

JUVENILE COMMITMENT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This bill addresses the commitment of a juvenile offender to secure care.

Highlighted Provisions:

This bill:

▶ amends provisions regarding the extension of a juvenile offender's term of secure care; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-6-804, as last amended by Laws of Utah 2022, Chapters 116, 155, 203, 426, and 430

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

Section 1. Section **80-6-804** is amended to read:

80-6-804. Review and termination of secure care.

(1) If a juvenile offender is ordered to secure care under Section **80-6-705**, the juvenile offender shall appear before the authority within 45 days after the day on which the juvenile



28 offender is ordered to secure care for review of a treatment plan and to establish parole release
29 guidelines.

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

33 (b) [~~The~~] Except as provided in Subsection (2)(c), the authority shall release the
34 juvenile offender on parole at the end of the presumptive term of [~~commitment~~] secure care
35 unless:

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

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

39 (c) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
40 authority may not extend the juvenile offender's term of secure care under Subsection (2)(b) if
41 the extension would result in a term of secure care that exceeds a term of imprisonment for an
42 adult under Section 76-3-204 for the same misdemeanor offense.

43 [~~(e)~~] (d) The authority shall determine whether a juvenile offender has completed a
44 treatment program under Subsection (2)(b)(i) by considering:

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

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

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

48 [~~(d)~~] (e) The authority may extend the length of [~~commitment~~] secure care and delay
49 parole release for the time needed to address the specific circumstance if one of the
50 circumstances under Subsection (2)(b) exists.

51 [~~(e)~~] (f) The authority shall:

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

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

54 [~~(f)~~] (g) Records under Subsection [~~(2)(e)~~] (2)(f) shall be tracked in the data system
55 used by the juvenile court and the division.

56 (3) (a) If a juvenile offender is [~~committed~~] ordered to secure care, the authority shall
57 set a presumptive term of parole supervision, including aftercare services, from three to four
58 months, but the presumptive term may not exceed four months.

59 (b) If the authority determines that a juvenile offender is unable to return home
60 immediately upon release, the juvenile offender may serve the term of parole:

- 61 (i) in the home of a qualifying relative or guardian;
- 62 (ii) at an independent living program contracted or operated by the division; or
- 63 (iii) in a family-based setting with approval by the director or the director's designee if
64 the minor does not qualify for an independent living program due to age, disability, or another
65 reason or the minor cannot be placed with a qualifying relative or guardian.

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

- 68 (i) termination would interrupt the completion of a treatment program that is
69 determined to be necessary by the results of a validated risk and needs assessment under
70 Section 80-6-606;
- 71 (ii) the juvenile offender commits a new misdemeanor or felony offense; or
- 72 (iii) restitution has not been completed.

73 (d) The authority shall determine whether a juvenile offender has completed a
74 treatment program under Subsection ~~[(2)(c)(i)]~~ (2)(d)(i) by considering:

- 75 (i) the recommendations of the licensed service provider;
- 76 (ii) the juvenile offender's record in the treatment program; and
- 77 (iii) the juvenile offender's completion of the goals of the treatment program.

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

80 (f) The authority shall:

- 81 (i) record the grounds for extension of the presumptive length of parole and the length
82 of the extension; and
- 83 (ii) report annually the extension and the length of the extension to the commission.

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

86 (h) If a juvenile offender leaves parole supervision without authorization for more than
87 24 hours, the term of parole shall toll until the juvenile offender returns.

88 (4) Subsections (2) and (3) do not apply to a juvenile offender ~~[committed]~~ ordered to
89 secure care for:

- 90 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 91 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 92 (c) Section 76-5-203, murder or attempted murder;
- 93 (d) Section 76-5-205, manslaughter;
- 94 (e) Section 76-5-206, negligent homicide;
- 95 (f) Section 76-5-207, negligently operating a vehicle resulting in death;
- 96 (g) Section 76-5-207.5, automobile homicide involving using a wireless
- 97 communication device while operating a motor vehicle;
- 98 (h) Section 76-5-208, child abuse homicide;
- 99 (i) Section 76-5-209, homicide by assault;
- 100 (j) Section 76-5-302, aggravated kidnapping;
- 101 (k) Section 76-5-405, aggravated sexual assault;
- 102 (l) a felony violation of Section 76-6-103, aggravated arson;
- 103 (m) Section 76-6-203, aggravated burglary;
- 104 (n) Section 76-6-302, aggravated robbery;
- 105 (o) Section 76-10-508.1, felony discharge of a firearm;
- 106 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)
- 107 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is a felony; and
- 108 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
- 109 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or
- 110 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
- 111 juvenile offender has been previously [~~committed to the division for~~] ordered to secure care.