

78A-6-1104 When photographs, fingerprints, or HIV infection tests may be taken --

Distribution -- Expungement.

- (1) The Division of Juvenile Justice Services shall take a photograph and fingerprints of all minors 14 years of age or older who are admitted to a detention facility operated by the Division of Juvenile Justice Services for the alleged commission of an offense that would be a felony if the minor were 18 years of age or older.
- (2) The Juvenile Court shall order a minor 14 years of age or older to have the minor's fingerprints taken at a detention facility operated by the Division of Juvenile Justice Services or a local law enforcement agency if the minor is:
 - (a) adjudicated for an offense that would be a class A misdemeanor if the minor were 18 years of age or older; or
 - (b) adjudicated for an offense that would be a felony if the minor were 18 years of age or older and the minor was not admitted to a detention facility operated by the Division of Juvenile Justice Services.
- (3) The Juvenile Court shall take a photograph of all minors 14 years of age or older who are adjudicated for an offense that would be a felony or a class A misdemeanor if the minor were 18 years of age or older.
- (4) Fingerprints shall be forwarded to the Bureau of Criminal Identification and may be stored by electronic medium.
- (5) HIV testing shall be conducted on a minor who is taken into custody after having been adjudicated to have violated state law prohibiting a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, upon the request of the victim, the parent or guardian of a victim younger than 14 years of age, or the legal guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 62A-3-301.
- (6) HIV testing shall be conducted on a minor against whom a petition has been filed or a pickup order has been issued for commission of any offense under Title 76, Chapter 5, Part 4, Sexual Offenses, upon the request of the victim, the parent or guardian of a victim younger than 14 years of age, or the legal guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 62A-3-301, and regarding which:
 - (a) a judge has signed an accompanying arrest warrant, pickup order, or any other order based upon probable cause regarding the alleged offense; and
 - (b) the judge has found probable cause to believe that the alleged victim has been exposed to HIV infection as a result of the alleged offense.
- (7) HIV tests, photographs, and fingerprints may not be taken of a child younger than 14 years of age without the consent of the court.
- (8)
 - (a) Photographs taken under this section may be distributed or disbursed to the following individuals or agencies:
 - (i) state and local law enforcement agencies;
 - (ii) the judiciary; and
 - (iii) the Division of Juvenile Justice Services.
 - (b) Fingerprints may be distributed or disbursed to the following individuals or agencies:
 - (i) state and local law enforcement agencies;
 - (ii) the judiciary;
 - (iii) the Division of Juvenile Justice Services; and
 - (iv) agencies participating in the Western Identification Network.

(9) When a minor's juvenile record is expunged, all photographs and other records as ordered shall upon court order be destroyed by the law enforcement agency. Fingerprint records may not be destroyed.

Amended by Chapter 369, 2012 General Session