**R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.**

**R722-360. Certificate of Eligibility for Removal from the Sex, Kidnap, and Child Abuse Offender Registry.**

**R722-360-1. Purpose.**

The purpose of this rule is to establish procedures by which a petitioner may seek a certificate of eligibility for removal from the Utah Sex, Kidnap, and Child Abuse Offender Registry (SOR) pursuant to Section 53-29-207.

**R722-360-2. Authority.**

This rule is authorized by Subsection 63G-4-203(1).

**R722-360-3. Definitions.**

(1) Terms used in this rule are defined in Sections 53-29-101 and 53-29-201.

(2) In addition:

(a) "SOR certificate of eligibility" has the same meaning as "certificate of eligibility" as defined in Subsection 53-29-101(2); and

(b) "petitioner" means a person seeking an SOR certificate of eligibility from the bureau.

**R722-360-4. Application for a Certificate of Eligibility for Removal.**

(1)(a) A person may apply for an SOR certificate of eligibility by submitting a completed Application for Early Removal of Name from the Sex, Kidnap, and Child Abuse Offender Registry form to the bureau.

(b) The application form must be accompanied by a payment of the application fee established by the bureau in the form of cash, check, money order, or credit card.

(2)(a) Upon receipt of a completed application form and payment of the application fee, the bureau shall review each criminal episode contained on the petitioner's criminal history, in its entirety, to determine whether the petitioner meets the requirements for an SOR certificate of eligibility found in Sections 53-29-204 through 53-29-206.

(b) In making its determination, the bureau shall also review all federal, state and local criminal records, to which it has access.

(3)(a) If the bureau has insufficient information to determine whether the petitioner meets the requirements for an SOR certificate of eligibility, the bureau may require the petitioner to submit additional information.

(b) If the bureau does not receive additional information requested within 60 days from the date of the request, the petitioner's application shall be denied.

(4)(a) If the bureau finds that the petitioner meets the requirements for the issuance of an SOR certificate of eligibility, the bureau shall send a letter to the petitioner, at the address indicated on the application form, indicating that the petitioner must pay the issuance fee established by the bureau to receive the SOR certificate of eligibility.

(b) If the payment for the certificate of eligibility is not received by the bureau within 60 days from the date of the approval letter;

(i) the petitioner's application shall be voided; and

(ii) the petitioner will be required to submit a new application form and pay applicable fees.

(5) If the bureau finds that the petitioner does not meet the criteria for the issuance of an SOR certificate of eligibility, the bureau shall send a letter to the petitioner, at the address indicated on the application form, which describes the reasons why the petitioner's application was denied and notifies the petitioner that the petitioner may seek agency review of the bureau's decision by following the procedures outlined in Section R722-360-5.

**R722-360-5. Agency Review of a Decision to Deny an Application for a Certificate of Eligibility for Removal.**

(1) A petitioner may seek agency review of the denial of an application for an SOR certificate of eligibility, as provided by Section 63G-4-301, by mailing a written request for review to the bureau within 30 days from the date the denial letter is issued.

(2) The request for agency review must:

(a) be signed by the petitioner;

(b) state the specific grounds upon which relief is requested;

(c) state the date upon which it was mailed; and

(d) include documentation which supports the petitioner's request for review.

(3) An employee of the bureau shall be designated to review the petitioner's written request, any accompanying documents supplied by the petitioner, and the materials contained in the application file to determine whether the petitioner meets the requirements for an SOR certificate of eligibility.

(4)(a) Within a reasonable time after receiving the request for review, the bureau shall issue a final written order on review, which shall be mailed to the petitioner at the address indicated on the application.

(b) If further review indicates that the petitioner meets the requirements for the issuance of an SOR certificate of eligibility, the order shall state that the petitioner must pay the issuance fee before receiving the SOR certificate of eligibility.

(c) If further review indicates that the petitioner does not meet the requirements for an SOR certificate of eligibility, the order shall describe the reasons why the bureau's decision was upheld and notify the petitioner that the petitioner's opportunity to review the bureau's decision is limited to review by the district court as described in Section R722-360-6.

**R722-360-6. Judicial Review.**

A petitioner may seek judicial review of the bureau's final written order on review denying an application for an SOR certificate of eligibility, as provided by Section 63G-4-402, by filing a complaint in the district court within 30 days from the date that the bureau's final written order is issued.

**KEY: certificate of eligibility for removal, sex offender registry, kidnap offender registry, child abuse offender registry**

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**Authorizing, and Implemented or Interpreted Law: 63G-4-203(1); 53-29-202; 53-29-204; 53-29-205; 53-29-206; 53-29-207**