

**FINGERPRINTS OF JUVENILES**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeremy A. Peterson**

Senate Sponsor: Daniel W. Thatcher

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**LONG TITLE**

**General Description:**

This bill requires fingerprints and photographs of juveniles to be taken and stored in specific circumstances.

**Highlighted Provisions:**

This bill:

► requires fingerprints and photographs of juveniles to be taken when a juvenile age 14 or older is:

- admitted to a detention facility for an offense that would be a felony if committed by an adult;
- adjudicated by the juvenile court for an offense that would be a felony or class A misdemeanor if committed by an adult; and

► restricts the distribution of fingerprints and photographs.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-6-1104**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78A-6-1104** is amended to read:

30           **78A-6-1104. When photographs, fingerprints, or HIV infection tests may be**  
31 **taken -- Distribution -- Expungement.**

32           (1) [~~Photographs may be taken of a minor~~] The Division of Juvenile Justice Services  
33 shall take a photograph and fingerprints of all minors 14 years of age or older who[: (a) ~~is~~  
34 ~~taken into custody~~] are admitted to a detention facility operated by the Division of Juvenile  
35 Justice Services for the alleged commission of an offense [~~under Sections 78A-6-103,~~  
36 ~~78A-6-701, and 78A-6-702~~] that would [~~also~~] be [~~an offense~~] a felony if the minor were 18  
37 years of age or older[; ~~or~~].

38           [~~(b) has been determined to be a serious habitual offender for tracking under Section~~  
39 ~~63M-10-201 and is under the continuing jurisdiction of the Juvenile Court or the Division of~~  
40 ~~Juvenile Justice Services;~~]

41           [~~(2) (a) Fingerprints may be taken of a minor 14 years of age or older who:~~]

42           [~~(i) is taken into custody for the alleged commission of an offense that would be a~~  
43 ~~felony if the minor were 18 years of age or older;~~]

44           [~~(ii) has been determined to be a serious habitual offender for tracking under Section~~  
45 ~~63M-10-201 and is under the continuing jurisdiction of the Juvenile Court or the Division of~~  
46 ~~Juvenile Justice Services; or~~]

47           [~~(iii) is required to provide a DNA specimen under Section 53-10-403;~~]

48           (2) The Juvenile Court shall order a minor 14 years of age or older to have their  
49 fingerprints taken at a detention facility operated by the Division of Juvenile Justice Services or  
50 a local law enforcement agency if the minor is:

51           (a) adjudicated for an offense that would be a class A misdemeanor if the minor were  
52 18 years of age or older; or

53           (b) adjudicated for an offense that would be a felony if the minor were 18 years of age  
54 or older and the minor was not admitted to a detention facility operated by the Division of  
55 Juvenile Justice Services.

56           (3) The Juvenile Court shall take a photograph of all minors 14 years of age or older  
57 who are adjudicated for an offense that would be a felony or a class A misdemeanor if the

58 minor were 18 years of age or older.

59 ~~[(b)]~~ (4) Fingerprints shall be forwarded to the Bureau of Criminal Identification and  
60 may be stored by electronic medium.

61 ~~[(3)]~~ (5) HIV testing may be conducted on a minor who is taken into custody after  
62 having been adjudicated to have violated state law prohibiting a sexual offense under Title 76,  
63 Chapter 5, Part 4, Sexual Offenses, upon the request of the victim or the parent or guardian of a  
64 child victim.

65 ~~[(4)]~~ (6) HIV tests, photographs, and fingerprints may not be taken of a child younger  
66 than 14 years of age without the consent of the court.

67 ~~[(5)]~~ (7) (a) Photographs taken under this section may be distributed or disbursed to the  
68 following individuals or agencies [~~other than state or local law enforcement agencies only~~  
69 ~~when a minor 14 years of age or older is charged with an offense which would be a felony if~~  
70 ~~committed by an adult.];~~

71 (i) state and local law enforcement agencies;

72 (ii) the judiciary; and

73 (iii) the Division of Juvenile Justice Services.

74 (b) Fingerprints may be distributed or disbursed to the following individuals or  
75 agencies [~~other than state or local law enforcement agencies.];~~

76 (i) state and local law enforcement agencies;

77 (ii) the judiciary;

78 (iii) the Division of Juvenile Justice Services; and

79 (iv) agencies participating in the Western Identification Network.

80 ~~[(6)]~~ (8) When a minor's juvenile record is expunged, all photographs and other records  
81 as ordered shall upon court order be destroyed by the law enforcement agency. Fingerprint  
82 records may not be destroyed.