

Representative Karianne Lisonbee proposes the following substitute bill:

JUVENILE JUSTICE REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the requirements for the juvenile gang and other violent crime prevention and intervention program;
- ▶ amends the definition of an evidence-based program for purposes of responses to school-based behavior;
- ▶ modifies the requirements for referring an offense that occurs when school is in session or during a school-sponsored activity;
- ▶ provides the requirements for referring a minor who is alleged of being a habitual truant;
- ▶ modifies provisions regarding reintegration plans for students who have committed a serious offense;
- ▶ requires a school employee to report an offense that is committed by a minor on school grounds when school is in session or at a school-sponsored activity;
- ▶ makes it a crime to solicit a minor to commit a felony or a class A misdemeanor



- 26 offense;
- 27 ▶ clarifies the crime of criminal solicitation in regard to adults;
- 28 ▶ modifies the crime for contributing to the delinquency of a minor;
- 29 ▶ modifies the crime for the possession of a dangerous weapon on or about school
- 30 grounds;
- 31 ▶ modifies the crime for the possession of a dangerous weapon by a minor;
- 32 ▶ amends the jurisdiction of the juvenile court;
- 33 ▶ addresses the referral of a minor who is a habitual truant to the juvenile court;
- 34 ▶ modifies the requirements for the notification by a juvenile court to a school;
- 35 ▶ repeals statutes related to criminal solicitation and possession of a dangerous
- 36 weapon by a minor; and
- 37 ▶ makes technical and conforming changes.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 This bill provides a coordination clause.

42 **Utah Code Sections Affected:**

43 AMENDS:

- 44 **53E-3-516**, as last amended by Laws of Utah 2023, Chapters 115, 161
- 45 **53F-2-410**, as repealed and reenacted by Laws of Utah 2023, Chapter 161 and last
- 46 amended by Coordination Clause, Laws of Utah 2023, Chapter 98
- 47 **53G-8-211**, as last amended by Laws of Utah 2023, Chapter 161
- 48 **53G-8-213**, as enacted by Laws of Utah 2023, Chapter 161
- 49 **53G-8-510**, as last amended by Laws of Utah 2023, Chapter 115
- 50 **76-4-203**, as last amended by Laws of Utah 2013, Chapter 278
- 51 **76-10-505.5**, as last amended by Laws of Utah 2021, Chapter 141
- 52 **76-10-509.4**, as last amended by Laws of Utah 2023, Chapter 161
- 53 **76-10-509.7**, as last amended by Laws of Utah 2014, Chapter 428
- 54 **76-10-512**, as last amended by Laws of Utah 2014, Chapter 428
- 55 **77-23a-8**, as last amended by Laws of Utah 2023, Chapter 111
- 56 **78A-6-103**, as last amended by Laws of Utah 2023, Chapters 115, 161, 264, and 330

- 57 [78A-6-104](#), as last amended by Laws of Utah 2022, Chapter 335
- 58 [78A-6-450](#), as last amended by Laws of Utah 2022, Chapter 335
- 59 [80-6-102](#), as last amended by Laws of Utah 2022, Chapter 155
- 60 [80-6-103](#), as last amended by Laws of Utah 2023, Chapter 161
- 61 [80-6-201](#), as last amended by Laws of Utah 2022, Chapter 335
- 62 [80-6-202](#), as last amended by Laws of Utah 2022, Chapter 335
- 63 [80-6-301](#), as enacted by Laws of Utah 2021, Chapter 261
- 64 [80-6-303.5](#), as enacted by Laws of Utah 2023, Chapter 161
- 65 [80-6-304.5](#), as enacted by Laws of Utah 2023, Chapter 161
- 66 [80-6-1004.5](#), as enacted by Laws of Utah 2023, Chapter 115

67 ENACTS:

68 [76-4-205](#), Utah Code Annotated 1953

69 RENUMBERS AND AMENDS:

70 [76-4-206](#), (Renumbered from 76-10-2301, as last amended by Laws of Utah 2000,
71 Chapter 105)

