

2022 Interim Committee Study Items

Judiciary Interim Committee | May 18, 2022

Judiciary

(Sen. Weiler and Rep. Hawkins)

Juvenile Fines/Fees. Study the assessment of fines and fees on juvenile offenders, such as fees related to obtaining a DNA specimen or retrieving a court record. Specifically, explore ways to reduce or eliminate juvenile fines and fees.

Expungement of Juvenile Records. Discuss amendments that would allow for the expungement of juvenile records, including the automatic expungement of records in cases involving low-level offenses or where the juvenile was not adjudicated.

Preliminary Hearings. Review amendments to Title 77, Utah Code of Criminal Procedure, to address defendants' rights in preliminary hearings. Historically, preliminary hearings in Utah were adversarial hearings that served two functions: (1) to determine whether probable cause exists, and (2) as a discovery device in which the defendant is informed of the nature of the state's case. However, a 1995 amendment to the Utah Constitution eliminated this secondary function.

Victim Services. Examine how best to consolidate and coordinate victims' services statewide. While several state agencies address aspects of victims' rights and funding comes from various sources, no one agency has overall authority to ensure coordinated services statewide, advance best practices, or maintain accountability.

Treatment of Expunged Records. Study how employers are allowed to treat/discuss expunged records of job applicants. For example, an employer may ask an applicant about an expunged record uncovered through an online search (e.g., from a news story). If the applicant answers as if the conviction never happened, the employer may feel the applicant is being deceptive. More generally, study how to create a truly clean slate for ex-offenders.

Mental Health. Study approaches for prosecuting an individual with a mental illness who committed a crime. Currently, there are several approaches for criminally prosecuting such an individual, including finding them incompetent to proceed, guilty but mentally ill, and not guilty by reason of insanity. However, there are limitations to each approach, and the committee will explore ways to make the process more humane for the individual with a mental illness while also addressing public safety.

Child Support. In consultation with the Office of Recovery Services and the Utah Attorney General's Office, consider amendments to the statute of limitations for child support orders and judgments to make it easier for a custodial parent to collect past due child support payments.

Forensic DNA Privacy. Examine investigative database searches by law enforcement for familial genetic information. Specifically, consider establishing requirements that a law enforcement agency and the Bureau of Forensic Services are required to meet before searching genealogy databases or obtaining and processing a third-party DNA specimen for the purpose of identifying potential biological relatives to an unknown DNA profile.

Debt Collection. Review small claims, eviction, and district court debt collection in Utah. Specifically, identify opportunities to improve the efficiency of the civil courts' debt collection practices and ensure equitable outcomes for all parties involved.

Justice Court Reform. Study the court's reform proposal for the justice courts. In 2019, the Utah Supreme Court and Utah Judicial Council created the Justice Court Reform Task Force to complete a comprehensive evaluation of justice court structure and operations. In August 2021, the Task Force recommended the creation of a "Division" within the District Court to have jurisdiction over all small



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claims cases and misdemeanors. Justice courts' jurisdiction would then be limited to infractions. Unlike justice courts, this new Division would be a court of record, and appeals from the Division would be to the Utah Court of Appeals.

Justice Reinvestment. Request that the Utah Commission on Criminal and Juvenile Justice provide the committee with an update on the Justice Reinvestment Initiative. The committee will also study Utah's efforts to reinvest in juvenile justice (e.g., early intervention services) and identify opportunities for improvement, such as racial and ethnic disparities and violence prevention.

Child and Family Services. In coordination with the Division of Child and Family Services, explore ways to increase family engagement and improve access to services prior to a foster care episode or court involvement. Additionally, explore options to promote family reunification and reduce or eliminate barriers to reunification, such as helping parents navigate the child welfare system.

Barriers to Re-Entry. Explore ways to eliminate barriers to re-entry for justice-involved individuals, such as studying what barriers to employment exist based on an individual's criminal record.

Transfer to Adult Jail. Review the transfer of individuals in juvenile facilities to adult jails. Specifically, explore ways to improve the timeliness of these transfers in cases where the individual remains in a juvenile facility after turning 18 and poses an active safety risk. Currently, while there is a process for such transfers, it can take weeks depending on the judge.