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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 identification and reporting of sexual abuse;
- 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:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

28 ENACTS:

29 **80-8-101**, as Utah Code Annotated 1953

30 **80-8-201**, as Utah Code Annotated 1953

31 **80-8-202**, as Utah Code Annotated 1953

32 **80-8-203**, as Utah Code Annotated 1953

33 **80-8-204**, as Utah Code Annotated 1953

34 **80-8-205**, as Utah Code Annotated 1953

35

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

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

38

CHAPTER 8. YOUTH SERVICE ORGANIZATIONS

39

Part 1. General Provisions

40 **80-8-101 . Definitions.**

41 As used in this chapter:

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

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

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

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

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

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

53 (b) "Youth services organization" does not include any person that is required to conduct
 54 a background check on employees or volunteers under any other provision of state or
 55 federal law.

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

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

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

59 (c) whose responsibilities as an employee or volunteer with the youth services
 60 organization give the individual regular and repeated care, supervision, guidance, or

61 control of a child or children.

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

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Part 2. Requirements and Penalties

64 **80-8-201 . Youth protection requirements.**

65 (1) A youth service organization may not employ a youth worker or allow an individual to
66 volunteer as a youth worker unless the youth service organization has completed a
67 registered sex offender check for the individual.

68 (2) A youth services organization shall require a potential youth worker to provide the
69 individual's full name and a current, government-issued identification to facilitate the
70 registered sex offender check required by Subsection (1).

71 (3) If an individual is registered on the state's Sex and Kidnap Offender Registry or the
72 National Sex Offender Public Website, a youth service organization may not employ the
73 individual as a youth worker or allow the individual to volunteer as a youth worker.

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

75 **80-8-202 . Training -- Policies.**

76 (1) A youth service organization shall provide and a youth worker shall complete
77 reasonable training in sexual abuse identification and reporting.

78 (2) A youth service organization shall implement reasonable child abuse prevention policies
79 and procedures that include:

80 (a) policies to ensure that a registered sex offender check is conducted for each youth
81 worker before the youth worker is employed or allowed to volunteer; and

82 (b) policies to ensure the reporting of suspected sexual abuse in compliance with Section
83 80-2-602.

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

85 **80-8-203 . Penalty.**

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

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

92 (ii) a registered sex offender check for the youth worker would have revealed that the
93 youth worker was registered on the state's Sex and Kidnap Offender Registry or

- 94 the National Sex Offender Public Website; or
95 (b) (i) the youth service organization conducted a registered sex offender check for
96 the youth worker who committed the molestation or sexual abuse;
97 (ii) the registered sex offender check revealed that the youth worker was registered
98 on the state's Sex and Kidnap Offender Registry or the National Sex Offender
99 Public Website; and
100 (iii) the youth service organization nevertheless employed the youth worker or
101 allowed the youth worker to volunteer.

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

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

106 **80-8-204 . Insurance.**

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

- 109 (a) request information from the youth service organization demonstrating compliance
110 with this chapter as part of the insurer's loss control program; or
111 (b) require, as a condition of providing insurance, proof that the youth service
112 organization is in compliance with this chapter.

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

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

116 **80-8-205 . No effect on cause of action -- No duty created.**

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

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

120 Section 7. **Effective date.**

121 This bill takes effect on May 1, 2025.