

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

Section 1. Section **26-36a-103** is amended to read:

26-36a-103. Definitions.

As used in this chapter:

(1) "Accountable care organization" means a managed care organization, as defined in 42 C.F.R. Sec. 438, that contracts with the department under the provisions of Section 26-18-405.

(2) "Assessment" means the Medicaid hospital provider assessment established by this chapter.

(3) "Discharges" means the number of total hospital discharges reported on worksheet S-3 Part I, column 15, lines 12, 14, and 14.01 of the 2552-96 Medicare Cost Report or on Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare Cost Report for the applicable assessment year.

(4) "Division" means the Division of Health Care Financing of the department.

(5) "Hospital":

(a) means a privately owned:

(i) general acute hospital operating in the state as defined in Section 26-21-2; and

(ii) specialty hospital operating in the state, which shall include a privately owned hospital whose inpatient admissions are predominantly:

(A) rehabilitation;

(B) psychiatric;

(C) chemical dependency; or

(D) long-term acute care services; and

(b) does not include:

(i) a ~~[residential care or treatment facility]~~ **§→ [recovery residence or a residential treatment program] human services program, ←§** as defined in Section 62A-2-101;

(ii) a hospital owned by the federal government, including the Veterans Administration Hospital; or

(iii) a hospital that is owned by the state government, a state agency, or a political subdivision of the state, including:

(B) psychiatric;

(C) chemical dependency; or

(D) long-term acute care services; and

(b) does not include a ~~[residential care or treatment facility]~~ recovery residence or a

§→ [residential treatment program] human services program, ←§ as defined in Section

62A-2-101.

(8) "State teaching hospital" means a state owned teaching hospital that is part of an institution of higher education.

Section 3. Section **53E-9-308** is amended to read:

53E-9-308. Sharing student data -- Prohibition -- Requirements for student data manager.

(1) An education entity shall comply with this section beginning with the 2017-18 school year.

(2) An education entity may not share a student's personally identifiable student data if the personally identifiable student data is not shared in accordance with:

(a) the Family Education Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g and 1232h; and

(b) this part.

(3) A student data manager shall:

(a) authorize and manage the sharing, outside of the education entity, of personally identifiable student data from a cumulative record for the education entity as described in this section; and

(b) act as the primary local point of contact for the state student data officer described in Section 53E-9-302.

(4) (a) Except as provided in this section or required by federal law, a student data manager may not share, outside of the education entity, personally identifiable student data from a cumulative record without a data authorization.

(b) A student data manager may share the personally identifiable student data of a student with the student and the student's parent.

(5) A student data manager may share a student's personally identifiable student data from a cumulative record with:

(a) a school official;

the actual identity of the identifiable minor is not required.

(6) This section may not be construed to impose criminal or civil liability on:

(a) ~~[any]~~ an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:

(i) reporting or data preservation duties required under any federal or state law; or

(ii) implementing a policy of attempting to prevent the presence of child pornography on any tangible or intangible property, or of detecting and reporting the presence of child pornography on the property;

(b) ~~[any]~~ a law enforcement officer acting within the scope of a criminal investigation;

(c) ~~[any]~~ an employee of a court who may be required to view child pornography during the course of and within the scope of the employee's employment;

(d) ~~[any]~~ a juror who may be required to view child pornography during the course of the ~~[person's]~~ individual's service as a juror; ~~[or]~~

(e) ~~[any]~~ an attorney or employee of an attorney who is required to view child pornography ~~§→ [f] ←§~~ during the course of a judicial process and while acting within the scope of employment ~~§→ [-] within the scope of the attorney's or employee's employment; or] ; ←§~~

(f) an employee of the Department of Human Services who is required to view child pornography within the scope of the employee's employment ~~§→ [-] ; or~~

(g) an attorney who is required to view child pornography within the scope of the attorney's responsibility to represent the Department of Human Services, including the divisions and offices within the Department of Human Services. ~~←§~~

Section 13. Section **77-7a-104** is amended to read:

77-7a-104. Activation and use of body-worn cameras.

(1) An officer using a body-worn camera shall verify that the equipment is properly functioning as is reasonably within the officer's ability.

(2) An officer shall report any malfunctioning equipment to the officer's supervisor if:

(a) the body-worn camera issued to the officer is not functioning properly upon initial inspection; or

(b) an officer determines that the officer's body-worn camera is not functioning properly at any time while the officer is on duty.

(3) An officer shall wear the body-worn camera so that it is clearly visible to the person being recorded.

