

SEX OFFENDER LAW AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Mike Dmitrich

LONG TITLE

General Description:

This bill modifies the Code of Criminal Procedure to require the Utah Department of Corrections to use a periodic multi-domain assessment tool during a three-year trial period to evaluate sex offenders who are supervised in the community.

Highlighted Provisions:

This bill:

- ▶ requires the Utah Department of Corrections to issue a request for proposals to provide a multi-domain assessment to registered sex offenders it supervises in the community in Region 3 beginning July 1, 2008 and ending June 30, 2011;
- ▶ requires that the assessment is to be administered:
 - not less than every 16 weeks during the first year the offender is supervised in the community; and
 - not less than every 26 weeks nor more than every 12 weeks as determined to be appropriate by the department's supervisory personnel and the sex offender's treatment team, during the second or subsequent year the offender is supervised in the community and continuing until termination of the offender's probation or parole;
- ▶ specifies the content of the assessment tool; and
- ▶ provides definitions.

Monies Appropriated in this Bill:

This bill appropriates \$200,000 in non-lapsing funds from the General Fund for fiscal year 2008-09 only, to the Utah Department of Corrections.

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **77-27-21.9**, Utah Code Annotated 1953



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

37 Section 1. Section **77-27-21.9** is enacted to read:

38 **77-27-21.9. Sex offender assessment.**

39 (1) As used in this section:

40 (a) "Dynamic factors" means a person's individual characteristics, issues, resources, or
41 circumstances that:

42 (i) can change or be influenced; and

43 (ii) affect the risk of recidivism or the risk of violating conditions of probation or parole.

44 (b) "Multi-domain assessment" means an evaluation process or tool which reports in
45 quantitative and qualitative terms an offender's condition, stability, needs, resources, and
46 dynamic factors affecting the offender's transition into the community and compliance with
47 conditions of probation or parole, such as the following:

48 (i) alcohol and other drug use;

49 (ii) mental health status;

50 (iii) physical health;

51 (iv) criminal behavior;

52 (v) education;

53 (vi) emotional health and barriers;

54 (vii) employment;

55 (viii) family dynamics;

56 (ix) housing;

57 (x) physical health and nutrition;

- 58 (xi) spirituality;
- 59 (xii) social support systems;
- 60 (xiii) special population needs, including:
- 61 (A) co-existing disorders;
- 62 (B) domestic violence;
- 63 (C) drug of choice;
- 64 (D) gender, ethnic, and cultural considerations;
- 65 (E) other health issues;
- 66 (F) sexual abuse; and
- 67 (G) sexual orientation;
- 68 (xiv) transportation; and
- 69 (xv) treatment involvement.
- 70 (c) "Qualitative terms" means written summaries used to describe meaning, enrich, or
- 71 explain significant quantitative indicators or benchmarks within the areas defined in Subsection
- 72 (1)(b).
- 73 (d) "Quantitative terms" means numerical distinctions or benchmarks used to describe
- 74 conditions within the areas defined in Subsection (1)(b).
- 75 (2) The department shall issue a request for proposals to provide a periodic
- 76 multi-domain assessment tool, as defined in Subsection (1)(b) and implement the tool for a
- 77 three-year trial period in the management of sex offenders being supervised in the community in
- 78 the department's Region 3.
- 79 (3) The request for proposals shall include a requirement that the multi-domain
- 80 assessment tool be designed to be administered:
- 81 (a) every 16 weeks during the first year a sex offender is supervised in the community;
- 82 and
- 83 (b) every 12 to 26 weeks during the second and subsequent years a sex offender is
- 84 supervised in the community, as determined appropriate by the department's supervisory
- 85 personnel and the sex offender's treatment team.

86 (4) The department shall promptly make results of the multi-domain assessment
87 available to:

88 (a) the sex offender's treatment team; and

89 (b) the corrections personnel responsible for supervising the offender.

90 (5) The department shall provide to the legislative Law Enforcement and Criminal
91 Justice Interim Committee at the conclusion of the trial period a written report of the results of
92 the use of the multi-domain assessments, including:

93 (a) the impact on recidivism;

94 (b) other indicators of the effect of the use of the assessments;

95 (c) the number of assessments administered annually;

96 (d) the number of individuals who were assessed during the year; and

97 (e) any recommended legislative or policy changes.

98 Section 2. **Appropriation.**

99 (1) There is appropriated from the General Fund, for fiscal year 2008-09 only,
100 \$200,000 to the Utah Department of Corrections to be used for issuing a request for proposals
101 and conducting a three-year trial of a multi-domain assessment tool, for sex offenders being
102 supervised in the community, as described in Section 77-27-21.9.

103 (2) It is the intent of the Legislature that this one-time appropriation be non-lapsing.