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**Policy Critique of H.B. 123
2026 General Session of the
67th Legislature**

February 2026

Office of
UTAH FOR RATIONAL SEX OFFENSE LAWS

Digest of Policy Critique of H.B. 123 2026 General Session of the 67th Legislature

OVERVIEW

H.B. 123 permanently eliminates registry removal pathways for 1,325 out-of-state registrants based on unverified claims, unnamed sources, and two anecdotal failures—without any data showing this population poses greater risk than in-state registrants. Multiple governmental bodies unanimously endorsed the bill without demanding basic evidence like comparative recidivism rates, documentation of interstate complaints, or verification that the alleged problem exists at meaningful scale.

KEY PROBLEMS

- **No Evidence of Problem:** No annual trend data despite repeated requests. Cannot distinguish between policy-driven migration vs. normal population growth.
- **Unverified Claims:** Sponsor cited a ranking list she admitted “I don't know the veracity of that claim,” and judges who “misinterpreted” statute (later softened to “interpreted it differently, I guess I should say”).
- **Affects 1,325 Compliant Registrants:** Bill permanently eliminates removal pathways for all out-of-state registrants (13% of Utah's registry) based on two documented failures—without establishing base rates or comparative data.
- **Wrong Solution:** Bill doesn't address documented problems in high-profile cases like Zaragoza (notification delays, address verification failures, agency coordination gaps). Instead restricts compliant registrants.
- **Criminal justice reform** requires documented problems and proportionate solutions. This bill restricts 1,325 people based on two anecdotal failures without establishing base rates or causal mechanisms.

INSTITUTIONAL FAILURES

- **Victim Services Commission:** Voted unanimously without requesting documentation on movement patterns, or recidivism comparisons. Commission member admitted uncertainty about basic facts.
- **Sentencing Commission:** Endorsed bill while acknowledging they didn't fully understand its effects, hoping 'continued conversations' would clarify intent.
- **House Judiciary Committee:** Asked one technical question, then unanimously passed without demanding evidence. No scrutiny of claims sponsor admitted she couldn't verify.
- **The Statewide Association of Prosecutors (SWAP):** Testified in support but provided zero rationale. Committee members didn't ask them to elaborate. SWAP lent organizational credibility and the weight of Utah's prosecutors to legislation without stating a single reason why it was needed from a prosecutorial perspective.

UNANSWERED QUESTIONS

1. Which states have complained? How many registrants moved here after conviction vs. being convicted while already residing here?
2. Which specific states have formally complained about Utah's registry policies? Can you provide documentation?
3. What are the annual data points from 2006-2025 showing the trend, not just two data points 20 years apart?
4. What is the source and methodology of the "sex offender friendly states" list where Utah ranked "number 9 out of 10"?
5. What specific "loopholes" exist, how many individuals have exploited them, and does this bill actually close them?
6. Why doesn't this bill address the documented failures in cases like Zaragoza: notification delays, address verification gaps, and agency coordination problems?

RECOMMENDATION

Demand evidence before the floor vote: If the sponsor cannot provide named complainant states, annual trend data, comparative recidivism rates, and identified judges/cases within 48 hours, the evidentiary foundation does not exist.

Vote NO on H.B. 123. The sponsor admits she cannot verify her own claims and no governmental body demanded evidence before endorsing

Direct immediate action on actual problems: Interstate notification delays, address verification failures, and agency coordination gaps are documented and solvable. Legislative Research should draft targeted fixes, not blanket restrictions on compliant registrants.



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TO HOUSE REPRESENTATIVES,

Transmitted herewith is our **Policy Critique of H.B. 123 for the 2026 General Session of the 67th Legislature** (Publication #2026-10). A digest is found on the pages located in the front of this document. The objectives and scope of the critique are explained in the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely

Utah for Rational Sex Offense Laws

UTRSOL/lm

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Introduction

H.B.123 represents a legislative response to perceived problems with Utah's sex offense registry system, specifically addressing concerns about out-of-state registrants potentially exploiting removal provisions. However, this policy critique reveals fundamental deficiencies in the evidentiary foundation supporting the bill, serious misalignment between the identified problems and the proposed solution based on isolated incidents rather than systematic evidence.