(4) An officer shall activate the body-worn camera prior to any law enforcement encounter, or as soon as reasonably possible.

1454 custody.

1455 (b) Pursuant to Section 77-23-210, a peace officer making the search may enter a house
1456 or premises by force, if necessary, in order to remove the child.

1457 (c) The person executing the warrant shall ~~[then]~~ take the child to the place of shelter
1458 designated by the court or the division.

1459 (4) (a) Consistent with Subsection (5), the court shall hold an expedited hearing to
1460 determine whether a child should be placed in protective custody if:

1461 (i) a person files a petition under Section 78A-6-304;

1462 (ii) a party to the proceeding files a "Motion for Expedited Placement in Temporary
1463 Custody"; and

1464 (iii) notice of the hearing described in this Subsection (4)(a) is served consistent with
1465 the requirements for notice of a shelter hearing under Section 78A-6-306.

1466 (b) The hearing described in Subsection (4)(a):

1467 (i) shall be held within 72 hours, excluding weekends and holidays, of the filing of the
1468 motion described in Subsection (4)(a)(ii); and

1469 (ii) shall be considered a shelter hearing under Section 78A-6-306 and Utah Rules of
1470 Juvenile Procedure, Rule 13.

1471 (5) (a) The hearing and notice described in Subsection (4) are subject to:

1472 (i) Section 78A-6-306;

1473 (ii) Section 78A-6-307; and

1474 (iii) the Utah Rules of Juvenile Procedure.

1475 (b) After the hearing described in Subsection (4), a court may order a child placed in
1476 the temporary custody of the division.

1477 (6) Upon a motion filed for a warrant to search for a child who is missing, has been
1478 abducted, or has run away, a court shall issue a warrant authorizing a child welfare worker or a
1479 peace officer to search for the child and take the child into custody if the court determines that:

1480 (a) the child is in the legal custody of the division; and

1481 (b) the child is missing, has been abducted, or has run away.

1482 (7) When a court issues a warrant under Subsection (6) ~~It~~ → [the court] ← ~~It~~ :

1483 (a) ~~It~~ → the division ← ~~It~~ shall notify the child's parent or guardian who has a right to
1483a parent-time with the
1484 child;

1485 (b) ~~the court~~ shall order :

1485a (i) ~~the law enforcement agency that has jurisdiction over the location from~~
 1486 ~~which the child ran away to enter a record of the warrant into the National Crime Information~~
 1487 ~~Center database within 24 hours after the time when the law enforcement agency receives a~~
 1488 ~~copy of the warrant; and~~

1488a ~~the division to notify the law enforcement agency described in Subsection (7)(b)(i) of~~
 1488b ~~the order described in Subsection (7)(b)(i); and~~

1489 (c) ~~the court~~ shall specify the location to which the child welfare worker or peace
 1489a officer shall
 1490 transport the child.

1491 (8) On the sole basis of a child's absence from placement, a court may not hold in
 1492 contempt a child who:

1493 (a) is in the legal custody of the division; and

1494 (b) is missing, has been abducted, or has run away.

1495 [(6)] (9) When notice to a parent or guardian is required by this section:

1496 (a) the parent or guardian to be notified must be:

1497 (i) the child's primary caregiver; or

1498 (ii) the parent or guardian who has custody of the child[;] when the order is sought; and

1499 (b) the person required to provide notice shall make a good faith effort to provide
 1500 notice to a parent or guardian who:

1501 (i) is not required to be notified under Subsection [(6)] (9)(a); and

1502 (ii) has ~~the~~ a right to parent-time with the child.

1503 Section 16. Section **78A-6-113 (Superseded 07/01/18)** is amended to read:

1504 **78A-6-113 (Superseded 07/01/18). Placement of minor in detention or shelter**
 1505 **facility -- Grounds -- Detention hearings -- Period of detention -- Notice -- Confinement**
 1506 **for criminal proceedings -- Bail laws inapplicable -- Exception.**

1507 (1) (a) A minor may not be placed or kept in a secure detention facility pending court
 1508 proceedings unless it is unsafe for the public to leave the minor with the minor's parents,
 1509 guardian, or custodian and the minor is detainable based on guidelines promulgated by the
 1510 Division of Juvenile Justice Services.

1511 (b) A child who must be taken from the child's home but who does not require physical
 1512 restriction shall be given temporary care in a shelter facility and may not be placed in a
 1513 detention facility.

1514 (c) A child may not be placed or kept in a shelter facility pending court proceedings
 1515 unless it is unsafe to leave the child with the child's parents, guardian, or custodian.

