



Utah for Rational Sex Offense Laws

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Public Comment — USBE Board Meeting | August 6, 2026

UTRSOL'S POSITION

✓ Supports closing the background check gap for non-staff school trip attendees through administrative rulemaking, the instrument USBE previously committed to.

✗ Opposes the escalation from administrative rulemaking to a statutory amendment of §53-29-306 as disproportionate, permanent, and unsupported by child safety evidence.

THE ESCALATION CONCERN

The proposal requests a permanent statutory amendment to §53-29-306, a categorically different instrument from the administrative rule USBE committed to. It amends criminal law, not school procedure. It affects thousands of registrants and their families who had nothing to do with the Highland High School trip.

The last time this specific part of Utah Code was amended was during the 2023 General Session, the result of a disproportionate response to one incident. This is the documented pattern: a single incident produces a categorical statutory expansion that affects an entire class of people and does not solve the core issue at bar.

THE CRITICAL FACTUAL GAP

The Highland incident individual was supervised under **Group B conditions (adult-victim offense, no minor-contact restriction)** and was off supervision at the time. Under Utah's AP&P framework and §53-29-306(3) as currently written, Group B registrants are not restricted from contact with minors. He was not evading any rule. He was acting within existing law. There was no rule to evade.

Utah's AP&P Group A/B/C framework already draws offense-proportionate distinctions: Group A (minor-victim): minor-contact restrictions apply; Group B (adult-victim): no minor-contact restrictions; Group C (close-in-age consensual): no blanket prohibition. The proposed overnight/out-of-state provision does not preserve the §53-29-306(3) minor-victim limitation.

THE EVIDENCE STANDARD

USBE's own public comment guidance states: *"A constructive comment supported by evidence, data, and information is more likely to influence regulatory decision-making."* Yet the proposal's Evidence & Data section cites no recidivism research, no risk-profile data, and no reference to the registry's proportionality logic already embedded in Utah law. As a result, the proposal does not appear to satisfy the standard it encourages the public to follow.

The projected results and consequences of inaction are framed entirely around “increased parent/taxpayer satisfaction,” “reduced enrollment,” and “legal liability to the state,” not child safety evidence, which should be the foundation of any proposed statutory expansion of criminal restrictions.

UTRSOL'S REQUEST

1. Retain administrative rulemaking as the primary, proportionate instrument for closing the trip-attendee background check gap.
2. If a statutory amendment proceeds, explicitly preserve the §53-29-306(3) minor-victim limitation and cross-reference Utah's AP&P Group A/B/C framework.
3. Ground any statutory proposal in child safety evidence, recidivism research, risk-profile data, before transmittal to a legislative sponsor.
4. UTRSOL is prepared to provide detailed analysis, population data, and clinical framework input to support proportionate rule or statute language.