

Senator Stephanie Pitcher proposes the following substitute bill:

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 commitment of a juvenile offender to 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.



26 (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile
27 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) ~~[H]~~ Except as provided in Subsections (2)(b) and (2)(h), if a juvenile offender is
31 ordered to secure care under Section 80-6-705, the authority shall set a presumptive term of
32 [commitment] secure care for the juvenile offender from three to six months, but the
33 presumptive term may not exceed six months.

34 (b) If a juvenile offender is ordered to secure care for a misdemeanor offense, the
35 authority may immediately release the juvenile offender on parole if there is a treatment
36 program available for the juvenile offender in a community-based setting.

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

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

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

43 ~~[(c)]~~ (d) The authority shall determine whether a juvenile offender has completed a
44 treatment program under Subsection ~~[(2)(b)(i)]~~ (2)(c)(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]~~ Except as provided in Subsection (2)(h), the authority may extend the
49 length of [commitment] secure care and delay parole release for the time needed to address the
50 specific circumstance if one of the circumstances under Subsection ~~[(2)(b)]~~ (2)(c) 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 (h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the

57 authority may not:

58 (i) set a juvenile offender's presumptive term of secure care under Subsection (2)(a)
59 that would result in a term of secure care that exceeds a term of incarceration for an adult under
60 Section 76-3-204 for the same misdemeanor offense; or

61 (ii) extend the juvenile offender's term of secure care under Subsections (2)(c) and (e)
62 if the extension would result in a term of secure care that exceeds the term of incarceration for
63 an adult under Section 76-3-204 for the same misdemeanor offense.

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

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

69 (i) in the home of a qualifying relative or guardian;

70 (ii) at an independent living program contracted or operated by the division; or

71 (iii) in a family-based setting with approval by the director or the director's designee if
72 the minor does not qualify for an independent living program due to age, disability, or another
73 reason or the minor cannot be placed with a qualifying relative or guardian.

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

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

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

80 (iii) restitution has not been completed.

81 (d) The authority shall determine whether a juvenile offender has completed a
82 treatment program under Subsection [~~(2)(c)(i)~~] (3)(c)(i) by considering:

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

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

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

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

88 (f) The authority shall:

89 (i) record the grounds for extension of the presumptive length of parole and the length
90 of the extension; and

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

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

94 (h) If a juvenile offender leaves parole supervision without authorization for more than
95 24 hours, the term of parole shall toll until the juvenile offender returns.

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

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

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

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

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

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

103 (f) Section 76-5-207, negligently operating a vehicle resulting in death;

104 (g) Section 76-5-207.5, automobile homicide involving using a wireless
105 communication device while operating a motor vehicle;

106 (h) Section 76-5-208, child abuse homicide;

107 (i) Section 76-5-209, homicide by assault;

108 (j) Section 76-5-302, aggravated kidnapping;

109 (k) Section 76-5-405, aggravated sexual assault;

110 (l) a felony violation of Section 76-6-103, aggravated arson;

111 (m) Section 76-6-203, aggravated burglary;

112 (n) Section 76-6-302, aggravated robbery;

113 (o) Section 76-10-508.1, felony discharge of a firearm;

114 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)
115 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is a felony; and

116 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
117 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or

118 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the

119 juvenile offender has been previously [~~committed to the division for~~] ordered to secure care.