

## HB0371S01 compared with HB0371

~~deleted text~~ shows text that was in HB0371 but was deleted in HB0371S01.

Inserted text shows text that was not in HB0371 but was inserted into HB0371S01.

**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 bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Luz Escamilla proposes the following substitute bill:

### CONSENT TO SERVICES FOR HOMELESS YOUTH

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Elizabeth Weight**

Senate Sponsor: ~~\_\_\_\_\_~~ Luz Escamilla

---

#### LONG TITLE

##### General Description:

This bill relates to a homeless youth's ability to consent to temporary shelter, care, or services.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ waives the fee for a certified copy of a birth certificate and an identification card for a youth who can show that the youth is homeless;
- ▶ modifies the circumstances under which a person who provides temporary shelter to a homeless youth is subject to a criminal penalty;
- ▶ provides that a homeless youth may consent to temporary shelter, care, or services under certain circumstances;

## HB0371S01 compared with HB0371

- ▶ requires a person who provides temporary shelter, care, or services, to a consenting homeless youth to keep certain records and report to the Division of Child and Family Services; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

26-2-12.6, as enacted by Laws of Utah 2018, Chapter 301

53-3-105, as last amended by Laws of Utah 2018, Chapters 301 and 417

62A-4a-501, as last amended by Laws of Utah 2018, Chapter 235

ENACTS:

62A-4a-502, Utah Code Annotated 1953

---

---

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

Section 1. Section 26-2-12.6 is amended to read:

**26-2-12.6. Fee waived for certified copy of birth certificate.**

(1) Notwithstanding Section 26-1-6 and Section 26-2-12.5, the department shall waive a fee that would otherwise be charged for a certified copy of a birth certificate, if the individual whose birth is confirmed by the birth certificate is:

(a) the individual requesting the certified copy of the birth certificate; and

(b) (i) homeless, as defined in Section 26-18-411;

(ii) a person who is homeless, as defined in Section 35A-5-302; ~~[or]~~

(iii) an individual whose primary nighttime residence is a location that is not designed for or ordinarily used as a sleeping accommodation for an individual~~[-]; or~~

(iv) a homeless child or youth, as defined in 42 U.S.C. Sec. 11434a.

(2) To satisfy the requirement in Subsection (1)(b), the department shall accept written verification that the individual is homeless or a person .child, or youth who is homeless from:

(a) a homeless shelter, as defined in Section 10-9a-526;

## HB0371S01 compared with HB0371

(b) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302;

(c) the Department of Workforce Services; [or]

(d) a facility that serves an individual described in Subsection (1)(b) and maintains data on an individual described in Subsection (1)(b) through the Homeless Management Information System[; or]

(e) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

Section 2. Section 53-3-105 is amended to read:

**53-3-105. Fees for licenses, renewals, extensions, reinstatements, rescheduling, and identification cards.**

The following fees apply under this chapter:

- (1) An original class D license application under Section 53-3-205 is \$32.
- (2) An original provisional license application for a class D license under Section 53-3-205 is \$39.
- (3) An original application for a motorcycle endorsement under Section 53-3-205 is \$11.
- (4) An original application for a taxicab endorsement under Section 53-3-205 is \$9.
- (5) A learner permit application under Section 53-3-210.5 is \$19.
- (6) A renewal of a class D license under Section 53-3-214 is \$32 unless Subsection (10) applies.
- (7) A renewal of a provisional license application for a class D license under Section 53-3-214 is \$32.
- (8) A renewal of a motorcycle endorsement under Section 53-3-214 is \$11.
- (9) A renewal of a taxicab endorsement under Section 53-3-214 is \$9.
- (10) A renewal of a class D license for a person 65 and older under Section 53-3-214 is \$17.
- (11) An extension of a class D license under Section 53-3-214 is \$26 unless Subsection (15) applies.
- (12) An extension of a provisional license application for a class D license under Section 53-3-214 is \$26.

