

Representative Gregory H. Hughes proposes the following substitute bill:

SEX OFFENDER LAW AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Mike Dmitrich

LONG TITLE

General Description:

This bill modifies the Code of Criminal Procedure to require the Utah Department of Corrections to use a periodic multi-domain assessment tool during a ~~H→ [one-year]~~ three-year ←H period to evaluate sex offenders who are supervised in the community.

Highlighted Provisions:

This bill:

- ▶ requires the Utah Department of Corrections to issue a request for proposals to provide a multi-domain assessment to registered sex offenders it supervises in the community in Region 3 beginning July 1, 2008 and ending June 30, ~~H→ [2009]~~ 2011 ←H ;
- ▶ requires that the assessment is to be administered:
 - not less than every 16 weeks during the first year the offender is supervised in the community; and
 - not less than every 26 weeks nor more than every 12 weeks as determined to be appropriate by the department's supervisory personnel and the sex offender's treatment team, during the second or subsequent year the offender is supervised in the community and continuing until termination of the offender's probation or parole;
- ▶ specifies the content of the assessment tool; and



26 ▶ provides definitions.

27 **Monies Appropriated in this Bill:**

28 This bill appropriates ~~Ĥ→~~ : ~~←Ĥ~~

28a ~~Ĥ→~~ [~~\$495,000~~] \$200,000 ~~←Ĥ~~ ~~Ĥ→~~ **in non-lapsing funds** ~~←Ĥ~~ from the General Fund for fiscal year

28b 2008-09 only, to

29 the Utah Department of Corrections.

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **77-27-21.9**, Utah Code Annotated 1953



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **77-27-21.9** is enacted to read:

38 **77-27-21.9. Sex offender assessment.**

39 (1) As used in this section:

40 (a) "Dynamic factors" means a person's individual characteristics, issues, resources, or
41 circumstances that:

42 (i) can change or be influenced; and

43 (ii) affect the risk of recidivism or the risk of violating conditions of probation or
44 parole.

45 (b) "Multi-domain assessment" means an evaluation process or tool which reports in
46 quantitative and qualitative terms an offender's condition, stability, needs, resources, and

47 dynamic factors affecting the offender's transition into the community and compliance with

48 conditions of probation or parole ~~Ĥ→~~ [~~These domains shall include~~] , **such as the following** ~~←Ĥ~~ :

49 (i) alcohol and other drug use;

50 (ii) mental health status;

51 (iii) physical health;

52 (iv) criminal behavior;

53 (v) education;

54 (vi) emotional health and barriers;

55 (vii) employment;

56 (viii) family dynamics;

- 57 (ix) housing;
 58 (x) physical health and nutrition;
 59 (xi) spirituality;
 60 (xii) social support systems;
 61 (xiii) special population needs ~~H→~~ , including ~~←H~~ ;
 62 (A) co-existing disorders;
 63 (B) domestic violence;
 64 (C) drug of choice;
 65 (D) gender, ethnic, and cultural considerations;
 66 (E) other health issues;
 67 (F) sexual abuse; and
 68 (G) sexual orientation;
 69 (xiv) transportation; and
 70 (xv) treatment involvement.

71 (c) "Qualitative terms" means written summaries used to describe meaning, enrich, or
 72 explain significant quantitative indicators or benchmarks within the areas defined in Subsection
 73 (1)(b).

74 (d) "Quantitative terms" means numerical distinctions or benchmarks used to describe
 75 conditions within the areas defined in Subsection (1)(b).

76 (2) The department shall issue a request for proposals to provide a periodic
 77 multi-domain assessment tool, as defined in Subsection (1)(b) and implement the tool for a
 78 ~~H→~~ [one-year] three-year ~~←H~~ trial period in the management of sex offenders being supervised
 78a in the community in
 79 the department's Region 3.

80 (3) The request for proposals shall include a requirement that the multi-domain
 81 assessment tool be designed to be administered:

82 (a) every 16 weeks during the first year a sex offender is supervised in the community;
 83 and

84 (b) every 12 to 26 weeks during the second and subsequent years a sex offender is
 85 supervised in the community, as determined appropriate by the department's
 86 supervisory personnel and the sex offender's treatment team.

87 (4) The department shall promptly make results of the multi-domain assessment

88 available to:

89 (a) the sex offender's treatment team; and

90 (b) the corrections personnel responsible for supervising the offender.

91 (5) The department shall provide to the legislative Law Enforcement and Criminal

92 Justice Interim Committee at the conclusion of the trial period a written report of the results of

93 the use of the multi-domain assessments, including:

94 (a) the impact on recidivism;

95 (b) other indicators of the effect of the use of the assessments;

96 (c) the number of assessments administered annually;

97 (d) the number of individuals who were assessed during the year; and

98 (e) any recommended legislative or policy changes.

99 **Section 2. Appropriation.**

100 **H→ (1) ←H** There is appropriated from the General Fund, for fiscal year 2008-09 only,

100a **S→ [\$495,000] \$200,000 ←S** to

101 the Utah Department of Corrections to be used for issuing a request for proposals and

102 conducting a H→ [one-year] three-year ←H trial of a multi-domain assessment tool, for sex

102a offenders being

103 supervised in the community, as described in Section 77-27-21.9.

103a **H→ (2) It is the intent of the Legislature that this one-time appropriation be**

103b **non-lapsing. ←H**

H.B. 109 1st Sub. (Buff) - Sex Offender Law Amendments - As Amended

Fiscal Note

2008 General Session
State of Utah

State Impact

The bill appropriates one-time, non-lapsing General Funds of \$200,000 for FY 2009 to the Utah Department of Corrections.

| | <u>FY 2008</u> <u>Approp.</u> | <u>FY 2009</u> <u>Approp.</u> | <u>FY 2010</u> <u>Approp.</u> | <u>FY 2008</u> <u>Revenue</u> | <u>FY 2009</u> <u>Revenue</u> | <u>FY 2010</u> <u>Revenue</u> |
|------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| General Fund, One-Time | \$0 | \$200,000 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$200,000 | \$0 | \$0 | \$0 | \$0 |

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.