

## HB0345S01 compared with HB0345

~~{deleted text}~~ shows text that was in HB0345 but was deleted in HB0345S01.

inserted text shows text that was not in HB0345 but was inserted into HB0345S01.

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Representative Daniel McCay proposes the following substitute bill:

### EDUCATION ABUSE POLICY ~~{FOR EDUCATORS}~~

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill modifies provisions related to school personnel employment and licensing procedures and student abuse reporting.

##### Highlighted Provisions:

This bill:

- ▶ modifies requirements for providing and obtaining employment and disciplinary history of school personnel;
- ▶ modifies requirements and procedures for educator licensing;
- ▶ gives rulemaking authority to the State Board of Education;
- ▶ modifies provisions related to mandatory reporting of student abuse; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

~~{53A-6-401}~~53A-6-306, as last amended by Laws of Utah 2010, Chapter ~~{362}~~283

53A-6-402, as repealed and reenacted by Laws of Utah 1999, Chapter 108

53A-6-502, as last amended by Laws of Utah 2003, Chapter 315

53A-6-604, as enacted by Laws of Utah 1999, Chapter 108

77-37-4, as last amended by Laws of Utah 2014, Chapter 90

REPEALS AND REENACTS:

53A-6-307, as enacted by Laws of Utah 1999, Chapter 108

53A-6-405, as enacted by Laws of Utah 1999, Chapter 108

53A-6-501, as last amended by Laws of Utah 2011, Chapter 320

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

Section 1. Section 53A-6-306 is amended to read:

53A-6-306. ~~{Purpose, powers, and}~~UPPAC duties ~~{of UPPAC}~~and procedures --  
Board rulemaking authority.

~~[(1) UPPAC shall:]~~

~~[(a) adopt rules consistent with applicable law and board rules to carry out its responsibilities under this chapter;]~~

~~[(b) make recommendations to the board and professional organizations of educators:]~~

~~[(i) concerning standards of professional performance, competence, and ethical conduct for persons holding licenses issued by the board; and]~~

~~[(ii) for the improvement of the education profession;]~~

~~[(c) establish procedures for receiving and acting upon reports or allegations regarding immoral, unprofessional, or incompetent conduct, unfitness for duty, or other violations of standards of ethical conduct, performance, or professional competence;]~~

~~[(d) investigate any allegation of sexual abuse of a student or a minor by an educator; and]~~

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~~[(e) establish the manner in which hearings are conducted and reported, and recommendations are submitted to the board for its action.]~~

~~[(2)(a) UPPAC may conduct or authorize investigations relating to any matter before UPPAC.]~~

~~†]~~

(1) (a) The board shall make rules regarding UPPAC duties and procedures.

(b) The board may direct UPPAC to:

(i) review a complaint;

(ii) investigate a complaint in accordance with Subsection (2)(a);

(iii) hold a hearing; or

(iv) take other action the board finds appropriate for UPPAC.

(c) Upon completion of an investigation or hearing, UPPAC shall:

(i) provide findings to the board; and

(ii) make a recommendation for board action.

(2) (a) The board may direct UPPAC or an independent investigator operating under UPPAC supervision to hold an investigation.

(b) Those investigations shall be independent of and separate from any criminal investigation.

(c) In conducting an investigation UPPAC or an investigator operating under ~~[UPPAC]~~ board authorization may:

(i) administer oaths and issue subpoenas which may be enforced through the state district courts;

(ii) receive any evidence related to an alleged offense, including sealed or expunged records released to the board under Section 77-40-109; and

(iii) where reasonable cause exists, initiate a criminal background check on a license holder.

(d) (i) A license holder shall receive written notice if a fingerprint check is required as a part of the background check.

(ii) Fingerprints of the individual shall be taken, and the Law Enforcement and Technical Services Division of the Department of Public Safety shall release the individual's full record, as shown on state, regional, and national records, to UPPAC.

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(iii) ~~[UPPAC]~~ The board shall pay the cost of the background check except as provided under Section 53A-6-401, and the money collected shall be credited to the Law Enforcement and Technical Services Division to offset its expenses.