The core issue is not whether interstate registry coordination requires improvement—it clearly does—but whether H.B. 123 addresses the actual operational failures documented in cases like the widely-cited Zaragoza investigation. The evidence suggests it does not. Instead, the bill imposes blanket restrictions on compliant registrants while leaving unaddressed the notification delays, address verification gaps, and coordination failures that represent the genuine threats to public safety.

Critically, review of committee testimony and deliberative processes reveals that governmental bodies endorsed this legislation without demanding verification of the sponsor's claims, creating a cascade of institutional legitimacy built on an evidentiary foundation of anecdotes, unnamed sources, and unverified assertions.

What H.B. 123 Actually Does

H.B. 123 Substitute #1 modifies Section 53-29-203 of the Utah Code to fundamentally alter registration requirements for individuals convicted of registrable offenses in other jurisdictions. The bill's operative language creates a two-tier system for out-of-state registrants based on their compliance status in their jurisdiction of conviction.

Under the amended Subsection (2), individuals with out-of-state convictions who remain on their original jurisdiction's registry must register in Utah for the duration required by that external jurisdiction, regardless of what Utah law would otherwise require. This means a person convicted in a state requiring lifetime registration must register for life in Utah, even if the equivalent offense under Utah law would require only ten years. Critically, this provision strips away the ability of compliant out-of-state registrants to petition for removal under Utah's existing statutory framework (Sections 53-29-204, 53-29-205, and 53-29-206), which allows individuals to demonstrate rehabilitation and reduced risk through evidence-based assessment.

The bill affects approximately 1,325 individuals, representing 13% of Utah's current registry population. These individuals face permanent elimination of pathways to removal that would otherwise be available to them, creating a separate and more restrictive class of registrants based solely on geographic origin of conviction rather than any demonstrated difference in risk or compliance history.

The Evidentiary Deficit Legislation in Search of a Problem

The Two-Decade Data Gap

The primary quantitative evidence offered in support of H.B. 123 consists of two data points separated by twenty years: out-of-state registrants comprising 6.4% of Utah's registry in 2005 with a state population 6,382 registrants, and 13% in 2025 with a total population of 10,215 registrants. Without annual data for the intervening years, this increase is presented as evidence of policy-driven migration to Utah. However, this interpretation requires assumptions that remain entirely unverified. The increase could represent steady linear growth of approximately 0.33% per year, a recent acceleration driven by specific policy changes, statistical noise from changing enforcement practices, or simply proportional growth consistent with broader demographic trends.

Context matters enormously for interpreting these figures. Utah's overall population grew by 42% during this period, while the total registry grew by 63%. Without baseline comparisons to national trends in registry growth and interstate movement patterns, it remains impossible to determine whether Utah's 13% out-of-state proportion represents an anomaly requiring legislative intervention or merely reflects nationwide patterns of population mobility and registry expansion. Multiple states have reformed their registry laws over the past two decades; without knowing what percentage of registrants are out-of-state residents in jurisdictions with similar or different policies, the 13% figure exists in an analytical vacuum.

UTRSOL's repeated requests for annual data from 2006 through 2025 have been denied or ignored by state agencies and the bill's sponsor. This refusal to provide basic trend data raises serious questions about whether systematic analysis would support or undermine the bill's core narrative. If the data demonstrated clear evidence of policy-driven migration, its production would strengthen the legislative case. The absence of

transparency suggests either that such analysis has not been conducted or that it does not support the bill's premises.

Moreover, similar to H.B. 110, Senate Bill 215, passed in 2021, established a pathway for individuals subject to lifetime sex registration to petition for a pardon and removal from the registry after 20 years. Under existing Utah law, individuals with 10-year registration requirements may petition for a pardon and removal once they have completed their 10-year registry period. Furthermore, certain individuals convicted of offenses carrying 10-year registration requirements are automatically removed from the registry upon completion of that term. Finally, for certain specific convictions that carry a 10-year registry requirement, individuals may become eligible to petition for a pardon and removal from the registry after just 5 years.