72 REPEALS:

73 [76-4-204](#), as last amended by Laws of Utah 2008, Chapter 179

74 [76-10-509](#), as last amended by Laws of Utah 1993, Second Special Session, Chapter 10

75 **Utah Code Sections Affected by Coordination Clause:**

76 [53G-8-201](#), as enacted by Laws of Utah 2018, Chapter 3

77 [53G-8-213](#), as enacted by Laws of Utah 2023, Chapter 161



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

80 Section 1. Section **53E-3-516** is amended to read:

81 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
82 **authority.**

83 (1) As used in this section:

84 (a) "Dangerous weapon" means ~~[the same as that term is defined in Section~~
85 ~~53G-8-510]~~ a firearm or an object that in the manner of the object's use or intended use is
86 capable of causing death or serious bodily injury to an individual.

87 (b) "Disciplinary action" means an action by a public school meant to formally

88 discipline a student of that public school that includes a suspension or expulsion.

89 (c) "Law enforcement agency" means the same as that term is defined in Section
90 77-7a-103.

91 (d) "Minor" means the same as that term is defined in Section 80-1-102.

92 (e) "Other law enforcement activity" means a significant law enforcement interaction
93 with a minor that does not result in an arrest, including:

- 94 (i) a search and seizure by an SRO;
- 95 (ii) issuance of a criminal citation;
- 96 (iii) issuance of a ticket or summons;
- 97 (iv) filing a delinquency petition; or
- 98 (v) referral to a probation officer.

99 (f) "School is in session" means the hours of a day during which a public school
100 conducts instruction for which student attendance is counted toward calculating average daily
101 membership.

102 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
103 clinic, or other event or activity that is authorized by a specific public school, according to LEA
104 governing board policy, and satisfies at least one of the following conditions:

105 (A) the activity is managed or supervised by a school district, public school, or public
106 school employee;

107 (B) the activity uses the school district or public school facilities, equipment, or other
108 school resources; or

109 (C) the activity is supported or subsidized, more than inconsequentially, by public
110 funds, including the public school's activity funds or Minimum School Program dollars.

111 (ii) "School-sponsored activity" includes preparation for and involvement in a public
112 performance, contest, athletic competition, demonstration, display, or club activity.

113 (h) " School resource officer" or "SRO" means the same as that term is defined in
114 Section 53G-8-701.

115 (2) Beginning on July 1, 2023, the state board shall develop an annual report regarding
116 the following incidents that occur on school grounds while school is in session or during a
117 school-sponsored activity:

118 (a) arrests of a minor;

119 (b) other law enforcement activities;

120 (c) disciplinary actions; and

121 (d) minors found in possession of a dangerous weapon.

122 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with
123 the state board and LEAs to provide and validate data and information necessary to complete
124 the report described in Subsection (2), as requested by an LEA or the state board.

125 (4) The report described in Subsection (2) shall include the following information
126 listed separately for each LEA:

127 (a) the number of arrests of a minor, including the reason why the minor was arrested;

128 (b) the number of other law enforcement activities, including the following information
129 for each incident:

130 (i) the reason for the other law enforcement activity; and

131 (ii) the type of other law enforcement activity used;

132 (c) the number of disciplinary actions imposed, including:

133 (i) the reason for the disciplinary action; and

134 (ii) the type of disciplinary action;

135 (d) the number of SROs employed;

136 (e) if applicable, the demographics of an individual who is subject to, as the following
137 are defined in Section [53G-9-601](#), bullying, hazing, cyber-bullying, or retaliation; and

138 (f) the number of minors found in possession of a dangerous weapon on school
139 grounds while school is in session or during a school-sponsored activity.

140 (5) The report described in Subsection (2) shall include the following information, in
141 aggregate, for each element described in Subsections (4)(a) through (c):

142 (a) age;

143 (b) grade level;

144 (c) race;

145 (d) sex; and

146 (e) disability status.