(3) ~~[UPPAC is entitled to]~~ The board shall establish in rule a rebuttable evidentiary presumption that a person has committed a sexual offense against a minor child if the person has:

(a) after having had a reasonable opportunity to contest the allegation, been found pursuant to a criminal, civil, or administrative action to have committed a sexual offense against a minor child;

(b) pled guilty to a reduced charge in the face of a charge of having committed a sexual offense against a minor child, entered a plea of no contest, entered into a plea in abeyance resulting in subsequent dismissal of such a charge, or failed to defend himself against such a charge when given reasonable opportunity to do so; or

(c) voluntarily surrendered a license or certificate or allowed a license or certificate to lapse in the face of a charge of having committed a sexual offense against a minor child.

(4) In resolving a complaint ~~[UPPAC]~~ the board may:

(a) dismiss the complaint;

(b) issue a warning or reprimand;

(c) issue an order of probation requiring an educator to comply with specific conditions in order to retain a license;

(d) enter into a written agreement requiring an educator to comply with certain conditions;

(e) recommend board action such as revocation or suspension of a license or restriction or prohibition of licensure; or

(f) take other appropriate action.

(5) UPPAC may not:

(a) participate as a party in any dispute relating to negotiations between a school district and its educators;

(b) ~~[take]~~ recommend action against an educator without giving the individual an opportunity for a fair hearing to contest the allegations upon which the action would be based; or

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(c) ~~[take]~~ recommend action against an educator unless ~~[it finds that]~~ the action or the failure of the educator to act impairs the educator's ability to perform the functions of the educator's position.

(6) The board may direct UPPAC to make recommendations to the board and professional organizations of educators:

(a) concerning standards of professional performance, competence, and ethical conduct for persons holding licenses issued by the board; or

(b) for the improvement of the education profession.

Section ~~{1}~~2. Section **53A-6-307** is repealed and reenacted to read:

**53A-6-307. Licensing power of the board -- Licensing final action -- Appeal rights.**

(1) The board holds the power to license educators.

(2) (a) The board shall take final action with regard to an educator license.

(b) An entity other than the board may not take final action with regard to an educator license.

~~{~~ (3) For the purpose of making a final action licensing decision, the board shall make rules to establish whether a misdemeanor is a crime of moral turpitude:

~~——~~ (a) if the misdemeanor is not a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; and

~~——~~ (b) creating a rebuttable presumption that a misdemeanor of a sexual nature is a misdemeanor of moral turpitude:

~~‡~~ (~~{4}~~3) (a) In accordance with Subsection (~~{4}~~3)(b), a license applicant or an educator may seek judicial review of a final action made by the board under this chapter.

(b) A license applicant or educator may file a petition for judicial review of the board's final action if the license applicant or educator files a petition within 30 days after the day on which the license applicant or educator received notice of the final action.

~~{~~ Section 2. Section **53A-6-401** is amended to read:

~~——~~ **53A-6-401. Background checks:**

~~——~~ (1) (a) A license applicant shall submit to a background check as a condition for licensing:

~~——~~ (b) As used in this section, licensing includes reinstatement of [a lapsed, suspended, or revoked license] an expired or suspended license.

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~~—— (2) Where reasonable cause exists, the State Board of Education may require an educator to submit to a criminal background check.~~

~~—— (3) (a) The [office] board shall establish a procedure for obtaining and evaluating relevant information concerning license applicants, including fingerprinting the applicant and submitting the prints to the Criminal Investigations and Technical Services Division of the Department of Public Safety for checking against applicable state, regional, and national criminal records files.~~

~~—— (b) The Criminal Investigations and Technical Services Division shall release to the office all information received in response to the office's request.~~

~~—— (c) The Criminal Investigations and Technical Services Division shall maintain a separate file of fingerprints submitted under Subsection (3)(a) and notify the office when a new entry is made against a person whose fingerprints are held in the file regarding any matters involving an alleged:~~

~~—— (i) sexual offense;~~

~~—— (ii) drug-related offense;~~

~~—— (iii) alcohol-related offense; or~~

~~—— (iv) offense against the person under Title 76, Chapter 5, Offenses Against the Person.~~

~~—— (d) The cost of maintaining the separate file shall be paid by the office from fees charged to those submitting fingerprints.~~

~~—— (4) An applicant or educator shall have an opportunity to respond to any information received by the office as a result of the background check.~~

~~—— (5) [In preparing recommendations concerning licensing for submission to the board, the office] The board shall consider only the following matters obtained through fingerprint checks to the extent that they are relevant to the license sought by the applicant or held by the educator:~~

