

YOUTH SERVICE ORGANIZATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill addresses requirements for certain organizations that hire individuals or use volunteers to care for or supervise children.

Highlighted Provisions:

This bill:

▶ defines terms;

▶ requires youth service organizations to:

• conduct a search of the Utah and national sex offender registries before employing or using as a volunteer an individual who would be responsible to care for or supervise children; and

• provide training and have policies and procedures concerning the ~~§~~ **[prevention] identification** ~~§~~

and reporting of ~~§~~ **[child] sexual** ~~§~~ abuse ~~§~~ **[and neglect]** ~~§~~ ;

▶ provides that for certain purposes, a youth service organization is considered negligent if it fails to conduct a sex offender registry search, or employs or uses as a volunteer an individual who was on the Utah or national sex offender registry;

▶ allows an insurer to request information from a youth service organization concerning compliance with the requirements of this bill; and

▶ states that the provisions of the bill do not abrogate any existing cause of action or create a new private right of action.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **80-8-101**, Utah Code Annotated 1953

34 **80-8-201**, Utah Code Annotated 1953

35 **80-8-202**, Utah Code Annotated 1953

36 **80-8-203**, Utah Code Annotated 1953

37 **80-8-204**, Utah Code Annotated 1953

38 **80-8-205**, Utah Code Annotated 1953



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

41 Section 1. Section **80-8-101** is enacted to read:

42 **CHAPTER 8. YOUTH SERVICE ORGANIZATIONS**

43 **Part 1. General Provisions**

44 **80-8-101. Definitions.**

45 As used in this chapter:

46 (1) "Child" means an individual under 18 years old.

47 (2) "Registered sex offender check" means a search of:

48 (a) the state's Sex and Kidnap Offender Registry described in Title 77, Chapter 41, Sex
49 and Kidnap Offender Registry; and

50 (b) the National Sex Offender Public Website administered by the United States
51 Department of Justice.

52 (3) "Sexual abuse" means the same as that term is defined in Section [78B-2-308](#).

53 (4) (a) "Youth services organization" means a sports league, athletic association,
54 church or religious organization, scouting organization, or similar formally organized
55 association, league, or organization, that provides recreational, educational, cultural, or social
56 programs or activities to 25 or more children.

57 (b) "Youth services organization" does not include any person that is required to
58 conduct a background check on employees or volunteers under any other provision of state or

59 federal law.

60 (5) "Youth worker" means an individual:

61 (a) who is 18 years old or older;

62 (b) who is employed by or volunteers with a youth services organization; and

63 (c) whose responsibilities as an employee or volunteer with the youth services

64 organization give the individual regular and repeated care, supervision, guidance, or control of

65 a child or children.

66 Section 2. Section **80-8-201** is enacted to read:

67 **Part 2. Requirements and Penalties**

68 **80-8-201. Youth protection requirements.**

69 (1) A youth service organization may not employ a youth worker or allow an individual

70 to volunteer as a youth worker unless the youth service organization has completed a registered

71 sex offender check for the individual.

72 (2) A youth services organization shall require a potential youth worker to provide the

73 individual's full name and a current, government-issued identification to facilitate the registered

74 sex offender check required by Subsection (1).

75 (3) If an individual is registered on the state's Sex and Kidnap Offender Registry or the

76 National Sex Offender Public Website, a youth service organization may not employ the

77 individual as a youth worker or allow the individual to volunteer as a youth worker.

78 Section 3. Section **80-8-202** is enacted to read:

79 **80-8-202. Training -- Policies.**

80 (1) A youth service organization shall provide and a youth worker shall complete

81 reasonable training in ~~§→ [child abuse and neglect identification, and child abuse and neglect]~~ **sexual**

81a **abuse identification and** ←§

82 reporting.

83 (2) A youth service organization shall implement reasonable child abuse prevention

84 policies and procedures that include:

85 (a) policies to ensure that a registered sex offender check is conducted for each youth

86 worker before the youth worker is employed or allowed to volunteer; and

87 (b) policies to ensure the reporting of suspected ~~§→ sexual~~ ←§ abuse ~~§→ [or neglect]~~ ←§

87a in compliance with

88 Section [80-2-602](#).

89 Section 4. Section **80-8-203** is enacted to read:

90 **80-8-203. Penalty.**

91 (1) Beginning May 1, 2025, in any lawsuit against a youth service organization arising
92 out of the molestation or sexual abuse of a child committed by a youth worker against a child
93 who was in the custody or care of the youth service organization, the youth service organization
94 shall be considered negligent if:

95 (a) (i) the youth service organization failed to conduct a registered sex offender check
96 for the youth worker who committed the molestation or sexual abuse; and

97 (ii) a registered sex offender check for the youth worker would have revealed that the
98 youth worker was registered on the state's Sex and Kidnap Offender Registry or the National
99 Sex Offender Public Website; or

100 (b) (i) the youth service organization conducted a registered sex offender check for the
101 youth worker who committed the molestation or sexual abuse;

102 (ii) the registered sex offender check revealed that the youth worker was registered on
103 the state's Sex and Kidnap Offender Registry or the National Sex Offender Public Website; and

104 (iii) the youth service organization nevertheless employed the youth worker or allowed
105 the youth worker to volunteer.

106 (2) Nothing in this section excuses the plaintiff in a lawsuit described in Subsection (1)
107 from proving all other elements of any pleaded claim, including, as applicable, duty, proximate
108 cause, or damages.

109 Section 5. Section **80-8-204** is enacted to read:

110 **80-8-204. Insurance.**

111 (1) Before writing liability insurance for a youth service organization in the state, an
112 insurer may do one or more of the following:

113 (a) request information from the youth service organization demonstrating compliance
114 with this chapter as part of the insurer's loss control program; or

115 (b) require, as a condition of providing insurance, proof that the youth service
116 organization is in compliance with this chapter.

117 (2) Nothing in this chapter shall be construed to alter or amend existing obligations
118 under any policy of insurance.

119 Section 6. Section **80-8-205** is enacted to read:

120 **80-8-205. No effect on cause of action -- No duty created.**

121 (1) Nothing in this chapter abrogates any existing cause of action.

122 (2) Nothing in this chapter creates a private right of action or establishes a duty of
123 reasonable care where one would not otherwise exist.

124 Section 7. **Effective date.**

125 This bill takes effect on May 1, 2025.