

SEX OFFENDER RESTRICTIONS REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the restrictions placed on offenders who are on the sex offender registry.

Highlighted Provisions:

This bill:

- ▶ restricts individuals on the sex offender registry from entering a private or homeowners' association park or playground; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-27-21.7, as last amended by Laws of Utah 2020, Chapter 206

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

Section 1. Section **77-27-21.7** is amended to read:

77-27-21.7. Sex offender restrictions.

(1) As used in this section:



- 28 (a) "Minor" means an individual who is less than 18 years old;
- 29 (b) (i) "Protected area" means the premises occupied by:
- 30 (A) [~~any~~] a licensed day care or preschool facility;
- 31 (B) a swimming pool that is open to the public;
- 32 (C) a public or private primary or secondary school that is not on the grounds of a
- 33 correctional facility;
- 34 (D) a [~~community park that is open to the public~~] public park or a park maintained,
- 35 operated, or owned by a homeowners' association or other private entity;
- 36 (E) a [~~playground that is open to the public~~] public playground or a playground
- 37 maintained, operated, or owned by a homeowners' association or other private entity, including
- 38 those areas designed to provide children space, recreational equipment, or other amenities
- 39 intended to allow children to engage in physical activity; and
- 40 (F) except as provided in Subsection (1)(b)(ii), an area that is 1,000 feet or less from
- 41 the residence of a victim of the sex offender if the sex offender is subject to a victim requested
- 42 restriction.
- 43 (ii) "Protected area" does not include the area described in Subsection (1)(b)(i)(F) if:
- 44 (A) the victim is a member of the immediate family of the sex offender; and
- 45 (B) the terms of the sex offender's agreement of probation or parole allow the sex
- 46 offender to reside in the same residence as the victim.
- 47 (c) "Sex offender" means an adult or juvenile who is required to register in accordance
- 48 with Title 77, Chapter 41, Sex and Kidnap Offender Registry, due to a conviction for [~~any~~] an
- 49 offense that is committed against a person younger than 18 years old.
- 50 (2) For purposes of Subsection (1)(b)(i)(F), a sex offender is subject to a victim
- 51 requested restriction if:
- 52 (a) the sex offender is on probation or parole for an offense that requires the offender to
- 53 register in accordance with Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 54 (b) the victim or the victim's parent or guardian advises the Department of Corrections
- 55 that the victim elects to restrict the sex offender from the area and authorizes the Department of
- 56 Corrections to advise the sex offender of the area where the victim resides; and
- 57 (c) the Department of Corrections notifies the sex offender in writing that the sex
- 58 offender is prohibited from being in the area described in Subsection (1)(b)(i)(F) and provides

59 a description of the location of the protected area to the sex offender.

60 (3) A sex offender may not:

61 (a) be in a protected area except:

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

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

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

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

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

72 (b) serve as an athletic coach, manager, or trainer for ~~any~~ a sports team of which a
73 minor who is less than 18 years old is a member.

74 (4) A sex offender who violates this section is guilty of a class A misdemeanor.