

On page 3, line 15, of the Introduced bill, after the end of the last paragraph insert "

Section 3. That § 22-24B-19 be AMENDED:

22-24B-19. Criteria for removal from registry as Tier I offender.

To be eligible for removal from the registry as a Tier I offender, the petitioner shall show, by clear and convincing evidence, that all of the following criteria have been met:

- (1) At least five years have elapsed since the date the petitioner first registered pursuant to this chapter;
- (2) The crime requiring registration was for:
 - (a) Statutory rape under subdivision 22-22-1(5), or an attempt to commit statutory rape under subdivision 22-22-1(5), but only if the petitioner was twenty-one years of age or younger at the time the offense was committed or attempted;
 - (b) A juvenile adjudication for a sex crime as defined in subdivision 22-24B-1(1);
 - (c) Sexual contact under § 22-22-7 if the victim was between the ages of thirteen and sixteen and the petitioner was at least three years older than the victim, but only if the petitioner was twenty-one years of age or younger at the time the offense was committed; ~~or~~
 - (d) Felony use or dissemination of visual recording or photographic device without consent under § 22-21-4; or
 - (e) An out-of-state, federal or court martial offense that is comparable to the elements of the crimes listed in (a), (b), or (c);
- (3) The circumstances surrounding the crime requiring registration did not involve a child under the age of thirteen;
- (4) The petitioner is not a recidivist sex offender;
- (5) The petitioner has substantially complied in good faith with the registration and re-registration requirements imposed under chapter 22-24B; and
- (6) Petitioner demonstrates to the satisfaction of the court that he or she does not pose a risk or danger to the community.

For purposes of this section, any period of time during which the petitioner was incarcerated or during which the petitioner was confined in a mental health facility does

not count toward the five-year calculation, regardless of whether such incarceration or confinement was for the sex offense requiring registration or for some other offense.

"On page 3, line 17, after the end of the last paragraph insert "

Section 4. That § 22-21-4 be AMENDED:

**22-21-4. Use or dissemination of visual recording or photographic device--
Violation as misdemeanor or felony.**

No person may use or disseminate in any form any visual recording or photographic device to photograph or visually record any other person without clothing or under or through the clothing, or with another person depicted in a sexual manner, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to self-gratify, to harass, or embarrass and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy. A violation of this section is a Class 1 misdemeanor. However, a violation of this section is a Class 6 felony if the victim is seventeen years of age or younger and the perpetrator is at least twenty-one years ~~old~~ of age at the time the photograph or recording is made.

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