If it is being asserted that Utah has experienced an increase in out-of-state registrants seeking relief as a result of these removal pathways, that claim should be supported by empirical evidence. Specifically, data should demonstrate a measurable increase in out-of-state registry transfers or petitions for removal following the enactment of S.B. 215 in 2021 and the implementation of other statutory removal mechanisms. Absent such temporal and statistical correlation, the assertion remains speculative and insufficient to justify further restrictions on registry relief. Sound policy requires reliance on documented trends rather than generalized assumptions about migration or forum-seeking behavior.

The Victim Services Commission Vote Institutional Legitimacy Without Scrutiny

On January 16, 2026, the Victim Services Commission (VSC) legislative meeting voted unanimously to support H.B. 123, lending the proposal critical institutional credibility. However, examination of the Commission's deliberative process reveals significant concerns about how governmental bodies can amplify unverified claims while appearing to provide expert validation.

Statements and supporting assertions presented during the Commission's review were not accompanied by independent data, empirical analysis, or formal findings, yet were nonetheless treated as sufficiently reliable to justify endorsement. When such claims are repeated through official votes or recommendations, they can take on the weight of established fact, shaping legislative outcomes despite the absence of rigorous evidentiary

support. This dynamic underscores the risk that institutional endorsement may function less as a safeguard of accuracy and more as a conduit through which unsubstantiated narratives are reinforced within the policymaking process.

What Commission Members Actually Heard

Commission members heard the following from the bill's sponsor and supporters: claims about “very upset states” with offenders “purposely moving to Utah as a sanctuary state,” assertions that “states [are] appalled that the person was able to get off the registry so soon,” and references to “additional loopholes” discussed “ad nauseum.”

Critically, Commission members themselves expressed uncertainty about basic facts. When discussing whether related legislation (the “sanctuary state statute”) had passed the previous year, one member stated: “I do think it did... I just haven't looked it up specifically.” This admission of uncertainty about whether foundational legislation even exists demonstrates the Commission's willingness to vote on H.B. 123 without verifying fundamental contextual facts.

Despite these dramatic claims during the legislative discussion, VSC members did not request: identification of even a single “upset state” by name, documentation of any formal interstate complaint, data on how many individuals moved to Utah after conviction versus how many were convicted while already residing here, evidence quantifying the scope of alleged “loopholes,” or comparative analysis of removal petition approval rates between in-state and out-of-state registrants.

Public Safety Without Evidence

When the VSC director testified to the House Judiciary Committee on February 5, 2026, in support of H.B. 123, she framed the Commission's position as:

“We are in support of this bill for just the no-nonsense approach to making sure that the rules are understood and that the public safety is upheld and that hopefully we're preventing additional victims.”

This rationale reveals a troubling dynamic: the VSC director endorsed legislation to “prevent additional victims” without the Commission having demanded evidence that victims were being created by the alleged problem

at rates exceeding what would be expected from the in-state registrant population. The Commission accepted that making “rules understood” constituted sufficient justification, despite no documentation that existing rules were actually being systematically misunderstood or misapplied.

Institutional credibility requires institutional rigor. When a governmental commission votes unanimously to support criminal justice legislation affecting over 1,300 individuals, that vote carries weight with legislators and the public. The VSC's endorsement of H.B. 123 created a perception of expert validation that obscured the absence of systematic evidence. This pattern—governmental bodies lending credibility to legislation without demanding verification—represents a significant failure of deliberative process that enables evidence-free policymaking to proceed with an imprimatur of legitimacy.

Questions the Commission Should Have Asked

A rigorous deliberative process would have demanded answers to several fundamental questions before voting:

Which specific states have formally complained about Utah's registry policies? Can you provide documentation of these complaints?

1. Of the 1,325 out-of-state registrants in Utah, how many moved to Utah after their conviction versus how many were convicted while already living here for employment, family, or other ordinary reasons?
2. What is the removal petition approval rate for out-of-state registrants compared to in-state registrants? What is the recidivism rate for each group?
3. How many judges have allegedly misapplied the statute, and in how many cases? Can you identify these cases for review?
4. What specific “loopholes” exist, how many individuals have exploited them, and does this bill actually close them?