~~—— (a) convictions, including pleas in abeyance;~~

~~—— (b) any matters involving an alleged sexual offense;~~

~~—— (c) any matters involving an alleged felony or class A misdemeanor drug offense;~~

~~—— (d) any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;~~

~~—— (e) any matters involving a felony;~~

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~~— (f) any matters involving a misdemeanor of moral turpitude;~~

~~— [(f)] (g) any matters involving a class A misdemeanor property offense alleged to have occurred within the previous three years; and~~

~~— [(g)] (h) any matters involving any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have taken place within the previous eight years.~~

~~— (6) If a recommendation is made for denial, suspension, or revocation of licensure because of information obtained through a background check, the person shall receive written notice of the reasons for the recommendation and have an opportunity to respond in accordance with procedures set forth under board rules.~~

~~— (7) Information obtained under this section is confidential and may only be disclosed as provided in this part.~~

~~— (8) The applicant shall pay the costs of conducting the background check required pursuant to Subsection (1).~~

~~— (9) This section applies to matters occurring both before and after the effective date of this section.~~

‡ Section 3. Section **53A-6-402** is amended to read:

**53A-6-402. Evaluation information on current or prospective school employees -- Notice to employee -- Mandatory employment history check -- Exemption from liability.**

(1) (a) The ~~[office's administrator of teacher licensing may]~~ board shall provide the appropriate administrator of a public or private school or of an agency outside the state ~~[which]~~ that is responsible for licensing or ~~[certification of educators with any]~~ certifying educational personnel with a recommendation or other information possessed by the ~~[office which]~~ board that has significance in evaluating the employment or license of:

(i) a current or prospective school employee~~[- license holder, or applicant for licensing.];~~

(ii) an educator or education license holder; or

(iii) a license applicant.

(b) Information supplied under Subsection (1)(a) ~~[may]~~ shall include:

(i) the complete record of a hearing ~~[or]; and~~

(ii) the investigative report for matters ~~[which]~~ that:

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~~[(+)]~~ (A) the educator has had an opportunity to contest; and

~~[(+)]~~ (B) did not proceed to a hearing.

(2) At the request of the ~~[office's administrator of teacher licensing;]~~ board, an administrator of a public school or school district shall, and an administrator of a private school may, provide ~~[any]~~ a recommendation or other information possessed by the school or school district ~~[which]~~ that has significance in evaluating the employment or licensure of:

(a) a current or prospective school employee ~~[-license holder, or applicant for licensing-];~~

(b) an educator or education license holder; or

(c) a license applicant.

(3) If a decision is made to deny licensure, to not hire a prospective employee, or to take action against a current employee or educator based upon information provided under this section, the affected individual shall receive notice of the information and be given an opportunity to respond to the information.

(4) A local school board, a charter school governing board, or the Utah Schools for the Deaf and the Blind shall obtain references and a discipline record from prior employers of a potential employee before hiring:

(a) an educator; or

(b) an individual who:

(i) works in a public school as an employee; and

(ii) has significant unsupervised access to students.

~~[(+)]~~ (5) A person who, in good faith, provides a recommendation or discloses or receives information under this section is exempt from civil and criminal liability relating to that recommendation, receipt, or disclosure.

~~[(5)]~~ (6) For purposes of this section, "employee" includes a volunteer.

Section 4. Section **53A-6-405** is repealed and reenacted to read:

### **53A-6-405. Ineligibility for educator license.**

(1) The board may refuse to issue a license to a license applicant if the board finds good cause for the refusal, including behavior of the applicant:

(a) found pursuant to a criminal, civil, or administrative matter after reasonable opportunity for the applicant to contest the allegation; and



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(b) considered, as behavior of an educator, to be:

(i) immoral, unprofessional, or incompetent behavior; or

(ii) a violation of standards of ethical conduct, performance, or professional

competence.

(2) The board may not issue, renew, or reinstate an educator license if the license applicant or educator:

(a) was convicted of a ~~{misdemeanor of moral turpitude or a }~~felony of a sexual nature;

(b) pled guilty to a ~~{misdemeanor of moral turpitude or a }~~felony of a sexual nature;

(c) entered a plea of no contest to a ~~{misdemeanor of moral turpitude or a }~~felony of a sexual nature;

(d) entered a plea in abeyance to a ~~{misdemeanor of moral turpitude or a }~~felony of a sexual nature;

(e) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;

(f) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor;

(g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is:

(i) not a minor; and

(ii) enrolled in a school where the license applicant or educator is or was employed; or

(h) admits to the board or UPPAC that the license applicant or educator committed

conduct that amounts to:

~~(i) a misdemeanor of moral turpitude;~~

~~(ii)~~ (i) a felony of a sexual nature; or

~~(iii)~~ (ii) a sexual offense or sexually explicit conduct described in Subsection (2)(e),

(f), or (g).

