

# **2009 Legislative Bill Results**

## **Bills Followed by DCFS**

### **Incest Amendments -SB11**

Sponsor: Senator Stowell

Amends the definition of crime of incest, provider of human egg or seminal fluid, and related party. This also increases statute of limitations for prosecution from 4 to 7 years.

**PASS**

### **Harboring a Runaway - HB22**

Sponsor: Representative Fowlke

Amends section of the Code relating to harboring a runaway. Provides that a person who harbors a runaway must provide notice to the parent or legal guardian of the minor, DCFS, peace officer, or detention center within 8 hours from the time the person begins providing shelter or discovers that the person is a minor and a runaway. Provides for affirmative defense if the person cannot report it due to circumstances beyond their control. The person can continue to house the runaway if the parent or guardian gives permission or fails to retrieve the runaway. It doesn't stop a shelter from providing for an abandoned minor.

**PASS**

### **Government Records Access and Management Act Amendments - HB122**

Sponsor: Representative Aagard

Clarifies that records may be classified as protected if they are prepared in anticipation of litigation, involves anticipated or pending litigation, and concerns a governmental entity's strategy for anticipated litigation.

**FAIL**

### **GAL Amendments – HB69**

Representative Harper

This bill provides that supervision of the GAL is the responsibility of the GAL Oversight Committee, which is established by the Judicial Council.

This places limitations on the appointment of GAL in a district court proceeding.

Modifies duties of a GAL, a private GAL, and the director of the GAL office,.

In addition this bill changes the name to the "Office of Guardian Ad Litem".

It modifies the qualifications of the GAL director.

This bill deletes provisions regarding the court's direct use of volunteers, and use of peers.

**PASS**

**Domestic Violence in Presence Of a Child Amendments - HB275**

Sponsor: Representative Gibson

Modifies the offense of committing domestic violence in the presence of a child to provide that if more than one child is present, a separate offense is committed regarding each child.

**PASS**

**Crime of Strangulation or Smothering – HB 13**

Representative Seelig

This bill amends the offense of aggravated assault to include the offenses of intentionally impeding a person's circulation by applying pressure to a person's neck or throat or impeding normal breathing.

**FAIL**

**State Personnel Management Act Amendments– SB 126**

**Representative Liljenquist**

This bill provides that the reappointment of a state employee from the reappointment register may be disapproved by the head of the reappointing department if the person is on the reappointment register because of a reduction in force; and makes technical changes.

**PASS**

**Choose Life Special Group License – HB 337**

Representative Herrod

This bill creates a Choose Life Adoption Support special group license plate for adoption support programs through DCFS. The applicant would pay \$25 to go of an account for adoption support programs. It grants DCFS rulemaking authority to make rules creating a procedure for certain organizations to apply for funds.

**FAIL**

**Child and Vulnerable Adult Endangerment Provisions – HB 26**

Sponsor: Representative Morley

Amends Code relating to the endangerment of children or vulnerable adults. Provides that a person who knowingly or intentionally causes or permits a child or vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance or drug paraphernalia, is guilty of a 3<sup>rd</sup> degree felony. This could be a 2<sup>nd</sup>

degree felony if the child or vulnerable adult suffers bodily injury. This could be a 1<sup>st</sup> degree felony if the child or vulnerable dies. This does provide for affirmative defense if the substance is obtained by lawful prescription and used as prescribed.

**PASS**

### **Archives and GRAMA Revisions – HB 118**

Sponsor: Representative Aagard

Provides that intentional and knowing destruction or mutilation of the records-copy of a record in violation of a retention schedule is a class B misdemeanor, and that an employee of a government entity may be disciplined or fired for intentionally and knowingly destroying or mutilating a record in violation of a retention schedule.

**PASS**

### **Amendments to Child Welfare – HB 63**

Representative Harper

This bill amends education requirements related to enrollment and attendance in order to comply with the requirements of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

It also makes the disciplinary team approach to developing a child and family plan optional.

In addition it deletes provisions regarding the Foster Care Citizen Review Boards while re-assigning certain statutory provisions of FCCRB to DCFS.

This bill requires a court to attempt to keep sibling groups together while in the custody of DCFS when practical and within the best interest of the kids.

