

Senator Luz Escamilla proposes the following substitute bill:

CONSENT TO SERVICES FOR HOMELESS YOUTH

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Elizabeth Weight

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill relates to a homeless youth's ability to consent to temporary shelter, care, or services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ waives the fee for a certified copy of a birth certificate and an identification card for a youth who can show that the youth is homeless;
- ▶ modifies the circumstances under which a person who provides temporary shelter to a homeless youth is subject to a criminal penalty;
- ▶ provides that a homeless youth may consent to temporary shelter, care, or services under certain circumstances;
- ▶ requires a person who provides temporary shelter, care, or services, to a consenting homeless youth to keep certain records and report to the Division of Child and Family Services; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **26-2-12.6**, as enacted by Laws of Utah 2018, Chapter 301

31 **53-3-105**, as last amended by Laws of Utah 2018, Chapters 301 and 417

32 **62A-4a-501**, as last amended by Laws of Utah 2018, Chapter 235

33 ENACTS:

34 **62A-4a-502**, Utah Code Annotated 1953



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

37 Section 1. Section **26-2-12.6** is amended to read:

38 **26-2-12.6. Fee waived for certified copy of birth certificate.**

39 (1) Notwithstanding Section **26-1-6** and Section **26-2-12.5**, the department shall waive
40 a fee that would otherwise be charged for a certified copy of a birth certificate, if the individual
41 whose birth is confirmed by the birth certificate is:

42 (a) the individual requesting the certified copy of the birth certificate; and

43 (b) (i) homeless, as defined in Section **26-18-411**;

44 (ii) a person who is homeless, as defined in Section **35A-5-302**; [or]

45 (iii) an individual whose primary nighttime residence is a location that is not designed
46 for or ordinarily used as a sleeping accommodation for an individual[-]; or

47 (iv) a homeless child or youth, as defined in 42 U.S.C. Sec. 11434a.

48 (2) To satisfy the requirement in Subsection (1)(b), the department shall accept written
49 verification that the individual is homeless or a person. child, or youth who is homeless from:

50 (a) a homeless shelter, as defined in Section **10-9a-526**;

51 (b) a permanent housing, permanent, supportive, or transitional facility, as defined in
52 Section **35A-5-302**;

53 (c) the Department of Workforce Services; [or]

54 (d) a facility that serves an individual described in Subsection (1)(b) and maintains data
55 on an individual described in Subsection (1)(b) through the Homeless Management
56 Information System[-]; or

57 (e) a local educational agency liaison for homeless children and youth designated under
58 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

59 Section 2. Section **53-3-105** is amended to read:

60 **53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling,**
61 **and identification cards.**

62 The following fees apply under this chapter:

63 (1) An original class D license application under Section 53-3-205 is \$32.

64 (2) An original provisional license application for a class D license under Section
65 53-3-205 is \$39.

66 (3) An original application for a motorcycle endorsement under Section 53-3-205 is
67 \$11.

68 (4) An original application for a taxicab endorsement under Section 53-3-205 is \$9.

69 (5) A learner permit application under Section 53-3-210.5 is \$19.

70 (6) A renewal of a class D license under Section 53-3-214 is \$32 unless Subsection
71 (10) applies.

72 (7) A renewal of a provisional license application for a class D license under Section
73 53-3-214 is \$32.

74 (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$11.

75 (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$9.

76 (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is
77 \$17.

78 (11) An extension of a class D license under Section 53-3-214 is \$26 unless Subsection
79 (15) applies.

80 (12) An extension of a provisional license application for a class D license under
81 Section 53-3-214 is \$26.

82 (13) An extension of a motorcycle endorsement under Section 53-3-214 is \$11.

83 (14) An extension of a taxicab endorsement under Section 53-3-214 is \$9.

84 (15) An extension of a class D license for a person 65 and older under Section
85 53-3-214 is \$14.