(3) If a person is ineligible for licensure under Subsection (1) or (2), a public school may not:

(a) employ the person in the public school; or

(b) allow the person to volunteer in the public school.

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(4) (a) If the board denies a license applicant licensure under this section, the board shall immediately notify the applicant of:

(i) the denial; and

(ii) the applicant's right to request a hearing before UPPAC.

(b) Upon receipt of a notice described in Subsection (4)(a), a license applicant may, within 30 days after the day on which the applicant received the notice, request a hearing before UPPAC for the applicant to review and respond to all evidence upon which the board based the denial.

(c) If the board receives a request for a hearing described in Subsection (4)(b), the board shall direct UPPAC to hold a hearing.

Section 5. Section **53A-6-501** is repealed and reenacted to read:

### **53A-6-501. Board disciplinary action of an educator.**

(1) (a) The board shall direct UPPAC to investigate an allegation, administrative decision, or judicial decision that evidences an educator is unfit for duty because the educator exhibited behavior that:

(i) is immoral, unprofessional, or incompetent; or

(ii) violates standards of ethical conduct, performance, or professional competence.

(b) If the board determines an allegation or decision described in Subsection (1)(a) does not evidence an educator's unfitness for duty, the board may dismiss the allegation or decision without an investigation or hearing.

(2) The board shall direct UPPAC to investigate and hold a hearing for an educator to respond if the board receives an allegation that the educator:

(a) was charged with a ~~felony of moral turpitude or a~~ felony of a sexual nature;

(b) was convicted of a ~~felony of moral turpitude or a~~ felony of a sexual nature;

(c) pled guilty to a ~~felony of moral turpitude or a~~ felony of a sexual nature;

(d) entered a plea of no contest to a ~~felony of moral turpitude or a~~ felony of a sexual nature;

(e) entered a plea in abeyance to a ~~felony of moral turpitude or a~~ felony of a sexual nature;

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(f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;

(g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor; or

(h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is:

(i) not a minor; and

(ii) enrolled in a school where the educator is or was employed.

(3) Upon notice that an educator allegedly violated Section 53A-6-502, the board shall direct UPPAC to:

(a) investigate the alleged violation; and

(b) hold a hearing for the educator to respond to the allegation.

(4) Upon completion of an investigation or hearing described in this section, UPPAC shall:

(a) provide findings to the board; and

(b) make a recommendation for board action.

(5) (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and recommendation, the board may:

(i) revoke the educator's license;

(ii) suspend the educator's license;

(iii) restrict or prohibit the educator from renewing the educator's license;

(iv) warn or reprimand the educator;

(v) enter into a written agreement with the educator that requires the educator to comply with certain conditions;

(vi) direct UPPAC to further investigate or gather information; or

(vii) take other action the board finds to be appropriate for and consistent with the educator's behavior.

(b) Upon review of UPPAC's findings and recommendation, the board shall revoke the license of an educator who:

(i) was convicted of a ~~felony of a sexual nature~~ ~~or a misdemeanor of moral turpitude~~ ~~or a felony of a sexual nature~~;

(ii) pled guilty to a ~~felony of a sexual nature~~ ~~or a misdemeanor of moral turpitude~~ ~~or a felony of a sexual nature~~;

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(iii) entered a plea of no contest to a ~~felony of a sexual nature or a~~ felony of a sexual nature;

(iv) entered a plea in abeyance to a ~~felony of a sexual nature or a~~ felony of a sexual nature;

(v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;

(vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor;

(vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is:

(A) not a minor; and

(B) enrolled in a school where the educator is or was employed; or

(viii) admits to the board or UPPAC that the applicant committed conduct that amounts to:

~~(A) a misdemeanor of moral turpitude;~~

~~(B) a felony of a sexual nature; or~~

~~(C) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi), or (vii).~~

(c) The board may not reinstate a revoked license.

