 (ii) not required to be made available to the public under Subsection [~~77-41-110(4)~~]
- 3276 53-29-404(3)(a);
- 3277 (r) a statement and any supporting documentation filed with the attorney general in
- 3278 accordance with Section 34-45-107, if the federal law or action supporting the filing
- 3279 involves homeland security;
- 3280 (s) electronic toll collection customer account information received or collected under
- 3281 Section 72-6-118 and customer information described in Section 17B-2a-815
- 3282 received or collected by a public transit district, including contact and payment
- 3283 information and customer travel data;
- 3284 (t) an email address provided by a military or overseas voter under Section 20A-16-501;
- 3285 (u) a completed military-overseas ballot that is electronically transmitted under Title
- 3286 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 3287 (v) records received by or generated by or for the Political Subdivisions Ethics Review
- 3288 Commission established in Section 63A-15-201, except for:

- 3289 (i) the commission's summary data report that is required in Section 63A-15-202; and
 3290 (ii) any other document that is classified as public in accordance with Title 63A,
 3291 Chapter 15, Political Subdivisions Ethics Review Commission;
- 3292 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of an
 3293 incident or threat;
- 3294 (x) a criminal background check or credit history report conducted in accordance with
 3295 Section 63A-3-201;
- 3296 (y) a record described in Subsection 53-5a-104(7);
- 3297 (z) on a record maintained by a county for the purpose of administering property taxes,
 3298 an individual's:
- 3299 (i) email address;
 3300 (ii) phone number; or
 3301 (iii) personal financial information related to a person's payment method;
- 3302 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an
 3303 exemption, deferral, abatement, or relief under:
- 3304 (i) Title 59, Chapter 2, Part 11, Exemptions;
 3305 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
 3306 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
 3307 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 3308 (bb) a record provided by the State Tax Commission in response to a request under
 3309 Subsection 59-1-403(4)(y)(iii);
- 3310 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual
 3311 child welfare case, as described in Subsection 36-33-103(3); and
- 3312 (dd) a record relating to drug or alcohol testing of a state employee under Section
 3313 63A-17-1004;
- 3314 (ee) a record relating to a request by a state elected official or state employee who has
 3315 been threatened to the Division of Technology Services to remove personal
 3316 identifying information from the open web under Section 63A-16-109; and
- 3317 (ff) a record including confidential information as that term is defined in Section
 3318 67-27-105.
- 3319 (2) The following records are private if properly classified by a governmental entity:
- 3320 (a) records concerning a current or former employee of, or applicant for employment
 3321 with a governmental entity, including performance evaluations and personal status
 3322 information such as race, religion, or disabilities, but not including records that are

- 3323 public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under
 3324 Subsection (1)(b);
- 3325 (b) records describing an individual's finances, except that the following are public:
- 3326 (i) records described in Subsection 63G-2-301(2);
- 3327 (ii) information provided to the governmental entity for the purpose of complying
 3328 with a financial assurance requirement; or
- 3329 (iii) records that must be disclosed in accordance with another statute;
- 3330 (c) records of independent state agencies if the disclosure of those records would
 3331 conflict with the fiduciary obligations of the agency;
- 3332 (d) other records containing data on individuals the disclosure of which constitutes a
 3333 clearly unwarranted invasion of personal privacy;
- 3334 (e) records provided by the United States or by a government entity outside the state that
 3335 are given with the requirement that the records be managed as private records, if the
 3336 providing entity states in writing that the record would not be subject to public
 3337 disclosure if retained by it;
- 3338 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
 3339 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the
 3340 identity of a person who made a report of alleged abuse, neglect, or exploitation of a
 3341 vulnerable adult; and
- 3342 (g) audio and video recordings created by a body-worn camera, as defined in Section
 3343 77-7a-103, that record sound or images inside a home or residence except for
 3344 recordings that:
- 3345 (i) depict the commission of an alleged crime;
- 3346 (ii) record any encounter between a law enforcement officer and a person that results
 3347 in death or bodily injury, or includes an instance when an officer fires a weapon;
- 3348 (iii) record any encounter that is the subject of a complaint or a legal proceeding
 3349 against a law enforcement officer or law enforcement agency;
- 3350 (iv) contain an officer involved critical incident as defined in Subsection 76-2-408
 3351 (1)(f); or
- 3352 (v) have been requested for reclassification as a public record by a subject or
 3353 authorized agent of a subject featured in the recording.
- 3354 (3)(a) As used in this Subsection (3), "medical records" means medical reports, records,
 3355 statements, history, diagnosis, condition, treatment, and evaluation.
- 3356 (b) Medical records in the possession of the University of Utah Hospital, its clinics,

- 3357 doctors, or affiliated entities are not private records or controlled records under
3358 Section 63G-2-304 when the records are sought:
- 3359 (i) in connection with any legal or administrative proceeding in which the patient's
3360 physical, mental, or emotional condition is an element of any claim or defense; or
3361 (ii) after a patient's death, in any legal or administrative proceeding in which any
3362 party relies upon the condition as an element of the claim or defense.
- 3363 (c) Medical records are subject to production in a legal or administrative proceeding
3364 according to state or federal statutes or rules of procedure and evidence as if the
3365 medical records were in the possession of a nongovernmental medical care provider.
3366 Section 41. Section **63G-7-301** is amended to read:
- 3367 **63G-7-301 (Effective 05/07/25). Waivers of immunity.**
- 3368 (1)(a) Immunity from suit of each governmental entity is waived as to any contractual
3369 obligation.
- 3370 (b) Actions arising out of contractual rights or obligations are not subject to the
3371 requirements of Section 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.
- 3372 (c) The Division of Water Resources is not liable for failure to deliver water from a
3373 reservoir or associated facility authorized by Title 73, Chapter 26, Bear River
3374 Development Act, if the failure to deliver the contractual amount of water is due to
3375 drought, other natural condition, or safety condition that causes a deficiency in the
3376 amount of available water.
- 3377 (2) Immunity from suit of each governmental entity is waived:
- 3378 (a) as to any action brought to recover, obtain possession of, or quiet title to real or
3379 personal property;
- 3380 (b) as to any action brought to foreclose mortgages or other liens on real or personal
3381 property, to determine any adverse claim on real or personal property, or to obtain an
3382 adjudication about any mortgage or other lien that the governmental entity may have
3383 or claim on real or personal property;
- 3384 (c) as to any action based on the negligent destruction, damage, or loss of goods,
3385 merchandise, or other property while it is in the possession of any governmental
3386 entity or employee, if the property was seized for the purpose of forfeiture under any
3387 provision of state law;
- 3388 (d) subject to Section 63G-7-302, as to any action brought under the authority of Utah
3389 Constitution, Article I, Section 22, for the recovery of compensation from the
3390 governmental entity when the governmental entity has taken or damaged private property for

- 3391 public uses without just compensation;
- 3392 (e) as to any claim for attorney fees or costs under Section 63G-2-209, 63G-2-405, or
3393 63G-2-802;
- 3394 (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees
3395 Act;
- 3396 (g) as to any action brought to obtain relief from a land use regulation that imposes a
3397 substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah
3398 Religious Land Use Act;
- 3399 (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
- 3400 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,
3401 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on
3402 them; or
- 3403 (ii) any defective or dangerous condition of a public building, structure, dam,
3404 reservoir, or other public improvement;
- 3405 (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately
3406 caused by a negligent act or omission of an employee committed within the scope of
3407 employment;
- 3408 (j) notwithstanding Subsection 63G-7-101(4), as to a claim for an injury resulting from a
3409 sexual battery, as provided in Section 76-9-702.1, committed:
- 3410 (i) against a student of a public elementary or secondary school, including a charter
3411 school; and
- 3412 (ii) by an employee of a public elementary or secondary school or charter school who:
- 3413 (A) at the time of the sexual battery, held a position of special trust, as defined in
3414 Section 76-5-404.1, with respect to the student;
- 3415 (B) is criminally charged in connection with the sexual battery; and
- 3416 (C) the public elementary or secondary school or charter school knew or in the
3417 exercise of reasonable care should have known, at the time of the employee's
3418 hiring, to be a sex offender, a kidnap offender, or a child abuse offender as [
3419 defined] described in Section [~~77-41-102~~] 53-29-202, required to register under [
3420 ~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title
3421 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, whose status
3422 as a sex offender, kidnap offender, or child abuse offender would have been
3423 revealed in a background check under Section 53G-11-402;
- 3424 (k) as to any action brought under Section 78B-6-2303; and

- 3425 (l) as to any action brought to obtain relief under Title 53B, Chapter 27, Part 6, Student
3426 Legal Representation.
- 3427 (3)(a) As used in this Subsection (3):
- 3428 (i) "Code of conduct" means a code of conduct that:
- 3429 (A) is not less stringent than a model code of conduct, created by the State Board
3430 of Education, establishing a professional standard of care for preventing the
3431 conduct described in Subsection (3)(a)(i)(D);
- 3432 (B) is adopted by the applicable local education governing body;
- 3433 (C) regulates behavior of a school employee toward a student; and
- 3434 (D) includes a prohibition against any sexual conduct between an employee and a
3435 student and against the employee and student sharing any sexually explicit or
3436 lewd communication, image, or photograph.
- 3437 (ii) "Local education agency" means:
- 3438 (A) a school district;
- 3439 (B) a charter school; or
- 3440 (C) the Utah Schools for the Deaf and the Blind.
- 3441 (iii) "Local education governing board" means:
- 3442 (A) for a school district, the local school board;
- 3443 (B) for a charter school, the charter school governing board; or
- 3444 (C) for the Utah Schools for the Deaf and the Blind, the state board.
- 3445 (iv) "Public school" means a public elementary or secondary school.
- 3446 (v) "Sexual abuse" means the offense described in Subsection 76-5-404.1(2).
- 3447 (vi) "Sexual battery" means the offense described in Section 76-9-702.1, considering
3448 the term "child" in that section to include an individual under age 18.
- 3449 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a
3450 claim against a local education agency for an injury resulting from a sexual battery or
3451 sexual abuse committed against a student of a public school by a paid employee of
3452 the public school who is criminally charged in connection with the sexual battery or
3453 sexual abuse, unless:
- 3454 (i) at the time of the sexual battery or sexual abuse, the public school was subject to a
3455 code of conduct; and
- 3456 (ii) before the sexual battery or sexual abuse occurred, the public school had:
- 3457 (A) provided training on the code of conduct to the employee; and
- 3458 (B) required the employee to sign a statement acknowledging that the employee

- 3459 has read and understands the code of conduct.
- 3460 (4)(a) As used in this Subsection (4):
- 3461 (i) "Higher education institution" means an institution included within the state
3462 system of higher education under Section 53B-1-102.
- 3463 (ii) "Policy governing behavior" means a policy adopted by a higher education
3464 institution or the Utah Board of Higher Education that:
- 3465 (A) establishes a professional standard of care for preventing the conduct
3466 described in Subsections (4)(a)(ii)(C) and (D);
- 3467 (B) regulates behavior of a special trust employee toward a subordinate student;
- 3468 (C) includes a prohibition against any sexual conduct between a special trust
3469 employee and a subordinate student; and
- 3470 (D) includes a prohibition against a special trust employee and subordinate student
3471 sharing any sexually explicit or lewd communication, image, or photograph.
- 3472 (iii) "Sexual battery" means the offense described in Section 76-9-702.1.
- 3473 (iv) "Special trust employee" means an employee of a higher education institution
3474 who is in a position of special trust, as defined in Section 76-5-404.1, with a
3475 higher education student.
- 3476 (v) "Subordinate student" means a student:
- 3477 (A) of a higher education institution; and
- 3478 (B) whose educational opportunities could be adversely impacted by a special
3479 trust employee.
- 3480 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a
3481 claim for an injury resulting from a sexual battery committed against a subordinate
3482 student by a special trust employee, unless:
- 3483 (i) the institution proves that the special trust employee's behavior that otherwise
3484 would constitute a sexual battery was:
- 3485 (A) with a subordinate student who was at least 18 years old at the time of the
3486 behavior; and
- 3487 (B) with the student's consent; or
- 3488 (ii)(A) at the time of the sexual battery, the higher education institution was
3489 subject to a policy governing behavior; and
- 3490 (B) before the sexual battery occurred, the higher education institution had taken
3491 steps to implement and enforce the policy governing behavior.

3492 Section 42. Section **76-1-201** is amended to read:

3493 **76-1-201 (Effective 05/07/25). Jurisdiction of offenses.**

- 3494 (1) A person is subject to prosecution in this state for an offense which the person commits,
 3495 while either within or outside the state, by the person's own conduct or that of another
 3496 for which the person is legally accountable, if:
- 3497 (a) the offense is committed either wholly or partly within the state;
- 3498 (b) the conduct outside the state constitutes an attempt to commit an offense within the
 3499 state;
- 3500 (c) the conduct outside the state constitutes a conspiracy to commit an offense within the
 3501 state and an act in furtherance of the conspiracy occurs in the state; or
- 3502 (d) the conduct within the state constitutes an attempt, solicitation, or conspiracy to
 3503 commit in another jurisdiction an offense under the laws of both this state and the
 3504 other jurisdiction.
- 3505 (2) An offense is committed partly within this state if either the conduct which is any
 3506 element of the offense, or the result which is an element, occurs within this state.
- 3507 (3) In homicide offenses, the "result" is either the physical contact which causes death or
 3508 the death itself.
- 3509 (a) If the body of a homicide victim is found within the state, the death shall be
 3510 presumed to have occurred within the state.
- 3511 (b) If jurisdiction is based on this presumption, this state retains jurisdiction unless the
 3512 defendant proves by clear and convincing evidence that:
- 3513 (i) the result of the homicide did not occur in this state; and
- 3514 (ii) the defendant did not engage in any conduct in this state which is any element of
 3515 the offense.
- 3516 (4)~~[(a)]~~ An offense which is based on an omission to perform a duty imposed by the law
 3517 of this state is committed within the state regardless of the location of the offender at
 3518 the time of the omission.
- 3519 ~~[(b) For the purpose of establishing venue for a violation of Subsection 77-41-105(3)~~
 3520 ~~concerning sex offender, kidnap offender, or child abuse registration, the offense is~~
 3521 ~~considered to be committed:]~~
- 3522 ~~[(i) at the most recent registered primary residence of the offender, if the actual location~~
 3523 ~~of the offender at the time of the violation is not known; or]~~
- 3524 ~~[(ii) at the location of the offender at the time the offender is apprehended.]~~
- 3525 (5)(a) If no jurisdictional issue is raised, the pleadings are sufficient to establish
 3526 jurisdiction.