147 (6) Information included in the annual report described in Subsection (2) shall comply
148 with:

149 (a) Chapter 9, Part 3, Student Data Protection;

- 150 (b) Chapter 9, Part 2, Student Privacy; and
- 151 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 152 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 153 state board shall make rules to compile the report described in Subsection (2).
- 154 (8) The state board shall provide the report described in Subsection (2):
- 155 (a) in accordance with Section 53E-1-203 for incidents that occurred during the
- 156 previous school year; and
- 157 (b) to the State Commission on Criminal and Juvenile Justice before July 1 of each
- 158 year for incidents that occurred during the previous school year.

159 Section 2. Section 53F-2-410 is amended to read:

160 **53F-2-410. Juvenile gang and other violent crime prevention and intervention**
161 **program -- Funding.**

162 (1) As used in this section:

163 (a) "State agency" means a department, division, office, entity, agency, or other unit of
164 the state.

165 (b) "State agency" includes the State Commission on Criminal and Juvenile Justice, the
166 Administrative Office of the Courts, the Department of Corrections, and the Division of
167 Juvenile Justice Services.

168 [(+) (2) Subject to appropriations by the Legislature, the state board shall:

169 (a) create a juvenile gang and other violent crime prevention and intervention program
170 that is designed to help students at risk for violent criminal involvement stay in school; and

171 (b) distribute money under the program to school districts and charter schools through
172 the distribution formula described in Subsection [(2)] (3).

173 [(2)] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
174 Act, the state board shall coordinate with state agencies to make rules that:

175 (a) establish a formula to [~~distribute~~] allocate program funding to schools in select
176 school districts and charter schools that:

177 (i) uses the data reported to the state board [~~under Section 80-6-104~~], the State
178 Commission on Criminal and Juvenile Justice, the Administrative Office of the Courts, the
179 Department of Corrections, and the Division of Juvenile Justice Services; [and]

180 (ii) prioritizes the schools in school districts and charter schools based on the

181 prevalence of crimes committed by minors within the boundaries of each municipality where a
182 school is located; and

183 (iii) prioritizes school districts and charter schools that demonstrate collaborative
184 efforts with local law enforcement agencies and community prevention.

185 (b) annually adjust the distribution of program funding using the data reported to the
186 state board under Section 80-6-104; and

187 (c) establish baseline performance standards that school districts or charter schools are
188 required to meet in order to receive funding under the program.

189 ~~[(3)]~~ (4) (a) A school district or a charter school seeking program funding shall submit
190 a proposal to the state board that:

191 (i) describes how the school district or charter school intends to use the funds; and

192 (ii) provides data related to the prevalence of crimes committed by minors within the
193 school district as described in Subsection ~~[(2)(a)(ii)]~~ (3)(a)(ii).

194 (b) The state board shall allocate funding on a per student basis to prioritized school
195 districts and charter schools that submit a successful proposal under Subsection ~~[(3)(a)]~~ (4)(a).

196 ~~[(4)]~~ (5) The state board may not distribute funds to a school district or a charter school
197 that fails to meet performance standards described in Subsection ~~[(2)(e)]~~ (3)(c).

198 ~~[(5)]~~ (6) A school district or a charter school that is awarded funds under this section
199 shall submit a report to the state board that includes details on:

200 (a) how the school district or the charter school used the funds; and

201 (b) the school district's, or the charter school's, compliance with the performance
202 standards described in Subsection ~~[(2)(e)]~~ (3)(c).

203 Section 3. Section 53G-8-211 is amended to read:

204 **53G-8-211. Responses to school-based behavior.**

205 (1) As used in this section:

206 (a) "Evidence-based" means a program or practice that ~~[has]~~:

207 (i) has had multiple randomized control studies or a meta-analysis demonstrating that
208 the program or practice is effective for a specific population;

209 (ii) has been rated as effective by a standardized program evaluation tool; or

210 (iii) is created and developed by a school or school district and has been approved by
211 the state board.

