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**Policy Critique of H.B. 370
2026 General Session of the
67th Legislature**

February 2026

Office of
UTAH FOR RATIONAL SEX OFFENSE LAWS

Digest of Policy Critique of H.B. 370 2026 General Session of the 67th Legislature

OVERVIEW

H.B. 370 proposes GPS monitoring for individuals on the sex offense registry without addresses based on estimates of 72-97 intentional evaders, yet only 3 were documented as "Absconded" in registry data in 2025. The bill applies only to future offenses after July 1, 2026 leaving all registrants without addresses unmonitored despite claims of urgent public safety threats. The bill creates costly enforcement where state housing policies (Good Landlord Program, shelter exclusions) render registrants homeless and unable to provide addresses, then criminalizes that inability to comply while GPS monitoring does nothing to address the housing barriers that created the noncompliance in the first place.

KEY PROBLEMS

NUMBERED REGISTRANT DISCREPANCY:

- Bill sponsor cited 291 registrants without addresses
- Estimated 72-97 are intentionally evading compliance
- Public registry data shows only 3 documented as "Absconded" in 2025
- 24-32x gap between estimate and documented evidence

URGENCY CONTRADICTED BY DESIGN

- Bill applies only to offenses committed after July 1, 2026
- Current registrants without addresses remain completely unmonitored
- Committee counsel indicated no ex post facto barrier to broader application
- If threats are urgent, why exempt everyone currently on the registry?

ROOT CAUSE VS. SYMPTOM TREATMENT

1. Good Landlord Program excludes all registrants from participating properties
2. Homeless shelters categorically refuse registry members
3. Result: Registrants become homeless → cannot provide addresses → labeled "noncompliant"
4. GPS monitoring doesn't address housing barriers → indefinite monitoring without compliance pathway

THE CIRCULAR LOGIC:

- State policy makes housing unavailable
- Homeless registrants can't provide addresses
- State criminalizes inability to comply (3rd degree felony, mandatory minimum)
- GPS monitoring tracks homelessness but doesn't solve it

ALTERNATIVES NOT EVALUATED:

- Reform Good Landlord Program for individualized assessment
- Develop shelter protocols for registrants
- Housing First approach: \$6,000-\$12,000/year vs. GPS \$2,190-\$5,475/year indefinitely

COST & IMPLEMENTATION CONCERNS

ESTIMATED ANNUAL COSTS (if applied to 97 people):

- GPS Monitoring: \$223,100 - \$531,075 annually, recurring indefinitely
- Housing First: \$582,000 - \$1,164,000 annually, with path to self-sufficiency

Bill states "Money Appropriated: None" but costs will occur through:

- County sheriff budgets (equipment, oversight)
- Adult Probation & Parole (monitoring staff)
- Most subjects will be indigent → state/counties pay

PRACTICAL IMPOSSIBILITY FOR HOMELESS:

- No electrical outlets to charge devices
- No secure place to store equipment
- Visible ankle monitors create additional housing/employment barriers

RECOMMENDATION

Before Floor Vote:

- Request official DPS data reconciling the 3 vs. 72-97 discrepancy
- Require fiscal note comparing GPS monitoring vs. housing interventions over 5 years
- Consider amendment limiting GPS to documented "Absconded" cases (targeted approach)
- Evaluate Good Landlord Program reform as alternative addressing root cause

H.B. 370 builds expensive monitoring infrastructure based on unverified estimates, doesn't address housing barriers creating the problem, and postpones any impact while claiming urgency. Core factual premises require verification before proceeding.



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To House Members,

Transmitted herewith is our **Policy Critique of H.B. 370 for the 2026 General Session of the 67th Legislature** (Publication #2026-18). 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. 370 establishes a GPS monitoring program for registrants who cannot provide a residential address. Framed as a public safety measure, the bill conflates inability to comply—often driven by system-induced homelessness—with intentional evasion, constructing an expensive monitoring regime for a problem not shown to exist at the scale claimed. The bill advanced unanimously in committee despite unresolved data challenges and without meaningful examination of root-cause alternatives. This approach risks institutionalizing a costly enforcement system before establishing that it addresses a clearly defined, evidence-supported public safety gap.

Rather than address the drivers of noncompliance, the bill targets its symptoms. State and local housing restrictions exclude many registrants from available programs, producing the very homelessness that prevents address provision. Evidence-based options—reforming exclusionary housing rules or implementing Housing First models—were not evaluated, even though they may improve compliance at equal or lower cost. This approach may unintentionally create a compliance challenge, where individuals struggle to meet requirements due to systemic barriers rather than willful noncompliance.

The bill’s prospective-only application undermines claims of urgency. By applying only to offenses committed after July 1, 2026, it leaves current alleged “threats” untouched. Committee counsel indicated no clear ex post facto barrier to broader application, suggesting the measure builds future infrastructure rather than addressing present safety concerns. This temporal limitation weakens the stated public safety rationale by postponing any measurable impact for years. It also raises concerns that the program prioritizes symbolic responsiveness over immediate, evidence-based risk reduction.

Finally, H.B. 370 criminalizes noncompliance as a third-degree felony with mandatory minimums while maintaining conditions that may make compliance impossible. The measure advanced despite these contradictions, reflecting the political difficulty of opposing “sex offender oversight” even when evidence and internal logic remain unresolved. This structure risks increasing incarceration for technical violations without improving public safety outcomes. It also shifts resources toward enforcement rather than the housing stability, treatment access, and reentry supports shown to reduce reoffending. By imposing punitive sanctions in the absence of viable pathways to compliance, the bill entrenches instability.