(d) ~~Ĥ→~~ (i) ~~←Ĥ~~ A court may temporarily place in a detention facility ~~Ĥ→~~, as provided in

Subsection (4), ←Ĥ a child who is taken into

custody based upon a warrant issued under Subsection 78A-6-106(6), if the court finds that

detention is the least restrictive placement available to ensure the immediate safety of the child.

Ĥ→ (ii) A child placed in detention under Subsection (1)(d)(i) may not be held in detention longer than is necessary for the division to identify a less restrictive, available, and appropriate placement for the child. ←Ĥ

(2) After admission of a child to a detention facility pursuant to the guidelines established by the Division of Juvenile Justice Services and immediate investigation by an authorized officer of the court, the judge or the officer shall order the release of the child to the child's parents, guardian, or custodian if it is found the child can be safely returned to their care, either upon written promise to bring the child to the court at a time set or without restriction.

(a) If a child's parent, guardian, or custodian fails to retrieve the child from a facility within 24 hours after notification of release, the parent, guardian, or custodian is responsible for the cost of care for the time the child remains in the facility.

(b) The facility shall determine the cost of care.

(c) Any money collected under this Subsection (2) shall be retained by the Division of Juvenile Justice Services to recover the cost of care for the time the child remains in the facility.

(3) (a) When a child is detained in a detention or shelter facility, the parents or guardian shall be informed by the person in charge of the facility that they have the right to a prompt hearing in court to determine whether the child is to be further detained or released.

(b) When a minor is detained in a detention facility, the minor shall be informed by the person in charge of the facility that the minor has the right to a prompt hearing in court to determine whether the minor is to be further detained or released.

(c) Detention hearings shall be held by the judge or by a commissioner.

(d) The court may, at any time, order the release of the minor, whether a detention hearing is held or not.

(e) If a child is released, and the child remains in the facility, because the parents, guardian, or custodian fails to retrieve the child, the parents, guardian, or custodian shall be responsible for the cost of care as provided in Subsections (2)(a), (b), and (c).

(4) (a) A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless the court has entered an order for continued detention.

(b) A child may not be held in a shelter facility longer than 48 hours prior to a shelter

Subsection 78A-6-603(11).

(13) Section 76-8-418 is applicable to a child who willfully and intentionally commits an act against a jail or other place of confinement, including a Division of Juvenile Justice Services detention, shelter, or secure confinement facility which would be a third degree felony if committed by an adult.

Section 17. Section **78A-6-113 (Effective 07/01/18)** is amended to read:

78A-6-113 (Effective 07/01/18). Placement of minor in detention or shelter facility -- Grounds -- Detention hearings -- Period of detention -- Notice -- Confinement for criminal proceedings -- Bail laws inapplicable -- Exception.

(1) (a) A minor may not be placed or kept in a secure detention facility pending court proceedings except in accordance with Section 78A-6-112.

(b) A child may not be placed or kept in a shelter facility pending court proceedings unless it is unsafe to leave the child with the child's parents, guardian, or custodian.

(c) ~~Ĥ→~~ **(i) ←Ĥ** A court may temporarily place in a detention facility ~~Ĥ→~~, as provided in Subsection (4), ←Ĥ a child who is taken into custody based upon a warrant issued under Subsection 78A-6-106(6), if the court finds that detention is the least restrictive placement available to ensure the immediate safety of the child.

~~Ĥ→~~ **(ii) A child placed in detention under Subsection (1)(c)(i) may not be held in detention longer than is necessary for the division to identify a less restrictive, available, and appropriate placement for the child. ←Ĥ**

(2) After admission of a child to a detention facility pursuant to Section 78A-6-112 and immediate investigation by an authorized officer of the court, the judge or the officer shall order the release of the child to the child's parents, guardian, or custodian if it is found the child can be safely returned to their care, either upon written promise to bring the child to the court at a time set or without restriction.

(a) If a child's parent, guardian, or custodian fails to retrieve the child from a facility within 24 hours after notification of release, the parent, guardian, or custodian is responsible for the cost of care for the time the child remains in the facility.

(b) The facility shall determine the cost of care.

(c) Any money collected under this Subsection (2) shall be retained by the Division of Juvenile Justice Services to recover the cost of care for the time the child remains in the facility.

(3) (a) When a child is detained in a detention or shelter facility, the parents or guardian shall be informed by the person in charge of the facility that the parent's or guardian's child has the right to a prompt hearing in court to determine whether the child is to be further