

1 **SERIOUS HABITUAL OFFENDER**
2 **COMPREHENSIVE ACTION PROGRAM**
3 **AMENDMENT**

4 2001 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: DeMar Bud Bowman**

7 **This act modifies the Serious Habitual Offender Comprehensive Action Program (SHOCAP)**
8 **Act. The act requires the designated agency to notify the serious habitual offender (SHO)**
9 **and the parent or guardian when the SHO is included in the SHOCAP program.**

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

11 AMENDS:

12 **63-92-3**, as last amended by Chapter 304, Laws of Utah 1999

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

14 Section 1. Section **63-92-3** is amended to read:

15 **63-92-3. Establishment of local oversight committees.**

16 (1) The Commission on Criminal and Juvenile Justice shall administer the statewide
17 SHOCAP oversight committee and provide periodic review of the programs.

18 (2) Counties or municipalities implementing SHOCAP shall form a local oversight
19 committee composed of the following persons, or their designees:

- 20 (a) the district juvenile court administrator;
- 21 (b) the superintendent of the local school district;
- 22 (c) the local county attorney;
- 23 (d) a member of the local county or municipal legislative body;
- 24 (e) the local county sheriff;
- 25 (f) a local chief of police;
- 26 (g) the local chief of probation for the Juvenile Court;
- 27 (h) the regional director of the Division of Youth Corrections;

- 28 (i) the regional director of the Division of Child and Family Services;
- 29 (j) a representative of a local public mental health provider; and
- 30 (k) any additional members considered appropriate by the local oversight committee.
- 31 (3) The local oversight committee shall develop, implement, and periodically review the
- 32 following:
- 33 (a) standardized criteria as developed by the statewide SHOCAP oversight committee for
- 34 determining who is a serious habitual offender (SHO);
- 35 (b) what information is needed on each offender for inclusion in the program;
- 36 (c) who will have access to the database;
- 37 (d) who will maintain the database and manage the information in the program;
- 38 (e) what the information in the database is to be used for; and
- 39 (f) penalties for improper use of the information in the database.
- 40 (4) The local oversight committee shall develop a written interagency information sharing
- 41 agreement to be signed by the chief executive officer of each of the agencies represented on the
- 42 oversight committee. The sharing agreement shall include the provisions requiring that:
- 43 (a) all records pertaining to a SHO be kept confidential;
- 44 (b) when a SHO is included in the SHOCAP program for the purposes of tracking and
- 45 providing coordinated services, the local law enforcement agency or an agency designated by the
- 46 interagency agreement shall as soon as reasonably possible notify the SHO and the parent or
- 47 guardian of the SHO;
- 48 [~~(b)~~] (c) the disclosure of information to other staff members of signatory agencies be
- 49 made only to those staff members who provide direct services or supervision to the SHO; and
- 50 [~~(c)~~] (d) all staff members of signatory agencies receiving confidential information
- 51 concerning a SHO be subject to the confidentiality requirements of this chapter.
- 52 (5) Notwithstanding any other statutory provision, staff members of signatory agencies
- 53 who provide direct services or supervision to SHOCAP youth may distribute photographs of
- 54 SHOCAP youth to other staff members of signatory agencies who provide direct services or
- 55 supervision to SHOCAP youth.
- 56 (6) The local oversight committee shall develop a program [~~which shall be~~] capable of
- 57 maintaining the information determined to be necessary under Subsection (3).

Legislative Review Note
as of 11-9-00 2:31 PM

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

Office of Legislative Research and General Counsel

Committee Note

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.