Problem Definition Failures

Foundational Claims Without Foundation

The bill's entire justification rests on claims about how many sex offenders lack addresses on Utah's registry and why they lack addresses. Rep. Lisonbee opened her presentation by stating “right now, there are approximately 291 individuals out of about 10,000 who do not provide an address on the registry.” This 291 figure became the foundational data point for the entire hearing, representing nearly 3% of all registered sex offenders in Utah. She further claimed “we estimate that about a quarter to a third of those individuals actually do have an address, but are just avoiding providing it for various reasons.” This estimation suggested that between 72 and 97 people are purposefully evading registry requirements by refusing to provide addresses they actually possess.

Without citing the source and time frame for this figure, Rep. Lisonbee's presentation raises several critical questions about the evidentiary foundation of this legislation:

First, the 291 figure itself lacks verification. Where does this number come from? Is it a snapshot from a specific date, or an average over time? Registry numbers fluctuate as offenders complete their registration periods, move into or out of state, or pass away. Without knowing when this count was taken or how it was calculated, lawmakers cannot assess whether 291 represents a stable problem requiring legislative intervention or a temporary fluctuation in the data.

Second, the claim that “a quarter to a third” of these individuals actually have addresses but are deliberately withholding them is presented as an estimate, not a verified fact. How was this estimate derived? If authorities know these individuals have addresses, why haven't they already been charged with failing to comply with existing registry requirements? The logical gap here is significant: either law enforcement has evidence these people possess addresses (in which case current law already provides remedies), or they don't have such evidence (in which case the “estimate” is speculation).

Third, this framing obscures the likely reasons why individuals might legitimately lack addresses. The presentation does not account for homelessness, incarceration, institutionalization, or transient living situations—all of which might explain missing address data without

implying intentional evasion. This omission risks transforming indicators of instability or system involvement into misleading signals of noncompliance, thereby distorting both policy analysis and public perception.

By building the bill's entire rationale on unverified statistics and unsupported estimates, the presentation fails to establish that a genuine enforcement gap exists that cannot be addressed through existing legal mechanisms. As a result, the proposal advances a significant expansion of enforcement authority without first demonstrating a measurable problem or the insufficiency of current tools to address it.

Location Unknown vs. Absconded

The Utah Sex, Kidnap, and Child Abuse Offender Registry, managed by the Department of Public Safety (DPS) distinguishes between different categories of registry non-compliance. Among those that speak to this specific bill are the labels “Location Unknown” and “Absconded,” with the latter indicating intentional evasion while the former including various circumstances that don't involve deliberate avoidance of registry requirements.

For cases where people were “purposely avoiding” providing an address, according to data pulled from the public registry in 2025 there were only three people listed under the absconded non-compliance label. Not the estimated 72-97 that Rep. Lisonbee provided, just three individuals were actually documented in the registry as absconding and intentionally evading their requirements in 2025. This stark disparity between documented cases and the figures cited by Rep. Lisonbee raises serious concerns about the reliability of the data used to justify expanded monitoring.

This distinction reveals a fundamental categorization problem at the heart of the bill. The “Location Unknown” category of people likely includes multiple distinct populations with entirely different circumstances and needs. Some may be genuinely homeless due to the housing barriers or unable to provide addresses because no housing is available to them. Some may be in transitional living situations, staying with family or friends without formal leases and uncertain whether such informal arrangements qualify as addresses for registry purposes. Some may be in unstable housing, moving frequently between temporary situations and unable to maintain a consistent address. Some may be incarcerated or institutionalized in facilities that don't count as residential addresses for registry purposes. Some may have addresses but face language barriers, cognitive limitations, or administrative confusion about how to properly report them.

In contrast, the “absconded” category represents people who are documented as intentionally evading their registry obligations. These are individuals for whom law enforcement has determined there is evidence of deliberate non-compliance rather than inability to comply. This is the category that represents genuine public safety concerns about people actively hiding from supervision. And this category, according to the public registry data, contained only three people in 2025.

The bill makes no distinction between these fundamentally different situations. Someone who cannot provide an address because housing barriers have excluded them from all available rental housing is treated identically to someone who has deliberately absconded to avoid supervision. Someone who is uncertain whether their informal living arrangement qualifies as a reportable address is subject to the same GPS monitoring as someone who has intentionally gone into hiding. The policy response is uniform GPS monitoring for all “Location Unknown” registrants, despite the fact that only 3 are documented as actually evading.

The Sponsor's Estimation Problem

Rep. Lisenby's estimate that “a quarter to a third” of the 291 “actually do have an address, but are just avoiding providing it for various reasons” becomes highly problematic when confronted with the “absconded” data. These estimates are dramatically higher than the 3 people actually documented as absconded in 2025. This discrepancy suggests that Rep. Lisenby's estimate is not grounded in verifiable registry classifications and risks overstating intentional noncompliance.

This raises critical questions that were never addressed during the hearing. What is the basis for estimating that 72-97 people are avoiding providing addresses? Is this based on law enforcement investigations that haven't yet resulted in “absconded” designations? Is it based on anecdotal reports from sheriffs about suspicions that certain individuals could provide addresses if they wanted to? Is it based on some analysis of the “Location Unknown” population that identified indicators of intentional evasion? Or is it simply an assumption that some portion of people without addresses must be evading rather than genuinely unable to comply?

The massive gap between the estimated 72-97 evaders and the documented 3 absconders suggests one of several possibilities. First, the estimation methodology may be fundamentally flawed, relying on assumptions rather than evidence about why people lack addresses. Second, there may be a definitional problem where the sponsor is counting people as “avoiding”

compliance when they're actually unable to comply due to circumstances. Third, there may be a systemic problem in how the registry categorizes people, with insufficient investigation to determine whether someone is evading versus unable to comply before designating them as "Location unknown." Fourth, sheriffs may be expressing suspicions about potential evasion that aren't supported by sufficient evidence to document someone as "absconded."

