



## **HB 239**

# **Juvenile Justice Amendments**

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### **Overview**

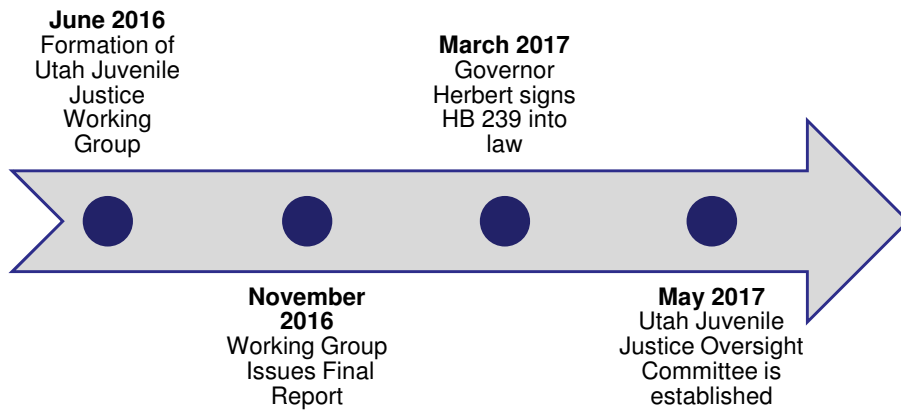
1. House Bill 239 Background
2. Utah Juvenile Justice Working Group Education Related Findings
3. House Bill 239 Education Related Components
4. Questions and Answers Session

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# HOUSE BILL 239 BACKGROUND

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## House Bill 239 Timeline



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## 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.”

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## WORKING GROUP EDUCATION RELATED FINDINGS

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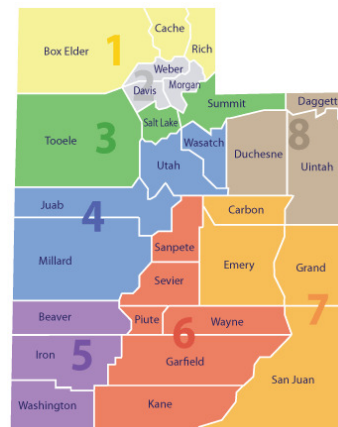
### Working group education-related findings

- 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

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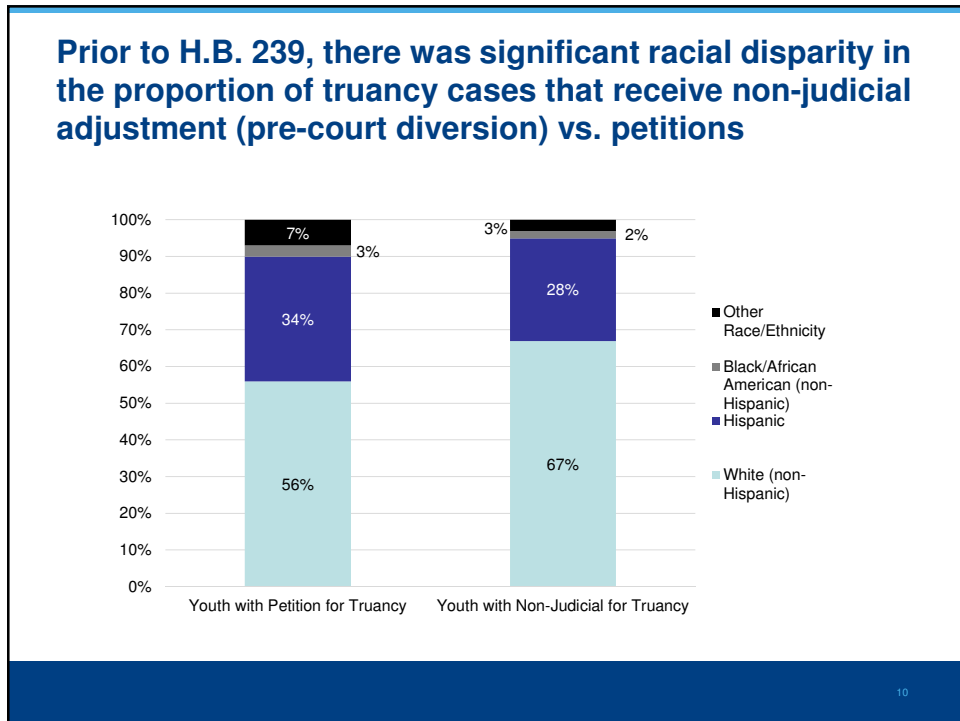
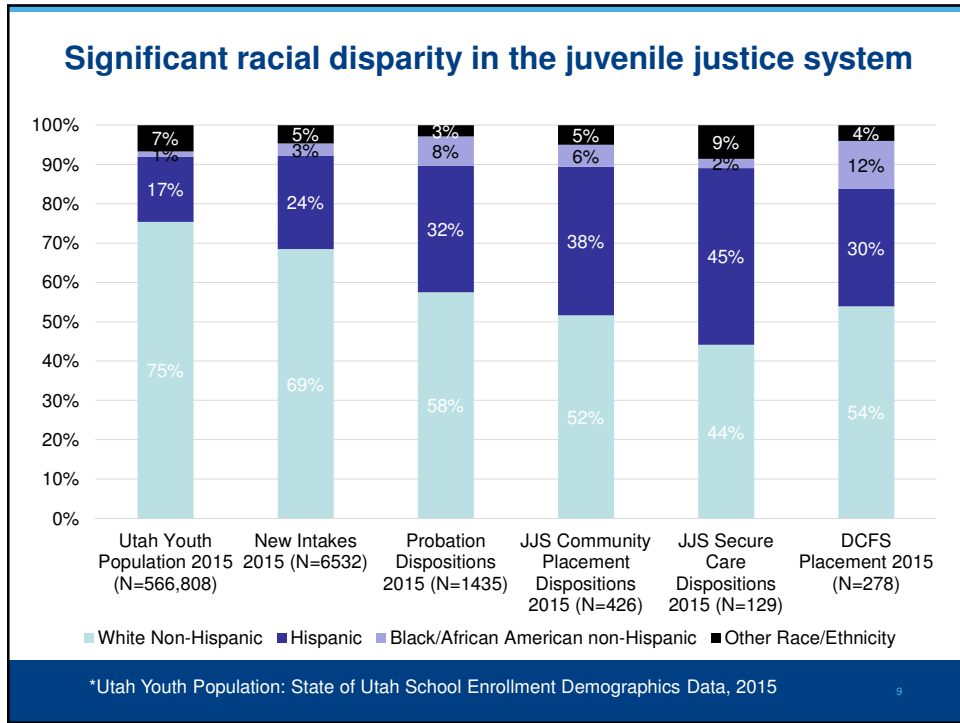
### Prior to H.B. 239, truancy was a common offense but the number and proportion of cases petitioned varied across judicial districts

