

## **HB0048S01 compared with HB0048**

{deleted text} shows text that was in HB0048 but was deleted in HB0048S01.

inserted text shows text that was not in HB0048 but was inserted into HB0048S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

**Representative Jeremy A. Peterson proposes the following substitute bill:**

### **FINGERPRINTS OF JUVENILES**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeremy A. Peterson**

Senate Sponsor: \_\_\_\_\_

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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:
  - taken into custody for an offense {and brought before the juvenile court for adjudication}that would be a felony if committed by an adult;
  - determined to be a serious habitual offender;
  - certified to stand trial in the district court; or
  - {taken into custody for a gang related offense}adjudicated by the juvenile court

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for an offense that would be a class A misdemeanor if committed by an adult;  
and

- ▶ allows for the distribution of photographs of juveniles age 14 or older when the juvenile is charged with an offense which~~is~~:
  - } would be a felony if committed by an adult~~; or~~
  - is gang related~~;~~.

### **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:

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

- (1) Photographs [may] shall be taken of a minor 14 years of age or older who:
  - (a) is taken into custody for the alleged commission of an offense ~~under Sections 78A-6-103, 78A-6-701, and 78A-6-702~~ that would ~~also~~ be ~~an~~ a felony offense if the minor ~~were~~ was 18 years of age or older; ~~or~~
    - (b) has been determined to be a serious habitual offender for tracking under Section 63M-10-201 and is under the continuing jurisdiction of the Juvenile Court or the Division of Juvenile Justice Services[-]; or
    - (c) ~~is taken into custody~~ has been adjudicated under Section 78A-6-117 for an offense ~~which is for the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802~~ that would be a class A misdemeanor if the minor was 18 years of age or older.
- (2) (a) Fingerprints [may] shall be taken of a minor 14 years of age or older who:
  - (i) is taken into custody for the alleged commission of an offense that would be a

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felony if the minor were 18 years of age or older;

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

(iii) ~~{is taken into custody}~~ has been adjudicated under Section 78A-6-117 for an offense ~~{which is for the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802; or}~~ that would be a class A misdemeanor if the minor was 18 years of age or older.

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

(b) Fingerprints shall be forwarded to the Bureau of Criminal Identification and may be stored by electronic medium.

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

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

(5) (a) Photographs may be distributed or disbursed to individuals or agencies other than state or local law enforcement agencies only when a minor 14 years of age or older:

(i) is charged with an offense which ~~{t} is~~

~~(i) ~~{t} is~~ would be a felony if ~~{committed by an adult {f.}, or}~~~~

~~(ii) ~~{which is for the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802; or}~~ the minor was 18 years of age or older; or~~

(ii) has been adjudicated under Section 78A-6-117 for an offense that would be a class A misdemeanor if the minor was 18 years of age or older.

(b) Fingerprints may be distributed or disbursed to individuals or agencies other than state or local law enforcement agencies.

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

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**Legislative Review Note**

~~as of 12-22-10 11:21 AM~~

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~~Office of Legislative Research and General Counsel,~~