- 3527 (b) The defendant may challenge jurisdiction by filing a motion before trial stating
3528 which facts exist that deprive the state of jurisdiction.
- 3529 (c) The burden is upon the state to initially establish jurisdiction over the offense by a
3530 preponderance of the evidence by showing under the provisions of Subsections (1)
3531 through (4) that the offense was committed either wholly or partly within the borders
3532 of the state.
- 3533 (d) If after the prosecution has met its burden of proof under Subsection (5)(c) the
3534 defendant claims that the state is deprived of jurisdiction or may not exercise
3535 jurisdiction, the burden is upon the defendant to prove by a preponderance of the
3536 evidence:
- 3537 (i) any facts claimed; and
3538 (ii) why those facts deprive the state of jurisdiction.
- 3539 (6) Facts that deprive the state of jurisdiction or prohibit the state from exercising
3540 jurisdiction include the fact that the:
- 3541 (a) defendant is serving in a position that is entitled to diplomatic immunity from
3542 prosecution and that the defendant's country has not waived that diplomatic immunity;
- 3543 (b) defendant is a member of the armed forces of another country and that the crime that
3544 he is alleged to have committed is one that due to an international agreement, such as
3545 a status of forces agreement between his country and the United States, cedes the
3546 exercise of jurisdiction over him for that offense to his country;
- 3547 (c) defendant is an enrolled member of an Indian tribe, as defined in Section 9-9-101,
3548 and that the Indian tribe has a legal status with the United States or the state that vests
3549 jurisdiction in either tribal or federal courts for certain offenses committed within the
3550 exterior boundaries of a tribal reservation, and that the facts establish that the crime is
3551 one that vests jurisdiction in tribal or federal court; or
- 3552 (d) offense occurred on land that is exclusively within federal jurisdiction.
- 3553 (7)(a) The Legislature finds that identity fraud under Chapter 6, Part 11, Identity Fraud
3554 Act, involves the use of personal identifying information which is uniquely personal
3555 to the consumer or business victim of that identity fraud and which information is
3556 considered to be in lawful possession of the consumer or business victim wherever
3557 the consumer or business victim currently resides or is found.
- 3558 (b) For purposes of Subsection (1)(a), an offense which is based on a violation of
3559 Chapter 6, Part 11, Identity Fraud Act, is committed partly within this state,
3560 regardless of the location of the offender at the time of the offense, if the victim of

3561 the identity fraud resides or is found in this state.

3562 (8) The judge shall determine jurisdiction.

3563 Section 43. Section **76-1-202** is amended to read:

3564 **76-1-202 (Effective 05/07/25). Venue of actions.**

3565 (1) Criminal actions shall be tried in the county, district, or precinct where the offense is
3566 alleged to have been committed. In determining the proper place of trial, the following
3567 provisions shall apply:

3568 (a) If the commission of an offense commenced outside the state is consummated within
3569 this state, the offender shall be tried in the county where the offense is consummated.

3570 (b) When conduct constituting elements of an offense or results that constitute elements,
3571 whether the conduct or result constituting elements is in itself unlawful, shall occur in
3572 two or more counties, trial of the offense may be held in any of the counties
3573 concerned.

3574 (c) If a person committing an offense upon the person of another is located in one county
3575 and his victim is located in another county at the time of the commission of the
3576 offense, trial may be held in either county.

3577 (d) If a cause of death is inflicted in one county and death ensues in another county, the
3578 offender may be tried in either county.

3579 (e) A person who commits an inchoate offense may be tried in any county in which any
3580 act that is an element of the offense, including the agreement in conspiracy, is
3581 committed.

3582 (f) Where a person in one county solicits, aids, abets, agrees, or attempts to aid another
3583 in the planning or commission of an offense in another county, he may be tried for
3584 the offense in either county.

3585 (g) When an offense is committed within this state and it cannot be readily determined
3586 in which county or district the offense occurred, the following provisions shall be
3587 applicable:

3588 (i) When an offense is committed upon any railroad car, vehicle, watercraft, or
3589 aircraft passing within this state, the offender may be tried in any county through
3590 which such railroad car, vehicle, watercraft, or aircraft has passed.

3591 (ii) When an offense is committed on any body of water bordering on or within this
3592 state, the offender may be tried in any county adjacent to such body of water. The
3593 words "body of water" shall include but not be limited to any stream, river, lake,
3594 or reservoir, whether natural or man-made.

- 3595 (iii) A person who commits theft may be tried in any county in which he exerts
 3596 control over the property affected.
- 3597 (iv) If an offense is committed on or near the boundary of two or more counties, trial
 3598 of the offense may be held in any of such counties.
- 3599 (v) For any other offense, trial may be held in the county in which the defendant
 3600 resides, or, if he has no fixed residence, in the county in which he is apprehended
 3601 or to which he is extradited.
- 3602 (h) A person who commits an offense based on Chapter 6, Part 11, Identity Fraud Act,
 3603 may be tried in the county:
- 3604 (i) where the victim's personal identifying information was obtained;
- 3605 (ii) where the defendant used or attempted to use the personally identifying
 3606 information;
- 3607 (iii) where the victim of the identity fraud resides or is found; or
- 3608 (iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any
 3609 county where the victim's identity was used or obtained, or where the victim
 3610 resides or is found.
- 3611 (i) For the purpose of establishing venue for a violation of [~~Subsection 77-41-105(3)~~]
 3612 Section 53-29-304 concerning sex offender, kidnap offender, or child abuse offender
 3613 registration, the offense is considered to be committed:
- 3614 (i) at the most recent registered primary residence of the offender, if the actual
 3615 location of the offender at the time of the violation is not known; or
- 3616 (ii) at the location of the offender at the time the offender is apprehended.
- 3617 (2) All objections of improper place of trial are waived by a defendant unless made before
 3618 trial.
- 3619 Section 44. Section **76-3-402** is amended to read:
- 3620 **76-3-402 (Effective 05/07/25). Conviction of lower degree of offense -- Procedure**
 3621 **and limitations.**
- 3622 (1) As used in this section:
- 3623 (a) "Lower degree of offense" includes an offense for which:
- 3624 (i) a statutory enhancement is charged in the information or indictment that would
 3625 increase either the maximum or the minimum sentence; and
- 3626 (ii) the court removes the statutory enhancement in accordance with this section.
- 3627 (b) "Minor regulatory offense" means the same as that term is defined in Section
 3628 77-40a-101.

- 3629 (c)(i) "Rehabilitation program" means a program designed to reduce criminogenic
3630 and recidivism risks.
- 3631 (ii) "Rehabilitation program" includes:
- 3632 (A) a domestic violence treatment program, as that term is defined in Section
3633 26B-2-101;
- 3634 (B) a residential, vocational, and life skills program, as that term is defined in
3635 Section 13-53-102;
- 3636 (C) a substance abuse treatment program, as that term is defined in Section
3637 26B-2-101;
- 3638 (D) a substance use disorder treatment program, as that term is defined in Section
3639 26B-2-101;
- 3640 (E) a youth program, as that term is defined in Section 26B-2-101;
- 3641 (F) a program that meets the standards established by the Department of
3642 Corrections under Section 64-13-25;
- 3643 (G) a drug court, a veterans court, or a mental health court certified by the Judicial
3644 Council; or
- 3645 (H) a program that is substantially similar to a program described in Subsections
3646 (1)(c)(ii)(A) through (G).
- 3647 (d) "Serious offense" means a felony or misdemeanor offense that is not a minor
3648 regulatory offense or a traffic offense.
- 3649 (e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.
- 3650 (f)(i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as
3651 that term is defined in Section 76-3-203.5.
- 3652 (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or
3653 conspiracy to commit an offense, for:
- 3654 (A) the possession, use, or removal of explosive, chemical, or incendiary devices
3655 under Subsection 76-10-306(3), (5), or (6); or
- 3656 (B) the purchase or possession of a dangerous weapon or handgun by a restricted
3657 person under Section 76-10-503.
- 3658 (2) The court may enter a judgment of conviction for a lower degree of offense than
3659 established by statute and impose a sentence at the time of sentencing for the lower
3660 degree of offense if the court:
- 3661 (a) takes into account:
- 3662 (i) the nature and circumstances of the offense of which the defendant was found

- 3663 guilty; and
- 3664 (ii) the history and character of the defendant;
- 3665 (b) gives any victim present at the sentencing and the prosecuting attorney an
- 3666 opportunity to be heard; and
- 3667 (c) concludes that the degree of offense established by statute would be unduly harsh to
- 3668 record as a conviction on the record for the defendant.
- 3669 (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
- 3670 judgment of conviction for a lower degree of offense than established by statute:
- 3671 (a) after the defendant is successfully discharged from probation or parole for the
- 3672 conviction; and
- 3673 (b) if the court finds that entering a judgment of conviction for a lower degree of offense
- 3674 is in the interest of justice in accordance with Subsection (7).
- 3675 (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
- 3676 judgment of conviction for a lower degree of offense than established by statute if:
- 3677 (a) the defendant's probation or parole for the conviction did not result in a successful
- 3678 discharge but the defendant is successfully discharged from probation or parole for a
- 3679 subsequent conviction of an offense;
- 3680 (b)(i) at least five years have passed after the day on which the defendant is
- 3681 sentenced for the subsequent conviction; or
- 3682 (ii) at least three years have passed after the day on which the defendant is sentenced
- 3683 for the subsequent conviction and the prosecuting attorney consents to the
- 3684 reduction;
- 3685 (c) the defendant is not convicted of a serious offense during the time period described
- 3686 in Subsection (4)(b);
- 3687 (d) there are no criminal proceedings pending against the defendant;
- 3688 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
- 3689 offense;
- 3690 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
- 3691 attorney consents to the reduction; and
- 3692 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
- 3693 in the interest of justice in accordance with Subsection (7).
- 3694 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
- 3695 judgment of conviction for a lower degree of offense than established by statute if:
- 3696 (a) the defendant's probation or parole for the conviction did not result in a successful

- 3697 discharge but the defendant is successfully discharged from a rehabilitation program;
- 3698 (b) at least three years have passed after the day on which the defendant is successfully
3699 discharged from the rehabilitation program;
- 3700 (c) the defendant is not convicted of a serious offense during the time period described
3701 in Subsection (5)(b);
- 3702 (d) there are no criminal proceedings pending against the defendant;
- 3703 (e) the defendant is not on probation, on parole, or currently incarcerated for any other
3704 offense;
- 3705 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting
3706 attorney consents to the reduction; and
- 3707 (g) the court finds that entering a judgment of conviction for a lower degree of offense is
3708 in the interest of justice in accordance with Subsection (7).
- 3709 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter a
3710 judgment of conviction for a lower degree of offense than established by statute if:
- 3711 (a) at least five years have passed after the day on which the defendant's probation or
3712 parole for the conviction did not result in a successful discharge;
- 3713 (b) the defendant is not convicted of a serious offense during the time period described
3714 in Subsection (6)(a);
- 3715 (c) there are no criminal proceedings pending against the defendant;
- 3716 (d) the defendant is not on probation, on parole, or currently incarcerated for any other
3717 offense;
- 3718 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting
3719 attorney consents to the reduction; and
- 3720 (f) the court finds that entering a judgment of conviction for a lower degree of offense is
3721 in the interest of justice in accordance with Subsection (7).
- 3722 (7) In determining whether entering a judgment of a conviction for a lower degree of
3723 offense is in the interest of justice under Subsection (3), (4), (5), or (6):
- 3724 (a) the court shall consider:
- 3725 (i) the nature, circumstances, and severity of the offense for which a reduction is
3726 sought;
- 3727 (ii) the physical, emotional, or other harm that the defendant caused any victim of the
3728 offense for which the reduction is sought; and
- 3729 (iii) any input from a victim of the offense; and
- 3730 (b) the court may consider:

- 3731 (i) any special characteristics or circumstances of the defendant, including the
3732 defendant's criminogenic risks and needs;
- 3733 (ii) the defendant's criminal history;
- 3734 (iii) the defendant's employment and community service history;
- 3735 (iv) whether the defendant participated in a rehabilitative program and successfully
3736 completed the program;
- 3737 (v) any effect that a reduction would have on the defendant's ability to obtain or
3738 reapply for a professional license from the Department of Commerce;
- 3739 (vi) whether the level of the offense has been reduced by law after the defendant's
3740 conviction;
- 3741 (vii) any potential impact that the reduction would have on public safety; or
- 3742 (viii) any other circumstances that are reasonably related to the defendant or the
3743 offense for which the reduction is sought.
- 3744 (8)(a) A court may only enter a judgment of conviction for a lower degree of offense
3745 under Subsection (3), (4), (5), or (6) after:
- 3746 (i) notice is provided to the other party;
- 3747 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice
3748 to any victims; and
- 3749 (iii) a hearing is held if a hearing is requested by either party.
- 3750 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a
3751 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5),
3752 or (6).
- 3753 (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the
3754 motion, the moving party has the burden to provide evidence sufficient to
3755 demonstrate that the requirements under Subsection (3), (4), (5), or (6) are met.
- 3756 (d) If a defendant files a motion under this section, the prosecuting attorney shall
3757 respond to the motion within 35 days after the day on which the motion is filed with
3758 the court.
- 3759 (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower
3760 degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the
3761 defendant is committed to jail as a condition of probation or is sentenced to prison.
- 3762 (10)(a) An offense may be reduced only one degree under this section, unless the
3763 prosecuting attorney specifically agrees in writing or on the court record that the
3764 offense may be reduced two degrees.

- 3765 (b) An offense may not be reduced under this section by more than two degrees.
- 3766 (11) This section does not preclude an individual from obtaining or being granted an
3767 expungement of the individual's record in accordance with [~~Title 44, Chapter 40A,~~
3768 ~~Expungement of Criminal Records~~] Title 77, Chapter 40a, Expungement of Criminal
3769 Records.
- 3770 (12) The court may not enter a judgment for a conviction for a lower degree of offense
3771 under this section if:
- 3772 (a) the reduction is specifically precluded by law; or
- 3773 (b) any unpaid balance remains on court-ordered restitution for the offense for which the
3774 reduction is sought.
- 3775 (13) When the court enters a judgment for a lower degree of offense under this section, the
3776 actual title of the offense for which the reduction is made may not be altered.
- 3777 (14)(a) An individual may not obtain a reduction under this section of a conviction that
3778 requires the individual to register as a sex offender, kidnap offender, or child abuse
3779 offender under Section 53-29-202 until the registration requirements under [~~Title 77,~~
3780 ~~Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter 29,
3781 Sex, Kidnap, and Child Abuse Offender Registry, have expired.
- 3782 (b) An individual required to register as a sex offender, kidnap offender, or child abuse
3783 offender under Section 53-29-202 and required to register for the individual's lifetime [
3784 ~~under Subsection 77-41-105(3)(e)~~] as described in Subsection 53-29-203(1)(b), may
3785 not be granted a reduction of the conviction for the offense or offenses that require
3786 the individual to register as a sex offender, kidnap offender, or child abuse offender.
- 3787 Section 45. Section **76-5-401** is amended to read:
- 3788 **76-5-401 (Effective 05/07/25). Unlawful sexual activity with a minor -- Penalties**
3789 **-- Evidence of age raised by defendant -- Limitations.**
- 3790 (1)(a) As used in this section, "minor" means an individual who is 14 years old or older,
3791 but younger than 16 years old, at the time the sexual activity described in Subsection
3792 (2) occurred.
- 3793 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 3794 (2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an
3795 actor 18 years old or older commits unlawful sexual activity with a minor if the actor:
- 3796 (i) has sexual intercourse with the minor;
- 3797 (ii) engages in any sexual act with the minor involving the genitals of an individual
3798 and the mouth or anus of another individual; or

3799 (iii) causes the penetration, however slight, of the genital or anal opening of the
 3800 minor by a foreign object, substance, instrument, or device, including a part of the
 3801 human body, with the intent to cause substantial emotional or bodily pain to any
 3802 individual or with the intent to arouse or gratify the sexual desire of any individual.