(d) Before the board takes adverse action against an educator under this section, the board shall ensure that the educator had an opportunity for a UPPAC hearing.

Section 6. Section **53A-6-502** is amended to read:

### **53A-6-502. Mandatory reporting of physical or sexual abuse of students.**

(1) For purposes of this section, "educator" means, in addition to a person included under Section 53A-6-103, a person, including a volunteer or temporary employee, who at the time of an alleged offense was performing a function in a private school for which a license would be required in a public school.

(2) In addition to any duty to report suspected cases of child abuse or neglect under Section 62A-4a-403, an educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee shall immediately report the belief and all other relevant information to the school principal, superintendent, or to the [office]

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board.

(3) A school administrator who has received a report under Subsection (2) or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by an educator shall immediately report that information to the ~~[office]~~ board.

~~[(4) Failure to comply with Subsection (2) or (3) shall be considered unprofessional conduct.]~~

(4) Upon notice that an educator allegedly violated Subsection (2) or (3), the board shall direct UPPAC to investigate the educator's alleged violation.

(5) A person who makes a report under this section in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.

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### Legislative Review Note

~~as of 2-17-15 10:49 AM~~

~~Office of Legislative Research and General Counsel~~ Section 7. Section 53A-6-604 is amended to read:

#### 53A-6-604. Rules for conducting hearings -- Standard of proof.

(1) The board[-] and each local school board[-, and UPPAC] shall [each] adopt rules for the conduct of hearings to ensure that requirements of due process are met.

(2) An accused party shall be provided not less than 15 days before a hearing with:

(a) notice of the hearing;

(b) the law, rule, or policy alleged to have been violated;

(c) sufficient information about the allegations and the evidence to be presented in support of the allegations to permit the accused party to prepare a meaningful defense; and

(d) a copy of the rules under which the hearing will be conducted.

(3) If an accused party fails to request a hearing within 30 days after written notice is sent to the party's address as shown on the records of the local board, for actions taken under the auspices of a local board, or on the records of the office, for actions taken under the

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auspices of UPPAC or the state board, then the accused party shall be considered to have waived the right to a hearing and the action may proceed without further delay.

(4) Hearing fact finders shall use the preponderance of evidence standard in deciding all questions unless a higher standard is required by law.

(5) Unless otherwise provided in Title 53A, the decisions of state and local boards are final determinations under this section, appealable to the appropriate court for review.

Section 8. Section 77-37-4 is amended to read:

### 77-37-4. Additional rights -- Children.

In addition to all rights afforded to victims and witnesses under this chapter, child victims and witnesses shall be afforded these rights:

(1) Children have the right to protection from physical and emotional abuse during their involvement with the criminal justice process.

(2) Children are not responsible for inappropriate behavior adults commit against them and have the right not to be questioned, in any manner, nor to have allegations made, implying this responsibility. Those who interview children have the responsibility to consider the interests of the child in this regard.

(3) Child victims and witnesses have the right to have interviews relating to a criminal prosecution kept to a minimum. All agencies shall coordinate interviews and ensure that they are conducted by persons sensitive to the needs of children.

(4) Child victims have the right to be informed of available community resources that might assist them and how to gain access to those resources. Law enforcement and prosecutors have the duty to ensure that child victims are informed of community resources, including counseling prior to the court proceeding, and have those services available throughout the criminal justice process.

(5) (a) Child victims have the right, once an investigation has been initiated by law enforcement or the Division of Child and Family Services, to keep confidential their interviews that are conducted at a Children's Justice Center, including video and audio recordings, and transcripts of those recordings. Except as provided in Subsection (6), recordings and transcripts of interviews may not be distributed, released, or displayed to anyone without a court order.

(b) A court order described in Subsection (5)(a):

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(i) shall describe with particularity to whom the recording or transcript of the interview may be released and prohibit further distribution or viewing by anyone not named in the order; and

(ii) may impose restrictions on access to the materials considered reasonable to protect the privacy of the child victim.

(c) A parent or guardian of the child victim may petition a juvenile or district court for an order allowing the parent or guardian to view a recording or transcript upon a finding of good cause. The order shall designate the agency that is required to display the recording or transcript to the parent or guardian and shall prohibit viewing by anyone not named in the order.

(d) Following the conclusion of any legal proceedings in which the recordings or transcripts are used, the court shall order the recordings and transcripts in the court's file sealed and preserved.

