Overview

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HOUSE BILL 239
BACKGROUND

House Bill 239 Timeline

**June 2016**
Formation of Utah Juvenile Justice Working Group

**March 2017**
Governor Herbert signs HB 239 into law

**November 2016**
Working Group Issues Final Report

**May 2017**
Utah Juvenile Justice Oversight Committee is established
Charge to the Utah Juvenile Justice Working Group

1. Promote public safety and hold juvenile offenders accountable
2. Control costs
3. Improve recidivism and other outcomes for youth, families, and communities
4. Develop recommendations to be used as “the foundation for statutory, budgetary and administrative changes to be introduced in the legislature during the 2017 session.”

WORKING GROUP EDUCATION RELATED FINDINGS
Working group education-related findings

- Wide variation across school districts in how schools responded to similar school-based behaviors
- Wide variation in court response to delinquent behaviors across judicial districts, including truancy
- Significant racial disparity in court response to delinquent behaviors, including truancy cases.
- Truancy cases commonly resulted in a formal complaint and often resulted in a common detention disposition
- Youth who are diverted from the formal court system and detention have better outcomes

Prior to H.B. 239, truancy was a common offense but the number and proportion of cases petitioned varied across judicial districts

- 93% of truancy cases were petitioned in 7th District
- Only 26% of truancy cases were petitioned in 5th District
- 49% of truancy cases were petitioned statewide
Significant racial disparity in the juvenile justice system

Prior to H.B. 239, there was significant racial disparity in the proportion of truancy cases that receive non-judicial adjustment (pre-court diversion) vs. petitions
Prior to H.B. 239, truancy was one of the most common offenses for youth who received a petition on their first case in the juvenile justice system.

<table>
<thead>
<tr>
<th>Top 10 Offenses First Intake Non-Judicial 2015</th>
<th># Youth</th>
<th>Top 10 Offenses First Intake Petition 2015</th>
<th># Youth</th>
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<tr>
<td>RETAIL THEFT &lt;$500</td>
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<td>MARIJUANA POSSESSION OR USE</td>
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<td>ALCOHOL POSSESSION OR CONSUMPTION</td>
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<td>HABITUAL TRUANT CITATION</td>
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<td>POSSESSION OF TOBACCO</td>
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<td>POSSESSION DRUG PARAPHERNALIA</td>
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<td>SEXUAL ABUSE, CHILD-UNDER 14</td>
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<td>CURFEW/TRUANCY</td>
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<td>POS. DRUG PARAPHERNALIA - DFZ</td>
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<td>HABITUAL TRUANT CITATION</td>
<td>138</td>
<td>POSSESSION OF TOBACCO</td>
<td>72</td>
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</table>

Low-risk youth ordered to detention reoffend at higher rates than low-risk youth who are not.

Proportion of New Charges for Low-Risk Youth Ordered to Detention on First Case, 2012

- First Intake Adjudicated Petition, PSRA Low Risk, 2012 (N=132)
- Adjudicated Youth Ordered to Detention at First Intake, PSRA Low Risk, 2012 (N=1641)
Education-related components are effective August 2017

1. Removes Class C misdemeanors, status offenses (including truancy), and infractions occurring on school property from the jurisdiction of the juvenile court

2. Expands eligibility criteria for which cases may be handled by youth courts

3. Expands Receiving Centers (operated by JJS) and Mobile Crisis Response

4. Law enforcement and/or school administrators may take truant youth to truancy centers

5. All local school board policies on conduct and discipline must be in accordance with new statute
Offenses that are chargeable or referable to juvenile court

- The handout lists delinquency offenses that law enforcement can charge or refer to court if the offense occurs on school property and was committed by an enrolled student.
- School and law enforcement personnel should use their discretion about whether to charge or refer allowable offenses.
- School and law enforcement personnel have alternatives at their disposal including existing school disciplinary policies and procedures.
- Additionally, youth can be referred to:
  - Youth Receiving Centers operated by Juvenile Justice Services;
  - Mobile crisis outreach teams;
  - Youth court;
  - Other restorative justice programs; or
  - Any other community-based resource.

QUESTIONS AND ANSWERS SESSION
Panelists:

- Doug Diamond, Chief of Police, West Jordan PD
- Steve Kaelin, Youth in Care, Utah State Board of Education
- Jill McKinley, Director, Iron County Youth Services, Juvenile Justice Services
- Joyce Pace, 5th Judicial District Trial Court Executive, Administrative Office of the Courts

Juvenile Justice Oversight Committee
Contact information

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