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**The Registry's Reach:
Purpose, Composition, and the
Case for Systematic Review
Part I of II**

Examine What Should Qualify As A Registrable Offense In Utah
Law Enforcement and Criminal Justice Interim Committee

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Office of
UTAH FOR RATIONAL SEX OFFENSE LAWS

Digest of The Registry's Reach: Purpose, Composition, and the Case for Systematic Review Part I of II

The Core Question

The Legislature has formally asked what should qualify as a registrable offense. Before that question can be answered, a prior question must be resolved: what is the registry designed to accomplish? Utah Code §53-29-102 provides the only available answer — a single sentence directing the department to assist law enforcement and make information available to the public. No legislative findings. No behavioral population defined. No mechanism specified. The offense list has been built without the framework the question requires.

What the Registry's Purposes Actually Require

Three operational purposes flow from the statute's two anchors. Each carries a different evidence base and each limits, rather than expands, the defensible offense list.

Deterrence assumes a rational cost-benefit calculation. Utah's own policy research body — the CCJJ — has acknowledged a documented absence of evidence that the conviction-based registry approach deters first-time sexual offending. A 2024 University of Utah analysis of 22 years of Utah DOC data found no attributable deterrent trend.

Community notification assumes a stranger-danger protective pathway. Salt Lake County District Attorney Sim Gill acknowledged publicly on April 27, 2026 that 90% of child sexual abuse is perpetrated by known individuals — family members, coaches, clergy — not strangers. A 2023 UWLP statewide survey found 65.4% of Utah respondents either disagreed or declined to affirm that child sexual abuse is a problem in their community. The protective mechanism does not operate where the risk is already known.

Law enforcement monitoring is the registry's strongest justification — but it points toward a risk-tiered, resource-concentrated architecture, not an expanded list. As of April 24, 2026, 622 registrants were listed as non-compliant, with 181 listed as location unknown — a figure presented to the CCJJ Sentencing Commission on February 27, 2026. Utah uses actuarial instruments validated on contact sexual offense populations. Adding offense categories outside that profile does not strengthen the monitoring function; it dilutes it.

How the Offense List Was Built

The registry has expanded through 17 distinct bills across 14 session years without a governing framework. The founding 10 offenses in 1983 were clinically coherent — every offense involved direct sexual contact, matching the actuarial instruments and treatment protocols built to manage that population. Public access was added in 1996 by H.B. 15, converting the registry from a law enforcement database to a community notification mechanism without any corresponding examination of whether the offense list was appropriate for that new function.

Every expansion since has followed the same pattern: a serious offense involving vulnerable victims, a compelling political moment, and no procedural mechanism requiring purpose-alignment analysis before the registry designation was enacted. Of the committee records directly examined in this submission — S.B. 159 (2011), S.B. 232 (2017), and S.B. 24 (2025) — none contains actuarial validity analysis, Utah-specific recidivism data, or clinical treatment testimony addressing whether the offense populations being added present the risk the registry is designed to address.

Several of Utah's current 46 registrable offenses — approximately 24% of the list — involve conduct whose primary criminogenic mechanism is physical violence, economic coercion, or logistical criminal enterprise. Utah's SOTP treatment model was not designed for these populations. Utah's actuarial instruments were not validated on them. The community notification mechanism has no coherent protective pathway for them. They are on the registry because the question of whether they belong was never formally required to be asked.

The Process Failure

Utah requires a fiscal note for any bill with a fiscal consequence. No equivalent mechanism has ever been applied to registrability consequences — which are permanent, publicly stigmatizing, and collaterally extensive in ways that exceed most fiscal impacts. The result is an offense list that reflects the accumulation of individual legislative responses rather than the application of principled criteria.

The Legislature did not build this registry with the intent to create that incoherence. It built this registry without a mechanism that would have prevented it.

Part II of this submission applies the three-purpose framework to the specific offense categories whose registry designations cannot be defended on the Legislature's own statutory terms.



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Utah for Rational Sex Offense Laws (UTRSOL)
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Registrable Offenses: Examine What Should Qualify As A Registrable Offense In Utah

What is the Registry Actually For? Statutory Purpose and the Governing Framework The Statutory Foundation

Before any question about which offenses belong on Utah's Sex, Kidnap, and Child Abuse Offender Registry can be meaningfully answered, the Legislature must answer a prior question it has never formally resolved: what is the registry designed to accomplish? This is not an abstract inquiry. Utah Code §53-29-102, titled "Sex, Kidnap, and Child Abuse Offender Registry – Creation – Purpose," contains the Legislature's own enacted statement of the registry's purpose. That language is the governing standard against which the offense list must be measured. The full text of §53-29-102(1), effective May 7, 2025, reads:

The department, to assist law enforcement in investigating kidnapping and sex-related crimes and in apprehending offenders, shall: (a) develop and operate a system known as the Sex, Kidnap, and Child Abuse Offender Registry to collect, analyze, maintain, and disseminate information on offenders and registrable offenses; and (b) make information listed in Subsection 53-29-404(3) available to the public.

This is the entirety of the statute's Purpose Provision. As of May 6, 2026, the Legislature has operated a 46-offense registry against a purpose statement that fits in a single sentence. That sentence contains no legislative findings about the behavioral population the registry addresses. It articulates no theory of how registration produces public safety. It does not specify which mechanism – deterrence, community notification, or law enforcement monitoring – the registry is designed to advance. It says only that the registry exists to assist law enforcement in investigating sex-related crimes and to make information available to the public.

