



Utah for Rational Sex Offense Laws

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March 30, 2026

Senator Calvin R. Musselman

Co-Chair, Law Enforcement and Criminal Justice Interim Committee
Utah State Senate

Representative Ryan D. Wilcox

Co-Chair, Law Enforcement and Criminal Justice Interim Committee
Utah House of Representatives

Senator Musselman and Representative Wilcox:

Enclosed is a policy memorandum from Utah for Rational Sex Offense Laws (UTRSOL) requesting that the Law Enforcement and Criminal Justice Interim Committee adopt a 2026 interim study item. The memorandum is titled *The Case for an Independent Review Mechanism for Registrable Offense Designations* and is submitted for distribution to committee members and for your consideration in developing the committee's 2026 study agenda.

The memorandum identifies a structural gap in Utah's legislative process: offenses are currently added to the Sex, Kidnap, and Child Abuse Offender Registry without a defined mechanism for evaluating whether registry placement is appropriate, proportionate, or consistent with the registry's stated public safety purpose. During the 2026 General Session, four new registrable offenses were added to Utah law, none of which were the subject of dedicated committee analysis of the registrability question. The memorandum documents this pattern, provides a case study in Senate Bill 30 and its labor trafficking provisions — a conviction for which now results in placement on the registry despite involving no sexual conduct, no sexual victim, and no child — and proposes a specific study question for the committee's consideration.

We respectfully request that this memorandum be distributed to committee members and that it be considered for placement on the proposed 2026 interim study item list prior to the April 15, 2026 Legislative Management Committee deadline.

Respectfully submitted,
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Law Enforcement and Criminal Justice Interim Committee, Utah State Legislature

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March 30, 2026

Request for 2026 Interim Study:

The Case for an Independent Review Mechanism for Registrable Offense Designations

Executive Summary

This memorandum requests that the Law Enforcement and Criminal Justice Interim Committee adopt, as a 2026 interim study item, the following question: Does Utah’s statutory process for designating offenses as registrable under the Sex, Kidnap, and Child Abuse Offender Registry provide adequate legislative deliberation and proportionality review? This question arises from a documented pattern in which offenses become registrable through statutory cross-reference rather than deliberate legislative designation.

Our concern is not directed at any particular offense currently on the registry, nor at any legislation enacted this session in isolation. It is directed at the process—or more precisely, the absence of a defined process—by which offenses become registrable in Utah. As we document below, that absence has produced consequences that were neither intended nor deliberated, and it will continue to do so absent a structural remedy.

The Registry Has Expanded Without a Review Mechanism

Utah’s Sex, Kidnap, and Child Abuse Offender Registry was established to serve a defined public safety function: to provide notice about individuals whose offense history presents an ongoing risk of contact sexual violence, kidnapping, or child abuse. That purpose implies a principled limit. Not every offense that involves a victim, restricts movement, or involves a minor necessarily belongs on a registry whose public-facing function is identification of sexual and child safety risks.

Over time, Utah’s registry has expanded through a combination of deliberate legislation and inadvertent statutory cross-reference. When a new offense is added to the triggering statute, or when existing triggering language is broad enough to absorb a newly enacted offense, that offense becomes registrable without any independent evaluation of whether registry placement is appropriate, proportionate, or consistent with the registry’s stated purpose.

This session alone, four new registrable offenses were added to Utah law. None of them were the subject of dedicated committee analysis asking whether registry designation was the appropriate consequence for those offenses specifically. They became registrable because the legislative vehicles carrying them intersected with existing triggering language, and the

registrability consequence was not the focus of deliberation on any of those bills. This means that individuals convicted of these offenses are automatically subjected to registry requirements without a legislative determination of whether such a consequence is justified. As a result, the registry is expanding in a reactive, formulaic manner rather than through intentional policy evaluation.

We raised this concern during public comment at the March 27, 2026 Senate committee hearing this session and received no substantive response. We raise it now as a proposed interim study item because the appropriate venue for addressing a structural process question is the interim, not the final days of a 45-day session.

A Case Study: Senate Bill 30 and Labor Trafficking

Senate Bill 30 (2025) was a significant and well-intentioned rewrite of Utah’s human trafficking statutes. The bill addressed longstanding overbreadth problems in Utah’s trafficking definitions—definitions broad enough to capture conduct that bears no resemblance to the coercive, exploitative conduct trafficking law was designed to address. However, while the statutory rewrite clarified the scope of trafficking, it did not include any analysis or discussion of whether the newly defined offenses should trigger sex offender registration.