What Committee Members Asked About the Data

The committee's response to these data discrepancies is revealing in what it shows about priorities and analytical rigor. Representative Miller asked about whether monitoring could be removed once someone stabilizes with an address. Representative Acton asked about the physical characteristics of ankle monitors and who pays for them. Representative Grant Miller asked about removal procedures. But not a single committee member asked why the "absconded" number is only 3 when estimates suggest 72-97 are evading. Not one asked for clarification about how many of the 291 "Location Unknown" registrants are genuinely homeless versus in other circumstances. Not one inquired about the methodology behind the "quarter to a third" estimate of people supposedly avoiding compliance.

What the Data Problems Mean for Policy

These unresolved data inconsistencies fundamentally undermine the bill's justification and appropriate scope. If only 3 people are actually documented as evading the registry through absconding, then a targeted approach reserving GPS monitoring for documented evaders would address the genuine public safety concern while avoiding the expense and administrative complexity of monitoring 214 people. The annual cost of monitoring 3 people would be \$6,900 to \$16,425 (using the \$2,300 to \$5,475 per-person annual cost figures), compared to \$223,100 to \$531,075 for monitoring the higher end of 97 individuals.

Moreover, if the majority of the "Location Unknown" population is homeless due to policy barriers rather than intentionally evading, then GPS monitoring doesn't address the actual problem. It simply surveils people for being homeless, which homelessness itself was caused by state policies like the Good Landlord Program and shelter exclusions. The monitoring provides no path out of homelessness and therefore no path to registry compliance. It merely tracks people who are already in impossible situations, adding the burden of maintaining GPS equipment to their existing struggles with

finding food, shelter, and safety on the streets.

The conflation of different populations under a single policy response also means that resources are misdirected. The 3 documented absconders may indeed need intensive monitoring or warrant-based arrest efforts. But someone who is homeless and living in a tent encampment isn't evading supervision by refusing to provide an address they don't have. Someone staying on a friend's couch without a formal lease isn't a public safety threat requiring GPS tracking. Someone in a domestic violence shelter whose location must remain confidential for safety reasons isn't avoiding the registry. Yet the bill would subject all of these individuals to the same GPS monitoring regime designed for evaders.

The Absence of Verification or Reconciliation

Perhaps most troubling is that the committee made no effort to verify the conflicting data or reconcile the discrepancies before voting. No one asked the Department of Public Safety to provide current, official numbers. No one requested clarification about the “quarter to a third” estimation methodology. No one asked sheriffs who were present how many people in their counties they believe are evading versus unable to comply. No one suggested tabling the bill until accurate data could be obtained and analyzed.

Instead, the committee proceeded to unanimous approval based on unverified estimates that conflict with publicly available registry data by significant margins and that suggest a problem 24 to 32 times larger than the documented evidence shows (72-97 estimated evaders versus 3 documented absconders). This suggests that accurate problem definition was not actually a priority for the committee. The political appeal of being seen as tough on sex offender supervision outweighed the need for rigorous analysis of whether a problem exists at the claimed scale and whether the proposed solution matches the actual problem.

If the problem is 3 documented evaders rather than 291 people without addresses, then the entire GPS monitoring infrastructure is wildly disproportionate to the actual public safety concern. If most of the “Location Unknown” population is homeless due to state-created barriers rather than evading supervision, then the problem is one of housing policy rather than enforcement. These challenges deserved serious engagement and data reconciliation. Absent that reconciliation, the proposal risks institutionalizing a costly enforcement response to a mischaracterized social and administrative problem rather than addressing its root causes.

Prospective-Only Application Undermines Urgency Claims

The July 1, 2026 Limitation and Its Implications

Both the original bill and the first substitute contain a critical limitation that contradicts the entire public safety urgency narrative constructed during the hearing. Section 53-29-406(2)(b) states: “The program described in Subsection (2)(a) shall apply to a sex offender if the sex offender's registrable offense is committed on or after July 1, 2026.” This single sentence means that the GPS monitoring program will not apply to anyone currently on the registry, regardless of whether they have an address or are listed as “Location Unknown” or even “Absconded.” It will only apply to people who commit registrable offenses after the July 1, 2026 cutoff date.

The implications of this design choice are profound. If there are currently 291 people listed as “Location Unknown” on the registry and they pose the public safety threats described by Rep Lisonbee’s co-presenters in their testimony, why would the monitoring program not apply to them? If homeless women are at risk from sex offenders without addresses the co-presenters argued using statistics about sexual violence against unsheltered women, why would the state not immediately begin monitoring the current population rather than waiting for future offenses? If children are disproportionately targeted by reoffenders as was testified, why would current unhoused registrants not require immediate monitoring? These unanswered questions cast doubt on whether the risk characterization advanced by Rep. Lisonbee is driving policy or merely justifying it.

The prospective-only application means that if the bill becomes law on its effective date of May 6, 2026, nothing changes for the current “Location Unknown” population. Someone who is listed as “Location Unknown” on May 7, 2026 will not be subject to GPS monitoring. Someone who is documented as “Absconded” on May 7, 2026 will not be subject to GPS monitoring. The 3 people who were actually evading the registry in 2025 will not be monitored unless they commit new offenses after July 1, 2026. The estimated 72-97 people who supposedly have addresses but are avoiding providing them will face no new consequences or interventions. This design leaves the population identified as the bill’s central concern entirely untouched at the moment the law takes effect. In practical terms, the measure postpones action on the asserted risk while expanding authority only for hypothetical future cases.