The thinness of that purpose provision is not a drafting oversight. It is a structural condition with direct consequences for how the offense list has been managed. When the statutory purpose clause provides no principled framework for inclusion decisions, inclusion decisions are made without one. The result is the offense list Utah has today. Inclusion has proceeded incrementally, often in response to discrete events or pressures rather than a consistent standard. Over time, this has produced a list that is expansive but conceptually uneven.

Three operational purposes flow from those two anchors — deterrence, community notification, and law enforcement monitoring — each representing a distinct theory of how registry information produces public safety, each with a different evidence base, and each with different implications for which offense categories belong on the list. The following section develops each purpose and establishes what it requires of any offense proposed for registrable status.

One additional structural observation is warranted before proceeding. The 2025 general session relocated the registry from Title 77, Chapter 41 to Title 53, Chapter 29 through S.B. 41. That relocation was administrative — a code restructuring — and did not add substantive purpose findings to the new chapter's creation section. The predecessor statute under Title 77 similarly contained no legislative findings language beyond the law enforcement and public notification functions. The absence of a substantive purpose framework is not a feature of the 2025 recodification; it is a feature of the registry's entire statutory history.

The Three Purposes

Deterrence holds that prospective offenders rationally calculate the cost of public registration and are discouraged from committing registrable offenses. This purpose assumes a specific behavioral model: the prospective offender is aware of the registration consequence, weighs it against the anticipated benefit of the offense, and is discouraged from proceeding. For deterrence to function as a justification for registry inclusion, that behavioral model must have some plausible application to the offense population in question.

The empirical record on deterrence is unfavorable, and Utah's own policy research body has not produced evidence to the contrary. Letourneau et al. (2010), Zgoba et al. (2008), and Adkins et al. (2000) independently found no measurable reduction in first-time sexual offenses attributable to registration and notification laws — the same studies the Utah Commission on Criminal and Juvenile Justice cited in its 2020 Sex Offender Research Brief when evaluating registry effectiveness, while simultaneously acknowledging a 'dearth of literature on the effectiveness of the conviction based approach' that Utah's registry employs. A 2024 University of Utah analysis of Utah Department of Corrections data found that new sex offense rates per capita have shown 'fluctuation at consistently low levels' over a 22-year period without attributing any trend to a deterrent effect of registration (Daines, 2024). No Utah-specific study has demonstrated that registry designation reduces first-time sexual offending.

What this means for offense list calibration: deterrence, taken seriously as a purpose criterion, limits defensible registry inclusion to offense categories where the offender population is capable of the kind of rational prospective calculation deterrence requires. The evidence suggests that population is narrower than the current offense list reflects.

Community notification holds that public access to registration data enables community members to take protective action. The protective mechanism is specific: notification allows individuals to identify and avoid known offenders in contexts where victimization might occur, primarily stranger-danger scenarios in which the offender's identity and residential location are the information that enables avoidance.

The empirical foundation for this mechanism is weaker than public perception suggests — and Utah's own institutional research documents why. Community notification's theoretical protective pathway requires that a community member receive notification about someone they do not already know, in a context where avoiding that person reduces risk. That mechanism does not apply to 90% of child sexual abuse cases, because in 90% of cases the child or the child's family already knows the perpetrator. This finding is not contested in the research literature and has been publicly acknowledged by Utah's own law enforcement: on April 27, 2026, Salt Lake County District Attorney Sim Gill cited the known-perpetrator data as a foundational premise of the DA office's child protection approach (Salt Lake County DA Office Press Conference, April 27, 2026; see also Utah Women and Leadership Project, Snapshot No. 56, "Child Sexual Abuse: What Utahns Need To Know," Dr. Susan Madsen, Utah State University, April 3, 2025).

The UWLP's 2023 statewide survey of Utahns found that 65.4% of representative sample respondents either disagreed (40.8%) or declined to affirm (24.6%) that child sexual abuse is a problem in their own community, documenting that community notification reaches an audience whose operative understanding of local risk does not match the evidence, further undermining its protective function (Anderson & Madsen, UWLP Snapshot No. 56, Utah State University, April 3, 2025). The national research confirms the output: Sandler et al. (2008) found no significant reduction in sexual reoffense rates attributable to community notification in a time-series analysis of New York's law. No Utah-specific study has demonstrated that community notification reduces sexual reoffense in this state.

What this means for offense list calibration: community notification, taken seriously as a purpose criterion, limits defensible registry inclusion to offense categories where the theoretical protective mechanism — a community member modifying behavior upon learning an identifiable offender's residential location — has some plausible operational pathway. For offense categories where no such pathway exists, notification produces no safety benefit while imposing the full public stigma and collateral consequence regime that registration entails.

Law enforcement monitoring is the registry's strongest justification and the one the evidence most consistently supports — but it points toward a risk-tiered, professionally accessed system, not an expanded public registry. A registry that is risk-tiered and limited to offense categories where registration produces actionable investigative intelligence is a registry that can be empirically defended on monitoring grounds. The SMART Office has

consistently recommended risk-tiered registry architecture because professional law enforcement utility is degraded when the registry pool includes offense categories whose inclusion provides no investigative signal above general criminal history records.

