

Representative Jeremy A. Peterson proposes the following substitute bill:

FINGERPRINTS OF JUVENILES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: Daniel W. Thatcher

LONG TITLE

General Description:

This bill requires fingerprints and photographs of juveniles to be taken and stored in specific circumstances.

Highlighted Provisions:

This bill:

requires fingerprints and photographs of juveniles to be taken when a juvenile age 14 or older is:

- admitted to a detention facility for an offense that would be a felony if committed by an adult;
- adjudicated by the juvenile court for an offense that would be a felony or class A misdemeanor if committed by an adult; and

restricts the distribution of fingerprints and photographs.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 78A-6-1104, as renumbered and amended by Laws of Utah 2008, Chapter 3



27
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section 78A-6-1104 is amended to read:

30 78A-6-1104. When photographs, fingerprints, or HIV infection tests may be
31 taken -- Distribution -- Expungement.

32 (1) ~~[Photographs may be taken of a minor]~~ The Division of Juvenile Justice Services
33 shall take a photograph and fingerprints of all minors 14 years of age or older who~~[:(a) is~~
34 ~~taken into custody]~~ are admitted to a detention facility operated by the Division of Juvenile
35 Justice Services for the alleged commission of an offense ~~[under Sections 78A-6-103,~~
36 ~~78A-6-701, and 78A-6-702]~~ that would ~~[also] be~~ ~~[an offense]~~ a felony if the minor were 18
37 years of age or older~~[:or].~~

38 ~~[(b) has been determined to be a serious habitual offender for tracking under Section~~
39 ~~63M-10-201 and is under the continuing jurisdiction of the Juvenile Court or the Division of~~
40 ~~Juvenile Justice Services;]~~

41 ~~[(2) (a) Fingerprints may be taken of a minor 14 years of age or older who:]~~

42 ~~[(i) is taken into custody for the alleged commission of an offense that would be a~~
43 ~~felony if the minor were 18 years of age or older;]~~

44 ~~[(ii) has been determined to be a serious habitual offender for tracking under Section~~
45 ~~63M-10-201 and is under the continuing jurisdiction of the Juvenile Court or the Division of~~
46 ~~Juvenile Justice Services; or]~~

47 ~~[(iii) is required to provide a DNA specimen under Section 53-10-403.]~~

48 (2) The Juvenile Court shall order a minor 14 years of age or older to have their
49 fingerprints taken at a detention facility operated by the Division of Juvenile Justice Services or
50 a local law enforcement agency if the minor is:

51 (a) adjudicated for an offense that would be a class A misdemeanor if the minor were
52 18 years of age or older; or

53 (b) adjudicated for an offense that would be a felony if the minor were 18 years of age
54 or older and the minor was not admitted to a detention facility operated by the Division of
55 Juvenile Justice Services.

56 (3) The Juvenile Court shall take a photograph of all minors 14 years of age or older

57 who are adjudicated for an offense that would be a felony or a class A misdemeanor if the
58 minor were 18 years of age or older.

59 ~~[(b)]~~ (4) Fingerprints shall be forwarded to the Bureau of Criminal Identification and
60 may be stored by electronic medium.

61 ~~[(3)]~~ (5) HIV testing may be conducted on a minor who is taken into custody after
62 having been adjudicated to have violated state law prohibiting a sexual offense under Title 76,
63 Chapter 5, Part 4, Sexual Offenses, upon the request of the victim or the parent or guardian of a
64 child victim.

65 ~~[(4)]~~ (6) HIV tests, photographs, and fingerprints may not be taken of a child younger
66 than 14 years of age without the consent of the court.

67 ~~[(5)]~~ (7) (a) Photographs taken under this section may be distributed or disbursed to the
68 following individuals or agencies ~~[other than state or local law enforcement agencies only~~
69 ~~when a minor 14 years of age or older is charged with an offense which would be a felony if~~
70 ~~committed by an adult.];~~

71 (i) state and local law enforcement agencies;

72 (ii) the Judiciary; and

73 (iii) the Division of Juvenile Justice Services.

74 (b) Fingerprints may be distributed or disbursed to the following individuals or
75 agencies ~~[other than state or local law enforcement agencies.];~~

76 (i) state and local law enforcement agencies;

77 (ii) the Judiciary;

78 (iii) the division of Juvenile Justice Services; and

79 (iv) agencies participating in the Western Identification Network.

80 ~~[(6)]~~ (8) When a minor's juvenile record is expunged, all photographs and other records
81 as ordered shall upon court order be destroyed by the law enforcement agency. Fingerprint
82 records may not be destroyed.

REVISED FISCAL NOTE

H.B. 48 3rd Sub. (Cherry)

SHORT TITLE: Fingerprints of Juveniles

SPONSOR: Peterson, J.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Department of Public Safety \$15,400 and the Division of Juvenile Justice Services \$6,000 ongoing from the General Fund to process increased fingerprinting activities beginning in FY 2012. Enactment of this bill will also cost the Division of Juvenile Justice Services \$30,000 one-time from nonlapsing funds to purchase and maintain Livescan equipment in three different locations beginning in FY 2012.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund	\$0	\$21,400	\$21,400
Nonlapsing Funds	\$0	\$30,000	\$0
Total Expenditure	\$0	\$51,400	\$21,400
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$51,400)	(\$21,400)
Net Impact, General/Education Funds	\$0	(\$21,400)	(\$21,400)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.