

**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

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**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 one-year trial 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, 2009;
- ▶ 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 \$495,000 from the General Fund for fiscal year 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

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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. These domains shall include:

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;
- 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 one-year trial period in the management of sex offenders being supervised 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 There is appropriated from the General Fund, for fiscal year 2008-09 only, \$495,000 to  
101 the Utah Department of Corrections to be used for issuing a request for proposals and  
102 conducting a one-year trial of a multi-domain assessment tool, for sex offenders being  
103 supervised in the community, as described in Section 77-27-21.9.

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

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

The bill appropriates one-time General Funds of \$495,000 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	\$495,000	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$495,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**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.