Urgency Claims vs. Actual Design

If the bill's supporters truly believe that people without addresses on the registry pose immediate threats to vulnerable populations including homeless women and children, then the monitoring program should begin immediately for the current population. The only reason to limit application to future offenses is if the urgency claims are exaggerated or if other considerations outweigh the claimed public safety imperative. Those other considerations might include costs of immediately monitoring 97 people, administrative challenges of rapidly implementing a new program, or constitutional concerns about retroactive application of new requirements.

However, the committee's discussion of the retroactivity issue revealed that at least some of these considerations were not actually barriers to immediate application. When Representative Auxier later attempted to amend the bill by striking the prospective-only language, there was discussion about potential ex post facto concerns. Representative Grecias specifically asked “was that concern about the retroactivity?” and Chair Lisenby acknowledged “there was a concern expressed about a potential ex post facto issue but it's not clear how high that risk is that it would be violating some sort of ex post facto.”

The critical moment came when legal counsel weighed in indicating they did not believe there was a genuine ex post facto problem with applying the monitoring program to current registrants. This legal assessment makes sense because the monitoring program is tied to ongoing registry obligations rather than to past offenses. People are required to maintain current registration regardless of when their offense occurred. Making GPS monitoring a condition of registration for those unable to provide addresses would be applying a new requirement to an ongoing obligation rather than retroactively punishing a completed offense. Under that reasoning, extending the requirement to current registrants would operate as a forward-looking compliance measure rather than a retroactive penalty for past conduct.

This legal analysis suggests that simply removing the prospective-only language would not create retroactive punishment problems but would instead apply new registration compliance requirements going forward to all current registrants. The distinction is between retroactive punishment (going back and imposing new penalties for past completed conduct) and prospective application of new requirements to an ongoing obligation (applying new compliance conditions to people who have continuing registration duties regardless of when their offense occurred).

What the Prospective-Only Limitation Reveals

The retention of prospective-only language despite the lack of legal barriers and despite the urgency narrative reveals several things about the bill's actual purposes and the committee's actual priorities. First, it suggests that the bill is more about policy architecture than about immediate threat response. The sponsors are establishing a framework for how future cases will be handled rather than addressing current circumstances they claim are dangerous. This is a legitimate legislative function, but it contradicts the testimony about homeless women facing sexual violence and children being disproportionately targeted that was used to build urgency and emotional appeal for the bill.

Second, it reveals cost considerations may be more significant than publicly acknowledged. If the monitoring program applied immediately to 97 current "Location Unknown" registrants, the annual cost would be \$223,100 to \$531,075. Limiting application to future offenses means costs will accumulate slowly as new people commit offenses and later lose housing, rather than hitting budgets immediately. Sheriff Glover's testimony that costs will be "a little higher" initially but hoped to decrease through compliance acknowledges cost concerns. Deferring application to future offenses defers the full cost burden.

Third, it suggests administrative implementation concerns outweigh claimed public safety urgency. Implementing GPS monitoring for 97 people immediately would require rapidly procuring equipment, training staff across multiple agencies, establishing coordination protocols, and managing a complex multi-agency program from day one. Limiting application to future offenses allows the program to scale up gradually as new cases enter the system. This is administratively prudent but inconsistent with claims about urgent current threats.

Fourth, the prospective-only limitation may reflect awareness that applying GPS monitoring to the current "Location Unknown" population would quickly expose implementation problems. If most of those 97 people are genuinely homeless due to housing barriers, then immediate monitoring would quickly reveal that they cannot comply with charging requirements, equipment maintenance, and other monitoring conditions. The program would generate immediate criminalization of homelessness and immediate costs of cycling people through jail for technical violations. Limiting application to future offenses defers these problems and allows them to emerge gradually rather than all at once.

The Auxier Amendment and What It Revealed

Representative Auxier's attempt to amend the bill by striking the prospective-only language forced the committee to confront these tensions directly. She argued that the prospective-only language creates “ambiguity on to who it actually applies to and making the program uniform for all people who would qualify under this.” Her concern was that limiting the program to future offenses makes it unclear who is covered and creates different standards for different registrants based on when their offense occurred rather than based on their current compliance status or risk level.

Rep Lisonbee’s response to the proposed amendment was revealing: “I appreciate this motion. There may be a slight issue with it so I am thinking through this but if there is we can fix it on the floor. I will commit to do that, but I just appreciate that that it was brought to our attention because I do want to make sure that we're immediately addressing public safety issues.” Her acknowledgment that she wants to “immediately address public safety issues” stands in direct tension with her support for prospective-only application that doesn't immediately address anything.

Her willingness to “fix it on the floor” if there's an issue suggests she was not committed to prospective-only application as a matter of principle but was willing to defer resolution of the question to later in the legislative process. This flexibility indicates the prospective-only language was not carefully considered as an essential design element but rather was included without full deliberation about its implications for the bill's stated purposes. As a result, the bill’s framing may reflect convenience or political expediency rather than a deliberate policy judgment about how to protect public safety. This calls into question whether the prospective-only restriction genuinely serves the interests the bill claims to address.

After legal discussion suggesting no ex post facto barrier and Representative Miller's opposition based on notice concerns, Representative Auxier withdrew her amendment. Rep. Lisonbee then stated “maybe we could just leave it as is and if there is an issue we can address it in a sub on the floor very quickly and actually have our brilliant legal minds on the committee really look at it intensely.” This suggests that the prospective-only question was not actually resolved through substantive deliberation but rather was deferred to potentially be addressed later on the House floor. This deferral indicates that the prospective-only limitation was more a matter of procedural convenience than a thoughtfully reasoned policy choice. Consequently, the bill’s design leaves key questions about immediate application and public safety unexamined at the committee stage.