3803 (b) Any touching, however slight, is sufficient to constitute the relevant element of a
 3804 violation of Subsection (2)(a)(ii).

3805 (3)(a) A violation of Subsection (2) is a third degree felony.

3806 (b)[(†)] Notwithstanding Subsection (3)(a) or (c), a violation of Subsection (2) is a
 3807 class B misdemeanor if the defendant establishes by a preponderance of the
 3808 evidence the mitigating factor that:

3809 [(A)] (i) the defendant is less than four years older than the minor at the time the
 3810 sexual activity occurred; or

3811 [(B)] (ii) the defendant is 18 years old and enrolled in high school at the time the
 3812 sexual activity occurred.

3813 [(ii) ~~An offense under Subsection (3)(b)(i) is not subject to registration under~~
 3814 ~~Subsection 77-41-102(19)(a)(vii).]~~

3815 (c)[(†)] Notwithstanding Subsection (3)(a), if the defendant establishes by a
 3816 preponderance of the evidence the mitigating factor that the defendant was
 3817 younger than 21 years old at the time the sexual activity occurred, the offense is a
 3818 class A misdemeanor.

3819 [(ii) ~~An offense under Subsection (3)(c)(i) is not subject to registration under~~
 3820 ~~Subsection 77-41-102(19)(a)(vii).]~~

3821 (4) The offenses referred to in Subsection (2)(a) are:

3822 (a) rape, in violation of Section 76-5-402;

3823 (b) object rape, in violation of Section 76-5-402.2;

3824 (c) forcible sodomy, in violation of Section 76-5-403;

3825 (d) aggravated sexual assault, in violation of Section 76-5-405; or

3826 (e) an attempt to commit an offense listed in Subsections (4)(a) through (4)(d).

3827 Section 46. Section **76-5-401.1** is amended to read:

3828 **76-5-401.1 (Effective 05/07/25). Sexual abuse of a minor.**

3829 (1)(a) As used in this section:

3830 (i) "Indecent liberties" means:

3831 (A) the actor touching another individual's genitals, anus, buttocks, pubic area, or
 3832 female breast;

3833 (B) causing any part of an individual's body to touch the actor's or another's
3834 genitals, pubic area, anus, buttocks, or female breast;

3835 (C) simulating or pretending to engage in sexual intercourse with another
3836 individual, including genital-genital, oral-genital, anal-genital, or oral-anal
3837 intercourse; or

3838 (D) causing an individual to simulate or pretend to engage in sexual intercourse
3839 with the actor or another, including genital-genital, oral-genital, anal-genital, or
3840 oral-anal intercourse.

3841 (ii) "Minor" means an individual who is 14 years old or older, but younger than 16
3842 years old, at the time the sexual activity described in Subsection (2) occurred.

3843 (b) Terms defined in Section 76-1-101.5 apply to this section.

3844 (2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an
3845 actor commits sexual abuse of a minor if the actor:

3846 (i) is four years or more older than the minor; and

3847 (ii) with the intent to cause substantial emotional or bodily pain to any individual, or
3848 with the intent to arouse or gratify the sexual desire of any individual:

3849 (A) touches the anus, buttocks, pubic area, or any part of the genitals of the minor;

3850 (B) touches the breast of a female minor; or

3851 (C) otherwise takes indecent liberties with the minor.

3852 (b) Any touching, even if accomplished through clothing, is sufficient to constitute the
3853 relevant element of a violation of Subsection (2)(a).

3854 (3) A violation of Subsection (2)(a) is~~[:]~~
3855 ~~[(a)]~~ a class A misdemeanor~~[:and]~~ .
3856 ~~[(b) not subject to registration under Subsection 77-41-102(19)(a)(viii) on a first~~
3857 ~~offense if the offender was younger than 21 years old at the time of the offense.]~~

3858 (4) The offenses referred to in Subsection (2)(a) are:

3859 (a) unlawful sexual activity with a minor, in violation of Section 76-5-401;

3860 (b) rape, in violation of Section 76-5-402;

3861 (c) object rape, in violation of Section 76-5-402.2;

3862 (d) forcible sodomy, in violation of Section 76-5-403;

3863 (e) aggravated sexual assault, in violation of Section 76-5-405; or

3864 (f) an attempt to commit an offense listed in Subsections (4)(a) through (e).

3865 Section 47. Section **76-5-401.3** is amended to read:

3866 **76-5-401.3 (Effective 05/07/25). Unlawful adolescent sexual activity -- Penalties**

3867 -- **Limitations.**

3868 (1)(a) As used in this section, "adolescent" means an individual who is 12 years old or
3869 older but younger than 18 years old.

3870 (b) Terms defined in Section 76-1-101.5 apply to this section.

3871 (2) Under circumstances not amounting to an offense listed in Subsection (5), an actor
3872 commits unlawful sexual activity if:

3873 (a)(i) the actor is 12 years old or older but younger than 18 years old;

3874 (ii) the actor engages in sexual activity with an adolescent;

3875 (iii) the actor is not the biological sibling of the adolescent; and

3876 (iv) both the actor and the adolescent mutually agree to the sexual activity; or

3877 (b)(i) the actor engages in sexual activity with an adolescent who is 13 years old;

3878 (ii) the actor is 18 years old and enrolled in high school at the time that the sexual
3879 activity occurred;

3880 (iii) the actor is not the biological sibling of the adolescent; and

3881 (iv) both the actor and the adolescent mutually agree to the sexual activity.

3882 (3)(a) A violation of Subsection (2)(a) is a:

3883 (i) third degree felony if an actor who is 17 years old engages in unlawful adolescent
3884 sexual activity with an adolescent who is 13 years old;

3885 (ii) third degree felony if an actor who is 16 years old engages in unlawful adolescent
3886 sexual activity with an adolescent who is 12 years old;

3887 (iii) class A misdemeanor if an actor who is 16 years old engages in unlawful
3888 adolescent sexual activity with an adolescent who is 13 years old;

3889 (iv) class A misdemeanor if an actor who is 14 or 15 years old engages in unlawful
3890 adolescent sexual activity with an adolescent who is 12 years old;

3891 (v) class B misdemeanor if an actor who is 17 years old engages in unlawful
3892 adolescent sexual activity with an adolescent who is 14 years old;

3893 (vi) class B misdemeanor if an actor who is 15 years old engages in unlawful
3894 adolescent sexual activity with an adolescent who is 13 years old;

3895 (vii) class C misdemeanor if an actor who is 12 or 13 years old engages in unlawful
3896 adolescent sexual activity with an adolescent who is 12 or 13 years old; and

3897 (viii) class C misdemeanor if an actor who is 14 years old engages in unlawful
3898 adolescent sexual activity with an adolescent who is 13 years old.

3899 (b) A violation of Subsection (2)(b) is a third degree felony.

3900 (4) The actor and the adolescent do not mutually agree to the sexual activity under

- 3901 Subsection (2) if:
- 3902 (a) the adolescent expresses lack of agreement to the sexual activity through words or
3903 conduct;
- 3904 (b) the actor overcomes the adolescent's will through:
- 3905 (i) threats to the adolescent or any other individual;
- 3906 (ii) force;
- 3907 (iii) coercion; or
- 3908 (iv) enticement;
- 3909 (c) the actor is able to overcome the adolescent through concealment or by the element
3910 of surprise;
- 3911 (d) the actor knows, or reasonably should know, that the adolescent has a mental disease
3912 or defect, which renders the adolescent unable to:
- 3913 (i) appraise the nature of the act;
- 3914 (ii) resist the act;
- 3915 (iii) understand the possible consequences to the adolescent's health or safety; or
- 3916 (iv) appraise the nature of the relationship between the actor and the adolescent;
- 3917 (e) the actor knows that the adolescent participates in the sexual activity because the
3918 adolescent erroneously believes that the actor is someone else; or
- 3919 (f) the actor intentionally impaired the power of the adolescent to appraise or control the
3920 adolescent's conduct by administering any substance without the adolescent's
3921 knowledge.
- 3922 (5) The offenses referred to in Subsection (2) are:
- 3923 (a) rape under Section 76-5-402;
- 3924 (b) object rape under Section 76-5-402.2;
- 3925 (c) forcible sodomy under Section 76-5-403;
- 3926 (d) aggravated sexual assault under Section 76-5-405;
- 3927 (e) incest under Section 76-7-102; or
- 3928 (f) an attempt to commit an offense listed in Subsections (5)(a) through (e).
- 3929 (6) An offense under this section is not eligible for a nonjudicial adjustment under Section
3930 80-6-303.5 or a referral to a youth court under Section 80-6-902.
- 3931 (7) Except for an offense that is transferred to a district court by the juvenile court in
3932 accordance with Section 80-6-504, the district court may enter any sentence or
3933 combination of sentences that would have been available in juvenile court but for the
3934 delayed reporting or delayed filing of the information in the district court.

3935 [~~(8) An offense under this section is not subject to registration under Subsection 77-41-102~~
 3936 ~~(19).~~]

3937 Section 48. Section **76-9-702** is amended to read:

3938 **76-9-702 (Effective 05/07/25). Lewdness.**

3939 (1) A person is guilty of lewdness if the person under circumstances not amounting to rape,
 3940 object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, sexual
 3941 abuse of a minor, unlawful sexual conduct with a 16- or 17-year-old, custodial sexual
 3942 relations under Section 76-5-412, custodial sexual misconduct under Section 76-5-412.2,
 3943 custodial sexual relations with youth receiving state services under Section 76-5-413,
 3944 custodial sexual misconduct with youth receiving state services under Section 76-5-413.2,

3944a

3945 or an attempt to commit any of these offenses, performs any of the following acts in a
 3946 public place or under circumstances which the person should know will likely cause
 3947 affront or alarm to, on, or in the presence of another individual who is 14 years old or
 3948 older:

3949 (a) an act of sexual intercourse or sodomy;

3950 (b) exposes his or her genitals, the female breast below the top of the areola, the
 3951 buttocks, the anus, or the pubic area;

3952 (c) masturbates; or

3953 (d) any other act of lewdness.

3954 (2)(a) A person convicted the first or second time of a violation of Subsection (1) is
 3955 guilty of a class B misdemeanor, except under Subsection (2)(b).

3956 (b) A person convicted of a violation of Subsection (1) is guilty of a third degree felony
 3957 if at the time of the violation:

3958 (i) the person is a sex offender as defined in Section ~~[77-27-21.7]~~ 57-8a-102;

3959 (ii) the person has been previously convicted two or more times of violating
 3960 Subsection (1);

3961 (iii) the person has previously been convicted of a violation of Subsection (1) and has
 3962 also previously been convicted of a violation of Section 76-9-702.5;

3963 (iv) the person commits the offense of lewdness while also committing the offense of:

3964 (A) criminal trespass in a sex-designated changing room under Subsection
 3965 76-6-206(2)(d);

3966 (B) lewdness involving a child under Section 76-9-702.5;

3967 (C) voyeurism under Section 76-9-702.7; or

- 3968 (D) loitering in a privacy space under Section 76-9-702.8; or
- 3969 (v) the person commits the offense of lewdness in a sex-designated privacy space, as
- 3970 defined in Section 76-9-702.8, that is not designated for individuals of the actor's
- 3971 sex.
- 3972 ~~[(e)(i) For]~~ As described in Subsection 53-29-202(4), for purposes of this Subsection
- 3973 ~~(2)[and Subsection 77-41-102(19)]~~, a plea of guilty or nolo contendere to a charge
- 3974 under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in
- 3975 Abeyance, is the equivalent of a conviction. ~~[(ii)]~~ This Subsection (2)(c) also applies if
- 3976 the charge under this Subsection (2) has been subsequently reduced or dismissed in
- 3977 accordance with the plea in abeyance agreement.
- 3978 (3)(a) As used in this Subsection (3):
- 3979 (i) "Common area of a privacy space" means any area of a privacy space other than:
- 3980 (A) a toilet stall with a closed door;
- 3981 (B) immediately in front of a urinal during use; or
- 3982 (C) a shower stall with a closed door or other closed covering.
- 3983 (ii) "Privacy space" means the same as that term is defined in Section 76-9-702.8.
- 3984 (b) The common area of a privacy space constitutes a public place or circumstance
- 3985 described in Subsection (1) where an act or an attempted act described in Subsection
- 3986 (1) constitutes lewdness.
- 3987 (c) Within the common area of a dressing room, fitting room, locker room, changing
- 3988 facility, or any other space designated for multiple individuals to dress or undress
- 3989 within the same space, exposing, displaying, or otherwise uncovering genitalia that
- 3990 does not correspond with the sex designation of the changing room constitutes an act
- 3991 or an attempted act described in Subsection (1) that constitutes lewdness.
- 3992 (4) A woman's breast feeding, including breast feeding in any location where the woman
- 3993 otherwise may rightfully be, does not under any circumstance constitute a lewd act,
- 3994 irrespective of whether or not the breast is covered during or incidental to feeding.
- 3995 Section 49. Section **76-9-702.1** is amended to read:
- 3996 **76-9-702.1 (Effective 05/07/25). Sexual battery.**
- 3997 (1) An actor is guilty of sexual battery if the actor, under circumstances not amounting to an
- 3998 offense under Subsection (2), intentionally touches, whether or not through clothing, the
- 3999 anus, buttocks, or any part of the genitals of another individual, or the breast of a female
- 4000 individual, and the actor's conduct is under circumstances the actor knows or should
- 4001 know will likely cause affront or alarm to the individual touched.

