

1 **CHILDREN'S JUSTICE CENTER**

2 **AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: D. Chris Buttars**

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7 **LONG TITLE**

8 **General Description:**

9 This bill broadens the scope of children to be served by Children's Justice Centers.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ increases the number of children to be served by Children's Justice Centers  
13 throughout the state by expanding the scope to include all crimes committed against  
14 children or in the presence of children.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill takes effect on July 1, 2005.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **67-5b-101**, as last amended by Chapter 171, Laws of Utah 2003

22 **67-5b-102**, as last amended by Chapter 376, Laws of Utah 2001

23 **67-5b-106**, as last amended by Chapter 377, Laws of Utah 1997

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

26 Section 1. Section **67-5b-101** is amended to read:

27 **67-5b-101. Definitions.**



28 As used in this part:

29 (1) "Abused child" means a child 17 years of age or younger who is a victim of:

30 (a) sexual abuse or [~~serious~~] physical abuse [~~and who is 17 years of age or younger.~~];

31 or

32 (b) other criminal offense committed against the child or committed in the presence of  
33 the child.

34 (2) "Agreement" means a written contract between two or more public agencies and  
35 other persons to provide for multidisciplinary intergovernmental operation of a center  
36 established in accordance with Section 67-5b-104.

37 (3) "Center" means a Children's Justice Center established in accordance with Section  
38 67-5b-102.

39 (4) "Officers and employees" means any person performing services for two or more  
40 public agencies as agreed in intergovernmental contracts in accordance with Section  
41 67-5b-104.

42 (5) "Public agency" means a municipality, a county, the attorney general, the Division  
43 of Child and Family Services, the Division of Juvenile Justice Services, the Department of  
44 Corrections, the juvenile court, and the Administrative Office of the Courts.

45 (6) "Volunteer" means any person who donates service without pay or other  
46 compensation except expenses actually and reasonably incurred as approved by the supervising  
47 agency. Volunteer does not include any person participating in human subjects research and  
48 court-ordered compensatory service workers as defined in Section 67-20-2.

49 Section 2. Section **67-5b-102** is amended to read:

50 **67-5b-102. Children's Justice Center -- Requirements of center -- Purposes of**  
51 **center.**

52 (1) (a) There is established a program that provides a comprehensive,  
53 multidisciplinary, nonprofit, intergovernmental response to sexual abuse of children [~~and~~  
54 ~~serious~~], physical abuse of children, and other criminal offenses committed against children or  
55 committed in the presence of children, in a facility known as a Children's Justice Center.

56 (b) The attorney general shall administer the program.

57 (c) The attorney general shall:

58 (i) allocate the funds appropriated by a line item pursuant to Section 67-5b-103;

- 59 (ii) administer applications for state and federal grants;
- 60 (iii) staff the Advisory Board on Children's Justice;
- 61 (iv) assist in the development of new centers; and
- 62 (v) coordinate services between centers.
- 63 (2) (a) The attorney general shall establish Children's Justice Centers or satellite offices
- 64 in Cache County, Carbon County, Davis County, Duchesne County, Emery County, Grand
- 65 County, Salt Lake County, Tooele County, Uintah County, Utah County, Wasatch County,
- 66 Washington County, and Weber County.
- 67 (b) The attorney general may establish other centers within a county and in other
- 68 counties of the state.
- 69 (3) The attorney general and each center shall fulfill the statewide purpose of each
- 70 center by:
- 71 (a) minimizing the time and duplication of effort required to investigate, prosecute, and
- 72 initiate treatment for the abused child in the state;
- 73 (b) facilitating the investigation of the alleged offense against the abused child;
- 74 (c) conducting interviews of abused children and their families in a professional
- 75 manner;
- 76 (d) obtaining reliable and admissible information which can be used effectively in
- 77 criminal and child protection proceedings in the state;
- 78 (e) coordinating and tracking:
- 79 (i) the use of limited medical and psychiatric services;
- 80 (ii) investigation of the alleged offense;
- 81 (iii) preparation of prosecution;
- 82 (iv) treatment of the abused child and family; and
- 83 (v) education and training of persons who provide services to the abused child and its
- 84 family in the state;
- 85 (f) expediting the processing of the case through the courts in the state;
- 86 (g) protecting the interest of the abused child and the community in the state;
- 87 (h) reducing trauma to the abused child in the state;
- 88 (i) enhancing the community understanding of sexual abuse of children and [serious]
- 89 physical abuse of children in the state; [and]

90 (j) providing as many services as possible that are required for the thorough and  
91 effective investigation of child abuse cases[-]; and

92 (k) enhancing the community understanding of criminal offenses committed against or  
93 in the presence of children.

