

SB0120S02 compared with SB0120S01

~~{deleted text}~~ shows text that was in SB0120S01 but was deleted in SB0120S02.

inserted text shows text that was not in SB0120S01 but was inserted into SB0120S02.

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 Todd D. Weiler proposes the following substitute bill:

JUVENILE JUSTICE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: ~~{_____}~~ Jon Hawkins

LONG TITLE

General Description:

This bill amends provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- ~~{_____}~~ → amends provisions regarding fines imposed for proof of age violations on minors;
- ~~_____~~ → amends provisions related to court surcharges imposed by the juvenile court;
- ~~_____~~ → addresses the payment or reimbursement by a minor or the minor's parent or guardian to an agency for the cost of obtaining a DNA specimen;
- ~~‡~~ ▶ modifies the duties of the Commission on Criminal and Juvenile Justice regarding the statewide sliding scale for the assessment of fines ~~{and fees for minors}~~;
- ~~_____~~ → amends penalties for violations of buying or possessing tobacco or electronic cigarette products by minors;

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- ~~amends provisions related to security surcharges in juvenile delinquency cases;~~
- ~~repeals a provision regarding payment for retrieving a juvenile court record;~~
- ~~amends provisions regarding the payment of a fine or fee for contempt in court by a child;~~
- ~~amends provisions related to the payment of child support for a child in state custody;~~
- ~~amends provisions related to the costs of treatment for an offender or victim;~~
- ~~amends the definition of "compensatory service" in regards to juvenile justice;~~
- ~~addresses outstanding balances of fines, fees, costs, and other financial obligations for minors;~~

for minors;

- ▶ amends provisions relating to the financial penalties for nonjudicial adjustments;
- { → ~~provides that a juvenile probation officer may not require a minor to pay a financial penalty, cost, surcharge, or fee for a nonjudicial adjustment;~~
- ~~repeals provisions relating to the payment of a fee, fine, or other financial penalty by a minor facing a delinquency proceeding in the juvenile court;~~
- ~~provides that a juvenile court may not issue a garnishment, wage withholding, or execution on a minor or the minor's parent or guardian for the collection of restitution;~~
- ~~provides that a juvenile court may not order a minor to be detained in a secure or nonsecure residential placement in order to collect restitution;~~
- ~~prohibits the juvenile court from requiring a minor or the minor's parent or guardian to reimburse a reward for the minor or to pay the costs of a governmental entity returning the minor to the state;~~
- ~~prohibits the collection of a fee for youth court participation and provides that a youth court is responsible for costs;~~
- { ▶ prohibits the charge of a filing fee for a juvenile expungement;{
- ~~repeals a statute on payment of support and maintenance by a juvenile offender or a juvenile offender's parent or legal guardian;}~~ and
 - ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

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None

Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

Utah Code Sections Affected:

AMENDS:

~~{ 32B-4-411, as last amended by Laws of Utah 2021, Chapter 262
51-9-401, as last amended by Laws of Utah 2021, Chapter 262
53-10-404, as last amended by Laws of Utah 2021, Chapter 262
53-10-404.5, as last amended by Laws of Utah 2014, Chapter 331
63M-7-208, as last amended by Laws of Utah 2021, Chapter 262
76-10-105, as last amended by Laws of Utah 2021, Chapter 262
78A-2-601, as last amended by Laws of Utah 2021, Chapter 262
78A-6-209, as last amended by Laws of Utah 2021, Chapter 261
78A-6-353, as renumbered and amended by Laws of Utah 2021, Chapter 261
78A-6-356, as renumbered and amended by Laws of Utah 2021, Chapter 261
80-3-403, as renumbered and amended by Laws of Utah 2021, Chapter 261
80-6-102, as enacted by Laws of Utah 2021, Chapter 261
80-6-304, as renumbered and amended by Laws of Utah 2021, Chapter 261
80-6-608, as renumbered and amended by Laws of Utah 2021, Chapter 261
80-6-703, as enacted by Laws of Utah 2021, Chapter 261
80-6-704, as enacted by Laws of Utah 2021, Chapter 261
80-6-705, as enacted by Laws of Utah 2021, Chapter 261
80-6-709, as enacted by Laws of Utah 2021, Chapter 261
80-6-710, as enacted by Laws of Utah 2021, Chapter 261
80-6-712, as enacted by Laws of Utah 2021, Chapter 261
80-6-906, as renumbered and amended by Laws of Utah 2021, Chapter 261
80-6-1007, as renumbered and amended by Laws of Utah 2021, Chapter 261~~

~~{ENACTS:~~

~~80-6-104, Utah Code Annotated 1953~~

REPEALS:

~~80-6-803, as renumbered and amended by Laws of Utah 2021, Chapter 261~~

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

Section 1. Section ~~{32B-4-411}~~63M-7-208 is amended to read:

~~{~~ ~~**32B-4-411. Minor's unlawful use of proof of age:**~~

~~—— (1) As used in this section, "proof of age violation" means a violation by a minor of:~~

~~—— (a) Chapter 1, Part 4, Proof of Age Act; or~~

~~—— (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1, Part 4, Proof of Age Act:~~

~~—— (i) Section 32B-4-409; or~~

~~—— (ii) Section 32B-4-410.~~

~~—— (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the penalties provided for in Subsection (1):~~

~~—— (a) (i) for a first violation, the minor is guilty of a class B misdemeanor;~~

~~—— (ii) for a second violation, the minor is guilty of a class A misdemeanor; and~~

~~—— (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor; except that the court may impose:~~

~~—— [(A) a fine of up to \$5,000;]~~

~~—— [(B)] (A) screening, assessment, or substance use disorder treatment, as defined in Section 41-6a-501;~~

~~—— [(C)] (B) an educational series, as defined in Section 41-6a-501;~~

~~—— [(D)] (C) alcoholic product related community service or compensatory service work program hours;~~

~~—— [(E)] (D) fees for restitution and treatment costs;~~

~~—— [(F)] (E) defensive driver education courses; or~~

~~—— [(G)] (F) a combination of these penalties;~~

~~—— (b) (i) for a minor who is younger than 18 years old:~~

~~—— (A) the court may forward to the Driver License Division a record of an adjudication under Section 80-6-701, for a violation under this section; and~~

~~—— (B) the provisions regarding suspension of a driver license under Section 80-6-707 apply; and~~

~~—— (ii) for a minor who is at least 18 years old, but younger than 21 years old:~~

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~~—— (A) the court shall forward to the Driver License Division a record of conviction for a violation under this section; and~~

~~—— (B) the Driver License Division shall suspend the person's license under Section 53-3-220; and~~

~~—— (c) notwithstanding Subsection (2)(a), if a minor is adjudicated under Section 80-6-701, the court may order:~~

~~—— (i) substance use disorder treatment or an educational series only if the minor has an assessed need for the intervention based on the results of a validated assessment; and~~

~~—— (ii) [a fine, fee, service hours, or costs] the minor to complete service hours in accordance with Section 80-6-709.~~

~~—— (3) (a) Notwithstanding Subsection (2)(b), the court may reduce the suspension period under Subsection 53-3-220(1)(c) or 80-6-707(4)(a)(ii)(A) if:~~

~~—— (i) the violation is the minor's first violation of this section; and~~

~~—— (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or~~

~~—— (B) the minor demonstrates substantial progress in substance use disorder treatment.~~

~~—— (b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the suspension period under Subsection 53-3-220(1)(c) or 80-6-707(4)(a)(ii)(B) if:~~

~~—— (i) the violation is the minor's second or subsequent violation of this section;~~

~~—— (ii) the person has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance use disorder treatment; and~~

~~—— (iii) (A) the person is 18 years old or older and provides a sworn statement to the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection 53-3-220(1)(c) or 80-6-707(4)(b)(ii)(A); or~~

~~—— (B) the minor is under 18 years old and has the minor's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection 53-3-220(1)(c) or 80-6-707(4)(b)(ii)(B).~~

~~—— (4) When the Department of Public Safety receives the arrest or conviction record of an individual for a driving offense committed while the individual's license is suspended pursuant~~

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~~to this section, the Department of Public Safety shall extend the suspension for an additional like period of time:~~

~~—— (5) A court may not fail to enter a judgment of conviction under this section under a plea in abeyance agreement.~~

~~—— Section 2. Section **51-9-401** is amended to read:~~

~~—— **51-9-401. Surcharge -- Application:**~~

~~—— (1) (a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by the courts:~~

~~—— (b) The surcharge shall be:~~

~~—— (i) 90% upon conviction of a:~~

~~—— (A) felony;~~

~~—— (B) class A misdemeanor;~~

~~—— (C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or~~

~~—— (D) class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances; or~~

~~—— (ii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge.~~

~~—— (c) The Division of Finance shall deposit into the General Fund an amount equal to the amount that the state retains under [Section 80-6-304] Subsection 78A-6-210(1).~~

~~—— (2) The surcharge may not be imposed:~~

~~—— (a) upon nonmoving traffic violations;~~

~~—— (b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and~~

~~—— (c) by the juvenile court.~~

~~—— [(c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment of a case under Section 78A-6-602.]~~

~~—— [(3) (a) The surcharge and the exceptions under Subsections (1) and (2) apply to all fines, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if committed by an adult.]~~

~~—— [(b)] (3) Notwithstanding Subsection [(3)(a)] (2)(c), the surcharge does not include~~

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~~amounts assessed or collected separately by juvenile courts for the Juvenile Restitution Account, which is independent of this part and does not affect the imposition or collection of the surcharge.~~

~~—— (4) The surcharge under this section shall be imposed in addition to the fine charged for a civil or criminal offense, and no reduction may be made in the fine charged due to the surcharge imposition.~~

~~—— (5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be authorized and managed by this part rather than attached to particular offenses.~~

~~—— Section 3. Section ~~53-10-404~~ is amended to read:~~

~~—— **53-10-404. DNA specimen analysis -- Requirement to obtain the specimen.**~~

~~—— (1) As used in this section, "person" [refers to any person as described under Section 53-10-403] means any person described in Subsection 53-10-403(1).~~

~~—— (2) (a) [A person under Section 53-10-403] A person described in Subsection 53-10-403(1), or any person required to register as a sex offender under Title 77, Chapter 41, Sex and Kidnap Offender Registry, shall:~~

