

1 **DIVISION OF YOUTH CORRECTIONS**

2 **SPECIAL FUNCTION OFFICERS**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Blake D. Chard**

6 AN ACT RELATING TO HUMAN SERVICES; PROVIDING FOR THE UTILIZATION OF
7 SPECIAL FUNCTION OFFICERS BY THE DIVISION OF YOUTH CORRECTIONS.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **62A-7-104**, as last amended by Chapters 200 and 365, Laws of Utah 1997

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

12 Section 1. Section **62A-7-104** is amended to read:

13 **62A-7-104. Division responsibilities.**

14 (1) The division is responsible for all youth offenders committed to it by juvenile courts
15 for secure confinement or supervision and treatment in the community.

16 (2) The division shall establish and maintain all detention and secure facilities and set
17 minimum standards for those facilities.

18 (3) (a) The division shall, in accordance with Title 63, Chapter 46a, Utah Administrative
19 Rulemaking Act, promulgate written statewide rules as guidelines for admission to secure
20 detention and home detention.

21 (b) The division shall implement those rules as guidelines and provide training regarding
22 the implementation of those guidelines to law enforcement agencies, division employees, juvenile
23 court employees, and to other affected agencies and individuals upon their request.

24 (4) The division shall establish and administer a continuum of community, secure, and
25 nonsecure programs for all youth offenders committed to the division.

26 (5) The division shall establish and administer Juvenile Receiving Centers and other
27 programs to provide temporary custody, care, and control for nonadjudicated youth placed with

1 the division.

2 (6) The division shall place youth offenders committed to it in the most appropriate
3 program for supervision and treatment.

4 (7) The division shall establish and maintain all secure residential facilities.

5 (8) In any order committing a youth offender to the division, the juvenile court shall
6 specify whether the youth offender is being committed for secure confinement or placement in a
7 community-based program. The division shall place the youth offender in the most appropriate
8 program within the category specified by the court.

9 (9) The division shall employ staff necessary to:

10 (a) supervise and control youth offenders in secure facilities or in the community;

11 (b) supervise and coordinate treatment of youth offenders committed to the division for
12 placement in community-based programs; and

13 (c) control and supervise nonadjudicated youth placed with the division for temporary
14 services in receiving centers and other programs established by the division.

15 (10) The division shall establish observation and assessment programs necessary to serve
16 youth offenders committed by the juvenile court for short-term observation under Subsection
17 78-3a-118(2)(e). Whenever possible, those programs shall be conducted in settings separate and
18 distinct from secure facilities for youth offenders.

19 (11) Youth in the custody or temporary custody of the division are controlled or detained
20 in a manner consistent with public safety and rules promulgated by the division. In the event of
21 an unauthorized leave from a secure facility, detention center, community-based program,
22 receiving center, home, or any other designated placement, division employees have the authority
23 and duty to locate and apprehend the youth, or to initiate action with local law enforcement
24 agencies for assistance.

25 (12) The director of the division shall appoint regional directors within the various juvenile
26 court districts. Regional directors shall administer community-based programs, secure facilities,
27 other division programs, and shall have experience in corrections, behavioral sciences, law,
28 criminology, or related fields, and in administration.

29 (13) The division shall establish and operate work programs designed to place youth
30 offenders in public or private service work projects for the purpose of rehabilitation, education,
31 and restitution to victims.

1 (14) The division may establish and operate work programs for youth offenders committed
2 to the division by the juvenile court. The work program shall:

3 (a) provide labor to help in the operation, repair, and maintenance of public facilities,
4 parks, highways, and other programs designated by the division;

5 (b) provide educational and prevocational programs in cooperation with the State Board
6 of Education for youth offenders placed in the program; and

7 (c) provide counseling to youth offenders.

8 (15) The division shall establish minimum standards for the operation of all private
9 residential and nonresidential rehabilitation facilities which provide services to juveniles who have
10 committed a delinquent act, in this state or in any other state.

11 (16) In accordance with policies established by the board, the division shall provide
12 regular training for staff of secure facilities, detention staff, case management staff, and staff of
13 the community-based programs.

14 (17) The division is authorized to employ special function officers, as defined in Section
15 77-1a-4, to locate and apprehend absconders from division custody, transport minors taken into
16 custody pursuant to division policy, investigate cases, and carry out other duties as assigned by the
17 division. Special function officers may be employed through contract with the Department of
18 Public Safety, any P.O.S.T. certified law enforcement agency, or directly hired by the division.

Legislative Review Note
as of 11-20-97 1:18 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Judiciary Interim Committee recommended this bill.