

1 **AMENDMENTS TO SEXUALLY EXPLICIT**
2 **BUSINESS AND ESCORT SERVICE FUND**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Tim M. Cosgrove**

6 Senate Sponsor: Gregory S. Bell

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to the use of monies in the Sexually Explicit
11 Business and Escort Service Fund.

12 **Highlighted Provisions:**

13 This bill:

13a ~~It~~ **→** ► provides that monies in the Sexually Explicit Business and Escort Service Fund
13b that are used to implement treatment programs for juveniles who have been convicted of a
13c sexual offense will be administered by the Division of Juvenile Justice Services, within the
13d Department of Human Services, instead of the Department of Corrections; ~~←It~~

14 ► reduces, from 60% to 50%, the percentage of the monies from the Sexually Explicit
15 Business and Escort Service Fund that are used by the Department of Corrections to
16 provide treatment services to nonworking or indigent adults who have been
17 convicted of a sexual offense and are not incarcerated in a jail or prison;

18 ► provides that 10% of the monies from the Sexually Explicit Business and Escort
19 Service Fund shall be used by the Commission on Criminal and Juvenile Justice to
20 develop, implement, and maintain a statewide strategy to address sexual violence
21 issues in the state; and

22 ► makes technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



AMENDS:

59-27-105, as enacted by Chapter 214, Laws of Utah 2004

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

Section 1. Section **59-27-105** is amended to read:

59-27-105. Sexually Explicit Business and Escort Service Fund.

(1) There is created a restricted special revenue fund called the "Sexually Explicit Business and Escort Service Fund."

(2) (a) Except as provided in Subsection (3), the fund consists of all amounts collected by the commission under this chapter.

(b) (i) The monies in the fund shall be invested by the state treasurer pursuant to Title 51, Chapter 7, State Money Management Act.

(ii) All interest or other earnings derived from the fund monies shall be deposited in the fund.

(3) Notwithstanding any other provisions of this chapter, the commission may retain an amount of tax collected under this chapter of not to exceed the lesser of:

(a) 1.5%; or

(b) an amount equal to the cost to the commission of administering this chapter.

(4) (a) Fund monies shall be used as provided in this Subsection (4).

(b) The Department of Corrections shall use ~~[60%]~~ 50% of the monies in the fund, in addition to existing budgets, to provide treatment services to nonworking or indigent adults who:

(i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses; and

(ii) are not currently confined or incarcerated in a jail or prison.

(c) The Adult Probation and Parole section of the Department of Corrections shall use 15% of the monies in the fund to provide outpatient treatment services to individuals who:

(i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses; and

(ii) are not currently confined or incarcerated in a jail or prison.

(d) The ~~H~~→ ~~[Department of Corrections]~~ Division of Juvenile Justice Services, within the Department of Human Services ~~←H~~ shall use 10% of the monies in the fund, in addition

59 to existing budgets, to implement treatment programs for juveniles who have been convicted of
60 an offense under Title 76, Chapter 5, Part 4, Sexual Offenses.

61 (e) The Commission on Criminal and Juvenile Justice shall use 10% of the monies in
62 the fund to develop, implement, and maintain a statewide strategy to address sexual violence
63 issues in the state.

64 [~~e~~] (f) The attorney general shall use 15% of the monies in the fund to provide
65 funding for any task force:

66 (i) administered through the Office of the Attorney General; and

67 (ii) that investigates and prosecutes individuals who use the Internet to commit crimes
68 against children.

Legislative Review Note
as of 1-31-06 1:27 PM

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

Fiscal Note**Amendments to Sexually Explicit Business and Escort Service Fund***07-Feb-06***Bill Number HB0379***12:15 PM*

State Impact

Passage of this bill should have no net revenue impact. It would however, shift \$6,000 in funding from the Department of Corrections to the Commission on Criminal and Juvenile Justice.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst