



# Office of Utah for Rational Sex Offense Laws

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February 2, 2026

Senator Calvin Musselman  
Utah State Senate  
320 E Capitol St  
Salt Lake City, UT 84114  
Via email: cmusselman@le.utah.gov

Position Statement on S.B. 30 Human Trafficking, Exploitation, and Smuggling Amendments

Dear Senator Musselman,

Utah for Rational Sex Offense Laws (UTRSOL) does not oppose the comprehensive revisions and reorganization proposed in S.B. 30 regarding laws on human trafficking, exploitation, and smuggling. The bill reflects a thoughtful effort to clarify, modernize, and strengthen Utah's legal framework for addressing these serious offenses. However, from a policy and public-safety perspective, we firmly oppose the classification of certain non-sexual offenses as registrable sex offenses. Specifically, we oppose the continued inclusion of the following four statutes on the sex offender registry:

**1. Human Trafficking for Labor (Section 76-5-308)**

This offense involves labor exploitation through force, fraud, or coercion but explicitly excludes commercial sexual acts or sexually explicit performances (Section 76-5-308(2)(b)). As a labor-related crime with no sexual component, it does not belong on a sex offender registry.

**2. Human Trafficking of a Child for Labor (Section 76-5-308.5)**

Similarly, this offense involves child labor trafficking but explicitly excludes commercial sexual acts or sexually explicit performances (Section 76-5-308.5(2)(b)). While involving a child victim, the offense is fundamentally about labor exploitation, not sexual conduct.

**3. Human Smuggling (Section 76-5-316)**

This offense concerns the illegal transportation of individuals across borders and contains no sexual elements whatsoever. Its inclusion on the sex offender registry is particularly problematic and unjustified.

**4. Aggravated Human Smuggling (Section 76-5-317)**

Like its underlying offense, aggravated human smuggling involves illegal transportation under aggravating circumstances but contains no sexual component. Its classification as a registrable sex offense is inappropriate.

## **Policy Rationale**

The sex offender registry serves a critical public-safety function when it is properly focused on individuals convicted of sex offenses. When used as intended, the registry can assist law enforcement, inform communities, and support prevention efforts by providing accurate, relevant information about offenses that pose a genuine risk of sexual harm. Maintaining a clear and narrow focus helps preserve the registry’s credibility, effectiveness, and alignment with its public-safety purpose. However, including non-sex offenses:

### **1. Dilutes the Registry’s Effectiveness**

Including individuals convicted of non-sex related offenses on a registry that is widely perceived as a sex offender registry dilutes its focus and undermines its effectiveness as a public-safety tool. Law enforcement, parents, and community members rely on the registry to identify individuals who pose a genuine risk. Expanding the registry to include labor trafficking and smuggling offenses introduces confusion about who is listed and why, diminishing the registry’s clarity, reliability, and overall utility in protecting the public. Over time, this overinclusive approach risks desensitizing the public to registry listings and weakening the very warnings the registry is intended to provide.

### **2. Misleads the Public**

When members of the public search the sex offender registry, they reasonably expect to find individuals who have committed sex offenses. Including individuals convicted of labor trafficking or smuggling under a “sex offender” designation is fundamentally misleading and erodes public trust in the registry. Regardless of the specific offense, anyone listed on the Utah Sex, Kidnap, and Child Abuse Offender Registry is publicly perceived as having committed a sex offense—often against minors. The general public does not understand, and cannot reasonably be expected to understand, the legal nuances behind the registry’s umbrella offense categories. As a result, overinclusive listing distorts the registry’s purpose and diminishes its credibility as a public-safety tool.

### **3. Imposes Disproportionate Collateral Consequences**

Sex offender registration imposes severe and often lifelong collateral consequences, including housing restrictions, employment barriers, and pervasive social stigma. While such consequences may be justified in the context of sex offenses, extending them to non-sex related crimes such as labor exploitation or smuggling is disproportionate and undermines rehabilitation. Overbroad registration requirements can hinder successful reintegration, increase instability, and ultimately work against, rather than in support of, long-term public safety. Policies that blur these distinctions risk punishing individuals beyond the scope of their conduct while yielding no corresponding public-safety benefit.

#### **4. Creates Legal and Constitutional Concerns**

Classifying non-sex related offenses as sex offenses for registry purposes raises serious concerns regarding accuracy, proportionality, and due process. Individuals convicted of labor trafficking or smuggling offenses are labeled as sex offenders despite the absence of any sexual element in their conduct, creating a profound mismatch between the nature of the offense and the designation imposed. This misclassification undermines the fairness and integrity of the registry system. It also risks eroding public confidence in the registry, making it less effective as a tool for protecting communities from genuine sexual threats.

#### **Recommendation**

UTRSOL respectfully urges the Utah Legislature to:

Remove the following four statutes from the registrable offenses listed in Section 53-29-202:

- Human Trafficking for Labor (Section 76-5-308)
- Human Trafficking of a Child for Labor (Section 76-5-308.5)
- Human Smuggling (Section 76-5-316)
- Aggravated Human Smuggling (Section 76-5-317)

These offenses should be prosecuted and punished appropriately as serious crimes, but they do not warrant inclusion on a registry specifically designed for sex offenses.

#### **Conclusion**

S.B. 30 makes important improvements to Utah's human trafficking laws. However, the continued inclusion of non-sexual labor trafficking and smuggling offenses on the sex offender registry undermines the registry's purpose, misleads the public, and imposes disproportionate consequences on offenders whose conduct involved no element of sex offense. UTRSOL strongly supports removing these four statutes from the registry while maintaining appropriate criminal penalties for these serious crimes. Clarity, accuracy, and proportionality in our criminal justice system serve both public safety and justice.

Sincerely

Utah for Rational Sex Offense Laws

UTRSOL/lm