(6) (a) The following offices and their designated employees may distribute and receive a recording or transcript to and from one another without a court order:

(i) the Division of Child and Family Services;

(ii) administrative law judges employed by the Department of Human Services;

(iii) Department of Human Services investigators investigating the Division of Child and Family Services or investigators authorized to investigate under Section 62A-4a-202.6;

(iv) an office of the city attorney, county attorney, district attorney, or attorney general;

(v) a law enforcement agency;

(vi) a Children's Justice Center established under Section 67-5b-102; or

(vii) the attorney for the child who is the subject of the interview.

(b) In a criminal case or in a juvenile court in which the state is a party:

(i) the parties may display and enter into evidence a recording or transcript in the course of a prosecution;

(ii) the state's attorney may distribute a recording or transcript to the attorney for the defendant, pro se defendant, respondent, or pro se respondent pursuant to a valid request for discovery;

(iii) the attorney for the defendant or respondent may do one or both of the following:

(A) release the recording or transcript to an expert retained by the attorney for the

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defendant or respondent if the expert agrees in writing that the expert will not distribute, release, or display the recording or transcript to anyone without prior authorization from the court; or

(B) permit the defendant or respondent to view the recording or transcript, but may not distribute or release the recording or transcript to the defendant or respondent; and

(iv) the court shall advise a pro se defendant or respondent that a recording or transcript received as part of discovery is confidential and may not be distributed, released, or displayed without prior authorization from the court.

(c) A court's failure to advise a pro se defendant or respondent that a recording or transcript received as part of discovery is confidential and may not be used as a defense to prosecution for a violation of the disclosure rule.

(d) In an administrative case, pursuant to a written request, the Division of Child and Family Services may display, but may not distribute or release, a recording or transcript to the respondent or to the respondent's designated representative.

(e) (i) Within two business days of a request from a parent or guardian of a child victim, an investigative agency shall allow the parent or guardian to view a recording after the conclusion of an interview, unless:

(A) the suspect is a parent or guardian of the child victim;

(B) the suspect resides in the home with the child victim; or

(C) the investigative agency determines that allowing the parent or guardian to view the recording would likely compromise or impede the investigation.

(ii) If the investigative agency determines that allowing the parent or guardian to view the recording would likely compromise or impede the investigation, the parent or guardian may petition a juvenile or district court for an expedited hearing on whether there is good cause for the court to enter an order allowing the parent or guardian to view the recording in accordance with Subsection (5)(c).

(iii) A Children's Justice Center shall coordinate the viewing of the recording described in this Subsection (6)(e).

(f) A multidisciplinary team assembled by a Children's Justice Center or an interdisciplinary team assembled by the Division of Child and Family Services may view a recording or transcript, but may not receive a recording or transcript.



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(g) A Children's Justice Center:

(i) may distribute or display a recording or transcript to an authorized trainer or evaluator for purposes of training or evaluation; and

(ii) may display, but may not distribute, a recording or transcript to an authorized trainee.

(h) An authorized trainer or instructor may display a recording or transcript according to the terms of the authorized trainer's or instructor's contract with the Children's Justice Center or according to the authorized trainer's or instructor's scope of employment.

(i) (i) In an investigation under Section 53A-6-306, in which a child victim who is the subject of the recording or transcript has alleged criminal conduct against an educator, a law enforcement agency may distribute or release the recording or transcript to an investigator operating under [UPPAC] State Board of Education authorization, upon the investigator's written request.

(ii) If the respondent in a case investigated under Section 53A-6-306 requests a hearing authorized under that section, the investigator operating under [UPPAC] State Board of Education authorization may display, release, or distribute the recording or transcript to the prosecutor operating under [UPPAC] State Board of Education authorization or to an expert retained by an investigator.

(iii) Upon request for a hearing under Section 53A-6-306, a prosecutor operating under [UPPAC] State Board of Education authorization may display the recording or transcript to a pro se respondent, to an attorney retained by the respondent, or to an expert retained by the respondent.

(iv) The parties to a hearing authorized under Section 53A-6-306 may display and enter into evidence a recording or transcript in the course of a prosecution.

(7) Except as otherwise provided in this section, it is a class B misdemeanor for any individual to distribute, release, or display any recording or transcript of an interview of a child victim conducted at a Children's Justice Center.