The VSC meetings showed that none of these questions were posed. When the Commissioner from the Juvenile Justice and Youth Services raised a technical question about whether the bill would affect juveniles registered in other states, his question was quickly resolved as not applicable to his agency. The exchange concluded with him explicitly stating: “I don't” think juvenile registration should be expanded, followed by “I'm not saying I'm for it, against it, or otherwise, but what I'm expressing is a possible pickup in application.”

This was the closest any Commission member came to expressing reservation or requesting additional information. It focused on a narrow technical concern about juveniles, not on the fundamental evidentiary questions about whether the alleged problem exists at meaningful scale or whether the proposed solution addresses documented failures.

Mechanics of Institutional Capture

The VSC deliberation demonstrates how governmental bodies can become instruments for amplifying rather than scrutinizing legislative claims. The process works as follows:

Step 1: Sponsor’s proxies present dramatic claims (“*very upset states*,” “*sanctuary state*,” “*loopholes*”) without documentation.

Step 2: Commission members, oriented toward “*victim services*” and “*public safety*,” accept framing that opposing the bill would mean failing to protect potential victims.

Step 3: No Commission member requests verification, perhaps because requesting evidence might appear to minimize victim protection concerns.

Step 4: Unanimous vote provides “*expert validation*” that the sponsor can cite to legislative committees and the public.

Step 5: Legislative committees, seeing VSC support, assume rigorous vetting occurred and apply less scrutiny themselves.

This cascade effect means that evidence-free claims, once endorsed by a seemingly authoritative governmental body, become exponentially harder to challenge. Opposition to the bill appears to oppose not just the sponsor's claims, but the considered judgment of victim services experts. The VSC endorsement transformed unverified assertions into institutional consensus without the evidentiary rigor that should precede such consensus.

The Murray Police Department Cases When Anecdotes Become Evidence

The source of claims about “*very upset states*” was a representative from Murray Police Department. During VSC deliberations, this representative stated: “On my end, we’ve had some very upset states with their offenders purposely moving to Utah as a sanctuary state for, because of the leniency issue. So we’ve had some states appalled that the person was able to get off the registry so soon.” Notably, no supporting data or documented cases were provided to substantiate these assertions, leaving them anecdotal.

The Crime Victim Advocate from Murray Police Department acknowledged she lacked “grasp of the scope of documented interstate trends or formal complaints.” Her evidence consisted of two cases from her own agency where individuals obtained registry removal and subsequently committed new offenses. These two cases deserve serious investigation. However, several critical questions remain unanswered:

The Denominator Problem: Do these two failures represent 2 out of 50 removal petitions granted, 2 out of 500, or some other proportion? Without knowing the base rate, we cannot assess whether two failures indicate systematic problems or statistical noise.

The Comparison Problem: How does the failure rate among out-of-state registrants granted removal compare to the failure rate among in-state registrants granted removal? If both groups reoffend at similar rates, then geographic origin is irrelevant to risk assessment.

The Causation Problem: Did these individuals move to Utah specifically to exploit legal loopholes, or for ordinary reasons such as employment, family, or cost of living? Were they compliant registrants who successfully petitioned for removal after demonstrating reduced risk, or did they manipulate the system?

The Process Problem: Did judges grant removal appropriately based on evidence-based risk assessments that later proved inaccurate, or inappropriately through some systematic flaw in the petition review process? If the latter, what specific flaw enabled inappropriate removal?

Creating blanket restrictions affecting all of Utah’s out-of-state registrants based on two documented failures—without establishing base rates, comparative failure rates, or causal mechanisms—violates fundamental principles of proportionate justice and evidence-based policymaking. Such an approach risks imposing collective punishment on compliant individuals while failing to identify or address the systemic issues that enabled these particular failures.

Moreover, the “very upset states” referenced in VSC meeting have never been identified by name, and no documentation of formal interstate complaints has been produced. This transformation of unnamed, unverified claims into legislative rationale exemplifies how anecdotal evidence can substitute for systematic analysis when governmental bodies fail to demand verification.

