

## SB0067S01 compared with SB0067

~~deleted text~~ shows text that was in SB0067 but was deleted in SB0067S01.

inserted text shows text that was not in SB0067 but was inserted into SB0067S01.

**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 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

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#### 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~~ commitment of a juvenile ~~offender's term of~~ offender to secure care; and
- ▶ makes technical and conforming changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

None

##### Utah Code Sections Affected:

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AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

~~[(d)]~~ (e) [The] Except as provided in Subsection (2)(h), the authority may extend the length of ~~[commitment]~~ secure care and delay parole release for the time needed to address the specific circumstance if one of the circumstances under Subsection ~~[(2)(b)]~~ (2)(c) exists.

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

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

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

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

(h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the authority may not:

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

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

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

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

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

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

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

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

(i) termination would interrupt the completion of a treatment program that is determined to be necessary by the results of a validated risk and needs assessment under

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Section 80-6-606;

- (ii) the juvenile offender commits a new misdemeanor or felony offense; or
- (iii) restitution has not been completed.

(d) The authority shall determine whether a juvenile offender has completed a treatment program under Subsection ~~[(2)(e)(i)]~~ ~~(f2)3~~ ~~(fd)c~~(i) by considering:

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

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

(f) The authority shall:

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

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

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

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

(4) Subsections (2) and (3) do not apply to a juvenile offender ~~[committed]~~ ordered to secure care 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, negligently operating a vehicle resulting in death;

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

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

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

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

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- (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;
- (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o) involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is a felony; and
  - (ii) the juvenile offender has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or
- (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the juvenile offender has been previously [~~committed to the division for~~] ordered to secure care.