

HB0459S01 compared with HB0459

~~text~~ shows text that was in HB0459 but was deleted in HB0459S01.

inserted text shows text that was not in HB0459 but was inserted into HB0459S01.

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.

Representative Jordan D. Teuscher proposes the following substitute bill:

BLENDING PLEA AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies procedures relating certain convictions of a minor that involve both juvenile dispositions and adult criminal sentences.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies part headings;
- ▶ prohibits a court from accepting a plea that is blended between a juvenile adjudication and disposition and an adult criminal conviction and sentence;
- ▶ limits the type of conviction that may be vacated;
- ▶ provides a procedure for vacating or modifying the adult portion of a blended plea where the juvenile portion has been completed and other circumstances are met; and

HB0459S01 compared with HB0459

- ▶ provides for procedures for vacating and expunging the adult portion of a blended plea.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-40a-402, as last amended by Laws of Utah 2023, Chapter 265

ENACTS:

80-6-508, Utah Code Annotated 1953

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

Section 1. Section **77-40a-402** is amended to read:

77-40a-402. Distribution for order for vacatur.

(1) An individual who receives an order for vacatur under Subsection 78B-9-108(2) or Section 80-6-508 shall be responsible for delivering a copy of the order for vacatur to all affected criminal justice agencies and officials.

(2) To complete delivery of the order for vacatur to the bureau, the individual shall complete and attach to the order for vacatur an application for a certificate of eligibility for expungement, including identifying information and fingerprints, in accordance with Section 77-40a-301.

(3) Except as otherwise provided in this section, the bureau shall treat the order for vacatur and attached certificate of eligibility for expungement the same as a valid order for expungement under Section 77-40a-401.

(4) Unless otherwise provided by law or ordered by a court to respond differently, an individual who has received a vacatur of conviction under Subsection 78B-9-108(2) may respond to any inquiry as though the conviction did not occur.

(5) The bureau shall forward a copy of the order for vacatur to the Federal Bureau of Investigation.

(6) An agency receiving an order for vacatur shall expunge the individual's identifying

HB0459S01 compared with HB0459

information contained in records in the agency's possession relating to the incident for which vacatur is ordered.

(7) A government agency or official may not divulge information contained in a record of arrest, investigation, detention, or conviction after receiving an order for vacatur to any person or agency, except for:

(a) the individual for whom vacatur was ordered; or

(b) Peace Officer Standards and Training, in accordance with Section 53-6-203 and Subsection 77-40a-403(4)(b).

(8) The bureau may not count vacated convictions against any future expungement eligibility.

Section 2. Section **80-6-508** is enacted to read:

Part 5. Minor Tried as an Adult

80-6-508. Blended plea -- Not permitted -- Petition procedures -- Vacation of adult sentence -- Expungement order.

(1) As used in this section:

(a) "Blended plea" means a plea bargain entered into by a minor that results in a combination of a juvenile adjudication and disposition and a criminal conviction and sentence for a criminal offense that arises from a single criminal episode.

(b) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

(2) (a) Beginning May 1, 2024, a district court, juvenile court, or a justice court may not accept a plea bargain that is a blended plea.

(b) Any criminal conviction or sentence resulting from a blended plea that is entered into on or after May 1, 2024 is void.

(3) (a) ~~The~~ Subject to Subsection (5), the district court ~~shall~~ may, in the interest of justice, vacate the criminal conviction and sentence of an individual if:

(i) the individual files a petition with the district court to vacate the individual's conviction and sentence;

(ii) the conviction and sentence was part of a blended plea that was entered into before May 1, 2024;

~~(iii) (A) the juvenile court's continuing jurisdiction is terminated as described in~~

HB0459S01 compared with HB0459

~~Section 78A-6-120 or is scheduled to be terminated within six months or less; or~~

~~(B) the individual was committed to secure care, as defined in Section 80-1-102, as a result of the blended plea and; and~~

~~(iii) the individual is discharged from the jurisdiction of;~~

~~(A) currently housed within a secure juvenile facility operated by the Division of Juvenile Justice and Youth Services; or is; and~~

~~(B) scheduled to be discharged within six months or less; and;~~

~~(fiv)b (i) the The Division of Juvenile Justice Services shall provide a recommendation to the district court as to whether or not it favorably recommends that the district court vacate the conviction and sentence.;~~

~~(b) If; As part of its recommendation, the division shall ensure that a victim of a criminal conviction being considered for vacation has had reasonable notice to participate in the recommendation process or to provide input for consideration.~~

~~(ii) As part of its evaluation the district court shall review and consider the recommendation of the Division of Juvenile Justice Services; does not favorably recommend that the district court vacate a conviction and sentence, the;~~

~~(c) The district court may:~~

~~(i) in the interest of justice, vacate or modify the conviction and sentence despite the lack of recommendation;~~

~~(iii)i) conduct a hearing to receive arguments or information in relation to the petition before rendering a decision; and; or~~

~~(iii)ii) grant or deny the petition in whole or in part; render a decision without conducting a hearing.~~

~~(4) A petition filed under this section shall:~~

~~(a) identify each criminal conviction and sentence that the individual is requesting the district court to vacate;~~

~~(b) demonstrate that the requirements of Subsections (3)(a)(ii) and (3)(a)(iii) are met; and~~

~~(c) be sent, concurrently at the time of filing, to the Division of Juvenile Justice Services with a request that the division provide a recommendation to the district court as to whether the criminal conviction and sentence should be vacated.~~

HB0459S01 compared with HB0459

(5) A conviction for murder, as described in Section 76-5-203, or for aggravated murder, as described in Section 76-5-202, is not eligible for vacation of the adult sentence under this section.

(~~5~~6) If a district court vacates a conviction and sentence under this section, the district court shall order expungement of all records pertaining to each conviction and sentence that is vacated by the district court.

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.