The Unidentified Judge Claims Without Verification

Representative Acton has repeatedly claimed that judicial misapplication of existing statute necessitates H.B. 123. Her statements evolved across different venues, revealing significant inconsistencies:

- **January 10 Town Hall:** “Some judges in Utah, at least one judge in Utah, keeps letting people through that loophole when they move in from out of state.”
- **February 5 House Judiciary Committee:** “There are one or two judges in Utah who have misinterpreted the statute or interpreted it differently, I guess I should say.”

Acton’s account shifts between “some judges” (plural, multiple), “at least one judge” (singular, hedged), to “one or two judges” (small number, uncertain) during committee testimony. She characterizes the problem first as judges “letting people through loopholes,” then softens it to judges who have “interpreted it differently, I guess I should say.”

This hedging language— “guess I should say”—is particularly revealing. It suggests Acton herself recognizes that characterizing legitimate judicial interpretation as “misinterpretation” may be inappropriate, yet she uses both characterizations interchangeably to support the same legislative intervention.

Legislative Response to Unverified Claims

When the Sentencing Commission reviewed H.B. 123 on January 15, members expressed confusion about what exactly the bill changed. Dr. Leslie from the Sex Offense Management and Treatment Advisory Council (SOMAC) attempted to clarify: “This came because there were concerns about Utah being what’s considered a sanctuary state where individuals who have a conviction for a special offense can come to Utah and somehow be off the registry earlier than if they were in their state where the conviction came from.”

Commission members debated whether the bill represented new policy or mere clarification. The discussion suggested that the issue may not be judicial misinterpretation but rather reflective of genuine ambiguous statutory language requiring clarification for all parties, not categorical elimination of removal pathways.

Critically, Sentencing Commission members identified specific problems with H.B. 123's language: removal of "substantially similar offenses" language could mean that offenses with a single different element would not trigger Utah registration requirements, and the bill's text requiring registration "for the time period required by the external jurisdiction" creates technical problems since individuals are no longer required to register in their origin state once they move.

Despite these identified problems, the Sentencing Commission voted to support the bill "in concept," hoping that "continued conversations" would "make sure that the intent we hope it has is actually the intent that the drafters have." This represents yet another governmental body endorsing legislation while acknowledging they did not fully understand its effects and hoping problems would be resolved later.

What Would Verification Require?

If judges are actually misapplying the statute at problematic rates, verification would be straightforward:

1. Identify the specific judges and cases where alleged misapplication occurred. Case records are public documents.
2. Provide legal analysis demonstrating that the judges' interpretation contradicted clear statutory language, rather than reflecting reasonable interpretation of ambiguous language.
3. Quantify how many removal petitions were granted based on the contested interpretation, and what proportion of total petitions this represents.
4. Demonstrate that statutory clarification (rather than categorical elimination of removal pathways) is necessary and proportionate to the scope of the problem.

None of this verification has been provided. Instead, Rep. Acton's shifting characterization—from "judges letting people through loopholes" to "judges who interpreted it differently, I guess I should say"—suggests the problem may be ambiguous statutory language requiring technical clarification, not systematic judicial misconduct requiring sweeping restrictions on an entire population. Careful legislative refinement, rather than broad punitive measures, would more appropriately address any genuine gaps or ambiguities in the law. Any legislative action should therefore be grounded in documented patterns of judicial interpretation, rather than assumptions or anecdotal accounts

The House Judiciary Committee Deliberation Without Scrutiny

The House Judiciary Committee hearing on February 5, 2026, represents the legislative body with primary responsibility for vetting criminal justice legislation. Their handling of H.B. 123 reveals significant failures to demand evidence or challenge unverified assertions. The lack of scrutiny risks enacting policy based on anecdote and speculation rather than rigorous analysis and verified data.

Rep. Acton's Presentation Reassertions Without Documentation

Representative Acton opened her presentation by invoking institutional authority: “I serve on the Interstate Compact Commission where we talk about inmates transferring across states and so forth. And that's how this bill came to me.”