Among the consequences of SB 30 that were not the subject of committee deliberation or floor debate: a conviction for labor trafficking now results in placement on Utah’s Sex, Kidnap, and Child Abuse Offender Registry. A labor trafficking conviction—an offense that may involve no sexual conduct, no sexual victim, and no child—renders the convicted individual a registrant on a registry whose public identity is built around sexual danger to children. This automatic registry designation illustrates how the mechanics of statutory language can produce severe collateral consequences without lawmakers ever considering their appropriateness or proportionality.

This consequence is not a feature. It is a product of SB 30’s intersection with Utah Code § § 77-41-102, the definitional statute that determines who must register. There is no legislative record indicating that any member of either chamber who voted on SB 30 understood that it would produce this outcome, because the registrability question was not analyzed during the bill’s committee process. As a result, individuals convicted under these provisions are subjected to registry requirements without any legislative intent or policy justification.

The affected population is not an abstraction. Utah employers—including agricultural employers hiring foreign workers—can face labor trafficking charges under circumstances that involve no force, no coercion, and no sexual element whatsoever. A conviction in those circumstances results in lifetime registration alongside individuals convicted of child sexual abuse. We submit that this outcome is neither proportionate nor consistent with the registry’s public safety purpose, and that it is the direct product of a legislative process that lacked any mechanism for asking whether it should occur.

UTRSOL's Analytical Framework

UTRSOL operates from an evidence-proportionality standard. We do not oppose punitive law when the evidence supports it. We supported HB 346 this session, which enhanced penalties for child sexual abuse, and HB 103, which addressed child marriage. We supported HB 289 and HB 221, which addressed AI-generated child sexual abuse material and sextortion.

Our standard is simple: the severity of a legal sanction should be proportionate to the evidence of harm and risk that the sanction is designed to address. Registry placement is not a minor consequence. It is a public, permanent, and extensively documented burden that affects housing, employment, family stability, and social reintegration. UTRSOL's ten-month, 121-case housing assistance dataset documents substantial collateral harm extending beyond the registrant to 76 non-registrant household members and 27 children, documents substantial collateral harm that extends well beyond the registrant to family members and support networks.

An evidence-proportionality standard does not require that the registry be shortened or weakened. It requires that each offense on the registry have been evaluated against that standard deliberately. As we have documented, that evaluation is not currently happening.

The Proposed Interim Study Item

Given the recent expansions to registry law and their unintended consequences, UTRSOL requests that the Law Enforcement and Criminal Justice Interim Committee place the following question on its 2026 interim study agenda:

Should Utah establish an independent review mechanism to evaluate whether a criminal offense belongs on the Sex Offender, Kidnapper, and Child Abuse Registry before or concurrent with any legislative action that would render that offense registrable, and what criteria should govern that evaluation?

Specifically, we propose that the Committee examine the following subsidiary questions:

- What process, if any, currently governs the addition of offenses to the registry's triggering statute, and at what point in the legislative process is registrability evaluated?
- What criteria should determine whether an offense belongs on the registry, and are those criteria consistent with the registry's stated public safety purpose?
- How should the legislature treat offenses whose registrability was not the subject of deliberate legislative action—including offenses that became registrable through statutory cross-reference rather than explicit designation?
- What body or process should conduct prospective review of proposed registrable designations, and what should the standard of review be?
- Are there currently registrable offenses—including labor trafficking under SB 30—whose placement on the registry is inconsistent with the proportionality criteria the Committee develops?

We are not requesting that the Committee prejudge the answers to these questions. We are requesting that the Committee ask them—because the current process does not.

Conclusion

Utah’s Sex, Kidnap, and Child Abuse Offender Registry is one of the most consequential legal designations in Utah law. It is applied for life in most circumstances, it is publicly searchable, and it follows individuals across employment, housing, and family contexts in ways that the empirical literature has documented extensively. The gravity of that consequence demands a commensurate deliberative process.

Utah currently adds offenses to this registry without a defined review mechanism. Four offenses were added this session without dedicated analysis of whether registry placement was appropriate. At least one—labor trafficking—produces outcomes that we believe no member of the legislature would endorse if they had been asked to consider them directly.

The interim is the right venue to build the process that the session does not have time to build. We urge the Committee to schedule this question for study and we offer our full research and analytical support to that effort. We are available to present supplemental research, case documentation, or technical analysis at any stage of the committee’s engagement.

Respectfully submitted,
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