The Contradiction at the Heart of the Bill

The prospective-only application creates a fundamental contradiction that undermines the bill's coherence. The testimony and supporting arguments present an urgent public safety problem: sex offenders without addresses who pose threats to vulnerable populations including homeless women and children. The proposed solution is GPS monitoring to track these individuals and enable swift law enforcement response if they violate monitoring conditions. But the monitoring will not apply to anyone currently on the registry who lacks an address or is evading supervision. It will only apply to people who commit new offenses in the future and subsequently lose housing or refuse to provide addresses.

This means the bill does not actually address the problem it claims to solve. If there are currently 291 people without addresses or 3 people documented as absconding or an estimated 72-97 people avoiding compliance, the bill will do nothing about any of them. They will remain without monitoring, without enhanced supervision, and without the consequences the bill creates. If they truly pose the threats described in testimony, those threats will continue unabated. In effect, the legislation promises action but delivers only a future-focused framework that leaves current risks entirely unmitigated. This disconnect between stated purpose and actual impact undermines the bill's credibility and calls into question the necessity of its proposed measures.

The only way the prospective-only application makes sense is if the bill is not actually responding to current threats but is instead establishing policy infrastructure for future application. This is a legitimate legislative purpose, but it contradicts the urgency narrative used to justify the bill and to counter concerns about costs, implementation challenges, and alternative approaches. If the urgency is real, the application should be immediate. If the application is deferred to future offenses, the urgency is questionable.

The prospective-only application directly contradicts the bill's stated emergency and public safety justification. Despite legal counsel indicating no ex post facto barrier and despite testimony about threats to vulnerable populations, the bill will not apply to anyone currently listed as "Location Unknown" or documented as "Absconded." This design choice reveals the bill is about future policy architecture rather than immediate threat response, undermining the urgency claims used to justify it and to dismiss concerns about costs and alternatives. By postponing action on the population central to its stated purpose, the bill transforms an asserted immediate public safety issue into a hypothetical, future-focused concern.

Root Cause vs. Symptom Treatment

Housing Barriers Create the Problem the Bill Claims to Solve

Felix Espinosa came to the hearing prepared not just with data about the registry population, but with a structural analysis of why sex offenders end up listed as "location unknown" in the first place. His testimony identified specific, verifiable policy barriers that create homelessness among registrants and thus create the registry non-compliance problem the bill claims to address. He stated directly: "How many property managers utilize Utah's good landlord program, which effectively bars registrants from providing housing." This wasn't a vague claim about discrimination but a specific identification of a state-supported program that excludes registered sex offenders from a substantial portion of Utah's rental housing stock.

The Good Landlord Program is a real Utah initiative that provides benefits and protections to property managers who meet certain standards in their rental practices. While the program has legitimate purposes around housing quality and tenant-landlord relationships, it has the effect of categorically excluding registered sex offenders from participating properties. This means that landlords who want to benefit from the Good Landlord Program cannot rent to anyone on the sex offense registry, regardless of the nature of their offense, how long ago it occurred, their compliance history, their current risk level, or any other individualizing factors.

Exclusion extends beyond private rental housing to emergency services: local homeless shelters that refuse to allow people who are on the registry access to their facilities. This testimony reveals that even when registrants become homeless due to housing discrimination, they cannot access the very shelters designed to serve homeless populations.

The shelter exclusion creates a particularly challenging barrier. When someone on the registry loses housing, whether through eviction, lease expiration, inability to pay rent, or relationship breakdown, they cannot access emergency shelter services that would normally provide temporary housing while they search for permanent placement. The justification is typically that shelters serve families with children and therefore exclude sex offenders categorically. However, this categorical exclusion means that even someone whose offense had nothing to do with children, or someone who committed an offense decades ago and has maintained perfect compliance since, cannot access emergency services.

The Circular Logic of State-Created Non-Compliance

The bill illustrates a circular policy challenge, where state actions contribute to a problem that the proposed enforcement measures then attempt to address. The logical chain operates as follows: First, state policy through the Good Landlord Program makes a substantial portion of rental housing unavailable to anyone on the sex offender registry, regardless of individual circumstances or risk levels. Second, registrants facing this categorical exclusion from much of the rental market become homeless because they cannot secure housing. Third, homeless registrants cannot provide residential addresses to the registry because they lack residences. Fourth, the state designates these individuals as non-compliant with registry requirements for failing to provide addresses they cannot obtain. Fifth, the state's response to this non-compliance it created is to impose GPS monitoring costing \$2,300 to \$5,600 per person annually.

The circularity is further reinforced by the fact that GPS monitoring does not address the underlying housing barriers. A person subjected to GPS monitoring for lack of an address remains excluded from Good Landlord Program properties. They remain barred from most homeless shelters. They still face the same housing discrimination that created their homelessness in the first place. The monitoring tracks them while homeless but provides no pathway out of homelessness. In fact, the monitoring may make housing even harder to obtain because visible ankle monitors create additional stigma and discrimination beyond the registry itself. Landlords who might consider renting to someone on the registry despite Good Landlord Program restrictions may be unwilling to rent to someone wearing visible GPS monitoring equipment.