This statement is crucial because Acton repeatedly positions her Interstate Compact Commission service as lending her expertise and credibility on registry issues. However, the Interstate Compact Commission addresses “inmates transferring across states,” not sex offense registry coordination. Inmates under interstate compact supervision are incarcerated individuals or individuals on probation/parole being transferred between state correctional systems. This is fundamentally different from the registry question at issue in H.B. 123, which concerns individuals who have completed their sentences and move between states as free residents.

What evidence from the Interstate Compact Commission specifically qualifies or supports Rep. Acton's claims about sex offense registry issues? The Commission addresses inmate transfers and supervision, not free movement of individuals who have completed sentences. Rep. Acton did not identify any Interstate Compact Commission reports, data, or formal discussions that document the alleged problems with Utah's registry policies. Her invocation of this service appears to create an impression of expertise and institutional backing that may not be relevant to the actual legislative question.

Despite the absence of corroborating data or formal findings in the record, the bill's sponsor was permitted to frame the policy rationale through anecdotal testimony alone. Rep. Acton proceeded to make several unverified claims that Committee members did not challenge:

1. The "Sex Offender Friendly States" List: "Utah made the list, unfortunately, of sex offender friendly states. And we don't really want that reputation. We were number 9 out of 10. And I don't know how scientifically that was listed."

Rep. Acton admits she does not know the source or methodology of this "list," calling into question whether it even exists or has any credibility. When pressed during the hearing, she acknowledged: "As far as being number 9 out of 10 on the list, that was my own kind of research. And as I said, I don't know the veracity of that claim." Despite acknowledging uncertainty about this claim's veracity, Acton used it to justify legislation.

2. The "Sanctuary State" Characterization: "I do know that we do not want Utah to become known as a sanctuary state for sex offenders. And there's some evidence that that may be happening."

What is this "some evidence"? Rep. Acton never specified. Committee members did not ask. The inflammatory "sanctuary state" framing went unchallenged, despite carrying political connotations designed to foreclose debate rather than encourage it.

3. The Bill's Actual Purpose: "This will clarify what the rules are on allowing a sex offender to stay off the registry, for example, when they come in from out of state... it emphasizes court judges."

Rep. Acton characterizes the bill as mere "clarification" to "emphasize" existing rules for judges. However, the bill does far more than clarify: it categorically eliminates removal pathways for all out-of-state registrants, regardless of individual risk, compliance history, or time since offense. This is not clarification; it is substantive policy change affecting 1,325 individuals.

Limited Committee Questions

The House Judiciary Committee asked only a single substantive question. Representative Miller sought clarification about the bill's effect:

Rep. Miller: "Someone's out of state, they commit a sex offense, but in that state, say they're from Oregon, they don't recognize that as a registrable offense, but they come here and we recognize that same offense is registrable, they have to register here. That's correct. Got it. That answers my question."

This question addressed only a narrow technical aspect of the bill. Miller did not ask about: the evidence supporting claims of Utah as a “sanctuary state,” the number or identity of judges allegedly misapplying statutes, the documented scope of interstate complaints, the recidivism comparison between in-state and out-of-state registrants granted removal, whether less restrictive alternatives had been considered, or the proportionality of eliminating removal pathways for 1,325 individuals based on unquantified problems. The Committee asked no questions about evidence because no Committee member demanded evidence.

The Statewide Association of Prosecutors Support Without Stated Reasons

Megan Mills from the Statewide Association of Prosecutors (SWAP) testified in support of H.B. 123. However, her testimony consisted of only: "We're just waiting for the bill," followed by "thank you very much."

Mills did not articulate why SWAP supported the bill, what evidence prosecutors had observed, or what prosecutorial problems the bill would address. The Sentencing Commission indicates that SWAP was not the source of the bill, yet their organizational support lends additional credibility without stated rationale. Committee members did not ask Mills to elaborate on SWAP's position or supporting evidence.

The Vote: Unanimous Passage Without Discussion

Following limited questions and public comment, Representative Abbott moved to favorably recommend H.B. 123. The motion passed unanimously with no further discussion. The Committee spent no time deliberating about: whether the claimed problem exists at meaningful scale, whether supporting evidence is credible and verified, whether the bill's approach is proportionate to documented harms, what alternatives might address concerns with less restrictive impact, or how the bill's effects on 1,325 registrants balance against unquantified claims of abuse.

