

JUVENILE JUSTICE SERVICES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill addresses services provided by the Division of Juvenile Justice Services.

Highlighted Provisions:

This bill:

- ▶ provides the Division of Juvenile Justice Services with rulemaking authority to establish the qualifications and conditions of services provided by the Division of Juvenile Justice Services to minors terminated from the custody of the Division of Juvenile Justice Services;
- ▶ amends the requirements for services provided by the Division of Juvenile Justice Services after minors are terminated from the custody of the Division of Juvenile Justice Services; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-5-202, as enacted by Laws of Utah 2021, Chapter 261

80-6-804, as last amended by Laws of Utah 2021, First Special Session, Chapter 2



ENACTS:

80-6-809, Utah Code Annotated 1953

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

Section 1. Section **80-5-202** is amended to read:

80-5-202. Division rulemaking authority.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules to:

(a) [~~establishing~~] establish standards for the admission of a minor to detention;

(b) [~~that~~] describe good behavior for which credit may be earned under Subsection **80-6-704**(4); [~~and~~]

(c) [~~that~~] establish a formula, in consultation with the Office of the Legislative Fiscal Analyst, to calculate savings from General Fund appropriations under 2017 Laws of Utah, Chapter 330, resulting from the reduction in out-of-home placements for juvenile offenders with the division[~~;~~]; and

(d) establish the qualifications and conditions for services provided by the division under Section **80-6-809**.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules:

(a) that govern the operation of prevention and early intervention programs, youth service programs, juvenile receiving centers, and other programs described in Section **80-5-401**; and

(b) that govern the operation of detention and secure care facilities.

(3) A rule made by the division under Subsection (1)(a):

(a) may not permit secure detention based solely on the existence of multiple status offenses, misdemeanors, or infractions arising out of a single criminal episode; and

(b) shall prioritize use of home detention for a minor who might otherwise be held in secure detention.

Section 2. Section **80-6-804** is amended to read:

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

(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 a juvenile offender is ordered to secure care under Section 80-6-705, the authority shall set a presumptive term of commitment for the juvenile offender from three to six months, but the presumptive term may not exceed six months.

(b) The authority shall release the juvenile offender on parole at the end of the presumptive term of commitment 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) The authority shall determine whether a juvenile offender has completed a treatment program under Subsection (2)(b)(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

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

(d) The authority may extend the length of commitment and delay parole release for the time needed to address the specific circumstance if one of the circumstances under Subsection (2)(b) exists.

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

(3) (a) If a juvenile offender is committed 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 in the home of a qualifying relative or guardian or at an independent living program contracted or operated by the division.

(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 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)(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 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, automobile homicide;

(g) Section 76-5-207.5, automobile homicide involving a handheld wireless

121 communication device;

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

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

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

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

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

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

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

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

130 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)

131 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and

132 (ii) the juvenile offender has been previously adjudicated or convicted of an offense

133 involving the use of a dangerous weapon, as defined in Section 76-1-601; or

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

135 juvenile offender has been previously committed to the division for secure care.

136 ~~[(5)(a) The division may continue to have responsibility over a juvenile offender, who~~

137 ~~is discharged under this section from parole, to participate in a specific educational or~~

138 ~~rehabilitative program:]~~

139 ~~[(i) until the juvenile offender is:]~~

140 ~~[(A) if the juvenile offender is a youth offender, 21 years old; or]~~

141 ~~[(B) if the juvenile offender is a serious youth offender, 25 years old; and]~~

142 ~~[(ii) under an agreement by the division and the juvenile offender that the program has~~

143 ~~certain conditions:]~~

144 ~~[(b) The division and the juvenile offender may terminate participation in a program~~

145 ~~under Subsection (5)(a) at any time:]~~

146 ~~[(c) The division shall offer an educational or rehabilitative program before a juvenile~~

147 ~~offender's discharge date in accordance with this section:]~~

148 ~~[(d) A juvenile offender may request the services described in this Subsection (5), even~~

149 ~~if the offender has been previously declined services or services were terminated for~~

150 ~~noncompliance:]~~

151 ~~[(e) Notwithstanding Subsection (5)(c), the division:]~~

~~[(i) shall consider a request by a juvenile offender under Subsection (5)(d) for the services described in this Subsection (5) for up to 365 days after the juvenile offender's effective date of discharge, even if the juvenile offender has previously declined services or services were terminated for noncompliance; and]~~

~~[(ii) may reach an agreement with the juvenile offender to provide the services described in this Subsection (5) until the juvenile offender is:]~~

~~[(A) if the juvenile offender is a youth offender, 21 years old; or]~~

~~[(B) if the juvenile offender is a serious youth offender, 25 years old.]~~

~~[(f) The division and the juvenile offender may terminate an agreement for services under this Subsection (5) at any time.]~~

Section 3. Section **80-6-809** is enacted to read:

80-6-809. Division services after termination of custody of a minor.

(1) If a minor is committed to the custody of the division under Section [80-6-703](#), the division may continue to provide services to the minor, upon the minor's termination from custody of the division, to allow the minor to participate in an educational, rehabilitative, or support program until the minor is 25 years old under an agreement by the division and the minor that the program has certain conditions.

(2) The division shall offer an educational, rehabilitative, or support program to a minor before the minor's termination date.

(3) Even if a minor has been previously declined services or services were terminated for noncompliance:

(a) a minor, who is terminated from custody, may request the services described in this section; and

(b) notwithstanding Subsection (2), the division shall consider a request by a minor under Subsection (3)(a).

(4) If a request is made under Subsection (3), the division may reach an agreement with the minor to provide the services described in this section until the minor is 25 years old.

(5) The division, or the minor, may terminate an agreement for services under this section at any time.