The bill also does nothing to address the practical impossibility of GPS monitoring compliance for homeless individuals. Someone sleeping on the streets or in a tent encampment has no access to electrical outlets for charging monitoring equipment. Someone moving between temporary locations has no stable place to maintain equipment. Someone whose few possessions are vulnerable to theft while they sleep cannot protect expensive GPS devices. The bill thus creates mandatory compliance with requirements that are practically impossible to meet, then criminalizes non-compliance as a third-degree felony with mandatory minimum sentences. This approach effectively punishes individuals for circumstances beyond their control rather than for intentional wrongdoing. In practice, it risks converting systemic barriers like homelessness into criminal liability, exacerbating vulnerability instead of enhancing public safety.

Detailed Cost Analysis and Missed Opportunities

GPS monitoring installation costs \$150 per person and ongoing monitoring costs either \$6 per day through Adult Probation and Parole or \$15 per day through private companies. This translates to annual ongoing costs of \$2,190 to \$5,475 per person, not including the initial installation fee. These are not insignificant numbers, particularly when applied to populations that will likely be monitored for extended periods given the difficulty of obtaining housing while on the registry.

If we apply these costs to the current 97 estimated from Rep. Lisonbee, the fiscal implications become substantial. Using Adult Probation and Parole monitoring would be \$531,075 annually plus \$14,500 in installation costs, for a first-year total of \$545,625. These costs recur annually for as long as individuals remain without housing, which could be years or even decades given the structural barriers to housing access for registrants.

The bill states explicitly that “Money Appropriated in this Bill: None,” yet these costs will materialize regardless of whether they are formally appropriated. Section 53-29-406(3)(c) makes offenders responsible for “paying all or part of the cost incurred by the sex offender's participation in the program,” but Section 53-29-406(4) immediately qualifies this by stating “A sex offender is not required to pay the cost described in Subsection (3)(c) if the sex offender demonstrates to the department that the sex offender does not have the ability to pay.”

Given that we are discussing homeless individuals who by definition lack stable income, housing, or financial resources, virtually all of them will qualify for the indigence exception. This means the state and counties will bear nearly the entire cost burden. The question becomes which budgets absorb these costs. Will the Department of Public Safety budget need to expand to cover monitoring equipment and coordination? Will individual county sheriff budgets need new line items for monitoring oversight and equipment? Will Adult Probation and Parole need additional staff and resources to manage monitoring for their portion of the population? None of these questions received attention during the hearing.

More fundamentally, no one asked whether these monitoring costs represent the most effective use of limited public safety and social service resources. Housing First programs, which Utah has implemented successfully for general homeless populations, typically cost between \$6,000 and \$12,000 per person annually when including both housing subsidies and supportive services. This appears more expensive than the low-end GPS

monitoring cost of \$2,190 but comparable to or less than the high-end cost of \$5,475. However, housing provides something GPS monitoring cannot: it solves the underlying problem that created registry non-compliance in the first place.

A person who receives housing support immediately has an address to provide to the registry. They move from “Location Unknown” to compliant without any GPS monitoring. The housing also provides stability that enables other positive outcomes. With stable housing, employment becomes more feasible because the person has a place to sleep, store belongings, maintain hygiene, and receive communications from potential employers. With employment comes income that can eventually support independent housing without continued subsidy. With both housing and employment come reduced recidivism risk because research consistently shows that stability correlates with reduced criminal activity.

In contrast, GPS monitoring provides none of these benefits. It tracks someone who remains homeless, unemployable due to visible monitoring equipment and registry stigma, unstable due to constant movement between temporary locations, and unable to achieve the stability that would enable registry compliance. The monitoring costs continue indefinitely because the underlying homelessness is never addressed. Over a five-year period, GPS monitoring at even the low-end rate would cost \$10,950 per person compared to housing support that might cost \$30,000 to \$60,000 but could result in self-sufficiency and exit from both homelessness and monitoring. Thus, the bill invests heavily in a short-term tracking measure while failing to tackle the root causes of noncompliance, offering minimal long-term public safety or social benefit.

The committee never conducted this kind of comparative cost-benefit analysis. No one asked the Department of Public Safety or Adult Probation and Parole to estimate actual costs of implementing the monitoring program for the current population. No one asked the Department of Workforce Services or housing authorities what it would cost to provide targeted housing support to this population. No one requested fiscal notes comparing different intervention approaches. The discussion proceeded as if GPS monitoring were the only possible response to registry non-compliance and as if costs were irrelevant to the policy choice. By ignoring these critical analyses, the committee overlooked more effective and potentially less expensive alternatives, treating an untested enforcement measure as the default solution.

Sheriff Glover's Revealing Testimony About Costs

Sheriff Tracy Glover's testimony on behalf of the Utah Sheriff's Association provides insight into how implementing agencies view the costs and purposes of the bill. He acknowledged directly: "There is probably going to be some costs with it. Our hope is, is that as we start the monitoring, the cost might be a little higher. Our hope is within a couple of years, we'll get people to comply and then the number will be much smaller."

This statement reveals the actual theory of change underlying the bill, which differs from the public safety narrative presented by Rep. Lisonbee's co-presenters. The expectation is not that GPS monitoring will enhance supervision of people who genuinely cannot provide addresses. Rather, the expectation is that GPS monitoring will be sufficiently burdensome that people will provide addresses to avoid it. The monitoring is designed as a coercive compliance mechanism rather than as a genuine supervision tool for people who have no alternative to being homeless.

Sheriff Glover's hope that "within a couple of years, we'll get people to comply and then the number will be much smaller" assumes that people are choosing not to provide addresses when they could provide them. The logic is that faced with the hassle, expense, stigma, and restrictions of GPS monitoring, rational actors will decide to provide addresses they were previously withholding. The problem population will shrink through coerced compliance rather than through addressing root causes, thereby reducing costs over time.