Provides language that the intentional, knowing, or reckless killing by a child's parent of the child's other parent, without legal justification, constitutes prima facie evidence of parental unfitness.

**PASS**

### **Alcoholic Beverage Amendments – HB 129**

Representative Oda

This bill modifies the Alcoholic Beverage Control Act provisions related to driving privileges, and addresses penalties for violations related to proof of age. It modifies penalties related to suspension of driving privileges of a minor and makes a parent or guardian liable to a retail licensee for a portion of monetary penalties.

**PASS**

**Abuse or Neglect of a Disabled Child – SB 133**

Sponsor: Senator Valentine

Provides that a caretaker who intentionally, knowingly, recklessly, or with criminal negligence abuses or neglects a disabled child is guilty of a third degree felony.

**PASS**

**Adoption Revisions – HB 42**

Sponsor: Representative Allen

Amends provisions of the Utah Adoption Act. Reduce the age of an adult adoptee from 21 to 18. Increases amount for counseling of a parent placing a child for adoption from \$250 to \$400.

**PASS**

**Statute of Limitations (Child Abuse Homicide) HB 223**

Sponsor: Representative Wimmer

Amends the criminal statute of limitations relating to child abuse homicide. This bill provides that prosecution for first degree felony child abuse homicide or second degree felony child abuse homicide may be commenced at any time.

**PASS**

**State Agency Structure Task Force - HB321**

Sponsor: Representative Harper

Creates the State Agency Structure Task Force to review the organization and management of state agencies and makes recommendations to improve efficiency, effectiveness, and the state agencies' missions by identifying workable and cost-effective alternatives. Also it establishes membership, duties, and salaries for the task force.

**FAIL**

**Sexual Exploitation of a Minor - HB 97**

Sponsor: Representative Bigelow

A person is guilty of sexual exploitation of a minor when the person knowingly produces, distributes, views, possesses, or possesses with intent to distribute, child pornography or if the person is a minor's parent or legal guardian and knowingly consents to or permits that minor to be sexually exploited.

**PASS**

**Sex Offenders' Contact With Children – HB 29**

Representative Greenwood

This requires a registered sex offender whose offense was against a child younger than 14 to obtain permission from a child's parent or guardian to allow a child younger than 14 to

accompany the offender. It allows a child younger than 14 to accompany the sex offender if:

1. The sex offender has written permission, OR
2. The sex offender has verbal permission and both the child and offender are in the child's home or property, OR
3. The child is the natural child of the offender and there is no order prohibiting it.

**PASS**

### **Custody and Parent Time Amendments – HB 401**

Representative Cosgrove

This bill provides direction for custody and parent-time issues when a service member is away temporarily. It defines terms for when a person is deployed, gives a non-custodial parent "first choice" when a service member must be away. It also allows a deployed non-custodial parent to delegate parent time to a close family member. It prohibits a court from depriving a deployed service member of custody. Language was added to allow DCFS to remove temporary custody if necessary for the protection of the child.

**PASS**

### **Material Harmful to Minors – HB 14**

Representative Allen

Provides penalties for minors that distribute pornographic material or deal in harmful material to a minor. It is a class A misdemeanor for persons 16 or 17, class B misdemeanor if the person is younger than 16, and a third degree felony if the person is 18.

**PASS**

### **Reporting Abuse or Neglect of the Elderly or Disabled – HB142**

Representative Hemingway

This bill amends the Health Code and the Human Services Code to permit background checks for an individual who cares for an elderly or disabled person and creates a private right of action for failure to report abuse or neglect.

**PASS**

### **Expungement of Division of Child and Family Services Records – SB 180S01**

Senator Hillyard

This bill provides that a person may petition the court for the expungement of records in custody of state agencies that are related to the person's juvenile court records.

**PASS**

### **Cohabitant Abuse Procedures Act Amendments – SB 220**

Senator Goodfellow

This bill permits a court to issue an order to a person awaiting trial on a crime of domestic violence [ ~~at the time that the charge is filed~~ ] during any court hearing where the defendant is present, instead of at the time that the person is released from custody; and makes technical changes.