- 4002 (2) Offenses referred to in Subsection (1) are:
- 4003 (a) rape under Section 76-5-402;
- 4004 (b) rape of a child under Section 76-5-402.1;
- 4005 (c) object rape under Section 76-5-402.2;
- 4006 (d) object rape of a child under Section 76-5-402.3;
- 4007 (e) forcible sodomy under Subsection 76-5-403(2);
- 4008 (f) sodomy on a child under Section 76-5-403.1;
- 4009 (g) forcible sexual abuse under Section 76-5-404;
- 4010 (h) sexual abuse of a child under Section 76-5-404.1;
- 4011 (i) aggravated sexual abuse of a child under Section 76-5-404.3;
- 4012 (j) aggravated sexual assault under Section 76-5-405; and
- 4013 (k) an attempt to commit an offense under this Subsection (2).
- 4014 (3) Sexual battery is a class A misdemeanor.
- 4015 ~~[(4)(a) For purposes of Subsection 77-41-102(19) only, a plea of guilty or nolo~~
- 4016 ~~contendere to a charge under this section that is held in abeyance under Title 77, Chapter~~
- 4017 ~~2a, Pleas in Abeyance, is the equivalent of a conviction.]~~
- 4018 ~~[(b) This Subsection (4) also applies if the charge under this section has been subsequently~~
- 4019 ~~reduced or dismissed in accordance with the plea in abeyance agreement.]~~
- 4020 Section 50. Section **76-9-702.5** is amended to read:
- 4021 **76-9-702.5 (Effective 05/07/25). Lewdness involving a child.**
- 4022 (1) As used in this section:
- 4023 (a) "In the presence of" includes within visual contact through an electronic device.
- 4024 (b) "Common area of a privacy space" means the same as that term is defined in Section
- 4025 76-9-702.
- 4026 (c) "Privacy space" means the same as that term is defined in Section 76-9-702.8.
- 4027 (2) A person is guilty of lewdness involving a child if the person under circumstances not
- 4028 amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse
- 4029 of a child, aggravated sexual abuse of a child, or an attempt to commit any of those
- 4030 offenses, intentionally or knowingly:
- 4031 (a) does any of the following in the presence of a child who is under 14 years of age:
- 4032 (i) performs an act of sexual intercourse or sodomy;
- 4033 (ii) exposes his or her genitals, the female breast below the top of the areola, the
- 4034 buttocks, the anus, or the pubic area:
- 4035 (A) in a public place; or

- 4036 (B) in a private place under circumstances the person should know will likely
4037 cause affront or alarm or with the intent to arouse or gratify the sexual desire of
4038 the actor or the child;
- 4039 (iii) masturbates; or
4040 (iv) performs any other act of lewdness; or
- 4041 (b) under circumstances not amounting to sexual exploitation of a child under Section
4042 76-5b-201 or aggravated sexual exploitation of a child under Section 76-5b-201.1,
4043 causes a child under the age of 14 years to expose his or her genitals, anus, or breast,
4044 if female, to the actor, with the intent to arouse or gratify the sexual desire of the
4045 actor or the child.
- 4046 (3)(a) Lewdness involving a child is a class A misdemeanor, except under Subsection
4047 (3)(b).
- 4048 (b) Lewdness involving a child is a third degree felony if at the time of the violation:
4049 (i) the person is a sex offender [~~as defined in Section 77-27-21.7~~] as described in
4050 Subsection 53-29-202(2)(b) and the offense that the individual committed that
4051 resulted in the individual being a sex offender was committed against an
4052 individual younger than 18 years old;
- 4053 (ii) the person has previously been convicted of a violation of this section;
4054 (iii) the person commits the offense of lewdness involving a child while also
4055 committing the offense of:
4056 (A) criminal trespass in a sex-designated changing room under Subsection
4057 76-6-206(2)(d);
4058 (B) lewdness under Section 76-9-702;
4059 (C) voyeurism under Section 76-9-702.7; or
4060 (D) loitering in a privacy space under Section 76-9-702.8; or
- 4061 (iv) the person commits the offense of lewdness involving a child in a sex-designated
4062 privacy space, as defined in Section 76-9-702.8, that is not designated for
4063 individuals of the actor's sex.
- 4064 (4)(a) The common area of a privacy space constitutes a public place or circumstance
4065 described in Subsection (2) where an act or an attempted act described in Subsection
4066 (2) constitutes lewdness involving a child.
- 4067 (b) Within the common area of a government entity's dressing room, fitting room, locker
4068 room, changing facility, or any other space designated for multiple individuals to
4069 dress or undress within the same space, exposing, displaying, or otherwise

4070 uncovering genitalia that does not correspond with the sex designation of the
 4071 changing room constitutes an act or an attempted act described in Subsection (2) that
 4072 constitutes lewdness involving a child.

4073 Section 51. Section **77-2-2.3** is amended to read:

4074 **77-2-2.3 (Effective 05/07/25). Reducing the level of an offense.**

4075 (1) Notwithstanding any other provision of law, a prosecuting attorney may:

4076 (a) present and file an information charging an individual for an offense under
 4077 Subsections 76-3-103(1)(b) through (d), Subsection 76-3-103(2), or Section 76-3-104
 4078 with a classification of the offense at one degree lower than the classification that is
 4079 provided in statute if the prosecuting attorney believes that the sentence would be
 4080 disproportionate to the offense because there are special circumstances relating to the
 4081 offense; or

4082 (b) subject to the approval of the court, amend an information, as part of a plea
 4083 agreement, to charge an individual for an offense under Subsections 76-3-103(1)(b)
 4084 through (d), Subsection 76-3-103(2), or Section 76-3-104 with a classification of the
 4085 offense at one degree lower than the classification that is provided in statute.

4086 (2) A court may:

4087 (a) enter a judgment of conviction for an offense filed under Subsection (1) at one
 4088 degree lower than classified in statute; and
 4089 (b) impose a sentence for the offense filed under Subsection (1) at one degree lower than
 4090 classified in statute.

4091 (3) A conviction of an offense at one degree lower than classified in statute under
 4092 Subsection (2) does not affect the requirements for registration of the offense under [
 4093 ~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry~~] Title 53, Chapter
 4094 29, Sex, Kidnap, and Child Abuse Offender Registry, if the elements of the offense for
 4095 which the defendant is convicted are the same as the elements of ~~[an]~~ a registrable
 4096 offense described in Section ~~[77-41-102]~~ 53-29-202.

4097 (4) This section does not preclude an individual from obtaining and being granted an
 4098 expungement for the individual's record in accordance with Title 77, Chapter 40a,
 4099 Expungement of Criminal Records.

4100 Section 52. Section **77-11c-101** is amended to read:

4101 **77-11c-101 (Effective 05/07/25). Definitions.**

4102 As used in this chapter:

4103 (1) "Acquitted" means the same as that term is defined in Section 77-11b-101.

- 4104 (2) "Adjudicated" means that:
- 4105 (a)(i) a judgment of conviction by plea or verdict of an offense has been entered by a
- 4106 court; and
- 4107 (ii) a sentence has been imposed by the court; or
- 4108 (b) a judgment has been entered for an adjudication of an offense by a juvenile court
- 4109 under Section 80-6-701.
- 4110 (3) "Adjudication" means:
- 4111 (a) a judgment of conviction by plea or verdict of an offense; or
- 4112 (b) an adjudication for an offense by a juvenile court under Section 80-6-701.
- 4113 (4) "Agency" means the same as that term is defined in Section 77-11a-101.
- 4114 (5) "Appellate court" means the Utah Court of Appeals, the Utah Supreme Court, or the
- 4115 United States Supreme Court.
- 4116 (6)(a) "Biological evidence" means an item that contains blood, semen, hair, saliva,
- 4117 epithelial cells, latent fingerprint evidence that may contain biological material
- 4118 suitable for DNA testing, or other identifiable human biological material that:
- 4119 (i) is collected as part of an investigation or prosecution of a violent felony offense;
- 4120 and
- 4121 (ii) may reasonably be used to incriminate or exculpate a person for the violent
- 4122 felony offense.
- 4123 (b) "Biological evidence" includes:
- 4124 (i) material that is catalogued separately, including:
- 4125 (A) on a slide or swab; or
- 4126 (B) inside a test tube, if the evidentiary sample that previously was inside the test
- 4127 tube has been consumed by testing;
- 4128 (ii) material that is present on other evidence, including clothing, a ligature, bedding,
- 4129 a drinking cup, a cigarette, or a weapon, from which a DNA profile may be
- 4130 obtained;
- 4131 (iii) the contents of a sexual assault kit; and
- 4132 (iv) for a violent felony offense, material described in this Subsection (6) that is in
- 4133 the custody of an evidence collecting or retaining entity on May 4, 2022.
- 4134 (7) "Claimant" means the same as that term is defined in Section 77-11a-101.
- 4135 (8) "Computer" means the same as that term is defined in Section 77-11a-101.
- 4136 (9) "Continuous chain of custody" means:
- 4137 (a) for a law enforcement agency or a court, that legal standards regarding a continuous

- 4138 chain of custody are maintained; and
- 4139 (b) for an entity that is not a law enforcement agency or a court, that the entity maintains
- 4140 a record in accordance with legal standards required of the entity.
- 4141 (10) "Contraband" means the same as that term is defined in Section 77-11a-101.
- 4142 (11) "Controlled substance" means the same as that term is defined in Section 58-37-2.
- 4143 (12) "Court" means a municipal, county, or state court.
- 4144 (13) "DNA" means deoxyribonucleic acid.
- 4145 (14) "DNA profile" means a unique identifier of an individual derived from DNA.
- 4146 (15) "Drug paraphernalia" means the same as that term is defined in Section 58-37a-3.
- 4147 (16) "Evidence" means property, contraband, or an item or substance that:
- 4148 (a) is seized or collected as part of an investigation or prosecution of an offense; and
- 4149 (b) may reasonably be used to incriminate or exculpate an individual for an offense.
- 4150 (17)(a) "Evidence collecting or retaining entity" means an entity within the state that
- 4151 collects, stores, or retrieves biological evidence.
- 4152 (b) "Evidence collecting or retaining entity" includes:
- 4153 (i) a medical or forensic entity;
- 4154 (ii) a law enforcement agency;
- 4155 (iii) a court; and
- 4156 (iv) an official, employee, or agent of an entity or agency described in this Subsection
- 4157 (17).
- 4158 (v) "Evidence collecting or retaining entity" does not include a collecting facility
- 4159 defined in Section 53-10-902.
- 4160 (18) "Exhibit" means property, contraband, or an item or substance that is admitted into
- 4161 evidence for a court proceeding.
- 4162 (19) "In custody" means an individual who:
- 4163 (a) is incarcerated, civilly committed, on parole, or on probation; or
- 4164 (b) is required to register under [~~Title 77, Chapter 41, Sex, Kidnap, and Child Abuse~~
- 4165 ~~Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender
- 4166 Registry.
- 4167 (20) "Law enforcement agency" means the same as that term is defined in Section
- 4168 77-11a-101.
- 4169 (21) "Medical or forensic entity" means a private or public hospital, medical facility, or
- 4170 other entity that secures biological evidence or conducts forensic examinations related to
- 4171 criminal investigations.

- 4172 (22) "Physical evidence" includes evidence that:
4173 (a) is related to:
4174 (i) an investigation;
4175 (ii) an arrest; or
4176 (iii) a prosecution that resulted in a judgment of conviction; and
4177 (b) is in the actual or constructive possession of a law enforcement agency or a court or
4178 an agent of a law enforcement agency or a court.
- 4179 (23) "Property" means the same as that term is defined in Section 77-11a-101.
- 4180 (24) "Prosecuting attorney" means the same as that term is defined in Section 77-11a-101.
- 4181 (25) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.
- 4182 (26) "Victim" means the same as that term is defined in Section 53-10-902.
- 4183 (27) "Violent felony offense" means the same as the term "violent felony" is defined in
4184 Section 76-3-203.5.
- 4185 (28) "Wildlife" means the same as that term is defined in Section 23A-1-101.
- 4186 Section 53. Section **77-27-5.2** is amended to read:
4187 **77-27-5.2 (Effective 05/07/25). Board authority to order removal from Sex,**
4188 **Kidnap, and Child Abuse Offender Registry.**
- 4189 (1) If the board grants a pardon for a conviction described in Section 53-29-202 that is the
4190 basis for an individual's registration on the Sex, Kidnap, and Child Abuse Offender
4191 Registry, the board shall issue an order directing the Department of Public Safety to
4192 remove the individual's name and personal information relating to the pardoned
4193 conviction from the Sex, Kidnap, and Child Abuse Offender Registry.
- 4194 (2) An order described in Subsection (1), issued by the board, satisfies the notification
4195 requirement described in Subsection [~~77-41-113(1)(b)~~] 53-29-405(1)(b).
- 4196 Section 54. Section **77-38-605** is amended to read:
4197 **77-38-605 (Effective 05/07/25). Administration -- Application.**
- 4198 (1) The commission shall provide an application form to an applicant who seeks to
4199 participate in the program under this part.
- 4200 (2) The commission may not charge an applicant or program participant for an application
4201 or participation fee to apply for, or participate in, the program.
- 4202 (3) The application shall include:
4203 (a) the applicant's name;
4204 (b) a mailing address, a phone number, and an email address where the applicant may be
4205 contacted by the commission;

- 4206 (c) an indication regarding whether the assailant is employed by a state or local
4207 government entity, and if applicable, the name of the state or local government entity;
- 4208 (d) a statement that the applicant understands and consents to:
- 4209 (i) remain enrolled in the program for four years, unless the applicant's participation
4210 in the program is cancelled under Section 77-38-617;
- 4211 (ii) while the applicant is enrolled in the program, notify the commission when the
4212 applicant changes the applicant's actual address or legal name;
- 4213 (iii) develop a safety plan with a program assistant;
- 4214 (iv) authorize the commission to notify a state or local government entity that the
4215 applicant is a program participant;
- 4216 (v) submit written notice to the commission if the applicant chooses to cancel the
4217 applicant's participation in the program;
- 4218 (vi) register to vote in person at the office of the clerk in the county where the
4219 applicant's actual address is located; and
- 4220 (vii) certify that the commission is the applicant's designated agent for service of
4221 process for personal service;
- 4222 (e) evidence that the applicant, or a minor or an incapacitated individual residing with
4223 the applicant, is a victim, including:
- 4224 (i) a law enforcement, court, or other state, local, or federal government agency
4225 record; or
- 4226 (ii) a document from:
- 4227 (A) a domestic violence program, facility, or shelter;
- 4228 (B) a sexual assault program; or
- 4229 (C) a religious, medical, or other professional from whom the applicant, or the
4230 minor or the incapacitated individual residing with the applicant, sought
4231 assistance in dealing with alleged abuse, domestic violence, stalking, or a
4232 sexual offense;
- 4233 (f) a statement from the applicant that a disclosure of the applicant's actual address
4234 would endanger the applicant, or a minor or an incapacitated individual residing with
4235 the applicant;
- 4236 (g) a statement by the applicant that the applicant:
- 4237 (i) resides at a residential address that is not known by the assailant;
- 4238 (ii) has relocated to a different residential address in the past 90 days that is not
4239 known by the assailant; or

- 4240 (iii) will relocate to a different residential address in the state within 90 days that is
 4241 not known by the assailant;
- 4242 (h) the actual address that:
- 4243 (i) the applicant requests that the commission not disclose; and
 4244 (ii) is at risk of discovery by the assailant or potential assailant;
- 4245 (i) a statement by the applicant disclosing:
- 4246 (i) the existence of a court order or action involving the applicant, or a minor or an
 4247 incapacitated individual residing with the applicant, related to a divorce
 4248 proceeding, a child support order or judgment, or the allocation of custody or
 4249 parent-time; and
- 4250 (ii) the court that issued the order or has jurisdiction over the action;
- 4251 (j) the name of any other individual who resides with the applicant who needs to be a
 4252 program participant to ensure the safety of the applicant, or a minor or an
 4253 incapacitated individual residing with the applicant;
- 4254 (k) a statement by the applicant that:
- 4255 (i) the applicant, or a minor or an incapacitated individual residing at the same
 4256 address as the applicant, will benefit from participation in the program;
- 4257 (ii) if the applicant intends to vote, the applicant will register to vote at the office of
 4258 the clerk in the county in which the applicant actually resides; and
- 4259 (iii) the applicant does not have a current obligation to register as a sex offender,
 4260 kidnap offender, or child abuse offender under [~~Title 77, Chapter 41, Sex, Kidnap,~~
 4261 ~~and Child Abuse Offender Registry~~] Title 53, Chapter 29, Sex, Kidnap, and Child
 4262 Abuse Offender Registry;
- 4263 (l) a statement by the applicant, under penalty of perjury, that the information contained
 4264 in the application is true;
- 4265 (m) a statement that:
- 4266 (i) if the applicant intends to use the assigned address for any correspondence with
 4267 the State Tax Commission, the applicant must provide the State Tax Commission
 4268 with the applicant's social security number, federal employee identification
 4269 number, and any other identification number related to a tax, fee, charge, or
 4270 license administered by the State Tax Commission; and
- 4271 (ii) if the applicant intends to use the assigned address for correspondence to a state
 4272 or local government entity for the purpose of titling or registering a motor vehicle
 4273 or a watercraft that is owned or leased by the applicant, the applicant shall provide

- 4274 to the state or local government entity for each motor vehicle or watercraft:
- 4275 (A) the motor vehicle or hull identification number;
- 4276 (B) the license plate or registration number for the motor vehicle or the watercraft;
- 4277 and
- 4278 (C) the physical address where each motor vehicle or watercraft is stored; and
- 4279 (n) a statement that any assistance or counseling provided by a program assistant as part
- 4280 of the program does not constitute legal advice or legal services to the applicant.

