

1 **JUVENILE JUSTICE SERVICES AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Cheryl K. Acton**

5 Senate Sponsor: Daniel W. Thatcher

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses services provided by the Division of Juvenile Justice Services.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides the Division of Juvenile Justice Services with rulemaking authority to
13 establish the qualifications and conditions of services provided by the Division of
14 Juvenile Justice Services to minors terminated from the custody of the Division of
15 Juvenile Justice Services;

16 ▶ amends the requirements for services provided by the Division of Juvenile Justice
17 Services after minors are terminated from the custody of the Division of Juvenile
18 Justice Services; and

19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **80-5-202**, as enacted by Laws of Utah 2021, Chapter 261

27 **80-6-804**, as last amended by Laws of Utah 2021, First Special Session, Chapter 2



28 ENACTS:

29 **80-6-809**, Utah Code Annotated 1953



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

32 Section 1. Section **80-5-202** is amended to read:

33 **80-5-202. Division rulemaking authority.**

34 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
35 division shall make rules to:

36 (a) [~~establishing~~] establish standards for the admission of a minor to detention;

37 (b) [~~that~~] describe good behavior for which credit may be earned under Subsection
38 **80-6-704**(4); [~~and~~]

39 (c) [~~that~~] establish a formula, in consultation with the Office of the Legislative Fiscal
40 Analyst, to calculate savings from General Fund appropriations under 2017 Laws of Utah,
41 Chapter 330, resulting from the reduction in out-of-home placements for juvenile offenders
42 with the division[~~;~~]; and

43 (d) establish the qualifications and conditions for services provided by the division
44 under Section **80-6-809**.

45 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
46 division may make rules:

47 (a) that govern the operation of prevention and early intervention programs, youth
48 service programs, juvenile receiving centers, and other programs described in Section
49 **80-5-401**; and

50 (b) that govern the operation of detention and secure care facilities.

51 (3) A rule made by the division under Subsection (1)(a):

52 (a) may not permit secure detention based solely on the existence of multiple status
53 offenses, misdemeanors, or infractions arising out of a single criminal episode; and

54 (b) shall prioritize use of home detention for a minor who might otherwise be held in
55 secure detention.

56 Section 2. Section **80-6-804** is amended to read:

57 **80-6-804. Review and termination of secure care -- Parole release.**

58 (1) If a juvenile offender is ordered to secure care under Section **80-6-705**, the juvenile

59 offender shall appear before the authority within 45 days after the day on which the juvenile
60 offender is ordered to secure care for review of a treatment plan and to establish parole release
61 guidelines.

62 (2) (a) If a juvenile offender is ordered to secure care under Section 80-6-705, the
63 authority shall set a presumptive term of commitment for the juvenile offender from three to
64 six months, but the presumptive term may not exceed six months.

65 (b) The authority shall release the juvenile offender on parole at the end of the
66 presumptive term of commitment unless:

67 (i) termination would interrupt the completion of a treatment program determined to be
68 necessary by the results of a validated risk and needs assessment under Section 80-6-606; or

69 (ii) the juvenile offender commits a new misdemeanor or felony offense.

70 (c) The authority shall determine whether a juvenile offender has completed a
71 treatment program under Subsection (2)(b)(i) by considering:

72 (i) the recommendations of the licensed service provider for the treatment program;

73 (ii) the juvenile offender's record in the treatment program; and

74 (iii) the juvenile offender's completion of the goals of the treatment program.

75 (d) The authority may extend the length of commitment and delay parole release for the
76 time needed to address the specific circumstance if one of the circumstances under Subsection
77 (2)(b) exists.

78 (e) The authority shall:

79 (i) record the length of the extension and the grounds for the extension; and

80 (ii) report annually the length and grounds of extension to the commission.

81 (f) Records under Subsection (2)(e) shall be tracked in the data system used by the
82 juvenile court and the division.

83 (3) (a) If a juvenile offender is committed to secure care, the authority shall set a
84 presumptive term of parole supervision, including aftercare services, from three to four months,
85 but the presumptive term may not exceed four months.

86 (b) If the authority determines that a juvenile offender is unable to return home
87 immediately upon release, the juvenile offender may serve the term of parole in the home of a
88 qualifying relative or guardian or at an independent living program contracted or operated by
89 the division.

90 (c) The authority shall release a juvenile offender from parole and terminate the
91 authority's jurisdiction at the end of the presumptive term of parole, unless:

92 (i) termination would interrupt the completion of a treatment program that is
93 determined to be necessary by the results of a validated risk and needs assessment under
94 Section 80-6-606;

95 (ii) the juvenile offender commits a new misdemeanor or felony offense; or

96 (iii) restitution has not been completed.