- 212 (b) "Habitual truant" means a school-age child who:
- 213 (i) is in grade 7 or above, unless the school-age child is under 12 years old;
- 214 (ii) is subject to the requirements of Section [53G-6-202](#); and
- 215 (iii) (A) is truant at least [~~10 times~~] 20 days during one school year; or
- 216 (B) fails to cooperate with efforts on the part of school authorities to resolve the
- 217 school-age child's attendance problem as required under Section [53G-6-206](#).
- 218 (c) "Minor" means the same as that term is defined in Section [80-1-102](#).
- 219 (d) "Mobile crisis outreach team" means the same as that term is defined in Section
- 220 [62A-15-102](#).
- 221 (e) "Prosecuting attorney" means the same as that term is defined in Subsections
- 222 [80-1-102\(65\)\(b\)](#) and (c).
- 223 (f) "Restorative justice program" means a school-based program or a program used or
- 224 adopted by a local education agency that is designed:
- 225 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
- 226 enforcement agencies and courts; and
- 227 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
- 228 school.
- 229 (g) "School administrator" means a principal of a school.
- 230 (h) "School is in session" means a day during which the school conducts instruction for
- 231 which student attendance is counted toward calculating average daily membership.
- 232 (i) "School resource officer" means a law enforcement officer, as defined in Section
- 233 [53-13-103](#), who contracts with, is employed by, or whose law enforcement agency contracts
- 234 with a local education agency to provide law enforcement services for the local education
- 235 agency.
- 236 (j) "School-age child" means the same as that term is defined in Section [53G-6-201](#).
- 237 (k) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
- 238 clinic, or other event or activity that is authorized by a specific local education agency or public
- 239 school, according to LEA governing board policy, and satisfies at least one of the following
- 240 conditions:
- 241 (A) the activity is managed or supervised by a local education agency or public school,
- 242 or local education agency or public school employee;

243 (B) the activity uses the local education agency's or public school's facilities,
244 equipment, or other school resources; or

245 (C) the activity is supported or subsidized, more than inconsequentially, by public
246 funds, including the public school's activity funds or Minimum School Program dollars.

247 (ii) "School-sponsored activity" includes preparation for and involvement in a public
248 performance, contest, athletic competition, demonstration, display, or club activity.

249 (l) (i) "Status offense" means an offense that would not be an offense but for the age of
250 the offender.

251 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or
252 felony.

253 (2) This section applies to:

254 (a) a minor who is alleged to be a habitual truant; and

255 (b) a minor enrolled in school who is alleged to have committed an offense on school
256 property where the student is enrolled:

257 [~~a~~] (i) when school is in session; or

258 [~~b~~] (ii) during a school-sponsored activity.

259 (3) If a minor is alleged to have committed an offense on school property that is a class
260 C misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual truant,
261 the school administrator, the school administrator's designee, or a school resource officer [~~may~~]
262 shall refer the minor:

263 (a) to an evidence-based alternative intervention, including:

264 (i) a mobile crisis outreach team;

265 (ii) a youth services center, as defined in Section 80-5-102;

266 (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative
267 justice program;

268 (iv) an evidence-based alternative intervention created and developed by the school or
269 school district;

270 (v) an evidence-based alternative intervention that is jointly created and developed by a
271 local education agency, the state board, the juvenile court, local counties and municipalities,
272 the Department of Health and Human Services; [~~or~~]

273 (vi) a tobacco cessation or education program if the offense is a violation of Section

274 76-10-105; or

275 (vii) truancy mediation; or

276 (b) for prevention and early intervention youth services, as described in Section
277 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an
278 evidence-based alternative intervention described in Subsection (3)(a).