4281 Section 55. Section **77-40a-303** is amended to read:

4282 **77-40a-303 (Effective 05/07/25). Requirements for a certificate of eligibility to**

4283 **expunge records of a conviction.**

- 4284 (1) Except as otherwise provided by this section, a petitioner is eligible to receive a
- 4285 certificate of eligibility from the bureau to expunge the records of a conviction if:
- 4286 (a) the petitioner has paid in full all fines and interest ordered by the court related to the
- 4287 conviction for which expungement is sought;
- 4288 (b) the petitioner has paid in full all restitution ordered by the court under Section
- 4289 77-38b-205; and
- 4290 (c) the following time periods have passed after the day on which the petitioner was
- 4291 convicted or released from incarceration, parole, or probation, whichever occurred
- 4292 last, for the conviction that the petitioner seeks to expunge:
- 4293 (i) 10 years for the conviction of a misdemeanor under Subsection 41-6a-501(2);
- 4294 (ii) 10 years for the conviction of a felony for operating a motor vehicle with any amount of a
- 4295 controlled substance in an individual's body and causing serious bodily injury or death, as
- 4296 codified before May 4, 2022, Laws of Utah 2021,
- 4297 Chapter 236, Section 1, Subsection 58-37-8(2)(g);
- 4298 (iii) seven years for the conviction of a felony;
- 4299 (iv) five years for the conviction of a drug possession offense that is a felony;
- 4300 (v) five years for the conviction of a class A misdemeanor;
- 4301 (vi) four years for the conviction of a class B misdemeanor; or
- 4302 (vii) three years for the conviction of a class C misdemeanor or infraction.
- 4303 (2) A petitioner is not eligible to receive a certificate of eligibility from the bureau to
- 4304 expunge the records of a conviction under Subsection (1) if:
- 4305 (a) except as provided in Subsection (3), the conviction for which expungement is
- 4306 sought is:
- 4307 (i) a capital felony;

- 4308 (ii) a first degree felony;
- 4309 (iii) a felony conviction of a violent felony as defined in Subsection 76-3-203.5
- 4310 (1)(c)(i);
- 4311 (iv) a felony conviction described in Subsection 41-6a-501(2);
- 4312 (v) an offense, or a combination of offenses, that would [~~require the individual to~~
- 4313 ~~register as a sex offender, as defined in Section 77-41-102]~~ result in the individual
- 4314 being a sex offender under Subsection 53-29-202(2)(b); or
- 4315 (vi) [~~a registerable child abuse offense as defined in Subsection 77-41-102(1);]~~ an
- 4316 offense, or a combination of offenses, that would result in the individual being a
- 4317 child abuse offender under Subsection 53-29-202(2)(a);
- 4318 (b) there is a criminal proceeding for a misdemeanor or felony offense pending against
- 4319 the petitioner, unless the criminal proceeding is for a traffic offense;
- 4320 (c) there is a plea in abeyance for a misdemeanor or felony offense pending against the
- 4321 petitioner, unless the plea in abeyance is for a traffic offense;
- 4322 (d) the petitioner is currently incarcerated, on parole, or on probation, unless the
- 4323 petitioner is on probation or parole for an infraction, a traffic offense, or a minor
- 4324 regulatory offense;
- 4325 (e) the petitioner intentionally or knowingly provides false or misleading information on
- 4326 the application for a certificate of eligibility;
- 4327 (f) there is a criminal protective order or a criminal stalking injunction in effect for the
- 4328 case; or
- 4329 (g) the bureau determines that the petitioner's criminal history makes the petitioner
- 4330 ineligible for a certificate of eligibility under Subsection (4) or (5).
- 4331 (3) Subsection (2)(a) does not apply to a conviction for a qualifying sexual offense, as
- 4332 defined in Section 76-3-209, if, at the time of the offense, a petitioner who committed
- 4333 the offense was at least 14 years old but under 18 years old, unless the petitioner was
- 4334 convicted by a district court as an adult in accordance with [~~Title 80, Chapter 6, Part 5;~~
- 4335 ~~Transfer to District Court]~~ Title 80, Chapter 6, Part 5, Minor Tried as an Adult.
- 4336 (4) Subject to Subsections (6), (7), and (8), a petitioner is not eligible to receive a certificate
- 4337 of eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau
- 4338 determines that the petitioner's criminal history, including previously expunged
- 4339 convictions, contains any of the following:
- 4340 (a) two or more felony convictions other than for drug possession offenses, each of
- 4341 which is contained in a separate criminal episode;

- 4342 (b) any combination of three or more convictions other than for drug possession offenses
4343 that include two class A misdemeanor convictions, each of which is contained in a
4344 separate criminal episode;
- 4345 (c) any combination of four or more convictions other than for drug possession offenses
4346 that include three class B misdemeanor convictions, each of which is contained in a
4347 separate criminal episode; or
- 4348 (d) five or more convictions other than for drug possession offenses of any degree
4349 whether misdemeanor or felony, each of which is contained in a separate criminal
4350 episode.
- 4351 (5) Subject to Subsections (7) and (8), a petitioner is not eligible to receive a certificate of
4352 eligibility if, at the time the petitioner seeks the certificate of eligibility, the bureau
4353 determines that the petitioner's criminal history, including previously expunged
4354 convictions, contains any of the following:
- 4355 (a) three or more felony convictions for drug possession offenses, each of which is
4356 contained in a separate criminal episode; or
- 4357 (b) any combination of five or more convictions for drug possession offenses, each of
4358 which is contained in a separate criminal episode.
- 4359 (6) If the petitioner's criminal history contains convictions for both a drug possession
4360 offense and a non-drug possession offense arising from the same criminal episode, the
4361 bureau shall count that criminal episode as a conviction under Subsection (4) if any
4362 non-drug possession offense in that episode:
- 4363 (a) is a felony or class A misdemeanor; or
- 4364 (b) has the same or a longer waiting period under Subsection (1)(c) than any drug
4365 possession offense in that episode.
- 4366 (7) Except as provided in Subsection (8), if at least 10 years have passed after the day on
4367 which the petitioner was convicted or released from incarceration, parole, or probation,
4368 whichever occurred last, for all convictions:
- 4369 (a) each numerical eligibility limit under Subsections (4)(a) and (b) shall be increased by
4370 one; and
- 4371 (b) each numerical eligibility limit under Subsections (4)(c) and (d) is not applicable if
4372 the highest level of convicted offense in the criminal episode is:
- 4373 (i) a class B misdemeanor;
- 4374 (ii) a class C misdemeanor;
- 4375 (iii) a drug possession offense if none of the non-drug possession offenses in the

- 4376 criminal episode are a felony or a class A misdemeanor; or
 4377 (iv) an infraction.
- 4378 (8) When determining whether a petitioner is eligible for a certificate of eligibility under
 4379 Subsection (4), (5), or (7), the bureau may not consider a petitioner's pending case or
 4380 prior conviction for:
- 4381 (a) an infraction;
 4382 (b) a traffic offense;
 4383 (c) a minor regulatory offense; or
 4384 (d) a clean slate eligible case that was automatically expunged.
- 4385 (9) If the petitioner received a pardon before May 14, 2013, from the Utah Board of
 4386 Pardons and Parole, the petitioner is entitled to an expungement order for all pardoned
 4387 crimes in accordance with Section 77-27-5.1.
- 4388 Section 56. Section **77-40a-403** is amended to read:
- 4389 **77-40a-403 (Effective 05/07/25). Release and use of expunged records --**
 4390 **Agencies.**
- 4391 (1)(a) An agency with an expunged record, or any employee of an agency with an
 4392 expunged record, may not knowingly or intentionally divulge any information
 4393 contained in the expunged record to any person, or another agency, without a court
 4394 order unless:
- 4395 (i) specifically authorized by Subsection (4) or Section 77-40a-404; or
 4396 (ii) subject to Subsection (1)(b), the information in an expunged record is being
 4397 shared with another agency through a records management system that both
 4398 agencies use for the purpose of record management.
- 4399 (b) An agency with a records management system may not disclose any information in
 4400 an expunged record to another agency or person, or allow another agency or person
 4401 access to an expunged record, if that agency or person does not use the records
 4402 management system for the purpose of record management.
- 4403 (2) The following entities or agencies may receive information contained in expunged
 4404 records upon specific request:
- 4405 (a) the Board of Pardons and Parole;
 4406 (b) Peace Officer Standards and Training;
 4407 (c) federal authorities if required by federal law;
 4408 (d) the State Board of Education;
 4409 (e) the Commission on Criminal and Juvenile Justice, for purposes of investigating

- 4410 applicants for judicial office; and
- 4411 (f) a research institution or an agency engaged in research regarding the criminal justice
4412 system if:
- 4413 (i) the research institution or agency provides a legitimate research purpose for
4414 gathering information from the expunged records;
- 4415 (ii) the research institution or agency enters into a data sharing agreement with the
4416 court or agency with custody of the expunged records that protects the
4417 confidentiality of any identifying information in the expunged records;
- 4418 (iii) any research using expunged records does not include any individual's name or
4419 identifying information in any product of that research; and
- 4420 (iv) any product resulting from research using expunged records includes a disclosure
4421 that expunged records were used for research purposes.
- 4422 (3) Except as otherwise provided by this section or by court order, a person, an agency, or
4423 an entity authorized by this section to view expunged records may not reveal or release
4424 any information obtained from the expunged records to anyone outside the specific
4425 request, including distribution on a public website.
- 4426 (4) A prosecuting attorney may communicate with another prosecuting attorney, or another
4427 prosecutorial agency, regarding information in an expunged record that includes a
4428 conviction, or a charge dismissed as a result of a successful completion of a plea in
4429 abeyance agreement, for:
- 4430 (a) stalking as described in Section 76-5-106.5;
- 4431 (b) a domestic violence offense as defined in Section 77-36-1;
- 4432 (c) an offense that would [~~require the individual to register as a sex offender, kidnap~~
4433 ~~offender, or child abuse offender as defined in Section 77-41-102]~~ result in the
4434 individual being a child abuse offender, a sex offender, or a kidnap offender under
4435 Section 53-29-202; or
- 4436 (d) a weapons offense under Title 76, Chapter 10, Part 5, Weapons.
- 4437 (5) Except as provided in Subsection (7), a prosecuting attorney may not use an expunged
4438 record for the purpose of a sentencing enhancement or as a basis for charging an
4439 individual with an offense that requires a prior conviction.
- 4440 (6) The bureau may also use the information in the bureau's index as provided in Section
4441 53-5-704.
- 4442 (7) If an individual is charged with a felony, or an offense eligible for enhancement based
4443 on a prior conviction, after obtaining an order of expungement, the prosecuting attorney

4444 may petition the court in which the individual is charged to open the expunged records
4445 upon a showing of good cause.

4446 (8)(a) For judicial sentencing, a court may order any records expunged under this
4447 chapter or Section 77-27-5.1 to be opened and admitted into evidence.

4448 (b) The records are confidential and are available for inspection only by the court,
4449 parties, counsel for the parties, and any other person who is authorized by the court to
4450 inspect them.

4451 (c) At the end of the action or proceeding, the court shall order the records expunged
4452 again.

4453 (d) Any person authorized by this Subsection (8) to view expunged records may not
4454 reveal or release any information obtained from the expunged records to anyone
4455 outside the court.

4456 (9) Records released under this chapter are classified as protected under Section 63G-2-305
4457 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to
4458 Records, and Subsection 53-10-108(2)(k) for records held by the bureau.

4459 Section 57. Section **78A-2-301** is amended to read:

4460 **78A-2-301 (Effective 05/07/25). Civil fees of the courts of record -- Courts**
4461 **complex design.**

4462 (1)(a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
4463 court of record not governed by another subsection is \$375.

4464 (b) The fee for filing a complaint or petition is:

4465 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,
4466 interest, and attorney fees is \$2,000 or less;

4467 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,
4468 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

4469 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;

4470 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed for an
4471 action described in Title 81, Chapter 4, Dissolution of Marriage;

4472 (v) \$35 for a petition for temporary separation described in Section 81-4-104;

4473 (vi) \$125 if the petition is for removal from the [The-]Sex, Kidnap, and Child Abuse
4474 Offender Registry under Section [~~77-41-112~~] 53-29-204, 53-29-205, or 53-29-206;
4475 and

4476 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological
4477 or adoptive child of the petitioner.

