

HB0048S02 compared with HB0048S01

~~deleted text~~ shows text that was in HB0048S01 but was deleted in HB0048S02.

inserted text shows text that was not in HB0048S01 but was inserted into HB0048S02.

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: _____

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

HB0048S02 compared with HB0048S01

misdemeanor if committed by an adult; and

- ▶ ~~{allows for}~~ restricts the distribution of fingerprints and photographs ~~{of juveniles age 14 or older when the juvenile is charged with an offense which would be a felony if committed by an adult}~~; to state and local law enforcement agencies.

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

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) 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.

(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 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~~]

HB0048S02 compared with HB0048S01

(iii) 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~~}; or~~

~~[(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 not 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 would be a felony if [] committed by an adult []~~
~~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 not be distributed or disbursed to individuals or agencies other than state or local law enforcement agencies.

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

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

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

~~[(6)]~~ (7) 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.