If people are listed as "Location Unknown" not because they are hiding addresses but because they genuinely lack housing due to Good Landlord Program exclusions and shelter policies, then no amount of monitoring burden will enable them to produce addresses that don't exist. The coercion simply punishes people for circumstances beyond their control without achieving its intended compliance outcome.

Moreover, even if some portion of the "Location Unknown" population could theoretically provide addresses under sufficient pressure, the question remains whether coercive monitoring is appropriate or effective policy. Someone who is staying with family or friends on an informal basis without a lease may be uncertain whether that arrangement constitutes a reportable address. Someone who is moving frequently between temporary situations may lack a single consistent address to report. Someone who has an address but fears that reporting it will trigger eviction due to landlord concerns about registry status may avoid reporting. GPS monitoring as coercive

compliance doesn't address any of the reasons why people might struggle to provide addresses; it simply adds punishment for non-provision.

The sheriff's association's support for the bill despite acknowledged costs also reveals institutional interests at play. Sheriffs gain enhanced supervision tools and authority over a population. The first substitute's detailed provisions about sheriff responsibilities, jurisdictional determinations, and monitoring oversight create new roles and potentially new resources for sheriff departments. Even if the monitoring proves costly, those costs may be offset by enhanced institutional capacity and authority. However, these institutional interests of implementing agencies may not align with optimal policy for addressing registry non-compliance or protecting public safety.

The Good Landlord Program as Policy Contradiction

The Good Landlord Program deserves particular attention because it represents state policy directly creating the problem another state policy (GPS monitoring) then claims to address. The Good Landlord Program is not secret or informal discrimination; it is an official state-supported initiative that provides benefits to property managers who meet program standards. The program presumably has legitimate purposes around improving rental housing quality and professionalizing property management. However, its exclusion of Registrants as tenants creates a significant barrier to housing access.

The policy contradiction is stark. The state operates a program that makes substantial portions of rental housing unavailable to registered sex offenders. This contributes to homelessness among registrants. Homeless registrants cannot provide addresses to the registry. The state then defines this inability to provide addresses as non-compliance requiring GPS monitoring at significant public expense. At no point did the committee discuss whether it might be more effective and less expensive to reform the Good Landlord Program to allow individualized assessment rather than categorical exclusion.

An individualized assessment approach could consider factors such as the nature and age of the offense, the individual's compliance history with registry and supervision requirements, whether the offense involved children (relevant for family housing), time elapsed since the offense, evidence of rehabilitation, current risk level based on validated assessment tools, and the specific characteristics of the housing in question. This would allow property managers to make informed decisions rather than categorical

exclusions while still protecting the program's other purposes. Such a reform could immediately expand housing access for lower-risk registrants, potentially reducing the "location unknown" population substantially without any GPS monitoring costs. It would align with evidence-based approaches that emphasize risk-based rather than offense-based restrictions. It would acknowledge that people on the registry have widely varying risk profiles and that categorical exclusions often bear no relationship to actual risk. Most importantly, it would address a root cause of homelessness rather than surveilling the symptoms.

The committee's failure to even discuss Good Landlord Program reform specifically identifying it as a barrier reveals the limits of what was considered politically viable. Reforming a program to make housing more accessible to sex offenders, even lower-risk ones who have maintained years of compliance, is politically toxic in ways that expensive GPS monitoring is not. GPS monitoring allows legislators to appear tough on supervision and public safety. Good Landlord Program reform would open them to accusations of making it easier for sex offenders to live near families and children, even if the reform included appropriate risk-based safeguards.

Shelter Exclusions and the Absence of Emergency Options

The shelter exclusion issue compounds the housing problem by eliminating even temporary emergency options. When someone who is not on the registry experiences housing loss, they can typically access emergency shelter while working to secure permanent housing. This prevents street homelessness and provides a stable base for job searching, housing searching, and accessing services. Emergency shelters are not ideal long-term solutions, but they serve a critical function in preventing the descent from housing loss to street homelessness.

For registrants, this emergency option often doesn't exist. Many shelters categorically exclude anyone on the sex offense registry, particularly shelters that serve families. The justification is protection of children in shelter settings. However, this categorical approach doesn't distinguish between registrants who pose potential risks to children and those who don't. Someone whose offense was entirely unrelated to children faces the same exclusion as someone with multiple child-victim offenses. Someone who committed an offense twenty years ago and has maintained perfect compliance since faces the same exclusion as someone recently released with concerning risk indicators.

The shelter exclusion also doesn't account for alternative approaches that could maintain safety while providing access to emergency services. Shelters could develop protocols for separate intake processes, physical separation within facilities, supervised common areas, or partnership with specialized programs that serve registrant populations. Some jurisdictions have created dedicated shelter programs for registrants that provide safe emergency housing while maintaining separation from vulnerable populations. However, these alternatives require investment and political will that appear absent from Utah's current approach.

The result of combining rental housing exclusions with shelter exclusions is that registrants who lose housing have nowhere to go except the streets or other unsheltered locations. This immediately creates registry non-compliance because tent encampments, vehicles, and literal street homelessness don't provide the kinds of addresses the registry requires. The state has created a situation where certain categories of people have no lawful way to access housing and then penalizes them for the predictable consequence of being without addresses.

Addressing the local homeless shelters that refuse to allow people who are on the registry to allow registrants to access to their facilities as an interim measure while longer-term housing solutions are developed represents a concrete, achievable policy intervention that could reduce the "Location Unknown" population without GPS monitoring costs. Working with shelters to develop safe protocols for serving registrants would require coordination between the Department of Public Safety, homeless services agencies, shelter operators, and potentially probation and parole, but it would cost far less than GPS monitoring infrastructure while actually addressing a root cause of registry non-compliance.