- 4478 (c) The fee for filing a small claims affidavit is:
- 4479 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
- 4480 interest, and attorney fees is \$2,000 or less;
- 4481 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
- 4482 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
- 4483 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
- 4484 interest, and attorney fees is \$7,500 or more.
- 4485 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
- 4486 complaint, or other claim for relief against an existing or joined party other than the
- 4487 original complaint or petition is:
- 4488 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 4489 \$2,000 or less;
- 4490 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 4491 greater than \$2,000 and less than \$10,000;
- 4492 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is
- 4493 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 4494 (iv) \$130 if the original petition is filed for an action described in Title 81, Chapter 4,
- 4495 Dissolution of Marriage.
- 4496 (e) The fee for filing a small claims counter affidavit is:
- 4497 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 4498 \$2,000 or less;
- 4499 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 4500 greater than \$2,000, but less than \$7,500; and
- 4501 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
- 4502 \$7,500 or more.
- 4503 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
- 4504 action already before the court is determined under Subsection (1)(b) based on the
- 4505 amount deposited.
- 4506 (g) The fee for filing a petition is:
- 4507 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims
- 4508 department; and
- 4509 (ii) \$80 for an appeal of a municipal administrative determination in accordance with
- 4510 Section 10-3-703.7.
- 4511 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or

- 4512 petition for writ of certiorari is \$240.
- 4513 (i) The fee for filing a petition for expungement is \$150.
- 4514 (j)(i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
4515 allocated to and between the Judges' Contributory Retirement Trust Fund and the
4516 Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter
4517 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges'
4518 Noncontributory Retirement Act.
- 4519 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
4520 allocated by the state treasurer to be deposited into the restricted account,
4521 Children's Legal Defense Account, as provided in Section 51-9-408.
- 4522 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
4523 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account
4524 as provided in Section 78B-6-209.
- 4525 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
4526 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state
4527 treasurer to be deposited into the restricted account, Court Security Account, as
4528 provided in Section 78A-2-602.
- 4529 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)
4530 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the
4531 restricted account, Court Security Account, as provided in Section 78A-2-602.
- 4532 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
4533 United States is \$35.
- 4534 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is
4535 50% of the fee for filing an original action seeking the same relief.
- 4536 (m) The fee for filing probate or child custody documents from another state is \$35.
- 4537 (n)(i) The fee for filing an abstract or transcript of judgment, order, or decree of the
4538 State Tax Commission is \$30.
- 4539 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this
4540 state or a judgment, order, or decree of an administrative agency, commission,
4541 board, council, or hearing officer of this state or of its political subdivisions other
4542 than the State Tax Commission, is \$50.
- 4543 (o) The fee for filing a judgment by confession without action under Section 78B-5-205
4544 is \$35.
- 4545 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation

- 4546 under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
4547 action before the court is \$35.
- 4548 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
4549 other than a protective order or stalking injunction is \$100.
- 4550 (r) The fee for filing any accounting required by law is:
- 4551 (i) \$15 for an estate valued at \$50,000 or less;
- 4552 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
- 4553 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
- 4554 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
- 4555 (v) \$175 for an estate valued at more than \$168,000.
- 4556 (s) The fee for filing a demand for a civil jury is \$250.
- 4557 (t) The fee for filing a notice of deposition in this state concerning an action pending in
4558 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.
- 4559 (u) The fee for filing documents that require judicial approval but are not part of an
4560 action before the court is \$35.
- 4561 (v) The fee for a petition to open a sealed record is \$35.
- 4562 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
4563 addition to any fee for a complaint or petition.
- 4564 (x)(i) The fee for a petition for authorization for a minor to marry required by
4565 Section 81-2-304 is \$5.
- 4566 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,
4567 Emancipation, is \$50.
- 4568 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.
- 4569 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- 4570 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per
4571 page.
- 4572 (bb) The Judicial Council shall, by rule, establish a schedule of fees for copies of
4573 documents and forms and for the search and retrieval of records under Title 63G,
4574 Chapter 2, Government Records Access and Management Act. Fees under
4575 Subsection (1)(bb) and (cc) shall be credited to the court as a reimbursement of
4576 expenditures.
- 4577 (cc) The Judicial Council may, by rule, establish a reasonable fee to allow members of
4578 the public to conduct a limited amount of searches on the Xchange database without
4579 having to pay a monthly subscription fee.

- 4580 (dd) There is no fee for services or the filing of documents not listed in this section or
4581 otherwise provided by law.
- 4582 (ee) Except as provided in this section, all fees collected under this section are paid to
4583 the General Fund. Except as provided in this section, all fees shall be paid at the time
4584 the clerk accepts the pleading for filing or performs the requested service.
- 4585 (ff) The filing fees under this section may not be charged to the state, the state's
4586 agencies, or political subdivisions filing or defending any action. In judgments
4587 awarded in favor of the state, its agencies, or political subdivisions, except the Office
4588 of Recovery Services, the court shall order the filing fees and collection costs to be
4589 paid by the judgment debtor. The sums collected under this Subsection (1)(ff) shall
4590 be applied to the fees after credit to the judgment, order, fine, tax, lien, or other
4591 penalty and costs permitted by law.
- 4592 (2)(a)(i) From March 17, 1994, until June 30, 1998, the state court administrator
4593 shall transfer all revenues representing the difference between the fees in effect
4594 after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated
4595 credits to the Division of Facilities Construction and Management Capital Projects
4596 Fund.
- 4597 (ii)(A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities
4598 Construction and Management shall use up to \$3,750,000 of the revenue
4599 deposited into the Capital Projects Fund under this Subsection (2)(a) to design
4600 and take other actions necessary to initiate the development of a courts
4601 complex in Salt Lake City.
- 4602 (B) If the Legislature approves funding for construction of a courts complex in
4603 Salt Lake City in the 1995 Annual General Session, the Division of Facilities
4604 Construction and Management shall use the revenue deposited into the Capital
4605 Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in
4606 Salt Lake City.
- 4607 (C) After the courts complex is completed and all bills connected with its
4608 construction have been paid, the Division of Facilities Construction and
4609 Management shall use any money remaining in the Capital Projects Fund under
4610 this Subsection (2)(a)(ii) to fund the Vernal District Court building.
- 4611 (iii) The Division of Facilities Construction and Management may enter into
4612 agreements and make expenditures related to this project before the receipt of
4613 revenues provided for under this Subsection (2)(a)(iii).

- 4614 (iv) The Division of Facilities Construction and Management shall:
- 4615 (A) make those expenditures from unexpended and unencumbered building funds
- 4616 already appropriated to the Capital Projects Fund; and
- 4617 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
- 4618 under this Subsection (2).
- 4619 (b) After June 30, 1998, the state court administrator shall ensure that all revenues
- 4620 representing the difference between the fees in effect after May 2, 1994, and the fees
- 4621 in effect before February 1, 1994, are transferred to the Division of Finance for
- 4622 deposit in the restricted account.
- 4623 (c) The Division of Finance shall deposit all revenues received from the state court
- 4624 administrator into the restricted account created by this section.
- 4625 (d)(i) From May 1, 1995, until June 30, 1998, the state court administrator shall
- 4626 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title
- 4627 41, Motor Vehicles, in a court of record to the Division of Facilities Construction
- 4628 and Management Capital Projects Fund. The division of money pursuant to
- 4629 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
- 4630 paid.
- 4631 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer
- 4632 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
- 4633 Vehicles, in a court of record to the Division of Finance for deposit in the
- 4634 restricted account created by this section. The division of money pursuant to
- 4635 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
- 4636 paid.
- 4637 (3)(a) There is created within the General Fund a restricted account known as the State
- 4638 Courts Complex Account.
- 4639 (b) The Legislature may appropriate money from the restricted account to the state court
- 4640 administrator for the following purposes only:
- 4641 (i) to repay costs associated with the construction of the court complex that were
- 4642 funded from sources other than revenues provided for under this Subsection
- 4643 (3)(b)(i); and
- 4644 (ii) to cover operations and maintenance costs on the court complex.
- 4645 Section 58. Section **78B-8-302** is amended to read:
- 4646 **78B-8-302 (Effective 05/07/25). Process servers.**
- 4647 (1) A complaint, a summons, or a subpoena may be served by an individual who is:

- 4648 (a) 18 years old or older at the time of service; and
4649 (b) not a party to the action or a party's attorney.
- 4650 (2) Except as provided in Subsection (5), the following may serve all process issued by the
4651 courts of this state:
- 4652 (a) a peace officer employed by a political subdivision of the state acting within the
4653 scope and jurisdiction of the peace officer's employment;
- 4654 (b) a sheriff or appointed deputy sheriff employed by a county of the state;
- 4655 (c) a constable, or the constable's deputy, serving in compliance with applicable law;
- 4656 (d) an investigator employed by the state and authorized by law to serve civil process; or
4657 (e) a private investigator licensed in accordance with Title 53, Chapter 9, Private
4658 Investigator Regulation Act.
- 4659 (3) A private investigator licensed in accordance with Title 53, Chapter 9, Private
4660 Investigator Regulation Act, may not make an arrest pursuant to a bench warrant.
- 4661 (4) While serving process, a private investigator shall:
- 4662 (a) have on the investigator's body a visible form of credentials and identification
4663 identifying:
- 4664 (i) the investigator's name;
- 4665 (ii) that the investigator is a licensed private investigator; and
- 4666 (iii) the name and address of the agency employing the investigator or, if the
4667 investigator is self-employed, the address of the investigator's place of business;
- 4668 (b) verbally communicate to the person being served that the investigator is acting as a
4669 process server; and
- 4670 (c) print on the first page of each document served:
- 4671 (i) the investigator's name and identification number as a private investigator; and
4672 (ii) the address and phone number for the investigator's place of business.
- 4673 (5) The following may only serve process under this section when the use of force is
4674 authorized on the face of the document, or when a breach of the peace is imminent or
4675 likely under the totality of the circumstances:
- 4676 (a) a law enforcement officer, as defined in Section 53-13-103; or
4677 (b) a special function officer, as defined in Section 53-13-105, who is:
- 4678 (i) employed as an appointed deputy sheriff by a county of the state; or
4679 (ii) a constable.
- 4680 (6) The following may not serve process issued by a court:
- 4681 (a) an individual convicted of a felony violation of an offense [~~listed in Subsection~~

4682 77-41-102(19)] that would result in the individual being a sex offender under
 4683 Subsection 53-29-202(2)(b); or
 4684 (b) an individual who is a respondent in a proceeding described in Title 78B, Chapter 7,
 4685 Protective Orders and Stalking Injunctions, in which a court has granted the
 4686 petitioner a protective order.

4687 (7) An individual serving process shall:

- 4688 (a) legibly document the date and time of service on the front page of the document
- 4689 being served;
- 4690 (b) legibly print the process server's name, address, and telephone number on the return
- 4691 of service;
- 4692 (c) sign the return of service in substantial compliance with Title 78B, Chapter 18a,
- 4693 Uniform Unsworn Declarations Act;
- 4694 (d) if the process server is a peace officer, sheriff, or deputy sheriff, legibly print the
- 4695 badge number of the process server on the return of service; and
- 4696 (e) if the process server is a private investigator, legibly print the private investigator's
- 4697 identification number on the return of service.

4698 Section 59. Section **80-3-406** is amended to read:

4699 **80-3-406 (Effective 05/07/25). Permanency plan -- Reunification services.**

4700 (1) If the juvenile court orders continued removal at the dispositional hearing under Section
 4701 80-3-402, and that the minor remain in the custody of the division, the juvenile court
 4702 shall first:

- 4703 (a) establish a primary permanency plan and a concurrent permanency plan for the minor
- 4704 in accordance with this section; and
- 4705 (b) determine whether, in view of the primary permanency plan, reunification services
- 4706 are appropriate for the minor and the minor's family under Subsections (5) through (8).

4707 (2)(a) The concurrent permanency plan shall include:

- 4708 (i) a representative list of the conditions under which the primary permanency plan
- 4709 will be abandoned in favor of the concurrent permanency plan; and
- 4710 (ii) an explanation of the effect of abandoning or modifying the primary permanency
- 4711 plan.

4712 (b) In determining the primary permanency plan and concurrent permanency plan, the
 4713 juvenile court shall consider:

- 4714 (i) the preference for kinship placement over nonkinship placement, including the
- 4715 rebuttable presumption described in Subsection 80-3-302(7)(a);

- 4716 (ii) the potential for a guardianship placement if parental rights are terminated and no
4717 appropriate adoption placement is available; and
- 4718 (iii) the use of an individualized permanency plan, only as a last resort.
- 4719 (3)(a) The juvenile court may amend a minor's primary permanency plan before the
4720 establishment of a final permanency plan under Section 80-3-409.
- 4721 (b) The juvenile court is not limited to the terms of the concurrent permanency plan in
4722 the event that the primary permanency plan is abandoned.
- 4723 (c) If, at any time, the juvenile court determines that reunification is no longer a minor's
4724 primary permanency plan, the juvenile court shall conduct a permanency hearing in
4725 accordance with Section 80-3-409 on or before the earlier of:
- 4726 (i) 30 days after the day on which the juvenile court makes the determination
4727 described in this Subsection (3)(c); or
- 4728 (ii) the day on which the provision of reunification services, described in Section
4729 80-3-409, ends.
- 4730 (4)(a) Because of the state's interest in and responsibility to protect and provide
4731 permanency for minors who are abused, neglected, or dependent, the Legislature
4732 finds that a parent's interest in receiving reunification services is limited.
- 4733 (b) The juvenile court may determine that:
- 4734 (i) efforts to reunify a minor with the minor's family are not reasonable or
4735 appropriate, based on the individual circumstances; and
- 4736 (ii) reunification services should not be provided.
- 4737 (c) In determining reasonable efforts to be made with respect to a minor, and in making
4738 reasonable efforts, the juvenile court and the division shall consider the minor's
4739 health, safety, and welfare as the paramount concern.
- 4740 (5) There is a presumption that reunification services should not be provided to a parent if
4741 the juvenile court finds, by clear and convincing evidence, that any of the following
4742 circumstances exist:
- 4743 (a) the whereabouts of the parents are unknown, based on a verified affidavit indicating
4744 that a reasonably diligent search has failed to locate the parent;
- 4745 (b) subject to Subsection (6)(a), the parent is suffering from a mental illness of such
4746 magnitude that the mental illness renders the parent incapable of utilizing
4747 reunification services;
- 4748 (c) the minor was previously adjudicated as an abused child due to physical abuse,
4749 sexual abuse, or sexual exploitation, and following the adjudication the child:

- 4750 (i) was removed from the custody of the minor's parent;
- 4751 (ii) was subsequently returned to the custody of the parent; and
- 4752 (iii) is being removed due to additional physical abuse, sexual abuse, or sexual
- 4753 exploitation;
- 4754 (d) the parent:
- 4755 (i) caused the death of another minor through abuse or neglect;
- 4756 (ii) committed, aided, abetted, attempted, conspired, or solicited to commit:
- 4757 (A) murder or manslaughter of a minor; or
- 4758 (B) child abuse homicide;
- 4759 (iii) committed sexual abuse against the minor;
- 4760 (iv) is [~~a registered sex offender or required to register as a sex offender~~] a sex
- 4761 offender under Subsection 53-29-202(2)(b); or
- 4762 (v)(A) intentionally, knowingly, or recklessly causes the death of another parent
- 4763 of the minor;
- 4764 (B) is identified by a law enforcement agency as the primary suspect in an
- 4765 investigation for intentionally, knowingly, or recklessly causing the death of
- 4766 another parent of the minor; or
- 4767 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
- 4768 recklessly causing the death of another parent of the minor;
- 4769 (e) the minor suffered severe abuse by the parent or by any individual known by the
- 4770 parent if the parent knew or reasonably should have known that the individual was
- 4771 abusing the minor;
- 4772 (f) the minor is adjudicated as an abused minor as a result of severe abuse by the parent,
- 4773 and the juvenile court finds that it would not benefit the minor to pursue reunification
- 4774 services with the offending parent;
- 4775 (g) the parent's rights are terminated with regard to any other minor;
- 4776 (h) the minor was removed from the minor's home on at least two previous occasions
- 4777 and reunification services were offered or provided to the family at those times;
- 4778 (i) the parent has abandoned the minor for a period of six months or longer;
- 4779 (j) the parent permitted the minor to reside, on a permanent or temporary basis, at a
- 4780 location where the parent knew or should have known that a clandestine laboratory
- 4781 operation was located;
- 4782 (k) except as provided in Subsection (6)(b), with respect to a parent who is the minor's
- 4783 birth mother, the minor has fetal alcohol syndrome, fetal alcohol spectrum disorder,

4784 or was exposed to an illegal or prescription drug that was abused by the minor's
4785 mother while the minor was in utero, if the minor was taken into division custody for
4786 that reason, unless the mother agrees to enroll in, is currently enrolled in, or has
4787 recently and successfully completed a substance use disorder treatment program
4788 approved by the department; or

4789 (l) any other circumstance that the juvenile court determines should preclude
4790 reunification efforts or services.