86 (16) An original or renewal application for a commercial class A, B, or C license or an
87 original or renewal of a provisional commercial class A or B license under Part 4, Uniform

88 Commercial Driver License Act, is \$52.

89 (17) A commercial class A, B, or C license skills test is \$78.

90 (18) Each original CDL endorsement for passengers, hazardous material, double or
91 triple trailers, or tankers is \$9.

92 (19) An original CDL endorsement for a school bus under Part 4, Uniform Commercial
93 Driver License Act, is \$9.

94 (20) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver
95 License Act, is \$9.

96 (21) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.

97 (b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.

98 (22) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.

99 (23) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.

100 (24) (a) A license reinstatement application under Section 53-3-205 is \$40.

101 (b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or
102 combination of alcohol and any drug-related offense is \$45 in addition to the fee under
103 Subsection (24)(a).

104 (25) (a) An administrative fee for license reinstatement after an alcohol, drug, or
105 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or
106 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under
107 Part 4, Uniform Commercial Driver License Act, is \$255.

108 (b) This administrative fee is in addition to the fees under Subsection (24).

109 (26) (a) An administrative fee for providing the driving record of a driver under
110 Section 53-3-104 or 53-3-420 is \$8.

111 (b) The division may not charge for a report furnished under Section 53-3-104 to a
112 municipal, county, state, or federal agency.

113 (27) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

114 (28) (a) Except as provided under Subsections (28)(b) and (c), an identification card
115 application under Section 53-3-808 is \$23.

116 (b) An identification card application under Section 53-3-808 for a person with a
117 disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

118 (c) A fee may not be charged for an identification card application if the individual

119 applying:

120 (i) (A) has not been issued a Utah driver license;

121 (B) is indigent; and

122 (C) is at least 18 years of age; or

123 (ii) submits written verification that the individual is homeless, as defined in Section

124 26-18-411, [or] a person who is homeless, as defined in Section 35A-5-302, or a child or youth

125 who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

126 (A) a homeless shelter, as defined in Section 10-9a-526;

127 (B) a permanent housing, permanent, supportive, or transitional facility, as defined in
128 Section 35A-5-302; [or]

129 (C) the Department of Workforce Services[-]; or

130 (D) a local educational agency liaison for homeless children and youth designated

131 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

132 (29) (a) An extension of a regular identification card under Subsection 53-3-807(5) for
133 a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

134 (b) The fee described in Subsection (29)(a) shall be waived if the applicant submits
135 written verification that the individual is homeless, as defined in Section 26-18-411, or a
136 person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless,
137 as defined in 42 U.S.C. Sec. 11434a(2), from:

138 (i) a homeless shelter, as defined in Section 10-9a-526;

139 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
140 Section 35A-5-302; [or]

141 (iii) the Department of Workforce Services[-]; or

142 (iv) a local educational agency liaison for homeless children and youth designated

143 under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

144 (30) (a) An extension of a regular identification card under Subsection 53-3-807(6) is
145 \$23.

146 (b) The fee described in Subsection (30)(a) shall be waived if the applicant submits
147 written verification that the individual is homeless, as defined in Section 26-18-411, or a
148 person who is homeless, as defined in Section 35A-5-302, from:

149 (i) a homeless shelter, as defined in Section 10-9a-526;

150 (ii) a permanent housing, permanent, supportive, or transitional facility, as defined in
151 Section 35A-5-302; or

152 (iii) the Department of Workforce Services.

153 (31) In addition to any license application fees collected under this chapter, the division
154 shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the
155 fees that the Bureau of Criminal Identification is authorized to collect for the services the
156 Bureau of Criminal Identification provides under Section 53-3-205.5.

157 (32) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.

158 (33) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.

159 (34) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.

160 Section 3. Section 62A-4a-501 is amended to read:

161 **62A-4a-501. Harboring a runaway -- Reporting requirements -- Division to**
162 **provide assistance -- Affirmative defense -- Providing shelter after notice.**

163 (1) As used in this section:

164 (a) "Harbor" means to provide shelter in:

165 (i) the home of the person who is providing the shelter; or

166 (ii) any structure over which the person providing the shelter has any control.