The Committee's unanimous vote created institutional momentum that signals to subsequent legislative bodies that H.B. 123 is uncontroversial, well-supported, and thoroughly vetted. None of this is true.

What Rigorous Committee Scrutiny Would Require

Legislative committees serve as critical gatekeepers for preventing poorly-conceived or evidence-free legislation from advancing. Rigorous scrutiny of HB123 would have required:

Demanding source documentation: “Representative Acton, you reference a list ranking Utah as number 9 out of 10 for sex offender friendliness. Please provide that list, its source, and its methodology for Committee review.”

Requiring quantification: “You mention complaints from other states. How many states have complained, which states specifically, and can you provide documentation of formal complaints?”

Establishing denominators: “You reference one to four judges misapplying the statute. Out of how many total judges reviewing removal petitions? In how many cases? How does this compare to judicial consistency on other complex statutory questions?”

Probing Interstate Compact Commission relevance: “You cite your service on the Interstate Compact Commission. Since that commission addresses inmate transfers rather than free movement of individuals who completed sentences, what specific Commission evidence supports claims about registry shopping?”

Requesting comparative data: “Please provide data comparing recidivism rates and removal petition outcomes between in-state and out-of-state registrants to demonstrate that out-of-state origin correlates with higher risk.”

None of these questions were asked. The House Judiciary Committee, the legislative body with primary responsibility for criminal justice oversight, unanimously advanced legislation affecting 1,325 individuals based on claims its sponsor admitted she could not verify, referencing evidence she acknowledged she did not know the source of, addressing problems she characterized inconsistently across different venues.

The Failure of Institutional Gatekeeping

The House Judiciary Committee's handling of H.B. 123 reveals how legislative gatekeeping fails when:

Emotional framing preempts scrutiny: The “sanctuary state for sex offenders” characterization creates political pressure to support the bill. Demanding evidence appears to minimize public safety concerns.

Institutional endorsements substitute for evidence: The Victim Services Commission and Statewide Association of Prosecutors support created an assumption of thorough vetting, discouraging additional scrutiny.

Committee members lack specialized knowledge: Without expertise in registry operations, recidivism research, or interstate coordination, Committee members cannot easily assess technical claims or identify missing evidence.

No member wants to be “soft on crime”: Questioning sex offense legislation carries political risk. Unanimous passage is safer than principled opposition based on evidentiary concerns.

The result is legislation that sailed through committee with unanimous support despite resting on admittedly unverified claims, unnamed sources, shifting characterizations, and categorical restrictions affecting 1,325 individuals without documented justification. This represents a significant failure of the legislative process designed to protect against poorly-conceived policy.

The Zaragoza Case Evidence of Different Problems

H.B. 123 and its 2025 legislation H.B. 154 has been promoted in connection with media coverage of Jose Romero Zaragoza, a convicted child sex offender whose case received significant attention. However, examination of what the Zaragoza investigation actually revealed demonstrates that H.B. 123 addresses none of the operational failures that enabled Zaragoza to allegedly commit additional offenses while technically registered in Utah.

According to investigative reporting, the problems in the Zaragoza case included: notification delays between states when registrants move across jurisdictions, failure to verify reported addresses despite red flags, lack of coordination between registration agencies and local law enforcement, inadequate procedures for investigating suspicious or potentially false address information, and resource constraints preventing proactive monitoring of high-risk registrants.

H.B. 123 addresses none of these documented failures. The bill does not mandate faster interstate notification, require enhanced address verification procedures, improve coordination between agencies, provide resources for investigating suspicious registrations, or create proactive monitoring protocols for high-risk individuals.

Instead, H.B. 123 restricts removal pathways for compliant out-of-state registrants who successfully complete registration requirements. Zaragoza's case involved someone failing to comply with registration requirements through address fraud. Restricting removal petitions for compliant registrants does nothing to prevent address fraud by non-compliant registrants.

This misalignment between the cited problem and the proposed solution reveals a troubling pattern: dramatic cases that generate public concern get invoked to support legislative responses that do not actually address the documented failures in those cases. The result is policy that restricts rights without enhancing safety, while leaving genuine operational problems unaddressed.