Utah's own monitoring data documents this degradation in concrete terms. As of April 24, 2026, 622 registrants were listed as non-compliant on Utah's registry; of those, 181 were listed specifically as 'location unknown' with no address on file, a figure presented to the CCJJ Sentencing Commission (Utah Commission on Criminal and Juvenile Justice, Sentencing Commission Meeting, February 27, 2026), and corroborated by BCI/DPS compliance data reported in April 2026 (Halloran, KUTV 2News Investigates, April 29, 2026). The investigation found no statewide standard compliance enforcement policy: following the transfer of registry management from UDC to BCI on July 1, 2024, BCI manages registry data but does not oversee enforcement, leaving compliance to individual jurisdictions operating without coordination or uniform standards.

West Valley City lost state compliance funding and no longer conducts proactive compliance checks. Davis County verifies registrant locations every six months. Weber County is currently forming its first proactive compliance unit. Many jurisdictions encounter non-compliant registrants not through active monitoring but through traffic stops and homeless contacts — opportunistic discovery that is not a monitoring system. (Halloran, Wendy, "2News Investigates: Location Unknown for High Number of Registered Sex Offenders in Utah," KUTV 2News, April 29, 2026, citing BCI/DPS compliance data and on-record statements from West Valley City Police Department, Davis County Sheriff's Office, and Unified Police Department.)

Utah's own policy research body has drawn the direct conclusion this enforcement picture demands. The CCJJ's 2020 Sex Offender Research Brief recommended that Utah adopt actuarial risk assessments as the basis for registration so that 'resources can be directed towards those that are assessed as the most likely to reoffend.' The Utah Legislative Auditor General's 2017 performance audit of the Sex Offender Treatment Program similarly found that uniform treatment of all registrants regardless of risk level produced waitlist backlogs costing an estimated \$678,000 annually and recommended risk-differentiated resource allocation. Both findings reflect the same structural diagnosis: a registry built on categorical inclusion rather than risk produces monitoring resource demands that Utah's enforcement architecture cannot meet, leaving the monitoring purpose functionally compromised for the high-risk population it most needs to serve.

What this means for offense list calibration: law enforcement monitoring, taken seriously as a purpose criterion, limits defensible registry inclusion to offense categories where the convicted population presents a risk profile the registry's actuarial and supervision infrastructure was designed to assess and manage. Adding offense categories that produce no additional investigative signal does not strengthen the monitoring function — it dilutes

it, distributing finite enforcement resources across a larger population and leaving the non-compliant, location-unknown registrants who represent genuine monitoring failures harder to prioritize and pursue.

The Measuring Stick

These three purposes are not interchangeable, and they do not all point in the same direction for every offense category. An offense population for which the deterrence mechanism has no plausible application may still have a law enforcement monitoring justification. An offense population for which community notification has no coherent protective pathway may still warrant professional-access monitoring. The purposes must be applied individually to each offense category, not invoked collectively as a general warrant for broad inclusion.

The sections that follow in Part II of this submission apply this framework to Utah's current registrable offense list. The organizing question in each section is the same: can this offense category be defended by reference to the Legislature's own enacted purposes, using the registry's own management infrastructure, applied to the population the registry actually serves?

Where the answer is yes across all three purposes, the inclusion is defensible. Where the answer is yes on law enforcement monitoring but not on community notification or deterrence, the inclusion may be defensible in a restructured, professionally-accessed architecture but not in the current public registry. Where the answer is no across all three purposes, extensive and permanent collateral consequences.

This section has established the framework by reference to the Legislature's own statute. The section that follows establishes why that framework has not, until now, been systematically applied.

The Accretion Pattern: How the Registry Was Built Without a Framework

The Legislature has never formally chosen among the registry's three purposes, weighted them against each other, or tested a proposed registrable offense against any of them before enacting it. That absence is not a retrospective criticism of legislative intent. It is a documented structural feature of how the registry was built — visible in the historical record of every bill that added an offense to the list, in the absence of any evidentiary process accompanying those additions, and in the composition of the offense list that resulted. The registry's current 46-offense structure is the product of 17 distinct bills across 14 session years, none of which was accompanied by the kind of systematic purpose-alignment analysis the inclusion criteria framework in Section III requires (developed in Part II of this submission). This section documents that record.

As Welch and Newton documented in their examination of Utah's registry history, "the number and types of sex offenders needing to register has also multiplied as the umbrella of registrable crimes expands with each legislative session" — driven not by systematic risk evaluation but by "a public frenzy about sex offenders initiated by high profile cases portrayed on the evening news" that produced a "conviction-based approach rather than a risk-assessment analysis when determining who must register" (Welch & Newton, Criminal Law Bulletin, 2011). That characterization, published in 2011, describes the pattern that the session-by-session record below confirms.

The Founding Cohort: 1983

Utah's Sex and Kidnap Offender Registry was established by H.B. 209 in 1983 under Utah Code Annotated §77-27-21.5 with 10 registrable offenses. Every founding offense involved direct sexual contact with a victim:

- Rape (§76-5-402)
- Rape of a child (§76-5-402.1)
- Object rape (§76-5-402.2)
- Object rape of a child (§76-5-402.3)
- Forcible sodomy (§76-5-403)
- Sodomy on a child (§76-5-403.1)
- Forcible sexual abuse (§76-5-404)
- Sexual abuse of a child (§76-5-404.1)
- Aggravated sexual abuse of a child (§76-5-404.3)
- Aggravated sexual assault (§76-5-405)

Critically, "at the time of its inception, the Utah sex offender registry was not intended for public access but for law enforcement use only. Information contained in the registry was disclosed only to law enforcement agencies, education licensing authorities, and the Department of Corrections" (Welch & Newton, 2011, citing Utah Code Ann. §77-27-21.5 (1983); §77-27-21.5(12) (1987)). The founding registry was a professionally-accessed law enforcement database, not a public notification mechanism.