~~—— (i) provide a DNA specimen [and shall]; and~~

~~—— (ii) reimburse the agency responsible for obtaining the DNA specimen \$150 for the cost of obtaining the DNA specimen [unless];~~

~~—— [(i)] (A) unless the person was booked under Section 53-10-403 and is not required to reimburse the agency under Section 53-10-404.5; [or]~~

~~—— [(ii)] (B) unless the agency determines the person lacks the ability to pay[.]; or~~

~~—— (C) except as provided in Subsection (2)(c).~~

~~—— (b) (i) (A) The responsible agencies shall establish guidelines and procedures for determining if the person is able to pay the fee.~~

~~—— (B) An agency's implementation of Subsection (2)(b)(i) meets an agency's obligation to determine an inmate's ability to pay.~~

~~—— (ii) An agency's guidelines and procedures may:~~

~~—— (A) provide for the assessment of \$150 on the inmate's county trust fund account [and may]; and~~

~~—— (B) allow a negative balance in the account until the \$150 is paid in full.~~

~~—— (c) A minor described in Subsection 58-10-403(3) or the minor's parent or legal~~

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~~guardian may not be required to pay or reimburse the agency responsible for obtaining a DNA specimen from the minor.~~

~~—— (3) (a) (i) All fees collected under Subsection (2) shall be deposited in the DNA Specimen Restricted Account created in Section 53-10-407, except that the agency collecting the fee may retain not more than \$25 per individual specimen for the costs of obtaining the saliva DNA specimen.~~

~~—— (ii) The agency collecting the \$150 fee may not retain from each separate fee more than \$25, and no amount of the \$150 fee may be credited to any other fee or agency obligation.~~

~~—— (b) (i) The responsible agency shall determine the method of collecting the DNA specimen.~~

~~—— (ii) Unless the responsible agency determines there are substantial reasons for using a different method of collection or the person refuses to cooperate with the collection, the preferred method of collection shall be obtaining a saliva specimen.~~

~~—— (c) The responsible agency may use reasonable force, as established by [its] the agency's guidelines and procedures, to collect the DNA sample if the person refuses to cooperate with the collection.~~

~~—— (d) If the judgment places the person on probation, the person shall submit to the obtaining of a DNA specimen as a condition of the probation.~~

~~—— (e) (i) Under this section a person is required to:~~

~~—— (A) provide one DNA specimen; and~~

~~—— (B) except as provided in Subsection (2)(c), pay the collection fee as required under this section.~~

~~—— (ii) The person shall provide an additional DNA specimen only if the DNA specimen previously provided is not adequate for analysis.~~

~~—— (iii) The collection fee is not imposed for a second or subsequent DNA specimen collected under this section.~~

~~—— (f) Any agency that is authorized to obtain a DNA specimen under this part may collect any outstanding amount of a fee due under this section from any person who owes any portion of the fee and deposit the amount in the DNA Specimen Restricted Account created in Section 53-10-407.~~

~~—— (4) (a) The responsible agency shall cause a DNA specimen to be obtained as soon as~~

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~~possible and transferred to the Department of Public Safety:~~

- ~~—— (i) after a conviction or a finding of jurisdiction by the juvenile court;~~
- ~~—— (ii) on and after January 1, 2011, through December 31, 2014, after the booking of a person for any offense under Subsection 53-10-403(1)(c); and~~
- ~~—— (iii) on and after January 1, 2015, after the booking of a person for any felony offense, as provided under Subsection 53-10-403(1)(d)(ii):~~

~~—— (b) On and after May 13, 2014, through December 31, 2014, the responsible agency may cause a DNA specimen to be obtained and transferred to the Department of Public Safety after the booking of a person for any felony offense, as provided under Subsection 53-10-403(1)(d)(i):~~

~~—— (c) If notified by the Department of Public Safety that a DNA specimen is not adequate for analysis, the agency shall, as soon as possible:~~

- ~~—— (i) obtain and transmit an additional DNA specimen; or~~
- ~~—— (ii) request that another agency that has direct access to the person and that is authorized to collect DNA specimens under this section collect the necessary second DNA specimen and transmit it to the Department of Public Safety.~~

~~—— (d) Each agency that is responsible for collecting DNA specimens under this section shall establish:~~

- ~~—— (i) a tracking procedure to record the handling and transfer of each DNA specimen it obtains; and~~
- ~~—— (ii) a procedure to account for the management of all fees it collects under this section.~~

~~—— (5) (a) The Department of Corrections is the responsible agency whenever the person is committed to the custody of or is under the supervision of the Department of Corrections:~~

~~—— (b) The juvenile court is the responsible agency regarding a minor under Subsection 53-10-403(3), but if the minor has been committed to the legal custody of the Division of Juvenile Justice Services, that division is the responsible agency if a DNA specimen of the minor has not previously been obtained by the juvenile court under Section 80-6-608:~~

~~—— (c) The sheriff operating a county jail is the responsible agency regarding the collection of DNA specimens from persons who:~~

- ~~—— (i) have pled guilty to or have been convicted of an offense listed under Subsection 53-10-403(2) but who have not been committed to the custody of or are not under the~~

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supervision of the Department of Corrections;

~~—— (ii) are incarcerated in the county jail;~~

~~—— (A) as a condition of probation for a felony offense; or~~

~~—— (B) for a misdemeanor offense for which collection of a DNA specimen is required;~~

~~—— (iii) on and after January 1, 2011, through May 12, 2014, are booked at the county jail for any offense under Subsection 53-10-403(1)(c)[.]; and~~

~~—— (iv) are booked at the county jail:~~

~~—— (A) by a law enforcement agency that is obtaining a DNA specimen for any felony offense on or after May 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b); or~~

~~—— (B) on or after January 1, 2015, for any felony offense.~~

~~—— (d) Each agency required to collect a DNA specimen under this section shall:~~

~~—— (i) designate employees to obtain the saliva DNA specimens required under this section; and~~

~~—— (ii) ensure that employees designated to collect the DNA specimens receive appropriate training and that the specimens are obtained in accordance with generally accepted protocol.~~

~~—— (6) (a) As used in this Subsection (6), "department" means the Department of Corrections:~~

~~—— (b) Priority of obtaining DNA specimens by the department is:~~

~~—— (i) first, to obtain DNA specimens of persons who as of July 1, 2002, are in the custody of or under the supervision of the department before these persons are released from incarceration, parole, or probation, if their release date is prior to that of persons under Subsection (6)(b)(ii), but in no case later than July 1, 2004; and~~

~~—— (ii) second, the department shall obtain DNA specimens from persons who are committed to the custody of the department or who are placed under the supervision of the department after July 1, 2002, within 120 days after the commitment, if possible, but not later than prior to release from incarceration if the person is imprisoned, or prior to the termination of probation if the person is placed on probation.~~

~~—— (c) The priority for obtaining DNA specimens from persons under Subsection (6)(b)(ii) is:~~

~~—— (i) first, persons on probation;~~

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~~—— (ii) second, persons on parole; and~~

~~—— (iii) third, incarcerated persons.~~

~~—— (d) Implementation of the schedule of priority under Subsection (6)(c) is subject to the priority of Subsection (6)(b)(i), to ensure that the Department of Corrections obtains DNA specimens from persons in the custody of or under the supervision of the Department of Corrections as of July 1, 2002, prior to their release.~~

~~—— (7) (a) As used in this Subsection (7):~~

~~—— (i) "Court" means the juvenile court.~~

~~—— (ii) "Division" means the Division of Juvenile Justice Services.~~

~~—— (b) Priority of obtaining DNA specimens by the court from minors under Section 53-10-403 whose cases are under the jurisdiction of the court but who are not in the legal custody of the division shall be:~~

~~—— (i) first, to obtain specimens from minors whose cases, as of July 1, 2002, are under the court's jurisdiction, before the court's jurisdiction over the minors' cases terminates; and~~

~~—— (ii) second, to obtain specimens from minors whose cases are under the jurisdiction of the court after July 1, 2002, within 120 days of the minor's case being found to be within the court's jurisdiction, if possible, but no later than before the court's jurisdiction over the minor's case terminates.~~

~~—— (c) Priority of obtaining DNA specimens by the division from minors under Section 53-10-403 who are committed to the legal custody of the division shall be:~~

~~—— (i) first, to obtain specimens from minors who as of July 1, 2002, are within the division's legal custody and who have not previously provided a DNA specimen under this section, before termination of the division's legal custody of these minors; and~~

~~—— (ii) second, to obtain specimens from minors who are placed in the legal custody of the division after July 1, 2002, within 120 days of the minor's being placed in the custody of the division, if possible, but no later than before the termination of the court's jurisdiction over the minor's case.~~

~~—— (8) (a) The Department of Corrections, the juvenile court, the Division of Juvenile Justice Services, and all law enforcement agencies in the state shall by policy establish procedures for obtaining saliva DNA specimens, and shall provide training for employees designated to collect saliva DNA specimens.~~

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~~—— (b) (i) The department may designate correctional officers, including those employed by the adult probation and parole section of the department, to obtain the saliva DNA specimens required under this section.~~

~~—— (ii) The department shall ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol.~~

~~—— (c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405.~~

~~—— Section 4. Section 53-10-404.5 is amended to read:~~

~~—— **53-10-404.5. Obtaining DNA specimen at time of booking -- Payment of fee upon conviction.**~~

~~—— (1) (a) When a sheriff books a person for any offense under Subsections 53-10-403(1)(c) and (d), the sheriff shall obtain a DNA specimen from the person upon booking of the person at the county jail, except under Subsection (1)(b).~~

~~—— (b) If at the time of booking the sheriff is able to obtain information from the bureau stating that the bureau has on file a DNA specimen for the person, the sheriff is not required to obtain an additional DNA specimen.~~

~~—— (2) [The] Except as provided in Subsection 53-10-404(2)(c), the person booked under Subsection (1) shall pay a fee of \$150 for the cost of obtaining the DNA specimen if:~~

~~—— (a) the charge upon which the booking is based is resolved by a conviction or the person is convicted of any charge arising out of the same criminal episode regarding which the DNA specimen was obtained; and~~

~~—— (b) the person's DNA sample is not on file under Subsection (1)(b).~~

~~—— (3) (a) All fees collected under Subsection (2) shall be deposited [in] into the DNA Specimen Restricted Account created in Section 53-10-407, except that the agency collecting the fee may retain not more than \$25 per individual specimen for the costs of obtaining the DNA specimen.~~

~~—— (b) The agency collecting the \$150 fee may not retain from each separate fee more than \$25, and no amount of the \$150 fee may be credited to any other fee or agency obligation.~~

~~—— (4) Any DNA specimen obtained under this section shall be held and may not be processed until:~~

~~—— (a) the court has bound the person over for trial following a preliminary hearing for any charge arising out of the same criminal episode regarding which the person was booked;~~

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~~(b) the person has waived the preliminary hearing for any charge arising out of the same criminal episode regarding which the person was booked; or~~

~~(c) a grand jury has returned an indictment for any charge arising out of the same criminal episode regarding which the person was booked.~~

~~Section 5. Section 63M-7-208 is amended to read:~~

‡ **63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.**

(1) The Commission on Criminal and Juvenile Justice shall:

(a) support implementation and expansion of evidence-based juvenile justice programs and practices, including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;

(b) examine and make recommendations on the use of third-party entities or an intermediary organization to assist with implementation and to support the performance-based contracting system authorized in Subsection (1)(m);

(c) oversee the development of performance measures to track juvenile justice reforms, and ensure early and ongoing stakeholder engagement in identifying the relevant performance measures;

(d) evaluate currently collected data elements throughout the juvenile justice system and contract reporting requirements to streamline reporting, reduce redundancies, eliminate inefficiencies, and ensure a focus on recidivism reduction;

(e) review averted costs from reductions in out-of-home placements for juvenile justice youth placed with the Division of Juvenile Justice Services and the Division of Child and Family Services, and make recommendations to prioritize the reinvestment and realignment of resources into community-based programs for youth living at home, including the following:

(i) statewide expansion of:

(A) juvenile receiving centers, as defined in Section 80-1-102;

(B) mobile crisis outreach teams, as defined in Section 62A-15-102;

(C) youth courts; and

(D) victim-offender mediation;

(ii) statewide implementation of nonresidential diagnostic assessment;

(iii) statewide availability of evidence-based programs and practices including cognitive behavioral and family therapy programs for minors assessed by a validated risk and

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needs assessment as moderate or high risk;

(iv) implementation and infrastructure to support the sustainability and fidelity of evidence-based juvenile justice programs, including resources for staffing, transportation, and flexible funds; and

(v) early intervention programs such as family strengthening programs, family wraparound services, and proven truancy interventions;

(f) assist the Administrative Office of the Courts in the development of a statewide sliding scale for the assessment of [~~fin~~, ~~fees, and {}~~] restitution, fees and restitution that is based on the ability of the minor's family to pay;

(g) analyze the alignment of resources and the roles and responsibilities of agencies, such as the operation of early intervention services, receiving centers, and diversion, and make recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;

(h) ensure that data reporting is expanded and routinely review data in additional areas, including:

(i) referral and disposition data by judicial district;

(ii) data on the length of time minors spend in the juvenile justice system, including the total time spent under court jurisdiction, on community supervision, and in each out-of-home placement;

(iii) recidivism data for minors who are diverted to a nonjudicial adjustment under Section 80-6-304 and minors for whom dispositions are ordered under Section 80-6-701, including tracking minors into the adult corrections system;

(iv) change in aggregate risk levels from the time minors receive services, are under supervision, and are in out-of-home placement; and

(v) dosage of programming;

(i) develop a reasonable timeline within which all programming delivered to minors in the juvenile justice system must be evidence-based or consist of practices that are rated as effective for reducing recidivism by a standardized program evaluation tool;

(j) provide guidelines to be considered by the Administrative Office of the Courts and the Division of Juvenile Justice Services in developing tools considered by the Administrative Office of the Courts and the Division of Juvenile Justice Services in developing or selecting tools to be used for the evaluation of juvenile justice programs;

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(k) develop a timeline to support improvements to juvenile justice programs to achieve reductions in recidivism and review reports from relevant state agencies on progress toward reaching that timeline;

(l) subject to Subsection (2), assist in the development of training for juvenile justice stakeholders, including educators, law enforcement officers, probation staff, judges, Division of Juvenile Justice Services staff, Division of Child and Family Services staff, and program providers;

(m) subject to Subsection (3), assist in the development of a performance-based contracting system, which shall be developed by the Administrative Office of the Courts and the Division of Juvenile Justice Services for contracted services in the community and contracted out-of-home placement providers;

(n) assist in the development of a validated detention risk assessment tool that shall be developed or adopted and validated by the Administrative Office of the Courts and the Division of Juvenile Justice Services as provided in Section 80-5-203 on and after July 1, 2018; and

(o) annually issue and make public a report to the governor, president of the Senate, speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the progress of the reforms and any additional areas in need of review.

(2) Training described in Subsection (1)(l) should include instruction on evidence-based programs and principles of juvenile justice, such as risk, needs, responsivity, and fidelity, and shall be supplemented by the following topics:

- (a) adolescent development;
- (b) identifying and using local behavioral health resources;
- (c) implicit bias;
- (d) cultural competency;
- (e) graduated responses;
- (f) Utah juvenile justice system data and outcomes; and
- (g) gangs.

(3) The system described in Subsection (1)(m) shall provide incentives for:

(a) the use of evidence-based juvenile justice programs and practices rated as effective by the tools selected in accordance with Subsection (1)(j);

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- (b) the use of three-month timelines for program completion; and
- (c) evidence-based programs and practices for minors living at home in rural areas.

(4) The Commission on Criminal and Juvenile Justice may delegate the duties imposed under this section to a subcommittee or board established by the Commission on Criminal and Juvenile Justice in accordance with Subsection 63M-7-204(2).

(5) Subsections (1)(a) through (c) take effect August 1, 2017. The remainder of this section takes effect July 1, 2018.

Section ~~{6}~~2. Section ~~{76-10-105}~~80-6-304 is amended to read:

~~{~~76-10-105. Buying or possessing a tobacco product or an electronic cigarette product by a minor -- Penalty -- Compliance officer authority -- Juvenile court jurisdiction.

~~—— (1) An individual who is 18 years old or older, but younger than 21 years old, and who buys or attempts to buy, accepts, or has in the individual's possession a tobacco product, an electronic cigarette product, or a nicotine product is:~~

~~—— (a) guilty of an infraction; and~~

~~—— (b) subject to[: (i) a minimum fine or penalty of \$60; and (ii)] participation in a court-approved tobacco education or cessation program[, which may include a participation fee] at no cost to the individual.~~

~~—— (2) (a) An individual who is under 18 years old and who buys or attempts to buy, accepts, or has in the individual's possession a tobacco product, an electronic cigarette product, or a nicotine product is subject to a citation under Section 80-6-302, unless the violation is committed on school property under Section 53G-8-211.~~

~~—— (b) If a violation under this section is adjudicated under Section 80-6-701, the minor may be subject to [the following: (i) a fine or penalty, in accordance with Section 80-6-709; and (ii)] participation in a court-approved tobacco education program[, which may include a participation fee] at no cost to the minor.~~

~~—— (3) (a) A compliance officer appointed by a board of education under Section 53G-4-402 may not issue a citation for a violation of this section committed on school property.~~

~~—— (b) A cited violation committed on school property shall be addressed in accordance with Section 53G-8-211.~~

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~~Section 7. Section 78A-2-601 is amended to read:~~

~~78A-2-601. Security surcharge -- Application and exemptions -- Deposit into restricted account.~~

~~(1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of \$53 shall be assessed in all courts of record on all criminal convictions [and juvenile delinquency judgments].~~

~~(2) The security surcharge may not be imposed upon:~~

~~(a) nonmoving traffic violations;~~

~~(b) community service; [and]~~

~~(c) [penalties assessed by the juvenile court as part of the] a nonjudicial adjustment of a case under Section 80-6-304[.]; or~~

~~(d) any juvenile delinquency judgment.~~

~~(3) (a) The security surcharge shall be collected after the surcharge under Section 51-9-401, but before any fine, and deposited with the state treasurer.~~

~~(b) A fine that would otherwise have been charged may not be reduced due to the imposition of the security surcharge.~~

~~(4) The state treasurer shall deposit the collected security surcharge [in] into the restricted account, Court Security Account, as provided in Section 78A-2-602.~~

~~Section 8. Section 78A-6-209 is amended to read:~~

~~78A-6-209. Court records -- Inspection.~~

~~(1) The juvenile court and the juvenile court's probation department shall keep records as required by the board and the presiding judge.~~

~~(2) A court record shall be open to inspection by:~~

~~(a) the parents or guardian of a child, a minor who is at least 18 years old, other parties in the case, the attorneys, and agencies to which custody of a minor has been transferred;~~

~~(b) for information relating to adult offenders alleged to have committed a sexual offense, a felony or class A misdemeanor drug offense, or an offense against the person under Title 76, Chapter 5, Offenses Against the Person, the State Board of Education for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, with the understanding that the State Board of Education must provide the individual with an opportunity to respond to any~~

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~~information gathered from the State Board of Education's inspection of the records before the State Board of Education makes a decision concerning licensure or employment;~~

~~—— (c) the Criminal Investigations and Technical Services Division, established in Section 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm and establishing good character for issuance of a concealed firearm permit as provided in Section 53-5-704;~~

~~—— (d) the Division of Child and Family Services for the purpose of Child Protective Services Investigations in accordance with Sections 62A-4a-403 and 62A-4a-409 and administrative hearings in accordance with Section 62A-4a-1009;~~

~~—— (e) the Office of Licensing for the purpose of conducting a background check in accordance with Section 62A-2-120;~~

~~—— (f) for information related to a minor who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of Health for the purpose of evaluating under the provisions of Subsection 26-39-404(3) whether a licensee should be permitted to obtain or retain a license to provide child care, with the understanding that the department must provide the individual who committed the offense with an opportunity to respond to any information gathered from the Department of Health's inspection of records before the Department of Health makes a decision concerning licensure;~~

~~—— (g) for information related to a minor who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of Health to determine whether an individual meets the background screening requirements of Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that the department must provide the individual who committed the offense an opportunity to respond to any information gathered from the Department of Health's inspection of records before the Department of Health makes a decision under that part; and~~

