

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: _____

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 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
 - adjudicated by the juvenile court for an offense that would be a class A misdemeanor if committed by an adult; and
- ▶ restricts the distribution of fingerprints and photographs to state and local law enforcement agencies.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **78A-6-1104**, as renumbered and amended by Laws of Utah 2008, Chapter 3

30

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

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

33 **78A-6-1104. When photographs, fingerprints, or HIV infection tests may be**
34 **taken -- Distribution -- Expungement.**

35 (1) Photographs [~~may~~] shall be taken of a minor 14 years of age or older who:

36 (a) is taken into custody for the alleged commission of an offense [~~under Sections~~
37 ~~78A-6-103, 78A-6-701, and 78A-6-702~~] that would [~~also~~] be [~~an~~] a felony offense if the minor
38 [~~were~~] was 18 years of age or older; [~~or~~]

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

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

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

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

47 (ii) has been determined to be a serious habitual offender for tracking under Section
48 63M-10-201 and is under the continuing jurisdiction of the Juvenile Court or the Division of
49 Juvenile Justice Services; [~~or~~]

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

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

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

55 (3) HIV testing may be conducted on a minor who is taken into custody after having
56 been adjudicated to have violated state law prohibiting a sexual offense under Title 76, Chapter

57 5, Part 4, Sexual Offenses, upon the request of the victim or the parent or guardian of a child
58 victim.

59 (4) HIV tests, photographs, and fingerprints may not be taken of a child younger than
60 14 years of age without the consent of the court.

61 (5) (a) Photographs may not be distributed or disbursed to individuals or agencies other
62 than state or local law enforcement agencies [~~only when a minor 14 years of age or older is~~
63 ~~charged with an offense which would be a felony if committed by an adult~~].

64 (b) Fingerprints may not be distributed or disbursed to individuals or agencies other
65 than state or local law enforcement agencies.

66 (6) When a minor is adjudicated delinquent for an offense which would be a felony or
67 a class A misdemeanor if the minor was 18 years of age or older, the court shall require, if not
68 previously accomplished, that fingerprints and photographs of the minor be taken.

69 (a) The parents or guardian of a minor shall be responsible for insuring that fingerprints
70 and photographs are taken within the time specified by the court.

71 (b) A parent or guardian who fails to carry out the responsibility in Subsection (6)(a)
72 may be punished in accordance with Section 78A-6-1101.

73 [~~(6)~~ (7)] When a minor's juvenile record is expunged, all photographs and other records
74 as ordered shall [~~upon court order~~] be destroyed by the law enforcement agency. Fingerprint
75 records may not be destroyed.

FISCAL NOTE

H.B. 48 2nd Sub. (Gray)

SHORT TITLE: Fingerprints of Juveniles

SPONSOR: Peterson, J.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will cost the Courts \$30,000 ongoing from the General Fund and the Department of Public Safety \$15,400 ongoing from the General Fund to process increased fingerprinting activities beginning in FY 2012.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund	\$0	\$45,400	\$45,400
Total Expenditure	\$0	\$45,400	\$45,400
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$45,400)	(\$45,400)
Net Impact, General/Education Funds	\$0	(\$45,400)	(\$45,400)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.