Family Impact and Broadening Consequences

When housing barriers prevent a registrant from securing housing, and that person is part of a family unit, the entire family may be rendered homeless. A parent on the registry due to an offense committed before their children were born may be unable to house those children. A spouse who is not on the registry may be unable to access family housing if their partner is registered. Children in these families experience homelessness and instability due to policies targeting their parent or family member.

The bill makes no accommodation for these family situations. GPS monitoring of a parent doesn't house their children. In fact, visible monitoring equipment may make family housing even harder to access if

landlords or shelters view it as an indicator of ongoing supervision concerns. The policy treats individuals as if they exist in isolation rather than as members of families and communities whose housing instability has ripple effects on others, particularly vulnerable children.

The bill's supporters cited protection of children as a primary justification, with Reynolds testifying that children are disproportionately targeted by reoffenders. Yet the bill does nothing to address the harm to children who are rendered homeless because their parent on the registry cannot access housing. These children face all the documented harms of childhood homelessness, including educational disruption, health problems, developmental delays, and trauma, while GPS monitoring of their parent provides no assistance with housing, stability, or family welfare. In effect, the policy prioritizes abstract surveillance over tangible protections, leaving the very population it claims to safeguard—children—more vulnerable than before.

A housing-focused approach could include provisions specifically addressing families. Families with children could receive priority for housing assistance. Family-based housing could be structured to maintain safety while enabling access for lower-risk registrants who have dependents. Supportive services could address family needs holistically rather than treating the registrant in isolation. These approaches would protect children from both potential reoffense risks and from the harms of homelessness, whereas GPS monitoring addresses only the former while potentially exacerbating the latter. Such a strategy aligns interventions with both public safety and social welfare goals, creating durable outcomes that monitoring alone cannot achieve.

H.B. 370 treats homelessness among registrants as a compliance problem requiring surveillance rather than as a housing problem caused by state policies requiring reform. It creates a feedback loop where limited housing availability leads to homelessness, which makes providing an address difficult, and the state response—costly monitoring—does not resolve the underlying housing challenges. The committee never analyzed cost-effectiveness of monitoring versus housing interventions, never discussed reforming the Good Landlord Program or shelter exclusions, and never considered that addressing root causes might solve registry compliance more effectively than surveilling symptoms. This represents a fundamental failure to distinguish between enforcement approaches and service approaches, choosing the former despite evidence it won't solve the underlying problem and may cost more while achieving less.

Conclusion

A Fundamentally Flawed Approach

H.B. 370 fails on multiple fundamental levels. First, it solves the wrong problem by targeting homelessness caused by state policy rather than addressing intentional evasion of registry requirements. Second, it's built for the wrong population size, creating infrastructure for 291 people listed as "Location Unknown" when only 3 are actually documented as "Absconded" and evading the registry. Third, it employs the wrong intervention by using GPS monitoring instead of addressing the housing barriers that create registry non-compliance. Fourth, it has the wrong cost structure, directing resources toward expensive monitoring instead of potentially cheaper housing support that would solve the underlying problem.

Fifth, the prospective-only timeline contradicts the stated urgency, applying only to future offenses while leaving current "threats" unaddressed. Sixth, the development process was wrong, with stakeholder input limited to law enforcement while excluding service providers and affected populations. Seventh, the evidence basis was wrong, uncritically accepting research from undisclosed sources without independent verification or population matching. Eighth, the consequences will be wrong, likely increasing homelessness, criminalization, and instability rather than improving either public safety or registry compliance.

What Should Happen Instead

The immediate need is to pull this bill and conduct an actual needs assessment. The state should distinguish between "Location Unknown" and "Absconded" in the registry to understand the true scope of intentional evasion. It should survey the 291 people currently listed as "Location Unknown" reported by Rep. Lisonbee to understand why they lack addresses and what barriers they face. It should identify how many are truly evading versus how many are homeless due to policy barriers or living in informal arrangements that could be accommodated with minor policy changes.

In the short term, the state should reform the Good Landlord Program to allow case-by-case assessment instead of categorical exclusion of all registrants. It should work with homeless shelters to develop protocols for serving registrants safely rather than categorically excluding them. It should pilot a transitional housing program specifically designed for homeless

registrants. It should reserve GPS monitoring for the small number of confirmed evasion cases where warrants have been issued for absconding rather than applying it broadly to everyone who lacks a formal address.

Long-term solutions should include adopting a Housing First approach for homeless registrants, providing stable housing that simultaneously addresses homelessness and enables registry compliance. The state should develop evidence-based reentry support that addresses the full range of barriers to successful community reintegration. It should conduct rigorous cost-benefit analysis comparing monitoring interventions to housing investments over time.

The Fundamental Question

This bill forces a choice: does the state want to monitor homeless people for being unable to comply with requirements that state policies make impossible, or does it want to address the policy barriers that create homelessness and then monitor the small number who still intentionally evade? The bill chooses monitoring over housing, punishment over support, and treating symptoms over addressing causes.

The real consequences will be borne by homeless registrants who will be criminalized for circumstances created by state policy and by communities whose resources will be spent on monitoring instead of on interventions that might actually improve both public safety and human outcomes.

The bill passed unanimously not because it represents sound policy, but because political fear of appearing soft on sex offenders prevents rational analysis even when the evidence, the data, and the logic all point toward fundamentally different approaches. In a functioning policy process, a bill with this many unresolved questions, internal contradictions, and challenged factual premises would be sent back for substantial revision. Instead, it moves forward to the House floor, carried by political momentum rather than by policy merit.