~~—— (h) for information related to a minor who has committed a sexual offense, a felony, or an offense that if committed by an adult would be a misdemeanor, the Department of Health to determine whether to grant, deny, or revoke background clearance under Section 26-8a-310 for an individual who is seeking or who has obtained an emergency medical service personnel license under Section 26-8a-302, with the understanding that the Department of Health must provide the individual who committed the offense an opportunity to respond to any information~~

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gathered from the Department of Health's inspection of records before the Department of Health makes a determination:

~~—— (3) With the consent of the juvenile court, a court record may be inspected by the child, by persons having a legitimate interest in the proceedings, and by persons conducting pertinent research studies:~~

~~—— (4) If a petition is filed charging a minor who is 14 years old or older with an offense that would be a felony if committed by an adult, the juvenile court shall make available to any person upon request the petition, any adjudication or disposition orders, and the delinquency history summary of the minor charged unless the records are closed by the juvenile court upon findings on the record for good cause:~~

~~—— (5) A juvenile probation officer's records and reports of social and clinical studies are not open to inspection, except by consent of the juvenile court, given under rules adopted by the board:~~

~~—— [(6) The juvenile court may charge a reasonable fee to cover the costs associated with retrieving a requested record that has been archived.]~~

~~—— Section 9. Section 78A-6-353 is amended to read:~~

~~—— **78A-6-353. Contempt -- Penalty.**~~

~~—— (1) An individual who willfully violates or refuses to obey any order of the juvenile court may be proceeded against for contempt of court:~~

~~—— (2) If a juvenile court finds an individual who is 18 years old or older in contempt of court, the juvenile court may impose sanctions on the individual in accordance with Title 78B, Chapter 6, Part 3, Contempt:~~

~~—— (3) (a) Except as otherwise provided in this Subsection (3), if a juvenile court finds a child in contempt of court, the juvenile court may:~~

~~—— (i) place the child on probation in accordance with Section 80-6-702, or~~

~~—— (ii) order the child to detention, or an alternative to detention, in accordance with Section 80-6-704[; or];~~

~~—— [(iii) require the child to pay a fine or fee in accordance with Section 80-6-709.]~~

~~—— (b) The juvenile court may only order a child to secure detention under Subsection (3)(a)(ii) for no longer than 72 hours, excluding weekends and legal holidays:~~

~~—— (c) The juvenile court may not suspend all or part of an order to secure detention upon~~

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~~compliance with conditions imposed by the juvenile court.~~

~~—— [(d) The juvenile court may not enforce a disposition under Subsection (3)(a)(iii) through an order for detention, a community-based program, or secure care.]~~

~~—— (4) On the sole basis of a child's absence from placement, a juvenile court may not hold a child in contempt under this section if the child:~~

~~—— (a) is in the legal custody of the Division of Child and Family Services; and~~

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

~~—— Section 10. Section 78A-6-356 is amended to read:~~

~~—— **78A-6-356. Child support obligation when custody of a child is vested in an individual or institution.**~~

~~—— (1) As used in this section:~~

~~—— (a) "Office" means the Office of Recovery Services.~~

~~—— (b) "State custody" means that a child is in the custody of a state department, division, or agency[, including secure care].~~

~~—— (2) Under this section, a juvenile court may not issue a child support order against an individual unless:~~

~~—— (a) the individual is served with notice that specifies the date and time of a hearing to determine the financial support of a specified child;~~

~~—— (b) the individual makes a voluntary appearance; or~~

~~—— (c) the individual submits a waiver of service.~~

~~—— (3) (a) Except as provided in [Subsection] Subsections (3)(b) and (11), when a juvenile court places a child in state custody or if the guardianship of the child has been granted to another party and an agreement for a guardianship subsidy has been signed by the guardian, the juvenile court:~~

~~—— [(a)] (i) shall order the child's parent, guardian, or other obligated individual to pay child support for each month the child is in state custody or cared for under a grant of guardianship;~~

~~—— [(b)] (ii) shall inform the child's parent, guardian, or other obligated individual, verbally and in writing, of the requirement to pay child support in accordance with Title 78B, Chapter 12, Utah Child Support Act; and~~

~~—— [(c)] (iii) may refer the establishment of a child support order to the office.~~

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~~—— (b) If a child is committed to the Division of Juvenile Justice Services under Section 80-6-703 or to secure care under Section 80-6-705, the juvenile court may only order the child's parent, guardian, or other obligated individual to pay child support under Subsection (3)(a) upon recommendation by the Division of Juvenile Justice Services.~~

~~—— (4) When a juvenile court chooses to refer a case to the office to determine support obligation amounts in accordance with Title 78B, Chapter 12, Utah Child Support Act, the juvenile court shall:~~

~~—— (a) make the referral within three working days after the day on which the juvenile court holds the hearing described in Subsection (2)(a); and~~

~~—— (b) inform the child's parent, guardian, or other obligated individual of:~~

~~—— (i) the requirement to contact the office within 30 days after the day on which the juvenile court holds the hearing described in Subsection (2)(a); and~~

~~—— (ii) the penalty described in Subsection (6) for failure to contact the office.~~

~~—— (5) Liability for child support ordered under Subsection (3) shall accrue:~~

~~—— (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which the juvenile court holds the hearing described in Subsection (2)(a) if there is no existing child support order for the child; or~~

~~—— (b) beginning on the day the child is removed from the child's home, including time spent in detention or sheltered care, if the child is removed after having been returned to the child's home from state custody.~~

~~—— (6) (a) If the child's parent, guardian, or other obligated individual contacts the office within 30 days after the day on which the court holds the hearing described in Subsection (2)(a), the child support order may not include a judgment for past due support for more than two months:~~

~~—— (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the liability of support to begin to accrue from the date of the proceeding referenced in Subsection (3) if:~~

~~—— (i) the court informs the child's parent, guardian, or other obligated individual, as described in Subsection (4)(b), and the parent, guardian, or other obligated individual fails to contact the office within 30 days after the day on which the court holds the hearing described in Subsection (2)(a); and~~

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~~—— (ii) the office took reasonable steps under the circumstances to contact the child's parent, guardian, or other obligated individual within 30 days after the last day on which the parent, guardian, or other obligated individual was required to contact the office to facilitate the establishment of a child support order.~~

~~—— (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken reasonable steps if the office:~~

~~—— (i) has a signed, returned receipt for a certified letter mailed to the address of the child's parent, guardian, or other obligated individual regarding the requirement that a child support order be established; or~~

~~—— (ii) has had a documented conversation, whether by telephone or in person, with the child's parent, guardian, or other obligated individual regarding the requirement that a child support order be established.~~

~~—— (7) In collecting arrears, the office shall comply with Section 62A-11-320 in setting a payment schedule or demanding payment in full.~~

~~—— (8) (a) Unless a court orders otherwise, the child's parent, guardian, or other obligated individual shall pay the child support to the office.~~

~~—— (b) The clerk of the juvenile court, the office, or the Department of Human Services and the department's divisions shall have authority to receive periodic payments for the care and maintenance of the child, such as social security payments or railroad retirement payments made in the name of or for the benefit of the child.~~

~~—— (9) An existing child support order payable to a parent or other individual shall be assigned to the Department of Human Services as provided in Section 62A-1-117.~~

~~—— (10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by the juvenile court in an individual.~~

~~—— (b) (i) If legal custody of a child is vested by the juvenile court in an individual, the court may order the child's parent, guardian, or other obligated individual to pay child support to the individual in whom custody is vested.~~

~~—— (ii) In the same proceeding, the juvenile court shall inform the child's parent, guardian, or other obligated individual, verbally and in writing, of the requirement to pay child support in accordance with Title 78B, Chapter 12, Utah Child Support Act.~~

~~—— (11) The juvenile court may not order an individual to pay child support for a child in~~

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~~state custody if:~~

~~—— (a) the individual's only form of income is a government-issued disability benefit;~~

~~—— (b) the benefit described in Subsection (11)(a) is issued because of the individual's disability, and not the child's disability; and~~

~~—— (c) the individual provides the juvenile court and the office evidence that the individual meets the requirements of Subsections (11)(a) and (b).~~

~~—— (12) After the juvenile court or the office establishes an individual's child support obligation ordered under Subsection (3), the office shall waive the obligation without further order of the juvenile court if:~~

~~—— (a) the individual's child support obligation is established under Subsection 78B-12-205(6) or Section 78B-12-302; or~~

~~—— (b) the individual's only source of income is a means-tested, income replacement payment of aid, including:~~

~~—— (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment Program; or~~

~~—— (ii) cash benefits received under General Assistance, social security income, or social security disability income.~~

~~—— Section 11. Section ~~80-3-403~~ is amended to read:~~

~~—— **80-3-403. Treatment for offender and victim -- Costs.**~~

~~—— (1) Upon adjudication in the juvenile court of an individual charged with child abuse, child sexual abuse, or sexual exploitation of a child, the juvenile court may order treatment for the adjudicated offender or the victim.~~

~~—— (2) The juvenile court shall require the adjudicated offender described in Subsection (1), who is 18 years old or older, to pay, to the extent that the adjudicated offender is able, the costs of the treatment described in Subsection (1) and the administrative costs incurred by the division in monitoring completion of the ordered therapy or treatment.~~

~~—— (3) If the adjudicated offender is unable to pay the full cost of treatment under Subsection (2), the juvenile court:~~

~~—— (a) may order the division to pay the costs, to the extent that funding is provided by the Legislature for that purpose; and~~

~~—— (b) shall order the adjudicated offender to perform public service work as~~

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~~compensation for the cost of the treatment.~~

~~Section 12. Section **80-6-102** is amended to read:~~

~~**80-6-102. Definitions:**~~

~~As used in this chapter:~~

~~(1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R. 1351.1.~~

~~(2) "Authority" means the Youth Parole Authority created in Section 80-5-701.~~

~~(3) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.~~

~~(4) "Compensatory service" means service or unpaid work performed by a minor in lieu of the payment of [a fine, fee, or] restitution.~~

~~(5) "Control" means the same as that term is defined in Section 80-5-102.~~

~~(6) "Detention hearing" means a proceeding under Section 80-6-207 to determine whether a minor should remain in detention.~~