The national mood shifted in the late 1980s and early 1990s toward increasing restrictions on sex offenders, and Utah followed. In 1996, H.B. 15 increased the registration requirement from five to ten years and established public access to the Utah registry for the first time, fundamentally altering the registry's operational identity from the law enforcement database created in 1983 to a public information mechanism— without a corresponding legislative examination of whether the offense list designed for professional law enforcement use was appropriate for public community notification. The registry's purpose had expanded; its inclusion criteria had not.

The founding offense list was also clinically coherent. Every offense involved sexual conduct as the central element and direct victimization through physical contact. The actuarial instruments later developed to manage registry populations — the Static-99R, STABLE-2007, and ACUTE-2007 — were designed and validated on exactly this behavioral population. Research conducted by Bench and Allen using 387 male sex offenders under Utah Department of Corrections supervision from 1979 through 2005 confirmed that the strongest predictors of sexual recidivism in Utah populations are variables associated with sexual deviance — the same behavioral drivers that define the founding offense cohort (Bench & Allen, A Logistic Analysis of Factors that Predict Sex Offender Recidivism, Utah DOC).

The Utah Cost of Crime Technical Report on adult sex offender treatment confirmed that SOTP treatment architecture addresses "the most common treatment targets" of victim empathy, denial, and intimacy deficits — targets developed for and validated on contact sexual offense populations (Sarver, Molloy & Butters, Utah Criminal Justice Center, December 2012). Whatever its limitations, the 1983 registry was internally consistent: the offense list, the management architecture, the actuarial infrastructure, and the statutory purpose were aligned. That alignment has not been maintained.

Two structural changes between 1983 and the first offense list expansion in 1997 further document that the registry evolved without a governing framework. In 1987, S.B. 14 established a five-year registration requirement for all sex offenders — the first formal duration requirement, added four years after the registry's founding with no accompanying analysis of whether five years was appropriate for all offense categories equally (UTRSOL Legislative Sessions, utrsol.org, 1987 General Session). In 1996, H.B. 15 both increased that requirement to ten years and established public access to the registry for the first time — two significant structural expansions enacted in a single bill. Neither change was accompanied by any documented review of whether the offense list built for a law enforcement-only tool remained appropriate for a public-access, ten-year registration system.

The First Expansion Wave: 1997–2001

The registrable offense list's first expansion came 14 years after the registry's founding, driven by the national legislative environment following the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and the 1996 Megan's Law amendments requiring states to implement public community notification. Three bills across four sessions added 9 offenses. The national mood that produced this expansion was itself the product of high-profile individual cases rather than systematic evidentiary review — a pattern Welch and Newton document was "the first state in the nation" dynamic following Washington's 1990 Community Protection Act, which was itself prompted by "several high-profile cases in which children were sexually abused" (Welch & Newton, 2011).

H.B. 348 (1997) – 4 offenses added; cumulative total: 14

Lewdness involving a child (§76-9-702.5), sexual exploitation of a minor (§76-5a-3), aggravated exploitation of prostitution (§76-10-1306), and child kidnapping (§76-5-301.1, non-parent offenders only) were added together. The first three maintain a sexual conduct nexus, though sexual exploitation of a minor extends registration to image-based rather than contact offenses — a meaningful categorical shift. The 1997 additions followed the national Jacob Wetterling and Megan's Law implementation wave rather than Utah-specific evidentiary analysis. Research distinguishing image-offense recidivism profiles from contact offense recidivism profiles was nascent nationally in 1997. Child kidnapping is the registry's first non-sexual offense addition, premised on the stranger-danger archetype rather than actuarial evidence about the offense population's sexual recidivism risk. Both §76-5a-3 and §76-10-1306 were subsequently recodified to §76-5b-201 and §76-5d-208 respectively by 2011 legislation.

H.B. 72 (1998) – 3 offenses added; cumulative total: 17

Unlawful sexual activity with a minor (§76-5-401), sexual abuse of a minor (§76-5-401.1), and unlawful sexual conduct with a 16 or 17 year old (§76-5-401.2) were added. These involve sexual conduct with minors and are generally consistent with the registry's original profile. Recidivism research distinguishes statutory offense populations — where the criminogenic drivers frequently involve age-proximity relationships, peer dynamics, or developmental factors — from violent contact offense populations whose deviance profile the registry's actuarial instruments were designed to assess; no Utah-specific analysis of whether those distinctions affected registration outcomes accompanied H.B. 72.

H.B. 181 and H.B. 237 (2001) – 2 offenses added; cumulative total: 19

H.B. 181 added enticing a minor (§76-5-417) — a non-contact solicitation offense. H.B. 237 added incest (§76-7-102). Incest is the first addition whose primary criminogenic dynamic — coercive authority within familial relationships — is partially distinct from the stranger-predation archetype the registry was built around. The clinical literature distinguishes familial from non-familial child sexual abuse populations on recidivism predictors, treatment targets, and offense dynamics (ATSA Practice Guidelines, 2014; Prentky & Burgess, 2000). Whether that distinction was examined in connection with H.B. 237 cannot be established from the digitally accessible legislative record; Utah's online archive does not contain committee-level deliberation records for the 2001 general session.