## **HB0371S01 compared with HB0371**

(13) An extension of a motorcycle endorsement under Section 53-3-214 is \$11.

(14) An extension of a taxicab endorsement under Section 53-3-214 is \$9.

(15) An extension of a class D license for a person 65 and older under Section 53-3-214 is \$14.

(16) An original or renewal application for a commercial class A, B, or C license or an original or renewal of a provisional commercial class A or B license under Part 4, Uniform Commercial Driver License Act, is \$52.

(17) A commercial class A, B, or C license skills test is \$78.

(18) Each original CDL endorsement for passengers, hazardous material, double or triple trailers, or tankers is \$9.

(19) An original CDL endorsement for a school bus under Part 4, Uniform Commercial Driver License Act, is \$9.

(20) A renewal of a CDL endorsement under Part 4, Uniform Commercial Driver License Act, is \$9.

(21) (a) A retake of a CDL knowledge test provided for in Section 53-3-205 is \$26.

(b) A retake of a CDL skills test provided for in Section 53-3-205 is \$52.

(22) A retake of a CDL endorsement test provided for in Section 53-3-205 is \$9.

(23) A duplicate class A, B, C, or D license certificate under Section 53-3-215 is \$23.

(24) (a) A license reinstatement application under Section 53-3-205 is \$40.

(b) A license reinstatement application under Section 53-3-205 for an alcohol, drug, or combination of alcohol and any drug-related offense is \$45 in addition to the fee under Subsection (24)(a).

(25) (a) An administrative fee for license reinstatement after an alcohol, drug, or combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under Part 4, Uniform Commercial Driver License Act, is \$255.

(b) This administrative fee is in addition to the fees under Subsection (24).

(26) (a) An administrative fee for providing the driving record of a driver under Section 53-3-104 or 53-3-420 is \$8.

(b) The division may not charge for a report furnished under Section 53-3-104 to a municipal, county, state, or federal agency.

## HB0371S01 compared with HB0371

(27) A rescheduling fee under Section 53-3-205 or 53-3-407 is \$25.

(28) (a) Except as provided under Subsections (28)(b) and (c), an identification card application under Section 53-3-808 is \$23.

(b) An identification card application under Section 53-3-808 for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

(c) A fee may not be charged for an identification card application if the individual applying:

(i) (A) has not been issued a Utah driver license;

(B) is indigent; and

(C) is at least 18 years of age; or

(ii) submits written verification that the individual is homeless, as defined in Section 26-18-411, ~~or~~ a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

(A) a homeless shelter, as defined in Section 10-9a-526;

(B) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302; ~~or~~

(C) the Department of Workforce Services~~[-]; or~~

(D) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

(29) (a) An extension of a regular identification card under Subsection 53-3-807(5) for a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$17.

(b) The fee described in Subsection (29)(a) shall be waived if the applicant submits written verification that the individual is homeless, as defined in Section 26-18-411, or a person who is homeless, as defined in Section 35A-5-302, or a child or youth who is homeless, as defined in 42 U.S.C. Sec. 11434a(2), from:

(i) a homeless shelter, as defined in Section 10-9a-526;

(ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302; ~~or~~

(iii) the Department of Workforce Services~~[-]; or~~

(iv) a local educational agency liaison for homeless children and youth designated under 42 U.S.C. Sec. 11432(g)(1)(J)(ii).

## HB0371S01 compared with HB0371

(30) (a) An extension of a regular identification card under Subsection 53-3-807(6) is \$23.

(b) The fee described in Subsection (30)(a) shall be waived if the applicant submits written verification that the individual is homeless, as defined in Section 26-18-411, or a person who is homeless, as defined in Section 35A-5-302, from:

(i) a homeless shelter, as defined in Section 10-9a-526;

(ii) a permanent housing, permanent, supportive, or transitional facility, as defined in Section 35A-5-302; or

(iii) the Department of Workforce Services.

(31) In addition to any license application fees collected under this chapter, the division shall impose on individuals submitting fingerprints in accordance with Section 53-3-205.5 the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Section 53-3-205.5.