~~(7) "Detention guidelines" means standards, established by the division in accordance with Subsection 80-5-202(1)(a), for the admission of a minor to detention.~~

~~(8) "Discharge" means a written order of the authority that removes a juvenile offender from the authority's jurisdiction.~~

~~(9) "Division" means the Division of Juvenile Justice Services created in Section 80-5-103.~~

~~(10) "Formal referral" means a written report from a peace officer, or other person, informing the juvenile court that:~~

~~(a) an offense committed by a minor is, or appears to be, within the juvenile court's jurisdiction; and~~

~~(b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting attorney.~~

~~(11) "Material loss" means an uninsured:~~

~~(a) property loss;~~

~~(b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;~~

~~(c) lost wages because of an injury, time spent as a witness, or time spent assisting the police or prosecution; or~~

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~~—— (d) medical expense.~~

~~—— (12) "Referral" means a formal referral, a referral to the juvenile court under Section 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice under Section 80-6-302.~~

~~—— (13) "Rescission" means a written order of the authority that rescinds a date for parole.~~

~~—— (14) "Restitution" means money or services that the juvenile court, or a juvenile probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or render to a victim for the minor's wrongful act or conduct.~~

~~—— (15) "Revocation" means a written order of the authority that, after a hearing and determination under Section 80-6-806:~~

~~—— (a) terminates supervision of a juvenile offender's parole; and~~

~~—— (b) directs a juvenile offender to return to secure care.~~

~~—— (16) "Temporary custody" means the control and responsibility of a minor, before an adjudication under Section 80-6-701, until the minor is released to a parent, guardian, responsible adult, or to an appropriate agency.~~

~~—— (17) "Termination" means a written order of the authority that terminates a juvenile offender from parole.~~

~~—— (18) (a) "Victim" means a person that the juvenile court determines suffered a material loss as a result of a minor's wrongful act or conduct.~~

~~—— (b) "Victim" includes:~~

~~—— (i) any person directly harmed by the minor's wrongful act or conduct in the course of the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an offense that involves an element of a scheme, a conspiracy, or a pattern of criminal activity; and~~

~~—— (ii) the Utah Office for Victims of Crime.~~

~~—— (19) "Violent felony" means the same as that term is defined in Section 76-3-203.5.~~

~~—— (20) "Work program" means the same as that term is defined in Section 80-5-102.~~

~~—— (21) "Youth services" means the same as that term is defined in Section 80-5-102.~~

~~Section 13. Section **80-6-104** is enacted to read:~~

~~**80-6-104. Outstanding balances for fines, fees, costs, and other financial obligations owed by minors:**~~

~~—— (1) The juvenile court shall vacate any portion of a judgment imposing a fine, fee, cost,~~

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~~or other financial obligation on a minor, or the minor's parent, guardian, or custodian, on or before May 4, 2022, for an adjudication of an offense if:~~

~~—— (a) there is a balance due for the fine, fee, cost, or other financial obligation, including postjudgment interest, penalties, or collection expenses, on the judgment on or after May 4, 2022; and~~

~~—— (b) the underlying statutory authority that allowed the fine, fee, cost, or financial obligation is no longer in effect on or after May 4, 2022.~~

~~—— (2) Any balance of a fine, fee, cost, or other financial obligation imposed on a minor for an adjudication or nonjudicial adjustment is unenforceable and not collectable if the underlying statutory authority that allowed the fine, fee, cost, or financial obligation is no longer in effect on or after May 4, 2022.~~

~~—— (3) Nothing in this section creates a right for reimbursement to a minor or the minor's parent or guardian for a fine, fee, cost, or other financial obligation that was paid before May 4, 2022.~~

~~—— (4) A fee may not be collected or charged with the vacation or satisfaction of a judgment under this section.~~

~~—— (5) The Utah Supreme Court or Judicial Council may make any order or adopt any rules to establish policies and procedures that are necessary to carry out the provisions of this section.~~

~~—— Section 14. Section ~~80-6-304~~ is amended to read:~~

‡ **80-6-304. Nonjudicial adjustments.**

(1) If the juvenile court receives a referral for an offense committed by a minor that is, or appears to be, within the juvenile court's jurisdiction, a juvenile probation officer shall make a preliminary inquiry in accordance with Subsections (3), (4), and (5) to determine whether the minor is eligible to enter into a nonjudicial adjustment.

(2) If a minor is referred to the juvenile court for multiple offenses arising from a single criminal episode, and the minor is eligible under this section for a nonjudicial adjustment, the juvenile probation officer shall offer the minor one nonjudicial adjustment for all offenses arising from the single criminal episode.

(3) (a) The juvenile probation officer may:

(i) conduct a validated risk and needs assessment; and

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(ii) request that a prosecuting attorney review a referral in accordance with Subsection (9) if:

(A) the results of the validated risk and needs assessment indicate the minor is high risk; or

(B) the results of the validated risk and needs assessment indicate the minor is moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5, Offenses Against the Person, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.

(b) If a minor violates Section 41-6a-502, the minor shall:

(i) undergo a drug and alcohol screening;

(ii) if found appropriate by the screening, participate in an assessment; and

(iii) if warranted by the screening and assessment, follow the recommendations of the assessment.

(4) Except as provided in Subsection (5)(b), the juvenile probation officer shall request that a prosecuting attorney review a referral in accordance with Subsection (9) if:

(a) the referral involves:

(i) a felony offense; or

(ii) a violation of:

(A) Section 41-6a-502, driving under the influence;

(B) Section 76-5-112, reckless endangerment creating a substantial risk of death or serious bodily injury;

(C) Section 76-5-206, negligent homicide;

(D) Section 76-9-702.1, sexual battery;

(E) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises; or

(F) Section 76-10-509, possession of a dangerous weapon by minor, but only if the dangerous weapon is a firearm;

(b) the minor has a current suspended order for custody under Section 80-6-711; or

(c) the referral involves an offense alleged to have occurred before an individual was 12 years old and the offense is a felony violation of:

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

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

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- (iii) Section 76-5-203, murder or attempted murder;
- (iv) Section 76-5-302, aggravated kidnapping;
- (v) Section 76-5-405, aggravated sexual assault;
- (vi) Section 76-6-103, aggravated arson;
- (vii) Section 76-6-203, aggravated burglary;
- (viii) Section 76-6-302, aggravated robbery; or
- (ix) Section 76-10-508.1, felony discharge of a firearm.

(5) (a) Except as provided in Subsections (3) and (4), the juvenile probation officer shall offer a nonjudicial adjustment to a minor if the minor:

- (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
- (ii) has no more than two prior adjudications; and
- (iii) has no more than three prior unsuccessful nonjudicial adjustment attempts.

(b) If the juvenile court receives a referral for an offense that is alleged to have occurred before an individual was 12 years old, the juvenile probation officer shall offer a nonjudicial adjustment to the individual, unless the referral includes an offense described in Subsection (4)(c).

(c) (i) For purposes of determining a minor's eligibility for a nonjudicial adjustment under this Subsection (5), the juvenile probation officer shall treat all offenses arising out of a single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial adjustment.

(ii) For purposes of determining a minor's eligibility for a nonjudicial adjustment under this Subsection (5), the juvenile probation officer shall treat all offenses arising out of a single criminal episode that resulted in one or more prior adjudications as a single adjudication.

(d) Except as provided in Subsection (4), the juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the criteria provided in Subsection (5)(a).

(6) ~~{(a)} { }~~ For a nonjudicial adjustment, ~~{ } Except as provided in Subsection (6)(b), { }~~ the juvenile probation officer may require a minor ~~{ for a nonjudicial adjustment }~~ to:

~~{(a)}~~ pay a financial penalty of no more than ~~[\$250]~~ \$70 to the juvenile court ~~[, subject to the terms established under Subsection (8)(c) { }]~~;

~~{(b)}~~ ~~{(i)}~~ pay restitution to any victim;

~~{(c)}~~ ~~{(ii)}~~ complete community or compensatory service;

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- ~~{(d)}{ (iii)}~~ attend counseling or treatment with an appropriate provider;
- ~~{(e)}{ (iv)}~~ attend substance abuse treatment or counseling;
- ~~{(f)}{ (v)}~~ comply with specified restrictions on activities or associations;
- ~~{(g)}{ (vi)}~~ attend victim-offender mediation if requested by the victim; and
- ~~{(h)}{ (vii)}~~ comply with any other reasonable action that is in the interest of the minor, the community, or the victim.

~~{ (b) The juvenile probation officer may not require a minor or the minor's parent or guardian to pay a financial penalty, cost, surcharge, or fee for a nonjudicial adjustment.~~

{ (7) (a) Within seven days of receiving a referral that appears to be eligible for a nonjudicial adjustment in accordance with Subsection (5), the juvenile probation officer shall provide an initial notice to reasonably identifiable and locatable victims of the offense contained in the referral.

(b) The victim shall be responsible to provide to the juvenile probation officer upon request:

(i) invoices, bills, receipts, and any other evidence of injury, loss of earnings, and out-of-pocket loss;

(ii) documentation and evidence of compensation or reimbursement from an insurance company or an agency of the state, any other state, or the federal government received as a direct result of the crime for injury, loss of earnings, or out-of-pocket loss; and

(iii) proof of identification, including home and work address and telephone numbers.

(c) The inability, failure, or refusal of the victim to provide all or part of the requested information shall result in the juvenile probation officer determining restitution based on the best information available.

(8) (a) The juvenile probation officer may not predicate acceptance of an offer of a nonjudicial adjustment on an admission of guilt.

~~{(b) The juvenile probation officer may not deny a minor an offer of a nonjudicial adjustment due to a minor's inability to pay a financial penalty under Subsection (6).}~~

~~{(c)}{ (b)}~~ The juvenile probation officer shall base ~~[a fee, fine, or the]~~ restitution for a nonjudicial adjustment under Subsection (6) upon the ability of the minor's family to pay as determined by a statewide sliding scale developed in accordance with Section 63M-7-208.

~~{(d)}{ (c)}~~ A nonjudicial adjustment may not extend for more than 90 days, unless a

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juvenile court judge extends the nonjudicial adjustment for an additional 90 days.

