



Office of Utah for Rational Sex Offense Laws

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Representative Cheryl K. Acton
Utah House of Representatives
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Via email: cacton@le.utah.gov

Position Statement on H.B. 123 Subsitute #1 Sex, Kidnap, and Child Abuse Offender
Registration Amendments

Representative Acton,

Utah for Rational Sex Offense Laws (UTRSOL) strongly opposes H.B. 123 and urges the House
Judiciary Committee to reject consideration of this bill to the full House until the bill's sponsor
can produce systematic evidence supporting its core claims.

**H.B. 123 claims Utah has become a 'sanctuary state' for sex offenders exploiting registry
removal loopholes. However:**

- No systematic data exists documenting policy-driven interstate migration to Utah
- No states have been identified as formally complaining about Utah's policies
- No judges have been identified as systematically exploiting loopholes
- No annual tracking demonstrates when or whether out-of-state registrant increases
correlate with policy changes
- Every data request to verify these claims has been denied by state agencies or ignored by
the bill sponsor

The evidence supporting H.B. 123 consists of:

- Two data points separated by 20 years (insufficient to establish trends)
- Vague statements about 'very upset states' with no state identification
- Individual anecdotal cases from one police department
- Media coverage of interstate tracking failures unrelated to removal policies

We oppose H.B. 123 because:

- It addresses problems that have not been empirically demonstrated to exist at scale
- It creates blanket restrictions affecting all registrants based on isolated failures
- It does not address the documented problems it purports to solve (interstate coordination
and address verification)
- It violates fundamental principles of evidence-based policymaking

We request that the Committee:

- Delay consideration until annual out-of-state registrant data (2006-2025) is compiled
- Require identification of states allegedly upset with Utah's policies
- Request systematic reoffense analysis comparing removal outcomes
- Focus legislative efforts on documented interstate coordination failures

Criminal justice policy should be based on systematic evidence, not perception and anecdote. We urge the Committee to require evidence before advancing this legislation.

DETAILED OPPOSITION

1. The Evidence Gap: Claims Without Data

H.B. 123 rests on claims that cannot be verified:

Claim	Evidence Requested	Status
Utah is 'sanctuary state'	Annual registrant data 2006-2025	DENIED by BCI
'Very upset states'	Identify states; document complaints	NOT PROVIDED
'At least one judge'	Identify judge; specify cases	NO RESPONSE

The Two-Decade Gap: The primary evidence is that out-of-state registrants increased from 6.4% (2005) to 13% (2025). Without annual data, this could represent steady growth (0.33%/year), recent acceleration, or statistical noise. Utah's population grew 42% in this period; the registry grew 63%. No baseline comparison to national trends exists. Additionally, without contextualizing these figures against overall national registry trends, it's unclear whether Utah's increase reflects a unique state-level pattern or mirrors broader nationwide changes.

The VSC Meeting (Jan. 16, 2026): The Victim Services Commission voted unanimously to support H.B. 123 after hearing vague claims about 'very upset states' and offenders 'purposely moving to Utah'—yet no states were identified, no data requested, and Commission members were uncertain whether prior legislation (H.B. 197) had even passed. This raises concerns that the Commission's endorsement was based more on anecdote and assumption than on verified evidence or thorough analysis.

When asked for evidence: Crime Victim Advocate from Murray PD (who made the “upset states” statement) acknowledged to UTRSOL she lacked “grasp of the scope of documented interstate trends or formal complaints.” She cited two cases from her agency—not systematic evidence. This highlights that the legislative rationale relied on isolated incidents rather than comprehensive data, undermining the credibility of claims used to justify H.B. 123. Consequently, policy decisions appear to have been influenced more by perception and anecdote than by rigorous, evidence-based analysis.

2. H.B. 123 Misses the Actual Problems

Investigations and reporting, including KSL's 2023 Zaragoza case, show that real challenges in managing sex offender registries across state lines are operational and procedural rather than legal loopholes, but H.B. 123 doesn't address them:

Real Problems (documented in KSL's 2023 Zaragoza investigation):

- Registration compliance failures (offenders don't register when moving)
- Interstate notification delays (states don't promptly notify each other)
- Address verification gaps (states accept addresses without verification)

What H.B. 123 Actually Does:

- Requires out-of-state registrants comply with original jurisdiction's duration
- Eliminates removal pathways for compliant individuals
- Creates blanket restrictions on ~1,325 people (13% of registry)

What H.B. 123 Does NOT Do:

- Fix interstate notification systems
- Improve address verification
- Address coordination failures between states

The Zaragoza case (frequently cited as evidence) actually demonstrates verification and notification failures—not removal policy exploitation. Zaragoza never petitioned for removal; he simply failed to register initially in both states. This indicates that using Zaragoza as justification for H.B. 123 misrepresents the case, conflating administrative noncompliance with deliberate abuse of removal provisions.