94 (4) To assist a center in fulfilling the requirements and statewide purposes as provided  
95 in Subsection (3), each center may obtain access to any relevant juvenile court legal records  
96 and adult court legal records, unless sealed by the court.

97 (5) The statewide purpose of this chapter is to establish a program that provides a  
98 comprehensive, multidisciplinary, nonprofit, intergovernmental response to sexual abuse of  
99 children [~~and serious~~], physical abuse of children, and other criminal offenses committed  
100 against children or committed in the presence of children, in a facility known as a Children's  
101 Justice Center.

102 Section 3. Section **67-5b-106** is amended to read:

103 **67-5b-106. Advisory Board on Children's Justice -- Membership -- Terms --**  
104 **Duties -- Authority.**

105 (1) The attorney general shall create the Advisory Board on Children's Justice to advise  
106 him about the Children's Justice Center Program.

107 (2) The board shall be composed of:

108 (a) the director of each Children's Justice Center;

109 (b) the chair of each local advisory board established under Section 67-5b-105;

110 (c) the attorney general or the attorney general's designee;

111 (d) a representative of the Utah Sheriffs Association, appointed by the governor;

112 (e) a chief of police, appointed by the governor;

113 (f) one juvenile court judge and one district court judge, appointed by the chief justice;

114 (g) a representative of the court appointed guardians ad litem, appointed by the chief  
115 justice;

116 (h) a designated representative of the Division of Child and Family Services within the  
117 Department of Human Services, appointed by the director of that division;

118 (i) a licensed mental health professional, appointed by the governor;

119 (j) a person experienced in working with children with disabilities, appointed by the  
120 governor;

121 (k) one criminal defense attorney, licensed by the Utah State Bar and in good standing,  
122 appointed by the Utah Bar Commission;

123 (l) one criminal prosecutor, licensed by the Utah State Bar and in good standing,  
124 appointed by the Prosecution Council;

125 (m) a member of the governor's staff, appointed by the governor;

126 (n) a member from the public, appointed by the governor, who exhibits sensitivity to  
127 the concerns of parents; and

128 (o) additional members appointed as needed by the attorney general.

129 (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
130 expire, the appointing authority shall appoint each new member or reappointed member to a  
131 four-year term.

132 (b) Notwithstanding the requirements of Subsection (3)(a), the appointing authority  
133 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
134 terms of board members are staggered so that approximately half of the board is appointed  
135 every two years.

136 (4) The Advisory Board on Children's Justice shall:

137 (a) coordinate and support the statewide purpose of the program;

138 (b) recommend statewide guidelines for the administration of the program;

139 (c) advise the contracting entities of each Children's Justice Center;

140 (d) recommend training and improvements in training;

141 (e) review, evaluate, and make recommendations concerning state investigative,  
142 administrative, and judicial handling in both civil and criminal cases of child abuse, child  
143 sexual abuse, ~~and~~ neglect, and other criminal offenses committed against children or  
144 committed in the presence of children;

145 (f) recommend programs to improve the prompt and fair resolution of civil and  
146 criminal court proceedings; and

147 (g) recommend changes to state laws and procedures to provide comprehensive  
148 protection for children ~~of~~ from abuse, child sexual abuse, ~~and~~ neglect, and other criminal  
149 offenses committed against children or committed in the presence of children.

150 (5) The Advisory Board on Children's Justice may not supersede the authority of the  
151 contracting public agency to oversee the accountability of the center, including the budget,

152 costs, personnel, and management pursuant to Section 67-5b-104 and Title 51, Chapter [2] 2a,  
153 Audits of Political Subdivisions, Interlocal Organizations, and Other Local Entities.  
154 Section 4. **Effective date.**  
155 This bill takes effect on July 1, 2005.

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**Legislative Review Note**  
**as of 12-7-04 8:44 AM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
**as of 12-08-04 11:20 AM**

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

**State Impact**

It is estimated that \$233,800 of ongoing General Funds beginning FY 2006 will be required by the Office of the Attorney General, Children's Justice Centers line item to implement provisions of this bill.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$233,800	\$233,800	\$0	\$0
<b>TOTAL</b>	<b>\$233,800</b>	<b>\$233,800</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

No fiscal impact.

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