~~§§(e)§(d)~~ (i) Notwithstanding Subsection (8)~~§(d)§(c)~~, a juvenile court judge may extend a nonjudicial adjustment beyond the 180 days permitted under Subsection (8)~~§(d)§(c)~~ for a minor who is offered a nonjudicial adjustment under Subsection (5)(b) for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, or is referred under Subsection (9)(b)(ii) for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, that the minor committed before the minor was 12 years old, if the judge determines that:

(A) the nonjudicial adjustment requires specific treatment for the sexual offense;

(B) the treatment cannot be completed within 180 days after the day on which the minor entered into the nonjudicial adjustment; and

(C) the treatment is necessary based on a clinical assessment that is developmentally appropriate for the minor.

(ii) If a juvenile court judge extends a minor's nonjudicial adjustment under Subsection (8)~~§(e)§(d)~~(i), the judge may extend the nonjudicial adjustment until the minor completes the treatment under this Subsection (8)~~§(e)§(d)~~, but the judge may only grant each extension for 90 days at a time.

~~§(f)§(e)~~ If a minor violates Section 76-10-105, the minor may be required to ~~§~~pay a ~~fine or~~ **financial** penalty and ~~§~~ participate in a court-approved tobacco education program ~~§~~with a participation fee~~§~~.

(9) If a prosecuting attorney is requested to review a referral in accordance with Subsection (3) or (4), a minor fails to substantially comply with a condition agreed upon as part of the nonjudicial adjustment, or a minor is not offered or declines a nonjudicial adjustment in accordance with Subsection (5), the prosecuting attorney shall:

(a) review the case; and

(b) (i) dismiss the case;

(ii) refer the case back to the juvenile probation officer for a new attempt at nonjudicial adjustment; or

(iii) except as provided in Subsections (10)(b), (11), and 80-6-305(2), file a petition with the juvenile court.

(10) ~~§(a)§~~ A prosecuting attorney may file a petition only upon reasonable belief that:

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~~§§(i)(a)~~ the charges are supported by probable cause;

~~§§(ii)(b)~~ admissible evidence will be sufficient to support adjudication beyond a reasonable doubt; and

~~§§(iii)(c)~~ the decision to charge is in the interests of justice.

~~§§(b)~~ Failure to pay a ~~[fine or fee]~~ financial penalty may not serve as a basis for filing of a petition under Subsection (9)(b)(iii) if the minor has substantially complied with the other conditions agreed upon in accordance with Subsection (6) or conditions imposed through any other court diversion program. ~~§§~~

(11) A prosecuting attorney may not file a petition against a minor unless:

(a) the prosecuting attorney has statutory authority to file the petition under Section 80-6-305; and

(b) (i) the minor does not qualify for a nonjudicial adjustment under Subsection (5);

(ii) the minor declines a nonjudicial adjustment;

(iii) the minor fails to substantially comply with the conditions agreed upon as part of the nonjudicial adjustment;

(iv) the minor fails to respond to the juvenile probation officer's inquiry regarding eligibility for or an offer of a nonjudicial adjustment after being provided with notice for preliminary inquiry; or

(v) the prosecuting attorney is acting under Subsection (9).

(12) If the prosecuting attorney files a petition in a juvenile court, or a proceeding is commenced against a minor under Section 80-6-302, the juvenile court may refer the case to the juvenile probation officer for another offer of nonjudicial adjustment.

Section ~~{15}3~~. Section ~~{80-6-608}~~80-6-1007 is amended to read:

~~{~~ ~~**80-6-608. When photographs, fingerprints, or HIV infection tests may be taken--**~~
~~**Distribution -- DNA collection -- Reimbursement.**~~

~~_____ (1) The division shall take a photograph and fingerprints of a minor who is:~~

~~_____ (a) 14 years old or older at the time of the alleged commission of an offense that would be a felony if the minor were 18 years old or older; and~~

~~_____ (b) admitted to a detention facility for the alleged commission of the offense.~~

~~_____ (2) The juvenile court shall order a minor who is 14 years old or older at the time that the minor is alleged to have committed an offense described in Subsection (2)(a) or (b) to have~~

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~~the minor's fingerprints taken at a detention facility or a local law enforcement agency if the minor is:~~

~~—— (a) adjudicated for an offense that would be a class A misdemeanor if the minor were 18 years old or older; or~~

~~—— (b) adjudicated for an offense that would be a felony if the minor were 18 years old or older and the minor was not admitted to a detention facility.~~

~~—— (3) The juvenile court shall take a photograph of a minor who is:~~

~~—— (a) 14 years old or older at the time the minor was alleged to have committed an offense that would be a felony or a class A misdemeanor if the minor were 18 years old or older; and~~

~~—— (b) adjudicated for the offense described in Subsection (3)(a).~~

~~—— (4) If a minor's fingerprints are taken under this section, the minor's fingerprints shall be forwarded to the Bureau of Criminal Identification and may be stored by electronic medium.~~

~~—— (5) HIV testing shall be conducted on a minor who is taken into custody after having been adjudicated for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, upon the request of:~~

~~—— (a) the victim;~~

~~—— (b) the parent or guardian of a victim who is younger than 14 years old; or~~

~~—— (c) the guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 62A-3-301.~~

~~—— (6) HIV testing shall be conducted on a minor against whom a petition has been filed or a pickup order has been issued for the commission of any offense under Title 76, Chapter 5, Part 4, Sexual Offenses:~~

~~—— (a) upon the request of:~~

~~—— (i) the victim;~~

~~—— (ii) the parent or guardian of a victim who is younger than 14 years old; or~~

~~—— (iii) the guardian of the alleged victim if the victim is a vulnerable adult as defined in Section 62A-3-301; and~~

~~—— (b) in which:~~

~~—— (i) the juvenile court has signed an accompanying arrest warrant, pickup order, or any other order based upon probable cause regarding the alleged offense; and~~

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~~—— (ii) the juvenile court has found probable cause to believe that the alleged victim has been exposed to HIV infection as a result of the alleged offense:~~

~~—— (7) HIV tests, photographs, and fingerprints may not be taken of a child who is younger than 14 years old without the consent of the juvenile court:~~

~~—— (8) (a) Photographs taken under this section may be distributed or disbursed to:~~

~~—— (i) state and local law enforcement agencies;~~

~~—— (ii) the judiciary; and~~

~~—— (iii) the division:~~

~~—— (b) Fingerprints may be distributed or disbursed to:~~

~~—— (i) state and local law enforcement agencies;~~

~~—— (ii) the judiciary;~~

~~—— (iii) the division; and~~

~~—— (iv) agencies participating in the Western Identification Network:~~

~~—— (9) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction of the juvenile court as described in Subsection 53-10-403(3).~~

~~—— (b) The DNA specimen shall be obtained, in accordance with Subsection 53-10-404(4), by:~~

~~—— (i) designated employees of the juvenile court; or~~

~~—— (ii) if the minor is committed to the division, designated employees of the division:~~

~~—— (c) The responsible agency under Subsection (9)(b) shall ensure that an employee designated to collect the saliva DNA specimens receives appropriate training and that the specimens are obtained in accordance with accepted protocol:~~

~~—— [(d) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA Specimen Restricted Account created in Section 53-10-407.]~~

~~—— [(e) Payment of the reimbursement is second in priority to payments the minor is ordered to make for restitution under Section 80-6-710 and for treatment ordered under Section 80-3-403.]~~

~~—— Section 16. Section **80-6-703** is amended to read:~~

~~—— **80-6-703. Placement of a child -- Commitment of a minor to the division --**~~

Limitations:

~~—— (1) (a) If a child is adjudicated for an offense under Section 80-6-701, the juvenile~~

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court may:

~~—— (i) place the child in the legal custody of a relative or other suitable individual regardless of whether the minor is placed on probation under Subsection 80-6-702(1); or~~

~~—— (ii) appoint a guardian for the child if it appears that a guardian is necessary in the interest of the child.~~

~~—— (b) The juvenile court may not assume the function of developing foster home services in placing a child in the legal custody of a relative or other suitable individual under Subsection (1)(a).~~

~~—— (c) (i) If the juvenile court appoints a guardian for a child under Subsection (1)(a)(ii), the juvenile court:~~

~~—— (A) may appoint a public or private institution or agency as the guardian of the child; and~~

~~—— (B) may not appoint a nonsecure residential placement provider for which legal custody of the child is vested.~~

~~—— (d) In placing a child under the guardianship or legal custody of an individual or private agency or institution under Subsection (1)(a)(ii), the juvenile court:~~

~~—— (i) shall give primary consideration to the welfare of the child; and~~

~~—— (ii) may take into consideration the religious preferences of the child and the child's parent.~~

~~—— (2) If a minor is adjudicated under Section 80-6-701, the juvenile court shall only commit the minor to the division and order the division to provide recommendations and services if:~~

~~—— (a) nonresidential treatment options have been exhausted or nonresidential treatment options are not appropriate; and~~

~~—— (b) the minor is adjudicated under this chapter for:~~

~~—— (i) a felony;~~

~~—— (ii) a misdemeanor when the minor has five prior misdemeanors or felony adjudications arising from separate criminal episodes; or~~

~~—— (iii) a misdemeanor involving the use of a dangerous weapon as defined in Section 76-1-601.~~

