



# State of Utah

## Commission on Criminal and Juvenile Justice

**Governor: Spencer J. Cox**

**Lieutenant Governor: Deidre Henderson**

**Executive Director: Tom Ross**

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Olmsted room

## SEX OFFENSE MANAGEMENT BOARD

**01/17/2024 02:00-04:00 pm**

### MINUTES

#### **In attendance:**

- **In person:** Mark Moffat
- **Virtually:** Kevin Barlow; Jennifer Brown; Albert Cramer; Tony Graf; April Graham; Mark Hendrickson; Blake Hills; Faye Jenkins; Tyler Kotter; Aubrey Meyers; Blake Murdoch; Andrew Nichols; Sara Owen; Matt Pierce; Allen Swanson; Candice Waltrip
- **Staff:** IDC Director Matthew Barraza; SOMB Director Michele Leslie

#### **I. Introduction (10 minutes) - Dr. Candice Waltrip, Chair**

- Dr. Candice Waltrip established a quorum.
- Motion to approve the minutes of January 3, 2024 meeting made by Matthew Barraza, seconded by Sara Owen.

#### **II. 2024 Legislation (105 minutes) - Dr. Michele Leslie, Director**

- Director Leslie explained the role of the board in reviewing bills. The aim is for the board to discuss each applicable bill, collect all perspectives, and identify any potential recommendations for each bill. At the present time, the board will not be voting on each bill.
- Board members discussed the following bills:
  - [S.B. 11](#) Sex and Kidnap Offender Registry Access
    - Discussion:

- Director Leslie provided additional information she received pertaining to the bill. The intention of the bill would be to allow the public to search on the registry website with a phone number/internet identifier and be altered if a registrant is associated with it; the public would not become aware of the name associated with the phone number/internet identifier
- The board agreed the term “searchable” is unclear, and it would be of benefit to more concretely define what the term means in regards to what information is available to the public
- Board members raised concerns about the impact having more information potentially available on the registry could have on registrants as well as the public. Other board members expressed their appreciation of having more information available in relation to investigations and public safety.
- [S.B. 23](#) Offender Registry Amendments
  - Discussion:
    - Board members indicated having a more central website for information is beneficial, as it makes it more streamlined and easier to go to one place for all information. Other board members expressed concern having non sexual offense registrants and sexual offense registrants on the same registry.
    - Board members recommend creating a tiered system on the registry, and more clear indicators of why a registrant is on the registry.
- [H.B. 27](#) Criminal Code Amendments
  - Discussion:
    - Removal of clothing without the individual’s consent
      - Discussion on the intent behind the behavior; there would be an investigation into the act, which would more clearly decide if a charge/conviction is appropriate.
      - Regarding juveniles, the term “warning” was determined to be vague. The board recommends more clearly defining what “warning” means. The board further discussed if charging/convicting juveniles could be a “slippery slope” for their future. Questions of if there are already systems in place to address such behavior – ex: school locker room – for juveniles.
    - Position of Special Trust:
      - An in-depth discussion was held on the question of “are we making something illegal that shouldn’t be.”
      - Examples of potentially similar situations were identified including:

- A boss and his/her employee
  - A therapist/client
- While these behaviors may be deemed inappropriate, they are not necessarily illegal. Board members indicated licensing boards would look into such behaviors.
- The board recommended more examination into the potential of licensing boards becoming more involved in such behaviors, rather than potentially criminalizing the behavior.
- The question of if this would be a registerable offense was posed.
- [H.B. 16](#) Sexual Offenses Amendments
  - Discussion:
    - Mark Moffat discussed the history of the bill
    - Board members indicated they appreciated the increased clarity of behaviors, as it makes it easier during investigations and more clear on what an individual can be charged with. Other board members expressed all behaviors defined in the bill are already chargeable in other bills.
    - Discussion on the increase in prison sentences was held. Board members expressed concern an increase in a prison sentence could delay their treatment, as well as “punish beyond their risk.”
    - Board members recommend examining the potential into maintaining the clarity of behaviors while not increasing the sentence length.

### **III. Public Comment (5 minutes)**

- Andrew Nichols - thanked the board for their work with discussing the bills.

**Motion to adjourn made by Allen Swanson, seconded by Tyler Kotter.**

Nex Meeting: Wednesday, January 31, 2024

Time: 10:00am - 12:00pm

Location: CCJJ Office - Large Conference Room