A precursor step occurred in 2000: S.B. 270 made the registry available on the internet, extending public access beyond physical inspection (UTRSOL Legislative Sessions, utrsol.org, 2000 General Session). H.B. 237 the following year formalized that access through a dedicated public-facing website — meaning the registry's community notification function was being actively expanded through two successive bills in 2000 and 2001, simultaneous with the offense list additions in H.B. 181 and H.B. 237.

H.B. 237 also enacted the registry's internet presence, amending §77-27-21.5 to create a public-facing website for registry access, effective April 30, 2001 (2001 Utah Laws 298). The bill therefore simultaneously expanded the offense list and expanded the public notification infrastructure in a single legislative action — without any recorded examination of whether the offense categories being added were appropriate for the public notification function being built. The incest addition in particular, whose criminogenic dynamics are familial and institutional rather than stranger-predation based, entered a registry that was at that moment being wired for community notification premised on the stranger-danger protective pathway.

A third 2001 bill not reflected in the offense-list accretion count but significant to the registry's structural expansion: H.B. 22 (2001) established a two-tier registration system, creating lifetime registration for certain offenses while other offenses required registration for 10 years (UTRSOL Legislative Sessions, utrsol.org, 2001 General Session; 2001 Utah Laws 17). The creation of lifetime registration was a permanent, irreversible consequence for the offense categories designated — enacted without any actuarial analysis distinguishing which populations presented a lifetime versus a time-limited risk. The same structural absence documented throughout this section applies to registration duration decisions as much as to inclusion decisions.

What the first wave establishes: By 2001, the registry had grown from 10 to 19 offenses — a 90% increase — driven by national legislative momentum and the Megan's Law implementation wave rather than Utah-specific evidentiary analysis. Welch and Newton's review of Utah's registry history concluded that expansion across this entire period reflected a 'conviction-based approach rather than a risk-assessment analysis' — the addition of offense categories based on categorical legislative judgment rather than actuarial evaluation of whether the convicted population presents the risk the registry addresses (Welch & Newton, 2011). The committee minutes available for this period do not record actuarial validity analysis, Utah-specific recidivism data, or SOTP clinician testimony as deliberative outcomes for any of the expansion bills; the pre-1999 records are not available in digitally searchable form and would require physical archival research to fully examine.

The Middle Period: 2008–2012

After a seven-year pause, the registry expanded through four legislative actions adding 9 offenses, two of which mark the beginning of categorically distinct population additions. The additions during this middle period did not merely continue quantitative growth; they altered the registry's underlying population architecture by incorporating offenses and offender categories increasingly disconnected from the original stranger-predation rationale associated with Megan's Law-era notification systems. This period marked a shift from targeted public-safety registration toward broader conviction-based tracking without evidence that the newly added populations matched the registry's intended risk profile.

H.B. 492 (2008) — 2 offenses added; cumulative total: 21

Voyeurism (§76-12-306) and aggravated kidnapping (§76-5-302, non-parent offenders only) were added. Voyeurism is a non-contact offense involving covert observation. Utah uses the Static-99 and Stable-2007 as its primary actuarial instruments for sex offender risk assessment — both validated on contact offense populations, primarily rapists and extrafamilial child molesters (CCJJ Sex Offender Research Brief, July 2020). The CCJJ has acknowledged broadly that 'there has not been a finding that links the specific conviction of an individual to be predictive of the likelihood of reoffense' — a finding that applies with particular force to non-contact offense categories like voyeurism, for which the validation samples underlying Utah's actuarial instruments were not designed. No Utah-specific research examines the voyeurism population's recidivism profile or the predictive validity of Utah's actuarial instruments for that population; that gap was not identified as a relevant consideration in H.B. 492's committee record. Aggravated kidnapping follows the same precursor-offense logic as the 1997 child kidnapping addition.

H.B. 136 and H.B. 389 (2009) — 3 offenses added; cumulative total: 24

Lewdness (§76-5-419) upon a fourth or more conviction, sexual battery (§76-5-418) upon a fourth or more conviction, and any combination totaling four or more convictions were made registrable. The threshold design is a rudimentary proxy for recidivism risk — a legislative attempt to distinguish persistent offenders without actuarial instruments. The 2022 Legislative Auditor General's performance audit of Adult Probation and Parole found that as late as 2022, AP&P was treating "all sex offenders in their first year of supervision with the same high-level of supervision, which is not in compliance with evidence-based practice, wasting resources and may negatively impact offenders" — documenting that the gap between legislative risk-proxy designs and actuarial evidence-based practice has persisted for the registry's entire expansion period (Utah Legislative Auditor General, Report #2022-13, November 2022). The 2022 audit explicitly recommended that "AP&P should fully implement a risk assessment tool for sex offenders and use it in determining their level of supervision" — a recommendation that implicitly acknowledges that no such systematic tool governed the supervision of the populations added to the registry in 2009 and 2011.