~~—— (3) A juvenile court may not commit a minor to the division:~~

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- ~~—— (a) for residential observation and evaluation or residential observation and assessment;~~
- ~~—— (b) for contempt of court, except to the extent permitted under Section 78A-6-353;~~
- ~~—— (c) for a violation of probation;~~
- ~~—— (d) for failure to pay [a fine, fee, restitution, or other financial obligation] restitution or another financial obligation;~~
- ~~—— (e) for unfinished compensatory or community service hours;~~
- ~~—— (f) for an infraction; or~~
- ~~—— (g) for a status offense.~~
- ~~—— (4) If the juvenile court commits a minor to the division, the juvenile court shall:~~
 - ~~—— (a) find whether the minor is being committed to the division for placement in a community-based program, secure detention under Section 80-6-704, or secure care under Section 80-6-705;~~
 - ~~—— (b) specify the criteria under Subsection (3) for which the juvenile court is committing the minor to the division; and~~
 - ~~—— (c) establish the period of time that the minor is committed to the division in accordance with Section 80-6-712.~~
- ~~—— (5) (a) Except for an order for secure care under Section 80-6-705, if the juvenile court commits a minor to the division, or places the minor with an individual under this section, the juvenile court shall include in the order a date for a review and presumptive termination of the minor's case by the juvenile court in accordance with Section 80-6-712.~~
 - ~~—— (b) For each review of a minor's case under Subsection (5)(a), the juvenile court shall set a new date for a review and presumptive termination of the minor's case.~~
- ~~—— (6) If a minor is adjudicated for an offense under Section 80-6-701, a juvenile court may not commit a minor to:~~
 - ~~—— (a) except as provided in Subsection (7), the Division of Child and Family Services; or~~
 - ~~—— (b) a correctional facility.~~
- ~~—— (7) The juvenile court may not commit a minor to the Division of Child and Family Services to address the minor's ungovernable or other behavior, mental health, or disability, unless the Division of Child and Family Services:~~
 - ~~—— (a) engages other relevant divisions of the department in conducting an assessment of~~

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~~the minor and the minor's family's needs;~~

~~—— (b) based on an assessment under Subsection (7)(a), determines that committing the minor to the Division of Child and Family Services is the least restrictive intervention for the minor that meets the minor's needs; and~~

~~—— (c) consents to the minor being committed to the Division of Child and Family Services.~~

~~—— (8) If a minor is committed to the division under this section, the division may not transfer custody of the minor to a correctional facility.~~

~~—— Section 17. Section 80-6-704 is amended to read:~~

~~—— **80-6-704. Detention or alternative to detention -- Limitations.**~~

~~—— (1) (a) The juvenile court may order a minor to detention, or an alternative to detention, if the minor is adjudicated for:~~

~~—— (i) an offense under Section 80-6-701; or~~

~~—— (ii) contempt of court under Section 78A-6-353.~~

~~—— (b) Except as provided in Subsection 78A-6-353(3), and subject to the juvenile court retaining continuing jurisdiction over a minor's case, the juvenile court may order a minor to detention, or an alternative to detention, under Subsection (1) for a period not to exceed 30 cumulative days for an adjudication.~~

~~—— (c) If a minor is held in detention before an adjudication, the time spent in detention before the adjudication shall be credited toward the 30 cumulative days eligible as a disposition under Subsection (1)(a).~~

~~—— (d) If a minor spent more than 30 days in detention before a disposition under Subsection (1), the juvenile court may not order the minor to detention under this section.~~

~~—— (2) An order for detention under Subsection (1) may not be suspended upon conditions ordered by the juvenile court.~~

~~—— (3) A juvenile court may not order a minor to detention for:~~

~~—— (a) contempt of court, except to the extent permitted under Section 78A-6-353;~~

~~—— (b) a violation of probation;~~

~~—— (c) failure to pay [a fine, fee, restitution, or other financial obligation] restitution or another financial obligation;~~

~~—— (d) unfinished compensatory or community service hours;~~

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~~—— (e) an infraction; or~~

~~—— (f) a status offense.~~

~~—— (4) (a) If a minor is held in detention under this section, the minor is eligible to receive credit for good behavior against the period of detention.~~

~~—— (b) The rate of credit is one day of credit for good behavior for every three days spent in detention.~~

~~—— (5) (a) A minor may not be held in secure detention following a disposition by the juvenile court:~~

~~—— (i) under Chapter 3, Abuse, Neglect, and Dependency Proceedings; or~~

~~—— (ii) except as provided in Subsection (5)(b), for a community-based program.~~

~~—— (b) If a minor is awaiting placement by the division under Section 80-6-703, a minor may not be held in secure detention for longer than 72 hours, excluding weekends and holidays.~~

~~—— (c) The period of detention under Subsection (5)(b) may be extended by the juvenile court for a cumulative total of seven calendar days if:~~

~~—— (i) the division, or another agency responsible for placement, files a written petition with the juvenile court requesting the extension and setting forth good cause; and~~

~~—— (ii) the juvenile court enters a written finding that it is in the best interests of both the minor and the community to extend the period of detention.~~

~~—— (d) The juvenile court may extend the period of detention beyond the seven calendar days if the juvenile court finds, by clear and convincing evidence, that:~~

~~—— (i) the division, or another agency responsible for placement, does not have space for the minor; and~~

~~—— (ii) the safety of the minor and community requires an extension of the period of detention.~~

~~—— (e) The division, or the agency with custody of the minor, shall report to the juvenile court every 48 hours, excluding weekends and holidays, regarding whether the division, or another agency responsible for placement, has space for the minor.~~

~~—— (f) The division, or agency, requesting an extension shall promptly notify the detention facility that a written petition has been filed.~~

~~—— (g) The juvenile court shall promptly notify the detention facility regarding the juvenile~~

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~~court's initial disposition and any ruling on a petition for an extension, whether granted or denied:~~

~~Section 18. Section 80-6-705 is amended to read:~~

~~80-6-705. Secure care -- Limitations -- Order for therapy for parent with minor in secure care:~~

~~(1) If a minor is adjudicated for an offense under Section 80-6-701, the juvenile court may order the minor to secure care if the juvenile court finds that:~~

~~(a) (i) the minor poses a risk of harm to others; or~~

~~(ii) the minor's conduct resulted in the victim's death; and~~

~~(b) the minor is adjudicated for:~~

~~(i) a felony offense;~~

~~(ii) a misdemeanor offense if the minor has five prior misdemeanor or felony adjudications arising from separate criminal episodes; or~~

~~(iii) a misdemeanor offense involving use of a dangerous weapon as defined in Section 76-1-601.~~

~~(2) A juvenile court may not order a minor to secure care for:~~

~~(a) contempt of court;~~

~~(b) a violation of probation;~~

~~(c) failure to pay [a fine, fee, restitution, or other financial obligation] restitution or another financial obligation;~~

~~(d) unfinished compensatory or community service hours;~~

~~(e) an infraction; or~~

~~(f) a status offense.~~

~~(3) The juvenile court may, on the recommendation of the division, order a parent of a minor in secure care to undergo group rehabilitation therapy under the direction of a therapist, who has supervision of the minor in secure care, or any other therapist for a period recommended by the division.~~

~~Section 19. Section 80-6-709 is amended to read:~~

~~80-6-709. Community or compensatory service -- Property damage -- Unpaid balances:~~

~~(1) (a) If a minor is adjudicated for an offense under Section 80-6-701, the juvenile~~

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court may order a minor to:

——— ~~[(i) pay a fine, fee, or other cost,]~~

——— ~~[(ii) (i) pay restitution in accordance with Section 80-6-710; or~~

——— ~~[(iii) (ii) complete community or compensatory service hours.~~

——— ~~(b) (i) If the juvenile court orders the minor to pay restitution under Subsection (1)(a), a juvenile probation officer may permit the minor to complete a work program in lieu of paying part or all of the restitution by the juvenile court.~~

——— ~~(ii) If the juvenile court orders the minor to complete community or compensatory service hours, a juvenile probation officer may permit the minor to complete a work program to help the minor complete the community or compensatory service hours.~~

——— ~~(c) The juvenile court may, through a juvenile probation officer, encourage the development of nonresidential employment or a work program to enable a minor to fulfill the minor's obligations under Subsection (1)(a).~~

——— ~~(d) Notwithstanding this section, a juvenile court may not place a minor on a ranch, forestry camp, or other residential work program for care or work.~~

——— ~~(2) If the juvenile court orders a minor to pay [a fine, fee, restitution, or other cost,] restitution or to complete community or compensatory service hours, the juvenile court shall consider the dispositions collectively to ensure that an order:~~

——— ~~(a) is reasonable;~~

——— ~~(b) prioritizes restitution; and~~

——— ~~(c) takes into account the minor's ability to satisfy the order within the presumptive period of supervision under Section 80-6-712[,], or the presumptive period of commitment for secure care under Section 80-6-802 if the minor is ordered to secure care.~~

——— ~~(3) [(a)] If the juvenile court orders a minor to [pay a fine, fee, or other cost, or] complete community or compensatory service hours, the cumulative order shall be limited per criminal episode as follows:~~

——— ~~[(i)] (a) for a minor who is under 16 years old at the time of adjudication, the juvenile court may impose [up to \$190 or] up to 24 hours of community or compensatory service; and~~

——— ~~[(ii)] (b) for a minor who is 16 years old or older at the time of adjudication, the juvenile court may impose [up to \$280 or] up to 36 hours of community or compensatory service.~~

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~~——— [(b) The cumulative order under Subsection (3)(a) does not include restitution.]~~

~~——— (4) (a) If the juvenile court converts a [fine, fee, or] restitution amount to compensatory service hours, the rate of conversion shall be no less than the minimum wage.~~

~~——— (b) If the juvenile court orders a minor to complete community service, the presumptive service order shall include between five and 10 hours of service.~~

~~——— (c) If a minor completes an approved substance use disorder prevention or treatment program or other court-ordered condition, the minor may be credited with compensatory service hours for the completion of the program or condition by the juvenile court.~~

~~——— (5) (a) If a minor commits an offense involving the use of graffiti under Section 76-6-106 or 76-6-206, the juvenile court may order the minor to clean up graffiti created by the minor or any other individual at a time and place within the jurisdiction of the juvenile court.~~

~~——— (b) The minor may complete the order of the juvenile court under Subsection (5)(a) in the presence and under the direct supervision of the minor's parent, guardian, or custodian.~~

~~——— (c) The minor's parent, guardian, or custodian shall report completion of the order to the juvenile court.~~

~~——— (d) The juvenile court may also require the minor to perform other alternative forms of restitution or repair to the damaged property in accordance with Section 80-6-710.~~

~~——— [(6) (a) Except as provided in Subsection (6)(b), the juvenile court may issue orders necessary for the collection of restitution and fines ordered under this section, including garnishments, wage withholdings, and executions.]~~

~~——— [(b) The juvenile court may not issue an order under Subsection (6)(a) if the juvenile court orders a disposition that changes custody of a minor, including detention, secure care, or any other secure or nonsecure residential placement.]~~

~~——— [(7) Any information necessary to collect unpaid fines, fees, assessments, bail, or restitution may be forwarded to employers, financial institutions, law enforcement, constables, the Office of Recovery Services, or other agencies for purposes of enforcing an order under this section.]~~