Sex Offense Registries and Public Safety

This critique of H.B. 123 exists within a broader national conversation about sex offense registries, their effectiveness, and their unintended consequences. While protecting communities from sexual violence is a compelling government interest, research over the past two decades has raised significant questions about whether broad, lengthy, public registries actually enhance public safety or whether they may in some respects undermine it.

Multiple studies have found little to no evidence that sex offense registries reduce recidivism rates. Research has documented how registry requirements create barriers to housing, employment, and social integration—factors that research suggests are associated with higher, not lower,

recidivism. The Adam Walsh Act, which created federal standards for sex offense registries, has been criticized by researchers and practitioners for mandating policies not supported by evidence about risk and recidivism. This is not an argument against sex offense registries entirely, but rather for evidence-based registry policies that distinguish between individuals who pose genuine ongoing risk and those who do not, that incorporate what research teaches about risk factors and protective factors, and that avoid one-size-fits-all approaches that may waste resources while failing to target actual danger.

Utah's existing removal petition process, whatever its flaws, represents movement toward evidence-based registry management. H.B. 123 represents movement away from it, toward geographic bright-line rules unsupported by risk assessment or recidivism research. This is particularly troubling given that the supposed problem requiring this retreat from evidence-based policy has not been demonstrated to exist at meaningful scale through any systematic data analysis.

Conclusion

H.B. 123 represents legislation in search of a problem. When confronted with requests for supporting data, governmental entities capable of providing it either denied access, declined to assist, or failed to respond. The Victim Services Commission voted to support without requesting verification of the sponsor's claims. The Sentencing Commission endorsed the bill while acknowledging they did not fully understand its effects. The House Judiciary Committee asked a single clarifying question, then unanimously advanced the bill despite public comment raising fundamental evidentiary concerns.

The Utah House of Representatives should reject H.B. 123 in its current form. The bill addresses undemonstrated problems with disproportionate restrictions while ignoring documented operational failures. It substitutes geographic origin for evidence-based risk assessment, creating a separate class of registrants without justification in recidivism research or failure rate data. The legislative process that produced unanimous committee approval despite admittedly unverified claims represents a failure of institutional gatekeeping that should not be rewarded with passage.

The sponsor invoked her service on the Interstate Compact Commission as lending expertise, without identifying what Commission evidence supports claims about registry coordination. She cited a "list" she admitted she did not

know the source of and could not verify. She referenced "very upset states" that remain unnamed and undocumented. She pointed to "one to four judges" allegedly misapplying the statute, hedging from "letting people through loopholes" to "interpreting it differently, I guess I should say."

The Legislature should direct the Office of Legislative Research and General Counsel to draft legislation addressing interstate notification delays, address verification gaps, and coordination failures between state agencies. These operational problems have been documented through investigative journalism and law enforcement experience. Solving them would enhance public safety far more than restricting removal pathways based on anecdotal evidence.

The cascade of institutional endorsements—from VSC to SWAP to the House Judiciary Committee—created momentum and credibility without corresponding rigor. Each body assumed others had demanded verification. None actually did. The result is legislation advancing through the process on claims its own sponsor admits she cannot verify, supported by governmental bodies that never demanded she do so.

Evidence-based policy requires evidence. When evidence does not exist, policy should await its production rather than proceeding on perception and anecdote. Interstate registry coordination failures require attention and improvement. But H.B. 123 addresses the wrong problems with the wrong solutions, imposing disproportionate burdens on compliant individuals while leaving genuine threats to public safety unaddressed.

Criminal justice policy should protect public safety through interventions supported by systematic evidence and proportionate to demonstrated risks. H.B. 123 fails this standard. The Legislature should reject it and instead pursue legislation targeting the operational failures that investigative journalism and law enforcement have actually documented: notification delays, verification gaps, and coordination breakdowns that allow dangerous individuals to fall through the cracks while compliant registrants face ever-increasing restrictions based on problems that remain undemonstrated, quantified only through anecdotes and unnamed sources, and justified through institutional endorsements that substituted for rather than rested upon systematic analysis.