**PASS**

### **Amendments to Driver License Sanction Requirements – HB 21**

Representative Greenwood

This bill provides that the requirement that the reinstatement of a person's license for a person under 21 years of age operating a vehicle with a detectable amount of alcohol in the person's body is contingent upon the person's completion of an action recommended by a local substance abuse authority or substance abuse program is only applicable within five years after the effective date of the license sanction.

**PASS**

### **Marriage License Fee Amendments - HB198**

Sponsor: Representative Johnson

Requires county clerks to collect an additional \$10 for a marriage license fee and to transmit that amount to DCFS for use in the operation of shelters for victims of DV.

**PASS**

### **Parental Responsibility for Juvenile Criminal Gang Activity – SB 118**

Senator Greiner

This bill requires a parent or guardian who has legal custody of a minor to be liable for damages, including graffiti damages, sustained to property not to exceed \$5,000 in costs when the minor participates in criminal activity that causes property damage and is done for the benefit of, at the direction of, or in association with any criminal street gang; to gain recognition, acceptance, membership, or increased status with a criminal street gang.

**PASS**

### **Joint Custody Amendments – HB 251**

Representative Fowlke

Requires a court to consider joint legal custody in every divorce or separation action, allows for the modification of joint custody orders, and creates specific requirements to do so. It will also require the court to make specific findings when modifying or terminating a joint custody order, not just because it doesn't work for one party.

**PASS**

**Violation of Protective Order – SB 183**

Representative McCoy

This bill provides a respondent the basis for dismissing the protective order if a petitioner repeatedly acts in contravention of the protective order provisions; and requires the court approved forms for all protective orders to contain a notice to petitioner that acting in contravention of the protective order provisions may be grounds for amending or dismissing the protective order.

**PASS**

**Health and Human Services-Related Commission, Committee, and Council**

**Amendments – HB 306**

Representative Bigelow

This bill: eliminates the following boards and transfers those board powers and responsibilities to their associated division:

*Board of Child and Family Services;*

*Board of Services for People with Disabilities;*

*Board of Public Guardian Services;*

*Human Services Licensing Board; and*

*Board of Substance Abuse and Mental Health; and*

makes the per diem and expenses for members of specified commissions, committees, and councils subject to the discretion of the executive director of the Department of Health or the executive director of the Department of Human Services.

**PASS**

**Public Employees' Benefit and Insurance Program Amendments – HB 451**

This bill repeals a requirement that the state participate in the Public Employees' Health Program and instead allows the state to participate if beginning July 1, 2009 an award is made to the program under competitive bidding every two years; and makes technical changes.

**FAIL**

**Legislative Direction to the Public Employees' Benefit and Insurance Program –**

**HJR 29**

Representative Daw

This resolution directs the Public Employees' Benefit and Insurance Program on the medical coverage premium share and increase costs issues for state employees.

This resolution directs PEHP and the Department of Human Resource Management to change the current employer premium share for HMO medical coverage to 95% employer and 5% employee and adjust the high deductible plans proportionately; and directs PEHP and the executive director of the Department of Human Resource Management to formulate benefits for Fiscal Year 2009-10 to cover any remaining health care cost increases.

**PASS**

**Retirement Amendments – SB 127**

Representative Lilijenquist

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending provisions related to the retirement systems.

This bill amends the definition of defined contribution to include deferred compensation plans allows an employer to pay required retirement contributions to a nonqualified compensation plan administered by the board, if the employer is not participating in a qualified defined contribution plan; allows the retirement system to deduct from payments made to beneficiaries for money that is owed to the retirement system; repeals transition language related to eligibility of an enhanced public safety retirement cost-of-living adjustment; provides an application process for employers to participate in the Firefighters Retirement System; and makes technical changes.

**PASS**

**Public Employee Defined Contribution Amendments - SB 195**

Representative Lilijenquist

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending employer defined contributions for certain employees in the Public Employees' Noncontributory Retirement System. This bill suspends, for the period of July 1, 2009 through June 30, 2010 only, one-half the 1.5% (.75) employer defined contribution made on behalf of those employees in the Public Employees' Noncontributory Retirement System; provides that certain employees who elected to move from the contributory retirement system to the noncontributory retirement system and who have remained in that system are not subject to the suspension of payments; and makes technical changes.

**FAIL**