~~——— (6) (a) The juvenile court may issue orders necessary for the collection of restitution ordered under this section, including garnishments, wage withholdings, and executions.~~

~~——— (b) The juvenile court may not order the minor to be detained in secure or nonsecure residential placements in order to collect restitution.~~

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~~_____ [(8)] (7) (a) If, before the entry of any order terminating the juvenile court's continuing jurisdiction over a minor's case, there remains an unpaid balance for any [fine, fee, or] restitution ordered by the juvenile court, the juvenile court shall record all pertinent information for the unpaid balance in the minor's file.~~

~~_____ (b) The juvenile court may not transfer responsibility to collect [unpaid fines, fees, surcharges, and] restitution for a minor's case to the Office of State Debt Collection created in Section 63A-3-502.~~

~~_____ (c) The juvenile court shall reduce a restitution order to a judgment and list the victim, or the estate of the victim, as the judgment creditor in the judgment.~~

~~_____ Section 20. Section **80-6-710** is amended to read:~~

~~_____ **80-6-710. Restitution -- Requirements.**~~

~~_____ (1) If a minor is adjudicated under Section 80-6-701, the juvenile court may order the minor to repair, replace, or otherwise make restitution for:~~

~~_____ (a) material loss caused by an offense listed in the petition; or~~

~~_____ (b) conduct for which the minor agrees to make restitution.~~

~~_____ (2) Within seven days after the day on which a petition is filed under this chapter, the prosecuting attorney or a juvenile probation officer shall provide notification of the restitution process to all reasonably identifiable and locatable victims of an offense listed in the petition.~~

~~_____ (3) A victim that receives notice under Subsection (2) is responsible for providing the prosecutor with:~~

~~_____ (a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket loss;~~

~~_____ (b) all documentation of any compensation or reimbursement from an insurance company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;~~

~~_____ (c) if available, the victim's proof of identification, including the victim's date of birth, social security number, or driver license number; and~~

~~_____ (d) the victim's contact information, including the victim's current home and work address and telephone number.~~

~~_____ (4) A prosecuting attorney or victim shall submit a request for restitution to the juvenile court:~~

~~_____ (a) if feasible, at the time of disposition; or~~

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~~—— (b) within 90 days after disposition:~~

~~—— (5) The juvenile court shall order a financial disposition that prioritizes the payment of restitution:~~

~~—— (6) To determine whether restitution, or the amount of restitution, is appropriate under Subsection (1), the juvenile court:~~

~~—— (a) shall only order restitution for the victim's material loss;~~

~~—— (b) may not order restitution if the juvenile court finds that the minor is unable to pay or acquire the means to pay;~~

~~—— (c) shall credit any amount paid by the minor to the victim in a civil suit against restitution owed by the minor;~~

~~—— (d) shall take into account the presumptive period of supervision for the minor's case under Section 80-6-712, or the presumptive period of commitment for secure care under Section [80-6-804] 80-6-802 if the minor is ordered to secure care, in determining the minor's ability to satisfy the restitution order within that presumptive term; and~~

~~—— (e) shall credit any amount paid to the victim in restitution against liability in a civil suit.~~

~~—— (7) If the minor and the victim of the adjudicated offense agree to participate, the juvenile court may refer the minor's case to a restorative justice program, such as victim offender mediation, to address how loss resulting from the adjudicated offense may be addressed:~~

~~—— (8) The juvenile court may not require a minor or the minor's parent or guardian to reimburse an individual, entity, or governmental agency who offered and paid a reward to a person for providing information resulting in an adjudication of a minor for the commission of an offense:~~

~~—— (9) If a minor is returned to this state in accordance with Title 55, Chapter 12, Interstate Compact for Juveniles, the juvenile court may not order the minor [to make restitution for] or the minor's parent or guardian to pay the costs expended by any governmental entity for the return of the minor:~~

~~—— Section 21. Section 80-6-712 is amended to read:~~

~~—— **80-6-712. Time periods for supervision of probation or placement -- Termination of continuing jurisdiction:**~~

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- ~~—— (1) If the juvenile court places a minor on probation under Section 80-6-702, the juvenile court shall establish a period of time for supervision for the minor that is:~~
- ~~—— (a) if the minor is placed on intake probation, no more than three months; or~~
 - ~~—— (b) if the minor is placed on formal probation, from four to six months, but may not exceed six months.~~
- ~~—— (2) (a) If the juvenile court commits a minor to the division under Section 80-6-703, and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:~~
- ~~—— (i) for a minor placed out of the home, a period of custody from three to six months, but may not exceed six months; and~~
 - ~~—— (ii) for aftercare services if the minor was placed out of the home, a period of supervision from three to four months, but may not exceed four months.~~
- ~~—— (b) A minor may be supervised for aftercare under Subsection (2)(a)(ii) in the home of a qualifying relative or guardian, or at an independent living program contracted or operated by the division.~~
- ~~—— (3) If the juvenile court orders a minor to secure care, the authority shall:~~
- ~~—— (a) have jurisdiction over the minor's case; and~~
 - ~~—— (b) apply the provisions of Part 8, Commitment and Parole.~~
- ~~—— (4) (a) In accordance with Section 80-6-711 and Subsections (1) and (2), the juvenile court shall terminate continuing jurisdiction over a minor's case at the end of the time period described in Subsection (1) for probation, or Subsection (2) for commitment to the division, unless:~~
- ~~—— (i) termination would interrupt the completion of the treatment program determined to be necessary by the results of a validated risk and needs assessment under Section 80-6-606;~~
 - ~~—— (ii) the minor commits a new misdemeanor or felony offense;~~
 - ~~—— (iii) community or compensatory service hours have not been completed; or~~
 - ~~—— [(iv) there is an outstanding fine; or]~~
 - ~~—— [(v)] [(iv)] there is a failure to pay restitution in full.~~
- ~~—— (b) The juvenile court shall determine whether a minor has completed a treatment program under Subsection (4)(a)(i) by considering:~~
- ~~—— (i) the recommendations of the licensed service provider for the treatment program;~~
 - ~~—— (ii) the minor's record in the treatment program; and~~

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- ~~—— (iii) the minor's completion of the goals of the treatment program;~~
- ~~—— (5) Subject to Subsection (8), if one of the circumstances under Subsection (4) exists the juvenile court may extend supervision for the time needed to address the specific circumstance;~~
- ~~—— (6) If a circumstance under Subsection (4)(a)(iii)[, (iv), or (v)] or (iv) exists, the juvenile court may extend supervision for no more than three months;~~
- ~~—— (7) If the juvenile court extends supervision under this section, the grounds for the extension and the length of any extension shall be recorded in the court records and tracked in the data system used by the Administrative Office of the Courts and the division;~~
- ~~—— (8) For a minor who is under the continuing jurisdiction of the juvenile court and whose supervision is extended under Subsection (4)(a)(iii)[, (iv), or (v)] or (iv), supervision may only be extended as intake probation;~~
- ~~—— (9) If a minor leaves supervision without authorization for more than 24 hours, the supervision period for the minor shall toll until the minor returns;~~
- ~~—— (10) This section does not apply to any minor adjudicated under this chapter for:~~
 - ~~—— (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;~~
 - ~~—— (b) Section 76-5-202, aggravated murder or attempted aggravated murder;~~
 - ~~—— (c) Section 76-5-203, murder or attempted murder;~~
 - ~~—— (d) Section 76-5-205, manslaughter;~~
 - ~~—— (e) Section 76-5-206, negligent homicide;~~
 - ~~—— (f) Section 76-5-207, automobile homicide;~~
 - ~~—— (g) Section 76-5-207.5, automobile homicide involving handheld wireless communication device;~~
 - ~~—— (h) Section 76-5-208, child abuse homicide;~~
 - ~~—— (i) Section 76-5-209, homicide by assault;~~
 - ~~—— (j) Section 76-5-302, aggravated kidnapping;~~
 - ~~—— (k) Section 76-5-405, aggravated sexual assault;~~
 - ~~—— (l) a felony violation of Section 76-6-103, aggravated arson;~~
 - ~~—— (m) Section 76-6-203, aggravated burglary;~~
 - ~~—— (n) Section 76-6-302, aggravated robbery;~~
 - ~~—— (o) Section 76-10-508.1, felony discharge of a firearm;~~

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~~—— (p) (i) an offense other than an offense listed in Subsections (10)(a) through (o) involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and~~
~~—— (ii) the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon; or~~
~~—— (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and the minor has been previously committed to the division for secure care.~~

~~—— Section 22. Section **80-6-906** is amended to read:~~

~~—— **80-6-906. Fees.**~~

~~—— [(1) (a) A youth court may require that a minor pay a reasonable fee, not to exceed \$50, to participate in the youth court.]~~

~~—— [(b) A fee under Subsection (1) may be reduced or waived by the youth court in exigent circumstances.]~~

~~—— [(c) A fee under Subsection (1) shall be paid to and accounted for by the sponsoring entity.]~~

~~—— [(d) Any fees collected shall be used for supplies and any training requirements.]~~

~~—— (1) A youth court may not require a minor or the minor's parent or guardian to pay a fee, cost, or surcharge as a condition to participate in a youth court.~~

~~—— (2) [A minor who participates in youth court] A youth court is responsible for the all expenses of any classes, counseling, treatment, or other educational programs that are the disposition of the youth court.~~

~~—— Section 23. Section **80-6-1007** is amended to read:~~

~~‡ **80-6-1007. Fees.**~~

~~(1) [Except for a filing fee for a petition under this part, the] The juvenile court may not charge a fee for:~~

~~(a) notwithstanding Section 78A-2-301, filing a petition of expungement under this part;~~

~~[(a)] (b) an issuance of an expungement order under this part; or~~

~~[(b)] (c) an expungement of a record under this part.~~

~~(2) An agency may not charge a fee for the expungement of a record under this part.~~

~~{ **Section 24. Repealer.**~~

~~—— This bill repeals:~~

SB0120S02 compared with SB0120S01

~~Section 80-6-803, Cost of support and maintenance of a juvenile offender =~~
Responsibility.

~~Section 25. Effective date:~~

~~This bill takes effect on January 1, 2023.~~

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