(32) An original mobility vehicle permit application under Section 41-6a-1118 is \$30.

(33) A renewal of a mobility vehicle permit under Section 41-6a-1118 is \$30.

(34) A duplicate mobility vehicle permit under Section 41-6a-1118 is \$12.

Section ~~41-3~~<sup>3</sup>. Section **62A-4a-501** is amended to read:

**62A-4a-501. Harboring a runaway -- Reporting requirements -- Division to provide assistance -- Affirmative defense -- Providing shelter after notice.**

(1) As used in this section:

(a) "Harbor" means to provide shelter in:

(i) the home of the person who is providing the shelter; or

(ii) any structure over which the person providing the shelter has any control.

(b) "Homeless youth" means a child, other than an emancipated minor:

(i) who is a runaway; or

(ii) ~~{whose}~~who is not accompanied by the child's parent or legal guardian ~~{has intentionally ceased to maintain physical custody of the child}~~.

~~{(b)}~~ (c) "Receiving center" means the same as that term is defined in Section 62A-7-101.

~~{(c)}~~ (d) "Runaway" means a child, other than an emancipated minor, who is absent from the home or lawfully prescribed residence of the child's parent or legal guardian ~~[of the~~

## HB0371S01 compared with HB0371

~~child~~] without the permission of the parent or legal guardian.

~~[(d)]~~ (e) "Temporary homeless youth shelter" means a facility that:

- (i) provides temporary shelter to a ~~runaway~~ homeless youth; and
- (ii) is licensed by the Office of Licensing, created in Section 62A-1-105, as a

residential support program.

~~[(e)]~~ (f) "Youth services center" means a center established by, or under contract with, the Division of Juvenile Justice Services, created in Section 62A-1-105, to provide youth services, as defined in Section 62A-7-101.

(2) Except as provided in Subsection (3), a person, including a temporary homeless youth shelter, is guilty of a class B misdemeanor if the person:

- (a) knowingly and intentionally harbors a child;
- (b) knows at the time of harboring the child that the child is a runaway;
- (c) fails to notify one of the following, by telephone or other reasonable means, of the

location of the child:

- (i) the parent or legal guardian of the child;
- (ii) the division; or
- (iii) a youth services center; and

(d) fails to notify a person described in Subsection (2)(c) within eight hours after the later of:

- (i) the time that the person becomes aware that the child is a runaway; or
- (ii) the time that the person begins harboring the child.

(3) A person described in Subsection (2), including a temporary homeless youth shelter, is not guilty of a violation of Subsection (2) and is not required to comply with Subsections (2)(c) and (d), if:

(a) (i) a court order is issued authorizing a peace officer to take the child into custody; and

~~[(b)]~~ (ii) the person notifies a peace officer or the nearest detention center, as defined in Section 62A-7-101, by telephone or other reasonable means, of the location of the child, within eight hours after the later of:

- ~~[(i)]~~ (A) the time that the person becomes aware that the child is a runaway; or
- ~~[(ii)]~~ (B) the time that the person begins harboring the child[-]; or

## HB0371S01 compared with HB0371

(b) (i) the child is a runaway who consents to shelter, care, or licensed services under Section 62A-4a-502; and

(ii) ~~(A) the person determines contacting the child's parent or legal guardian is not in the child's best interest;~~

~~——(B) the person is unable to locate the child's parent or legal guardian; or~~

~~(C) B~~ the child refuses to disclose the contact information for the child's parent or legal guardian.

(4) A person described in Subsection (2), including a temporary homeless youth shelter, shall provide a report to the division:

(a) if the person has an obligation under Section 62A-4a-403 to report child abuse or neglect; or

(b) if, within 48 hours after the person begins harboring the child:

(i) the person continues to harbor the child; and

(ii) the person does not make direct contact with:

(A) a parent or legal guardian of the child;

(B) the division;

(C) a youth services center; or

(D) a peace officer or the nearest detention center, as defined in Section 62A-7-101, if a court order is issued authorizing a peace officer to take the [minor] child into custody.