S.B. 159 (2011) — 3 offenses added; cumulative total: 27

S.B. 159 added sexual exploitation of a vulnerable adult (§76-5b-202), custodial sexual relations with a minor (§76-5-412), and — most significantly — aggravated human trafficking for labor (§76-5-310) when the victim is a minor and the offender is not the natural parent. This is the registry's critical inflection point: the first offense whose primary criminogenic mechanism is economic coercion rather than sexual conduct or motivation. The labor trafficking addition in S.B. 159 exposes the core structural failure the Welch and Newton critique identified: a conviction-based system that adds offenses because they are serious, without testing whether the registry's management infrastructure applies. Sarver,

Molloy and Butters documented that SOTP treatment targets — victim empathy, denial, intimacy deficits — were "not associated with recidivism" for the general sex offender population in multiple major studies, and that interventions needed to be structured according to Risk-Needs-Responsivity principles matching offenders to treatment based on "their risk-level, criminogenic needs, and learning styles" (Sarver, Molloy & Butters, 2012, citing Andrews & Bonta, 2006). Labor trafficking's criminogenic needs — economic motivation, organizational criminal enterprise, exploitation of immigration vulnerability — are categorically distinct from the sexual deviance and intimacy deficit profiles SOTP addresses.

The House Law Enforcement and Criminal Justice Standing Committee minutes from February 28, 2011 record S.B. 159's committee hearing in full: Senator Stowell explained the bill; one private citizen, Richard Jones, spoke and submitted a handout whose content is not available in the online record; the committee passed the bill unanimously (Utah Legislature, House LECJ Standing Committee Minutes, February 28, 2011). No actuarial validity analysis, Utah-specific recidivism data, or SOTP clinician testimony appears in the committee record. The Senate committee record and committee audio for this bill are available through the Utah Legislature's archive and would allow further verification.

H.B. 18 (2012) — 1 offense added; cumulative total: 28

Kidnapping (§76-5-301(2)(c) or (d)) by a non-parent offender extended the kidnapping registration category, following the same precursor-offense logic applied in 1997 and 2008. What the middle period establishes: The 2008–2012 period introduces two distinct process failure patterns documented in the literature. The first is the precursor-offense theory — offenses added based on perceived association with future sexual victimization rather than actuarial evidence. The second is the non-sexual mechanism addition — S.B. 159's labor trafficking provision — which Welch and Newton's framework specifically predicts as the inevitable product of a conviction-based system: "legislators are applying a conviction-based approach rather than a risk-assessment analysis when determining who must register" (Welch & Newton, 2011).

The Trafficking Expansion: 2017–2021

The largest expansion in the registry's history occurred across four sessions from 2017 to 2021, adding 10 offenses — matching the entire founding cohort — the majority of which involve trafficking and smuggling conduct with no required sexual element.

S.B. 232 (2017) — 2 offenses added; cumulative total: 30

S.B. 232 created the new offense of sexual extortion under §76-5b-204 and designated aggravated sexual extortion as a registerable offense — adding it to both the 10-year registry tier (§77-41-102(17)) and the lifetime tier (§77-41-106). Both sexual extortion and aggravated sexual extortion maintain a sexual conduct nexus — the offense requires coercive conduct directed at obtaining sexual contact, imagery, or conduct from a victim.

The House Law Enforcement and Criminal Justice Committee record shows Senator Bramble presented the bill and Rep. Eliason moved immediately to pass it; no public witnesses, agency representatives, or expert testimony appeared in the committee record. Because sexual extortion was a newly created offense, no convicted population existed against which actuarial analysis could have been conducted at the time of enactment — the Legislature made the registry designation simultaneously with creating the offense, structurally foreclosing evidence-based evaluation of the population's risk profile before the designation was made.

H.B. 291 (2020) — 7 offenses added; cumulative total: 37

H.B. 291 is the single largest offense addition in the registry's history. Three additions involve sexual exploitation and maintain a sexual nexus. Four do not:

- Human trafficking for labor (§76-5-308) — non-parent, child victim
- Human smuggling (§76-5-308.3) — non-parent, child victim
- Human trafficking of a child for labor (§76-5-308.5(4)(a)) — non-parent
- Human trafficking of a vulnerable adult for labor (§76-5-311) — non-parent

These four additions extended the registry's labor and smuggling categories from one offense to five in a single bill. The combined effect is that a substantial portion of Utah's registerable offense list now covers conduct whose primary mechanism is economic coercion or logistical criminal enterprise — conduct for which the Utah DOC's recidivism research establishes no validated sexual recidivism predictor profile (Bench & Allen, Utah DOC), for which SOTP treatment architecture has no designed protocol (Sarver, Molloy & Butters, 2012), and for which the 2022 AP&P audit's call for risk-assessment-based supervision has no actuarial instrument to apply (Utah Legislative Auditor General, Report #2022-13, 2022).

H.B. 291 passed within the national anti-trafficking movement's political momentum. The bill's stated rationale addressed trafficking's severity as a human rights violation. It did not address whether placing labor traffickers on a sex offense registry produces the risk management outcomes the registry's architecture is designed to achieve. The questions are different questions, and only one was asked.

S.B. 117 (2021) — 1 offense added; cumulative total: 38

Aggravated human smuggling (§76-5-310.1) for non-parent offenders extended the smuggling category.

The Recent Period: 2022–2026

S.B. 167 (2022) — 1 offense added; cumulative total: 39

Aggravated sexual exploitation of a minor (§76-5b-201.1) added a severity-graduated variant of the 1997 image offense addition, maintaining a sexual nexus.