The 'At Least One Judge' Has Not Been Identified

Representative Acton stated at a January 12, 2026 town hall: “At least one judge in Utah keeps letting people through that loophole when they move in from out of state...”

UTRSOL requested from Rep. Acton:

- Identification of which judge(s)
- Specific cases demonstrating the pattern
- Legal analysis of how decisions constitute 'loopholes'

Representative Acton has not responded to two requests (January 20, January 30) for this information. UTRSOL has reason to believe that the judge Rep. Acton is referring to is Judge Don Torgerson who gained widespread media attention in 2025 when he sentenced a 22-year-old man who moved to Utah from Maine to 112 days in jail and probation for possessing child sexual abuse material. The lack of response from Rep. Acton prevents verification of key claims, leaving the legislative record dependent on unconfirmed assertions rather than documented evidence.

3. Disproportionate Impact from Unquantified Failures

The strongest empirical evidence: Two cases from Murray PD where individuals obtained removal and later committed new offenses. These cases are deeply troubling and warrant investigation. However, two isolated cases cannot reliably justify broad, statewide policy changes affecting over a thousand registrants.

- We don't know if this represents 2 failures out of 50 petitions or 500
- We don't know if failure rates differ from in-state registrants granted removal
- We don't know if they moved to Utah to exploit laws or for other reasons
- We don't know if judges granted removal appropriately or inappropriately

Creating blanket restrictions affecting 1,325 individuals based on two documented failures—without knowing context, base rates, or comparative failure rates—violates principles of proportionate justice. Such an approach risks punishing compliant individuals preemptively while failing to target the systemic issues that actually enable recidivism or noncompliance.

4. Committee Requests

UTRSOL requests that the Committee reject consideration of H.B. 123 to the House floor until:

1. Required Data Production:

- Annual totals of out-of-state registrants (2006-2025) to establish actual trends
- Identification of states allegedly 'very upset' with documentation of complaints
- Petition data: total requests, approval rates, subsequent criminal history (by in-state vs. out-of-state conviction)

2. Alternative Legislative Focus:

- Interstate notification protocols with mandatory timelines
- Address verification requirements for arrivals and departures
- Independent verification systems (not relying solely on receiving states)
- Annual reporting requirements for registry demographics

This House Judiciary Committee should prioritize legislation that addresses verified interstate registry failures—such as notification delays, inadequate address verification, and lack of independent oversight—while instituting annual reporting to ensure transparency and evidence-based policy. It is incumbent upon you as elected officials to not merely speak about truth, but to actively pursue it—grounding decisions in evidence rather than assumption or anecdote. Doing so will protect public safety more effectively than blanket restrictions based on unverified claims or isolated cases.

Conclusion

H.B. 123 is legislation in search of a problem. It claims Utah is a 'sanctuary state'—but when UTRSOL requested supporting data, every governmental entity capable of providing it either denied access, declined to assist, or failed to respond. The Victim Services Commission voted to support without requesting verification.

The 'evidence' consists of: two data points 20 years apart, unnamed 'very upset states,' two cases from one police department, and media coverage of problems H.B. 123 doesn't address. None of these sources provide a systematic or comprehensive basis for restricting the rights of over 1,300 registrants. Rushing legislation on such a weak evidentiary foundation risks enacting policies that are both ineffective and unjust.

UTRSOL supports evidence-based registry reform and recognizes interstate coordination failures need attention. But we cannot support legislation that addresses undemonstrated problems with disproportionate restrictions while ignoring documented failures.

We urge the Committee to: (1) reject consideration, (2) require data production from the Office Of Legislative Research and General Counsel (OLRGC), (3) focus on documented interstate coordination failures, and (4) establish evidentiary standards for criminal justice legislation. Criminal justice policy should be based on systematic evidence, not perception and anecdote

Sincerely

Utah for Rational Sex Offense Laws

UTRSOL/lm