167 (b) "Homeless youth" means a child, other than an emancipated minor:

168 (i) who is a runaway; or

169 (ii) who is not accompanied by the child's parent or legal guardian.

170 ~~(b)~~ (c) "Receiving center" means the same as that term is defined in Section
171 62A-7-101.

172 ~~(c)~~ (d) "Runaway" means a child, other than an emancipated minor, who is absent
173 from the home or lawfully prescribed residence of the child's parent or legal guardian ~~[of the~~
174 ~~child]~~ without the permission of the parent or legal guardian.

175 ~~(d)~~ (e) "Temporary homeless youth shelter" means a facility that:

176 (i) provides temporary shelter to a ~~[runaway]~~ homeless youth; and

177 (ii) is licensed by the Office of Licensing, created in Section 62A-1-105, as a
178 residential support program.

179 ~~(e)~~ (f) "Youth services center" means a center established by, or under contract with,
180 the Division of Juvenile Justice Services, created in Section 62A-1-105, to provide youth

181 services, as defined in Section [62A-7-101](#).

182 (2) Except as provided in Subsection (3), a person, including a temporary homeless
183 youth shelter, is guilty of a class B misdemeanor if the person:

184 (a) knowingly and intentionally harbors a child;

185 (b) knows at the time of harboring the child that the child is a runaway;

186 (c) fails to notify one of the following, by telephone or other reasonable means, of the
187 location of the child:

188 (i) the parent or legal guardian of the child;

189 (ii) the division; or

190 (iii) a youth services center; and

191 (d) fails to notify a person described in Subsection (2)(c) within eight hours after the
192 later of:

193 (i) the time that the person becomes aware that the child is a runaway; or

194 (ii) the time that the person begins harboring the child.

195 (3) A person described in Subsection (2), including a temporary homeless youth
196 shelter, is not guilty of a violation of Subsection (2) and is not required to comply with
197 Subsections (2)(c) and (d), if:

198 (a) (i) a court order is issued authorizing a peace officer to take the child into custody;
199 and

200 ~~[(b)]~~ (ii) the person notifies a peace officer or the nearest detention center, as defined in
201 Section [62A-7-101](#), by telephone or other reasonable means, of the location of the child, within
202 eight hours after the later of:

203 ~~[(i)]~~ (A) the time that the person becomes aware that the child is a runaway; or

204 ~~[(ii)]~~ (B) the time that the person begins harboring the child~~[-];~~ or

205 (b) (i) the child is a runaway who consents to shelter, care, or licensed services under
206 Section [62A-4a-502](#); and

207 (ii) (A) the person is unable to locate the child's parent or legal guardian; or

208 (B) the child refuses to disclose the contact information for the child's parent or legal
209 guardian.

210 (4) A person described in Subsection (2), including a temporary homeless youth
211 shelter, shall provide a report to the division:

- 212 (a) if the person has an obligation under Section 62A-4a-403 to report child abuse or
213 neglect; or
- 214 (b) if, within 48 hours after the person begins harboring the child:
- 215 (i) the person continues to harbor the child; and
- 216 (ii) the person does not make direct contact with:
- 217 (A) a parent or legal guardian of the child;
- 218 (B) the division;
- 219 (C) a youth services center; or
- 220 (D) a peace officer or the nearest detention center, as defined in Section 62A-7-101, if
221 a court order is issued authorizing a peace officer to take the ~~[minor]~~ child into custody.
- 222 (5) It is an affirmative defense to the crime described in Subsection (2) that:
- 223 (a) the person failed to provide notice as described in Subsection (2) or (3) due to
224 circumstances beyond the control of the person providing the shelter; and
- 225 (b) the person provided the notice described in Subsection (2) or (3) as soon as it was
226 reasonably practicable to provide the notice.
- 227 (6) Upon receipt of a report that a runaway is being harbored by a person:
- 228 (a) a youth services center shall:
- 229 (i) notify the parent or legal guardian that a report has been made; and
- 230 (ii) inform the parent or legal guardian of assistance available from the youth services
231 center; or
- 232 (b) the division shall:
- 233 (i) determine whether the runaway is abused, neglected, or dependent; and
- 234 (ii) if appropriate, make a referral for services for the runaway.
- 235 (7) (a) A parent or legal guardian of a runaway who is aware that the runaway is being
236 harbored may notify a law enforcement agency and request assistance in retrieving the
237 runaway.
- 238 (b) The local law enforcement agency may assist the parent or legal guardian in
239 retrieving the runaway.
- 240 (8) Nothing in this section prohibits a person, including a temporary homeless youth
241 shelter, from continuing to provide shelter to a runaway, after giving the notice described in
242 Subsections (2) through (4), if:

243 (a) a parent or legal guardian of the child consents to the continued provision of
244 shelter; or

245 (b) a peace officer or a parent or legal guardian of the child fails to retrieve the
246 runaway.

247 (9) Nothing in this section prohibits a person or a temporary homeless youth shelter
248 from providing shelter to a child whose ~~[parents]~~ parent or legal ~~[guardians have]~~ guardian has
249 intentionally:

250 (a) ceased to maintain physical custody of the child; and

251 (b) failed to make reasonable arrangements for the safety, care, and physical custody of
252 the child~~;~~ and].

253 ~~[(c) failed to provide the child with food, shelter, or clothing.]~~

254 (10) Nothing in this section prohibits:

255 (a) a receiving center or a youth services center from providing shelter to a runaway in
256 accordance with the requirements of Title 62A, Chapter 7, Juvenile Justice Services, and the
257 rules relating to a receiving center or a youth services center; or

258 (b) a government agency from taking custody of a child as otherwise provided by law.

259 Section 4. Section **62A-4a-502** is enacted to read:

260 **62A-4a-502. Consent to shelter, care, or services by a child.**

261 (1) As used in this section:

262 (a) "Care" means providing:

263 (i) assistance to obtain food, clothing, hygiene products, or other basic necessities;

264 (ii) access to a bed, showering facility, or transportation; or

265 (iii) assistance with school enrollment or attendance.

266 (b) "Homeless youth" means the same as that term is defined in Section [62A-4a-501](#).

267 (c) "Licensed services" means a service provided by a temporary homeless youth
268 shelter, a youth services center, or other facility that is licensed to provide the service to a
269 homeless youth.

270 (d) "Service" means:

271 (i) youth services, as defined in Section [62A-7-101](#);

272 (ii) child welfare or juvenile court case management or advocacy;

273 (iii) aftercare services, as defined in 45 C.F.R. 1351.1; or

274 (iv) independent living skills training.

275 (e) "Temporary homeless youth shelter" means the same as that term is defined in

276 Section [62A-4a-501](#).

277 (f) "Youth services center" means the same as that term is defined in Section

278 [62A-4a-501](#).

279 (2) A homeless youth may consent to temporary shelter, care, or licensed services if the

280 homeless youth:

281 (a) is at least 15 years old; and

282 (b) manages the homeless youth's own financial affairs, regardless of the source of

283 income.

284 (3) In determining consent under Subsection (2), a person may rely on the homeless

285 youth's verbal or written statement describing the homeless youth's ability to consent to

286 temporary shelter, care, or licensed services.

287 (4) A person who provides shelter, care, or licensed services to a homeless youth who

288 consents to the shelter, care, or licensed services under Subsection (2):

289 (a) shall report to the division as required under Section [62A-4a-403](#) and Subsection

290 [62A-4a-501](#)(4); and

291 (b) may provide the homeless youth a referral to safe permanent housing, employment

292 services, medical or dental care, or counseling.