S.B. 23 (2024) — Structural change; cumulative offense total unchanged: The 2024 General Session enacted a significant structural change preceding S.B. 24's offense additions: S.B. 23 (2024) merged Utah's Sex and Kidnap Offender Registry with the existing Child Abuse Offender Registry into a single renamed registry — the Sex, Kidnap, and Child Abuse Offender Registry (UTRSOL Legislative Sessions, utrsol.org, 2024 General Session). The merger created the structural container into which S.B. 24's 2025 additions were placed the following year. The registry was renamed and structurally expanded before the offense additions that justified the new name were enacted — meaning the 2024 merger was itself a categorical statement that physical child abuse belonged in the registry's scope, made before any evidentiary analysis of whether that scope was appropriate had been conducted.

S.B. 24 (2025) — 3 offenses added; cumulative total: 42

S.B. 24 was recommended by the Law Enforcement and Criminal Justice Interim Committee on October 16, 2024 — the same committee now examining Item 3 on registrable offenses — before passing as “Child Abuse and Torture Amendments” during the 2025 General Session (LEJ Interim Committee Minutes, October 16, 2024). The bill added aggravated child abuse under §76-5-109.2(3)(a) or (b), child torture under §76-5-109.4, and attempt, solicitation, or conspiracy offenses, formally enumerated as discrete subsection (xlii) under the S.B. 41 registry recodification to §53-29-306, as registrable offenses. None of these offenses requires a sexual element or proof of sexual motivation.

The interim committee hearing featured three presenters: Sen. Ipson as sponsor; Toni Laskey, Division Chief of the Center for Safe and Healthy Families at Primary Children's Hospital; and Eric Clarke, County Attorney, Washington County. Mark Moffat of the Utah Defense Lawyers Association spoke in opposition. The committee voted 14–1 to recommend the bill. The presenters addressed child abuse identification, severity, and prosecution. None addressed actuarial instrument validity for child abuse populations, Utah-specific recidivism data for persons convicted of physical child abuse offenses, or whether Utah's SOTP treatment model applies to the criminogenic needs of the population being added to the registry.

The 2017 Legislative Auditor General's performance audit of SOTP found the program's treatment curriculum "lacks scientific evidence that they reduce recidivism" even for the contact sexual offense populations SOTP was designed for (Utah Legislative Auditor General, Report #2017-04, April 2017). The 2012 Sarver, Molloy and Butters technical report documented that SOTP's RNR-based treatment model targets criminogenic needs empirically associated with sexual recidivism in sexual offense populations. Physical child abuse populations present structurally distinct criminogenic needs — family violence patterns, substance use disorders, intergenerational trauma — for which SOTP has no designed treatment protocol. That question was not posed during the bill's interim committee deliberation.

H.B. 354 (2025) — Risk Assessment Tracking Begins: A parallel 2025 development is directly relevant to the process failure argument. H.B. 354 (2025), sponsored by Rep. Wilcox, enacted sex offender risk assessment collection and reporting requirements proposed by the Sex Offense Management Advisory Committee (SOMAC), requiring for the first time the systematic tracking of static and dynamic risk scores for individuals on the sex offense registry (UTRSOL Legislative Sessions, utrsol.org, 2025 General Session). The significance is precise: Utah began systematically collecting actuarial risk data for its registry population in 2025 — the same year S.B. 24 added physical child abuse populations for whom those actuarial instruments have no validated predictive application. The Legislature created the data collection infrastructure contemporaneously with adding a population the infrastructure was not designed to assess. Every offense addition documented in this section predates the 2025 risk-tracking requirement, confirming that no actuarial data existed at the time of any prior expansion decision to inform the Legislature's judgment about which populations belonged on the registry.

H.B. 221 and H.B. 289 (2026) — 4 offenses added; cumulative total: 46

H.B. 221 Coercion Amendments, restructured aggravated sexual extortion into a dedicated statutory section (§76-5b-204.1), separating it from the base sexual extortion offense created by S.B. 232 in 2017. The offense itself — coercive conduct directed at obtaining sexual contact or imagery from a victim — was not new; the 2026 action reorganized the existing aggravated variant and modified its penalty structure. The registry designation carried forward from the 2017 enactment.

H.B. 289 Child Sexual Abuse Material Amendments, addressed a gap created by AI technology. The bill simultaneously amended the definition of 'child sexual abuse material' to remove artificially generated content, then created three standalone offenses for material 'created or generated by artificial intelligence that depicts realistic minors': possession of apparent child sexual abuse material (§76-5b-207), distribution of apparent child sexual abuse material (§76-5b-208), and unlawful activity regarding obscene material depicting the sexual abuse of a minor (§76-5b-209). All three were added to the registry at the 10-year registration tier (§53-29-202(1)(a)(xxvi)–(xxviii)).

These offenses involve content with a sexual nexus to minors and are closer to the registry's original profile than labor trafficking or physical child abuse additions. However, they address a legally and behaviorally novel population — individuals whose offense involves AI-generated imagery rather than real abuse. No research exists specifically on the recidivism profile of individuals convicted of possessing or distributing AI-generated apparent CSAM, because the offense category did not exist as a distinct legal matter before 2026. The broader literature on online image-offense populations does indicate recidivism profiles distinct from contact offense populations; whether that literature applies to AI-generated apparent CSAM populations is unknown. No actuarial analysis, clinical testimony, or recidivism evidence specific to this population accompanied H.B. 289's committee deliberation.