- 93% of truancy cases were petitioned in 7th District
- Only 26% of truancy cases were petitioned in 5<sup>th</sup> District
- 49% of truancy cases were petitioned statewide



Utah Truancy Data Summary. CCJJ request for additional Working Group data. Based on calendar year 2015 data.

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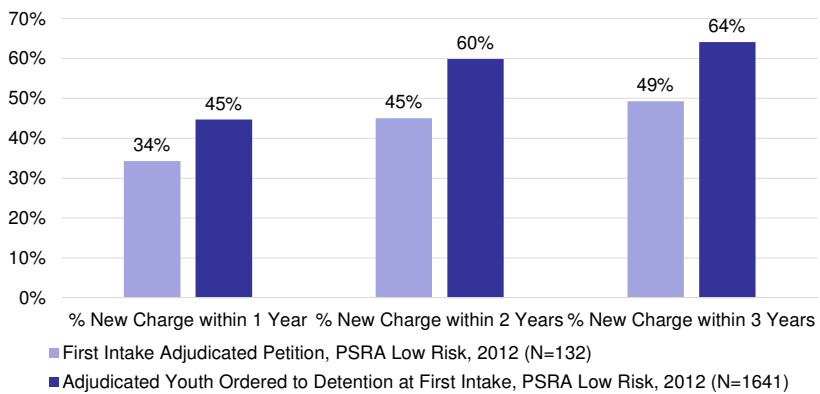
**Prior to H.B. 239, truancy was one of the most common offenses for youth who received a petition on their first case in the juvenile justice system**

| Top 10 Offenses First Intake Non-Judicial 2015 | # Youth | Top 10 Offenses First Intake Petition 2015 | # Youth |
|--|---------|--|---------|
| RETAIL THEFT <\$500                            | 1027    | MARIJUANA POSSESSION OR USE                | 473     |
| ALCOHOL POSSESSION OR CONSUMPTION              | 373     | <b>HABITUAL TRUANT CITATION</b>            | 258     |
| POSSESSION OF TOBACCO                          | 365     | POSSESSION DRUG PARAPHERNALIA              | 174     |
| ASSAULT-SUB.RISK OF/BODILY INJ                 | 283     | RETAIL THEFT <\$500                        | 172     |
| CURFEW   | 247     | ASSAULT-SUB.RISK OF/BODILY INJ             | 157     |
| CRIMINAL MISCHIEF                              | 223     | CRIMINAL MISCHIEF                          | 117     |
| THEFT < \$500                                  | 221     | SEXUAL ABUSE,CHILD-V.UNDER 14              | 100     |
| CRIMINAL TRESPASS                              | 219     | ALCOHOL POSSESSION OR CONSUMPTION          | 84      |
| <b>CURFEW/TRUANCY</b>                          | 178     | POS. DRUG PARAPHERNALIA - DFZ              | 82      |
| <b>HABITUAL TRUANT CITATION</b>                | 138     | POSSESSION OF TOBACCO                      | 72      |

Pew Charitable Trusts (July 14, 2016). Utah Juvenile Justice Drivers Analysis and System Assessment, Part 1. Presented to the Utah Juvenile Justice Working Group in Salt Lake City, UT.

**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



Pew Charitable Trusts (July 14, 2016). Utah Juvenile Justice Drivers Analysis and System Assessment, Part 1. Presented to the Utah Juvenile Justice Working Group in Salt Lake City, UT.

## **HOUSE BILL 239 EDUCATION RELATED COMPONENTS**

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### **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

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### **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.

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## **QUESTIONS AND ANSWERS SESSION**

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## 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**, 5<sup>th</sup> Judicial District Trial Court Executive, Administrative Office of the Courts

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## Juvenile Justice Oversight Committee Contact information

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