(5) It is an affirmative defense to the crime described in Subsection (2) that:

(a) the person failed to provide notice as described in Subsection (2) or (3) due to circumstances beyond the control of the person providing the shelter; and

(b) the person provided the notice described in Subsection (2) or (3) as soon as it was reasonably practicable to provide the notice.

(6) Upon receipt of a report that a runaway is being harbored by a person:

(a) a youth services center shall:

(i) notify the parent or legal guardian that a report has been made; and

(ii) inform the parent or legal guardian of assistance available from the youth services center; or

(b) the division shall:

(i) determine whether the runaway is abused, neglected, or dependent; and



## HB0371S01 compared with HB0371

(ii) if appropriate, make a referral for services for the runaway.

(7) (a) A parent or legal guardian of a runaway who is aware that the runaway is being harbored may notify a law enforcement agency and request assistance in retrieving the runaway.

(b) The local law enforcement agency may assist the parent or legal guardian in retrieving the runaway.

(8) Nothing in this section prohibits a person, including a temporary homeless youth shelter, from continuing to provide shelter to a runaway, after giving the notice described in Subsections (2) through (4), if:

(a) a parent or legal guardian of the child consents to the continued provision of shelter; or

(b) a peace officer or a parent or legal guardian of the child fails to retrieve the runaway.

(9) Nothing in this section prohibits a person or a temporary homeless youth shelter from providing shelter to a child whose ~~[parents]~~ parent or legal ~~[guardians have]~~ guardian has intentionally:

(a) ceased to maintain physical custody of the child; and

(b) failed to make reasonable arrangements for the safety, care, and physical custody of the child~~;~~ and].

~~[(c) failed to provide the child with food, shelter, or clothing.]~~

(10) Nothing in this section prohibits:

(a) a receiving center or a youth services center from providing shelter to a runaway in accordance with the requirements of Title 62A, Chapter 7, Juvenile Justice Services, and the rules relating to a receiving center or a youth services center; or

(b) a government agency from taking custody of a child as otherwise provided by law.

Section ~~(2)4~~. Section **62A-4a-502** is enacted to read:

**62A-4a-502. Consent to shelter, care, or services by a child.**

(1) As used in this section:

(a) "Care" means providing:

(i) assistance to obtain food, clothing, hygiene products, or other basic necessities;

(ii) access to a bed, showering facility, or transportation; or

## HB0371S01 compared with HB0371

(iii) assistance with school enrollment or attendance.

(b) "Homeless youth" means the same as that term is defined in Section 62A-4a-501.

(c) "Licensed services" means a service provided by a temporary homeless youth shelter, a youth services center, or other facility that is licensed to provide the service to a homeless youth.

(d) "Service" means:

(i) youth services, as defined in Section 62A-7-101;

(ii) child welfare or juvenile court case management or advocacy;

(iii) aftercare services, as defined in 45 C.F.R. 1351.1; or

(iv) independent living skills training.

(e) "Temporary homeless youth shelter" means the same as that term is defined in Section 62A-4a-501.

(f) "Youth services center" means the same as that term is defined in Section 62A-4a-501.

(2) A homeless youth may consent to temporary shelter, care, or licensed services if the homeless youth:

(a) is at least 15 years old; and

(b) manages the homeless youth's own financial affairs, regardless of the source of income.

(3) In determining consent under Subsection (2), a person may rely on the homeless youth's verbal or written statement describing the homeless youth's ability to consent to temporary shelter, care, or licensed services.

(4) A person who provides shelter, care, or licensed services to a homeless youth who consents to the shelter, care, or licensed services under Subsection (2):

(a) shall report to the division as required under Section ~~62-4a-403~~ 62A-4a-403 and Subsection 62A-4a-501(4); and

(b) may provide the homeless youth a referral to safe permanent housing, employment services, medical or dental care, or counseling.