The Quantitative Record

The Utah registry was founded in 1983 with 10 offenses. It now contains 46 — a 360% increase over 43 years, accomplished through 17 distinct bills across 14 session years — a count reconciled against UTRSOL's January 2026 registry dataset, which documented 42 registrable offenses before the 2026 general session; H.B. 221 and H.B. 289 added 4 further offenses during the 2026 session, producing the current total of 46. In the 29 years from 1997 to 2026, at least one new registrable offense was added in 13 of those years. The largest single-session expansion — H.B. 291 in 2020 — added 7 offenses in one bill, matching 70% of the founding cohort in a single legislative action.

A conservative classification by purpose-alignment: offenses with a clear sexual conduct nexus defensible on registry purpose grounds account for approximately half the additions. Offenses where the sexual nexus is attenuated or precursor-theory dependent account for a meaningful secondary category. Offenses whose primary criminogenic mechanism is categorically non-sexual — labor trafficking, human smuggling, aggravated child abuse, and child torture — now account for at minimum 11 of Utah's 46 registrable offenses, approximately 24% of the total list.

The Evidentiary Record of the Additions

The inclusion criteria framework in Section III (developed in Part II of this submission) identifies three evidentiary questions that must be answerable before a registrable offense designation is justified: actuarial instrument validity for the offense population, Utah-specific recidivism differentiation, and clinical treatment applicability. The legislative record of every addition documented above can be assessed against those three questions.

Actuarial instrument validity of the legislative actions for which committee records have been directly retrieved and examined in this series — S.B. 159 (2011), S.B. 232 (2017), and S.B. 24 (2025) — none contains documented actuarial validity analysis, Utah-specific recidivism data for the offense populations being added, or SOTP clinician testimony about treatment applicability. For pre-1999 expansion bills, committee records exist only in

physical form at the Utah State Archives and have not been reviewed for this submission. For accessible but unreviewed bills, the committee record review remains incomplete. The broader characterization of Utah's expansion process as categorically conviction-based rather than risk-assessment-based is supported by Welch and Newton's Utah-specific scholarly review of the registry's full legislative history (Welch & Newton, Criminal Law Bulletin, 2011) and by the CCJJ's acknowledgment that no finding links specific conviction type to reoffense likelihood in Utah's research record (CCJJ Sex Offender Research Brief, July 2020).

The 2022 AP&P audit found that as late as 2022 Utah was still not consistently applying a validated sex offender risk assessment tool across its supervision population — documenting that the actuarial gap is not historical but current (Utah Legislative Auditor General, Report #2022-13, 2022). The 2016 BOP audit similarly found that "evidence-based practices, shown to improve decision making, are not used" in parole board decisions affecting the same population (Utah Legislative Auditor General, Report #2016-01, February 2016).

Utah-specific recidivism differentiation has been partially addressed in the research literature — Bench and Allen's Utah DOC study of 387 sex offenders tracked up to 15 years post-release documented that "the strongest predictors of sexual recidivism were variables associated with sexual deviancy" (Bench & Allen, Utah DOC) — but this research has never been formally applied to evaluate whether specific offense categories being added to the registry present the recidivism profile it identifies. The CCJJ Sex Offender Research Brief (2020) explicitly acknowledged a "dearth of literature on the effectiveness of the conviction based approach" Utah's registry employs, confirming that Utah-specific differentiation by offense category has not been conducted for registry management purposes.

Clinical treatment applicability of the legislative actions for which committee records have been directly retrieved and examined in this series, none contains testimony from SOTP-affiliated clinicians or clinical researchers addressing whether Utah's sex offender treatment model applies to the criminogenic needs of the offense populations being added to the registry. The broader structural basis for this claim rests on what Utah's own SOTP documentation establishes: the treatment model was designed for sexual deviance-based criminogenic needs, and the 2017 Legislative Auditor General's performance audit found it was not even meeting that standard for its intended population (Utah Legislative Auditor General, Report #2017-04, April 2017).

A treatment framework designed for sexual deviance-driven criminogenic needs cannot be presumed applicable to categorically distinct populations without affirmative clinical analysis, and no such analysis appears in the accessible Utah legislative record. David E. Sarver, Richard Molloy, and Robert P. Butters noted that the model was developed for sexual deviance-based offending, not economically motivated trafficking or physically motivated child abuse populations added in 2011, 2020, and 2025.

What the Accretion Pattern Demonstrates

The session-by-session record, read alongside the Utah audit literature and clinical research, documents a consistent structural pattern: registrable offense additions have been made by categorical legislative judgment — this offense type is serious, involves vulnerable victims, and warrants accountability — without any process requiring purpose-alignment analysis before the addition was enacted. Welch and Newton identified this as the defining failure of Utah's registry design in 2011; the 17 distinct bills across 14 session years documented in this submission confirm that the failure has not been corrected (Welch & Newton, 2011). The 2016 BOP audit, 2017 SOTP audit, and 2022 AP&P audit each independently found that evidence-based practices were not being used to manage the population the registry was building, documenting that the process gap is systemic across the registry's entire administrative infrastructure, not merely in legislation that created it.

The Legislature did not build this registry with the intent to create that incoherence. It built this registry without a mechanism that would have prevented it. That is the process failure this brief documents and that a systematic pre-enactment review mechanism would address.