4791 (6)(a) The juvenile court shall base the finding under Subsection (5)(b) on competent
4792 evidence from at least two medical or mental health professionals, who are not
4793 associates, establishing that, even with the provision of services, the parent is not
4794 likely to be capable of adequately caring for the minor within 12 months after the day
4795 on which the juvenile court finding is made.

4796 (b) The juvenile court may disregard the provisions of Subsection (5)(k) if the juvenile
4797 court finds, under the circumstances of the case, that the substance use disorder
4798 treatment described in Subsection (5)(k) is not warranted.

4799 (7) In determining whether reunification services are appropriate, the juvenile court shall
4800 take into consideration:

4801 (a) failure of the parent to respond to previous services or comply with a previous child
4802 and family plan;

4803 (b) the fact that the minor was abused while the parent was under the influence of drugs
4804 or alcohol;

4805 (c) any history of violent behavior directed at the minor or an immediate family member;

4806 (d) whether a parent continues to live with an individual who abused the minor;

4807 (e) any patterns of the parent's behavior that have exposed the minor to repeated abuse;

4808 (f) testimony by a competent professional that the parent's behavior is unlikely to be
4809 successful; and

4810 (g) whether the parent has expressed an interest in reunification with the minor.

4811 (8) If, under Subsections (5)(b) through (l), the juvenile court does not order reunification
4812 services, a permanency hearing shall be conducted within 30 days in accordance with
4813 Section 80-3-409.

4814 (9)(a) Subject to Subsections (9)(b) through (e), if the juvenile court determines that
4815 reunification services are appropriate for the minor and the minor's family, the
4816 juvenile court shall provide for reasonable parent-time with the parent or parents
4817 from whose custody the minor was removed, unless parent-time is not in the best

- 4818 interest of the minor.
- 4819 (b) Parent-time is in the best interests of a minor unless the juvenile court makes a
4820 finding that it is necessary to deny parent-time in order to:
- 4821 (i) protect the physical safety of the minor;
- 4822 (ii) protect the life of the minor; or
- 4823 (iii) prevent the minor from being traumatized by contact with the parent due to the
4824 minor's fear of the parent in light of the nature of the alleged abuse or neglect.
- 4825 (c) Notwithstanding Subsection (9)(a), a juvenile court may not deny parent-time based
4826 solely on a parent's failure to:
- 4827 (i) prove that the parent has not used legal or illegal substances; or
- 4828 (ii) comply with an aspect of the child and family plan that is ordered by the juvenile
4829 court.
- 4830 (d) Parent-time shall be under the least restrictive conditions necessary to:
- 4831 (i) protect the physical safety of the child; or
- 4832 (ii) prevent the child from being traumatized by contact with the parent due to the
4833 minor's fear of the parent in light of the nature of the alleged abuse or neglect.
- 4834 (e)(i) The division or the person designated by the division or a court to supervise a
4835 parent-time session may deny parent-time for the session if the division or the
4836 supervising person determines that, based on the parent's condition, it is necessary
4837 to deny parent-time to:
- 4838 (A) protect the physical safety of the child;
- 4839 (B) protect the life of the child; or
- 4840 (C) consistent with Subsection (9)(e)(ii), prevent the child from being traumatized
4841 by contact with the parent.
- 4842 (ii) In determining whether the condition of the parent described in Subsection
4843 (9)(e)(i) will traumatize a child, the division or the person supervising the
4844 parent-time session shall consider the impact that the parent's condition will have
4845 on the child in light of:
- 4846 (A) the child's fear of the parent; and
- 4847 (B) the nature of the alleged abuse or neglect.
- 4848 (10)(a) If the juvenile court determines that reunification services are appropriate, the
4849 juvenile court shall order that the division make reasonable efforts to provide services
4850 to the minor and the minor's parent for the purpose of facilitating reunification of the
4851 family, for a specified period of time.

- 4852 (b) In providing the services described in Subsection (10)(a), the juvenile court and the
4853 division shall consider the minor's health, safety, and welfare as the paramount
4854 concern.
- 4855 (11) In cases where sexual abuse, sexual exploitation, abandonment, severe abuse, or severe
4856 neglect are involved:
- 4857 (a) the juvenile court does not have any duty to order reunification services; and
4858 (b) the division does not have a duty to make reasonable efforts to or in any other way
4859 attempt to provide reunification services or attempt to rehabilitate the offending
4860 parent or parents.
- 4861 (12)(a) The juvenile court shall:
- 4862 (i) determine whether the services offered or provided by the division under the child
4863 and family plan constitute reasonable efforts on the part of the division;
4864 (ii) determine and define the responsibilities of the parent under the child and family
4865 plan in accordance with Subsection 80-3-307(5)(g)(iii); and
4866 (iii) identify verbally on the record, or in a written document provided to the parties,
4867 the responsibilities described in Subsection (12)(a)(ii), for the purpose of assisting
4868 in any future determination regarding the provision of reasonable efforts, in
4869 accordance with state and federal law.
- 4870 (b) If the parent is in a substance use disorder treatment program, other than a certified
4871 drug court program, the juvenile court may order the parent:
- 4872 (i) to submit to supplementary drug or alcohol testing, in accordance with Subsection
4873 80-3-110(6), in addition to the testing recommended by the parent's substance use
4874 disorder program based on a finding of reasonable suspicion that the parent is
4875 abusing drugs or alcohol; and
4876 (ii) to provide the results of drug or alcohol testing recommended by the substance
4877 use disorder program to the juvenile court or division.
- 4878 (13)(a) The time period for reunification services may not exceed 12 months from the
4879 day on which the minor was initially removed from the minor's home, unless the time
4880 period is extended under Subsection 80-3-409(7).
- 4881 (b) This section does not entitle any parent to an entire 12 months of reunification
4882 services.
- 4883 (14)(a) If reunification services are ordered, the juvenile court may terminate those
4884 services at any time.
- 4885 (b) If, at any time, continuation of reasonable efforts to reunify a minor is determined to

- 4886 be inconsistent with the final permanency plan for the minor established under
4887 Section 80-3-409, then measures shall be taken, in a timely manner, to:
- 4888 (i) place the minor in accordance with the final permanency plan; and
4889 (ii) complete whatever steps are necessary to finalize the permanent placement of the
4890 minor.
- 4891 (15) Any physical custody of the minor by the parent or a relative during the period
4892 described in Subsections (10) through (14) does not interrupt the running of the period.
- 4893 (16)(a) If reunification services are ordered, the juvenile court shall conduct a
4894 permanency hearing in accordance with Section 80-3-409 before the day on which
4895 the time period for reunification services expires.
- 4896 (b) The permanency hearing shall be held no later than 12 months after the original
4897 removal of the minor.
- 4898 (c) If reunification services are not ordered, a permanency hearing shall be conducted
4899 within 30 days in accordance with Section 80-3-409.
- 4900 (17) With regard to a minor in the custody of the division whose parent or parents are
4901 ordered to receive reunification services but who have abandoned that minor for a period
4902 of six months from the day on which reunification services are ordered:
- 4903 (a) the juvenile court shall terminate reunification services; and
4904 (b) the division shall petition the juvenile court for termination of parental rights.
- 4905 (18) When a minor is under the custody of the division and has been separated from a
4906 sibling due to foster care or adoptive placement, a juvenile court may order sibling
4907 visitation, subject to the division obtaining consent from the sibling's guardian,
4908 according to the juvenile court's determination of the best interests of the minor for
4909 whom the hearing is held.
- 4910 (19)(a) If reunification services are not ordered under this section, and the whereabouts
4911 of a parent becomes known within six months after the day on which the out-of-home
4912 placement of the minor is made, the juvenile court may order the division to provide
4913 reunification services.
- 4914 (b) The time limits described in this section are not tolled by the parent's absence.
- 4915 (20)(a) If a parent is incarcerated or institutionalized, the juvenile court shall order
4916 reasonable services unless the juvenile court determines that those services would be
4917 detrimental to the minor.
- 4918 (b) In making the determination described in Subsection (20)(a), the juvenile court shall
4919 consider:

- 4920 (i) the age of the minor;
- 4921 (ii) the degree of parent-child bonding;
- 4922 (iii) the length of the sentence;
- 4923 (iv) the nature of the treatment;
- 4924 (v) the nature of the crime or illness;
- 4925 (vi) the degree of detriment to the minor if services are not offered;
- 4926 (vii) for a minor who is 10 years old or older, the minor's attitude toward the
- 4927 implementation of family reunification services; and
- 4928 (viii) any other appropriate factors.
- 4929 (c) Reunification services for an incarcerated parent are subject to the time limitations
- 4930 imposed in this section.
- 4931 (d) Reunification services for an institutionalized parent are subject to the time
- 4932 limitations imposed in this section, unless the juvenile court determines that
- 4933 continued reunification services would be in the minor's best interest.
- 4934 Section 60. Section **80-5-201** is amended to read:
- 4935 **80-5-201 (Effective 05/07/25). Division responsibilities.**
- 4936 (1) The division is responsible for all minors committed to the division by juvenile courts
- 4937 under Sections 80-6-703 and 80-6-705.
- 4938 (2) The division shall:
- 4939 (a) establish and administer a continuum of community, secure, and nonsecure programs
- 4940 for all minors committed to the division;
- 4941 (b) establish and maintain all detention and secure care facilities and set minimum
- 4942 standards for all detention and secure care facilities;
- 4943 (c) establish and operate prevention and early intervention youth services programs for
- 4944 nonadjudicated minors placed with the division;
- 4945 (d) establish observation and assessment programs necessary to serve minors in a
- 4946 nonresidential setting under Subsection 80-6-706(1);
- 4947 (e) place minors committed to the division under Section 80-6-703 in the most
- 4948 appropriate program for supervision and treatment;
- 4949 (f) employ staff necessary to:
- 4950 (i) supervise and control minors committed to the division for secure care or
- 4951 placement in the community;
- 4952 (ii) supervise and coordinate treatment of minors committed to the division for
- 4953 placement in community-based programs; and

- 4954 (iii) control and supervise adjudicated and nonadjudicated minors placed with the
 4955 division for temporary services in juvenile receiving centers, youth services, and
 4956 other programs established by the division;
- 4957 (g) control or detain a minor committed to the division, or in the temporary custody of
 4958 the division, in a manner that is consistent with public safety and rules made by the
 4959 division;
- 4960 (h) establish and operate work programs for minors committed to the division by the
 4961 juvenile court that:
- 4962 (i) are not residential;
- 4963 (ii) provide labor to help in the operation, repair, and maintenance of public facilities,
 4964 parks, highways, and other programs designated by the division;
- 4965 (iii) provide educational and prevocational programs in cooperation with the State
 4966 Board of Education for minors placed in the program; and
- 4967 (iv) provide counseling to minors;
- 4968 (i) establish minimum standards for the operation of all private residential and
 4969 nonresidential rehabilitation facilities that provide services to minors who have
 4970 committed an offense in this state or in any other state;
- 4971 (j) provide regular training for secure care staff, detention staff, case management staff,
 4972 and staff of the community-based programs;
- 4973 (k) designate employees to obtain the saliva DNA specimens required under Section
 4974 53-10-403;
- 4975 (l) ensure that the designated employees receive appropriate training and that the
 4976 specimens are obtained in accordance with accepted protocol;
- 4977 (m) register an individual with the Department of Public Safety who:
- 4978 (i) is adjudicated for an offense [~~listed in Subsection 77-41-102(1) or 77-41-102(19)]~~
 4979 that would result in the individual being a child abuse offender under Subsection
 4980 53-29-202(2)(a) or a sex offender under Subsection 53-29-202(2)(b);
- 4981 (ii) is committed to the division for secure care; and
- 4982 (iii)(A) if the individual is a youth offender, remains in the division's custody 30
 4983 days before the individual's 21st birthday; or
- 4984 (B) if the individual is a serious youth offender, remains in the division's custody
 4985 30 days before the individual's 25th birthday; and
- 4986 (n) ensure that a program delivered to a minor under this section is an evidence-based
 4987 program in accordance with Section 63M-7-208.

- 4988 (3)(a) The division is authorized to employ special function officers, as defined in
 4989 Section 53-13-105, to:
- 4990 (i) locate and apprehend minors who have absconded from division custody;
 - 4991 (ii) transport minors taken into custody in accordance with division policy;
 - 4992 (iii) investigate cases; and
 - 4993 (iv) carry out other duties as assigned by the division.
- 4994 (b) A special function officer may be:
- 4995 (i) employed through a contract with the Department of Public Safety, or any law
 4996 enforcement agency certified by the Peace Officer Standards and Training
 4997 Division; or
 - 4998 (ii) directly hired by the division.
- 4999 (4) In the event of an unauthorized leave from secure care, detention, a community-based
 5000 program, a juvenile receiving center, a home, or any other designated placement of a
 5001 minor, a division employee has the authority and duty to locate and apprehend the
 5002 minor, or to initiate action with a local law enforcement agency for assistance.
- 5003 (5) The division may proceed with an initial medical screening or assessment of a child
 5004 admitted to a detention facility to ensure the safety of the child and others in the
 5005 detention facility if the division makes a good faith effort to obtain consent for the
 5006 screening or assessment from the child's parent or guardian.
- 5007 Section 61. Section **80-8-101** is amended to read:
- 5008 **80-8-101 (Effective 05/07/25). Definitions.**
- 5009 As used in this chapter:
- 5010 (1) "Child" means an individual under 18 years old.
 - 5011 (2) "Registered sex offender check" means a search of:
 - 5012 (a) the [~~state's Sex and Kidnap Offender Registry~~] registry described in [~~Title 77, Chapter~~
 5013 41, Sex and Kidnap Offender Registry] Title 53, Chapter 29, Sex, Kidnap, and Child
 5014 Abuse Offender Registry; and
 - 5015 (b) the National Sex Offender Public Website administered by the United States
 5016 Department of Justice.
 - 5017 (3) "Sexual abuse" means the same as that term is defined in Section 78B-2-308.
 - 5018 (4)(a) "Youth services organization" means a sports league, athletic association, church
 5019 or religious organization, scouting organization, or similar formally organized
 5020 association, league, or organization, that provides recreational, educational, cultural,
 5021 or social programs or activities to 25 or more children.