97 (d) The authority shall determine whether a juvenile offender has completed a
98 treatment program under Subsection (2)(c)(i) by considering:

99 (i) the recommendations of the licensed service provider;

100 (ii) the juvenile offender's record in the treatment program; and

101 (iii) the juvenile offender's completion of the goals of the treatment program.

102 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay
103 parole release only for the time needed to address the specific circumstance.

104 (f) The authority shall:

105 (i) record the grounds for extension of the presumptive length of parole and the length
106 of the extension; and

107 (ii) report annually the extension and the length of the extension to the commission.

108 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the
109 juvenile court and the division.

110 (h) If a juvenile offender leaves parole supervision without authorization for more than
111 24 hours, the term of parole shall toll until the juvenile offender returns.

112 (4) Subsections (2) and (3) do not apply to a juvenile offender committed to secure
113 care for:

114 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

115 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

116 (c) Section 76-5-203, murder or attempted murder;

117 (d) Section 76-5-205, manslaughter;

118 (e) Section 76-5-206, negligent homicide;

119 (f) Section 76-5-207, automobile homicide;

120 (g) Section 76-5-207.5, automobile homicide involving a handheld wireless

- 121 communication device;
- 122 (h) Section 76-5-208, child abuse homicide;
- 123 (i) Section 76-5-209, homicide by assault;
- 124 (j) Section 76-5-302, aggravated kidnapping;
- 125 (k) Section 76-5-405, aggravated sexual assault;
- 126 (l) a felony violation of Section 76-6-103, aggravated arson;
- 127 (m) Section 76-6-203, aggravated burglary;
- 128 (n) Section 76-6-302, aggravated robbery;
- 129 (o) Section 76-10-508.1, felony discharge of a firearm;
- 130 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)
- 131 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
- 132 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
- 133 involving the use of a dangerous weapon, as defined in Section 76-1-601; or
- 134 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
- 135 juvenile offender has been previously committed to the division for secure care.
- 136 ~~[(5)(a) The division may continue to have responsibility over a juvenile offender, who~~
- 137 ~~is discharged under this section from parole, to participate in a specific educational or~~
- 138 ~~rehabilitative program:]~~
- 139 ~~[(i) until the juvenile offender is:]~~
- 140 ~~[(A) if the juvenile offender is a youth offender, 21 years old; or]~~
- 141 ~~[(B) if the juvenile offender is a serious youth offender, 25 years old; and]~~
- 142 ~~[(ii) under an agreement by the division and the juvenile offender that the program has~~
- 143 ~~certain conditions:]~~
- 144 ~~[(b) The division and the juvenile offender may terminate participation in a program~~
- 145 ~~under Subsection (5)(a) at any time.]~~
- 146 ~~[(c) The division shall offer an educational or rehabilitative program before a juvenile~~
- 147 ~~offender's discharge date in accordance with this section.]~~
- 148 ~~[(d) A juvenile offender may request the services described in this Subsection (5), even~~
- 149 ~~if the offender has been previously declined services or services were terminated for~~
- 150 ~~noncompliance.]~~
- 151 ~~[(e) Notwithstanding Subsection (5)(c), the division:]~~

152 ~~[(i) shall consider a request by a juvenile offender under Subsection (5)(d) for the~~
153 ~~services described in this Subsection (5) for up to 365 days after the juvenile offender's~~
154 ~~effective date of discharge, even if the juvenile offender has previously declined services or~~
155 ~~services were terminated for noncompliance; and]~~

156 ~~[(ii) may reach an agreement with the juvenile offender to provide the services~~
157 ~~described in this Subsection (5) until the juvenile offender is:]~~

158 ~~[(A) if the juvenile offender is a youth offender, 21 years old; or]~~

159 ~~[(B) if the juvenile offender is a serious youth offender, 25 years old.]~~

160 ~~[(f) The division and the juvenile offender may terminate an agreement for services~~
161 ~~under this Subsection (5) at any time.]~~

162 Section 3. Section **80-6-809** is enacted to read:

163 **80-6-809. Division services after termination of custody of a minor.**

164 (1) If a minor is committed to the custody of the division under Section [80-6-703](#), the
165 division may continue to provide services to the minor, upon the minor's termination from
166 custody of the division, to allow the minor to participate in an educational, rehabilitative, or
167 support program until the minor is 25 years old under an agreement by the division and the
168 minor that the program has certain conditions.

169 (2) The division shall offer an educational, rehabilitative, or support program to a
170 minor before the minor's termination date.

171 (3) Even if a minor has been previously declined services or services were terminated
172 for noncompliance:

173 (a) a minor, who is terminated from custody, may request the services described in this
174 section; and

175 (b) notwithstanding Subsection (2), the division shall consider a request by a minor
176 under Subsection (3)(a).

177 (4) If a request is made under Subsection (3), the division may reach an agreement with
178 the minor to provide the services described in this section until the minor is 25 years old.

179 (5) The division, or the minor, may terminate an agreement for services under this
180 section at any time.