5022 (b) "Youth services organization" does not include any person that is required to conduct
5023 a background check on employees or volunteers under any other provision of state or
5024 federal law.

5025 (5) "Youth worker" means an individual:

5026 (a) who is 18 years old or older;

5027 (b) who is employed by or volunteers with a youth services organization; and

5028 (c) whose responsibilities as an employee or volunteer with the youth services
5029 organization give the individual regular and repeated care, supervision, guidance, or
5030 control of a child or children.

5031 Section 62. Section **80-8-201** is amended to read:

5032 **80-8-201 (Effective 05/07/25). Youth protection requirements.**

5033 (1) A youth service organization may not employ a youth worker or allow an individual to
5034 volunteer as a youth worker unless the youth service organization has completed a
5035 registered sex offender check for the individual.

5036 (2) A youth services organization shall require a potential youth worker to provide the
5037 individual's full name and a current, government-issued identification to facilitate the
5038 registered sex offender check required by Subsection (1).

5039 (3) If an individual is registered on the [~~state's Sex and Kidnap Offender Registry~~] registry
5040 described in Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, or
5041 the National Sex Offender Public Website, a youth service organization may not employ
5042 the individual as a youth worker or allow the individual to volunteer as a youth worker.

5043 Section 63. Section **81-9-202** is amended to read:

5044 **81-9-202 (Effective 05/07/25). Advisory guidelines for a custody and parent-time**
5045 **arrangement.**

5046 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,
5047 the following advisory guidelines are suggested to govern a custody and parent-time
5048 arrangement between parents.

5049 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a
5050 court-imposed solution.

5051 (3) A parent-time schedule shall be used to maximize the continuity and stability of the
5052 minor child's life.

5053 (4) Each parent shall give special consideration to make the minor child available to attend
5054 family functions including funerals, weddings, family reunions, religious holidays,
5055 important ceremonies, and other significant events in the life of the minor child or in the

- 5056 life of either parent which may inadvertently conflict with the parent-time schedule.
- 5057 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return
5058 of the minor child when the parent-time order is entered.
- 5059 (b) The court may change the responsibility described in Subsection (5)(a) at any time a
5060 subsequent modification is made to the parent-time order.
- 5061 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:
5062 (i) have the minor child ready for parent-time at the time the minor child is to be
5063 picked up ; and
5064 (ii) be present at the custodial home or make reasonable alternate arrangements to
5065 receive the minor child at the time the minor child is returned.
- 5066 (d) If the custodial parent will be transporting the minor child, the noncustodial parent
5067 shall:
5068 (i) be at the appointed place at the time the noncustodial parent is to receive the
5069 minor child; and
5070 (ii) have the minor child ready to be picked up at the appointed time and place or
5071 have made reasonable alternate arrangements for the custodial parent to pick up
5072 the minor child.
- 5073 (6) A parent may not interrupt regular school hours for a school-age minor child for the
5074 exercise of parent-time.
- 5075 (7) The court may:
5076 (a) make alterations in the parent-time schedule to reasonably accommodate the work
5077 schedule of both parents; and
5078 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the
5079 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 5080 (8) The court may make alterations in the parent-time schedule to reasonably accommodate
5081 the distance between the parties and the expense of exercising parent-time.
- 5082 (9) A parent may not withhold parent-time or child support due to the other parent's failure
5083 to comply with a court-ordered parent-time schedule.
- 5084 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of
5085 receiving notice of all significant school, social, sports, and community functions in
5086 which the minor child is participating or being honored.
- 5087 (b) The noncustodial parent is entitled to attend and participate fully in the functions
5088 described in Subsection (10)(a).
- 5089 (c) The noncustodial parent shall have access directly to all school reports including

- 5090 preschool and daycare reports and medical records.
- 5091 (d) A parent shall immediately notify the other parent in the event of a medical
5092 emergency.
- 5093 (11) Each parent shall provide the other with the parent's current address and telephone
5094 number, email address, and other virtual parent-time access information within 24 hours
5095 of any change.
- 5096 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable
5097 and uncensored communications with the minor child, in the form of mail privileges
5098 and virtual parent-time if the equipment is reasonably available.
- 5099 (b) If the parents cannot agree on whether the equipment is reasonably available, the
5100 court shall decide whether the equipment for virtual parent-time is reasonably
5101 available by taking into consideration:
- 5102 (i) the best interests of the minor child;
- 5103 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
5104 (iii) any other factors the court considers material.
- 5105 (13)(a) Parental care is presumed to be better care for the minor child than surrogate
5106 care.
- 5107 (b) The court shall encourage the parties to cooperate in allowing the noncustodial
5108 parent, if willing and able to transport the minor child, to provide the child care.
- 5109 (c) Child care arrangements existing during the marriage are preferred as are child care
5110 arrangements with nominal or no charge.
- 5111 (14) Each parent shall:
- 5112 (a) provide all surrogate care providers with the name, current address, and telephone
5113 number of the other parent; and
- 5114 (b) provide the noncustodial parent with the name, current address, and telephone
5115 number of all surrogate care providers unless the court for good cause orders
5116 otherwise.
- 5117 (15)(a) Each parent is entitled to an equal division of major religious holidays
5118 celebrated by the parents.
- 5119 (b) The parent who celebrates a religious holiday that the other parent does not celebrate
5120 shall have the right to be together with the minor child on the religious holiday.
- 5121 (16) If the minor child is on a different parent-time schedule than a sibling, based on
5122 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for
5123 parent-time with all the minor children so that parent-time is uniform between school

5124 aged and nonschool aged children, is appropriate.

5125 (17)(a) When one or both parents are servicemembers or contemplating joining a
5126 uniformed service, the parents should resolve issues of custodial responsibility in the
5127 event of deployment as soon as practicable through reaching a voluntary agreement
5128 pursuant to Section 78B-20-201 or through court order obtained pursuant to this part.

5129 (b) Service members shall ensure their family care plan reflects orders and agreements
5130 entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents
5131 Custody, Parent-time, and Visitation Act.

5132 (18) A parent shall immediately notify the other parent if:

5133 (a) the parent resides with an individual or provides an individual with access to the
5134 minor child; and

5135 (b) the parent knows that the individual:

5136 (i) is required to register as a sex offender,~~[or]~~ a kidnap offender, or a child abuse
5137 offender for an offense committed against a minor child under [Title 77, Chapter
5138 41, Sex and Kidnap Offender Registry] Title 53, Chapter 29, Sex, Kidnap, and
5139 Child Abuse Offender Registry; or

5140 [~~ii~~] is required to register as a child abuse offender under Title 77, Chapter 43,
5141 Child Abuse Offender Registry; or]

5142 [~~iii~~] (ii) has been convicted of:

5143 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
5144 76-5-114, or 76-5-208;

5145 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
5146 Offenses;

5147 (C) an offense for kidnapping or human trafficking of a minor child under Title
5148 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

5149 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
5150 Sexual Exploitation Act; or

5151 (E) an offense that is substantially similar to an offense under Subsections [
5152 ~~(18)(b)(iii)(A)~~] (18)(b)(ii)(A) through (D).

5153 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the
5154 parent shall provide the following information to the other parent:

5155 (i) an itinerary of travel dates;

5156 (ii) destinations;

5157 (iii) places where the minor child or traveling parent can be reached; and

5158 (iv) the name and telephone number of an available third person who would be
5159 knowledgeable of the minor child's location.

5160 (b) Unchaperoned travel of a minor child under the age of five years is not
5161 recommended.

5162 Section 64. Section **81-9-208** is amended to read:

5163 **81-9-208 (Effective 05/07/25). Modification or termination of a custody or**
5164 **parent-time order -- Noncompliance with a parent-time order.**

5165 (1) The court has continuing jurisdiction to make subsequent changes to modify:

5166 (a) custody of a minor child if there is a showing of a substantial and material change in
5167 circumstances since the entry of the order; and

5168 (b) parent-time for a minor child if there is a showing that there is a change in
5169 circumstances since the entry of the order.

5170 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
5171 showing by a parent that the other parent:

5172 (a) resides with an individual or provides an individual with access to the minor child;
5173 and

5174 (b) knows that the individual:

5175 (i) is required to register as a sex offender,~~[or]~~ a kidnap offender, or a child abuse
5176 offender for an offense committed against a minor child under [~~Title 77, Chapter~~
5177 ~~41, Sex and Kidnap Offender Registry]~~ Title 53, Chapter 29, Sex, Kidnap, and
5178 Child Abuse Offender Registry; or

5179 [~~ii) is required to register as a child abuse offender under Title 77, Chapter 43,~~
5180 ~~Child Abuse Offender Registry; or]~~

5181 [~~iii)] (ii) has been convicted of:~~

5182 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,
5183 76-5-114, or 76-5-208;

5184 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual
5185 Offenses;

5186 (C) an offense for kidnapping or human trafficking of a minor child under Title
5187 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

5188 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,
5189 Sexual Exploitation Act; or

5190 (E) an offense that is substantially similar to an offense under Subsections [
5191 ~~(2)(b)(iii)(A)] (2)(b)(ii)(A) through (D).~~

- 5192 (3) On the petition of one or both of the parents, or the joint legal or physical custodians if
5193 they are not the parents, the court may, after a hearing, modify or terminate an order that
5194 established joint legal custody or joint physical custody if:
- 5195 (a) the verified petition or accompanying affidavit initially alleges that admissible
5196 evidence will show that there has been a substantial and material change in the
5197 circumstances of the minor child or one or both parents or joint legal or physical
5198 custodians since the entry of the order to be modified;
- 5199 (b) a modification of the terms and conditions of the order would be an improvement for
5200 and in the best interest of the minor child; and
- 5201 (c)(i) both parents have complied in good faith with the dispute resolution procedure
5202 in accordance with Subsection 81-9-205(8); or
- 5203 (ii) if no dispute resolution procedure is contained in the order that established joint
5204 legal custody or joint physical custody, the court orders the parents to participate
5205 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)
5206 unless the parents certify that, in good faith, they have used a dispute resolution
5207 procedure to resolve their dispute.
- 5208 (4)(a) In determining whether the best interest of a minor child will be served by either
5209 modifying or terminating the joint legal custody or joint physical custody order, the
5210 court shall, in addition to other factors the court considers relevant, consider the
5211 factors described in Sections 81-9-204 and 81-9-205.
- 5212 (b) A court order modifying or terminating an existing joint legal custody or joint
5213 physical custody order shall contain written findings that:
- 5214 (i) a substantial and material change of circumstance has occurred; and
5215 (ii) a modification of the terms and conditions of the order would be an improvement
5216 for and in the best interest of the minor child.
- 5217 (c) The court shall give substantial weight to the existing joint legal custody or joint
5218 physical custody order when the minor child is thriving, happy, and well-adjusted.
- 5219 (5) The court shall, in every case regarding a petition for termination of a joint legal
5220 custody or joint physical custody order, consider reasonable alternatives to preserve the
5221 existing order in accordance with Section 81-9-204.
- 5222 (6) The court may modify the terms and conditions of the existing order in accordance with
5223 this chapter and may order the parents to file a parenting plan in accordance with
5224 Section 81-9-203.
- 5225 (7) A parent requesting a modification from sole custody to joint legal custody or joint

- 5226 physical custody or both, or any other type of shared parenting arrangement, shall file
 5227 and serve a proposed parenting plan with the petition to modify in accordance with
 5228 Section 81-9-203.
- 5229 (8) If an issue before the court involves custodial responsibility in the event of deployment
 5230 of one or both parents who are service members, and the service member has not yet
 5231 been notified of deployment, the court shall resolve the issue based on the standards in
 5232 Sections 78B-20-306 through 78B-20-309.
- 5233 (9) If the court finds that an action to modify custody or parent-time is filed or answered
 5234 frivolously and, in a manner, designed to harass the other party, the court shall assess
 5235 attorney fees as costs against the offending party.
- 5236 (10) If a petition to modify custody or parent-time provisions of a court order is made and
 5237 denied, the court shall order the petitioner to pay the reasonable attorney fees expended
 5238 by the prevailing party in that action if the court determines that the petition was without
 5239 merit and not asserted or defended against in good faith.
- 5240 (11) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a
 5241 visitation order by a grandparent or other member of the immediate family where a
 5242 visitation or parent-time right has been previously granted by the court, the court:
- 5243 (a) may award to the prevailing party:
- 5244 (i) actual attorney fees incurred;
- 5245 (ii) the costs incurred by the prevailing party because of the other party's failure to
 5246 provide or exercise court-ordered visitation or parent-time, including:
- 5247 (A) court costs;
- 5248 (B) child care expenses;
- 5249 (C) transportation expenses actually incurred;
- 5250 (D) lost wages, if ascertainable; or
- 5251 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 5252 (iii) any other appropriate equitable remedy; and
- 5253 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
 5254 parent-time is not in the best interest of the minor child.
- 5255 **Section 65. Repealer.**
- 5256 This bill repeals:
- 5257 **Section 77-41-102, (Effective 05/07/25)Definitions.**
- 5258 **Section 77-41-103, (Effective 05/07/25)Department duties.**
- 5259 **Section 77-41-104, (Effective 05/07/25)Registration of offenders -- Department and**

- 5260 **agency requirements.**
- 5261 Section 77-41-106, (Effective 05/07/25)**Offenses requiring lifetime registration.**
- 5262 Section 77-41-107, (Effective 05/07/25)**Penalties.**
- 5263 Section 77-41-108, (Effective 05/07/25)**Classification of information.**
- 5264 Section 77-41-109, (Effective 05/07/25)**Miscellaneous provisions.**
- 5265 Section 77-41-110, (Effective 05/07/25)**Sex offender, kidnap offender, and child abuse**
- 5266 **offender registry -- Department to maintain.**
- 5267 Section 77-41-111, (Effective 05/07/25)**Fees.**
- 5268 Section 77-41-112, (Effective 05/07/25)**Removal from registry -- Requirements --**
- 5269 **Procedure.**
- 5270 Section 77-41-113, (Effective 05/07/25)**Removal for offenses or convictions for which**
- 5271 **registration is no longer required.**
- 5272 Section 77-41-114, (Effective 05/07/25)**Registration for individuals under 18 years old**
- 5273 **at the time of the offense.**
- 5274 Section 77-41-105, (Effective 05/07/25)**Registration of offenders -- Offender**
- 5275 **responsibilities.**
- 5276 Section 66. **Effective Date.**
- 5277 This bill takes effect on May 7, 2025.