279 (4) Except as provided in Subsection [~~(5)~~] (6), if a minor is alleged to have committed
280 an offense on school property that is a class C misdemeanor, an infraction, or a status offense, a
281 school administrator, the school administrator's designee, or a school resource officer may refer
282 a minor to a law enforcement officer or agency or a court only if:

283 (a) the minor allegedly committed [~~the same offense~~] an offense on school property on
284 [~~two previous occasions~~] a previous occasion; and

285 (b) the minor was referred to an evidence-based alternative intervention, or to
286 prevention or early intervention youth services, as described in Subsection (3) for [~~both of the~~
287 ~~two previous offenses~~] the previous offense.

288 (5) If a minor is alleged to be a habitual truant, a school administrator, the school
289 administrator's designee, or a school resource officer may only refer the minor to a law
290 enforcement officer or agency or a court if:

291 (a) the minor was previously alleged of being a habitual truant at least twice during the
292 same school year; and

293 (b) the minor was referred to an evidence-based alternative intervention, or for
294 prevention and early intervention youth services, as described in Subsection (3) for at least two
295 of the previous habitual trancies.

296 [~~(5)~~] (6) If a minor is alleged to have committed a traffic offense that is an infraction, a
297 school administrator, the school administrator's designee, or a school resource officer may refer
298 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the
299 traffic offense.

300 [~~(6)~~] (7) Notwithstanding [~~Subsection (4)~~] Subsections (4) and (5), a school resource
301 officer may:

302 (a) investigate possible criminal offenses and conduct, including conducting probable
303 cause searches;

304 (b) consult with school administration about the conduct of a minor enrolled in a

305 school;

306 (c) transport a minor enrolled in a school to a location if the location is permitted by
307 law;

308 (d) take temporary custody of a minor in accordance with Section 80-6-201; or

309 (e) protect the safety of students and the school community, including the use of
310 reasonable and necessary physical force when appropriate based on the totality of the
311 circumstances.

312 [~~(7)~~] (8) (a) If a minor is referred to a court or a law enforcement officer or agency
313 under Subsection (4) or (5), the school or the school district shall appoint a school
314 representative to continue to engage with the minor and the minor's family through the court
315 process.

316 (b) A school representative appointed under Subsection [~~(7)(a)~~] (8)(a) may not be a
317 school resource officer.

318 (c) A school district or school shall include the following in the school district's or
319 school's referral to the court or the law enforcement officer or agency:

320 (i) attendance records for the minor;

321 (ii) a report of evidence-based alternative interventions used by the school before the
322 referral, including outcomes;

323 (iii) the name and contact information of the school representative assigned to actively
324 participate in the court process with the minor and the minor's family;

325 (iv) if the minor was referred to prevention or early intervention youth services under
326 Subsection (3)(b), a report from the Division of Juvenile Justice Services that demonstrates the
327 minor's failure to complete or participate in prevention and early intervention youth services
328 under Subsection (3)(b); and

329 (v) any other information that the school district or school considers relevant.

330 (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or
331 placed in secure detention, including for a contempt charge or violation of a valid court order
332 under Section 78A-6-353[~~;~~];

333 (i) when the underlying offense is a status offense or infraction[~~;~~]; or

334 (ii) for being a habitual truant.

335 (e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when

336 available, the resources of the Division of Juvenile Justice Services or the Division of
337 Substance Abuse and Mental Health to address the minor.

338 ~~[(8)]~~ (9) If a minor is alleged to have committed an offense on school property that is a
339 class B misdemeanor or a class A misdemeanor, the school administrator, the school
340 administrator's designee, or a school resource officer may refer the minor directly to a court or
341 to the evidence-based alternative interventions in Subsection (3)(a).

342 *The following section is affected by a coordination clause at the end of this bill.*

343 Section 4. Section **53G-8-213** is amended to read:

344 **53G-8-213. Reintegration plan for student alleged to have committed a serious**
345 **offense.**

346 (1) As used in this section:

347 (a) "Multidisciplinary team" means the local education agency, the juvenile court, the
348 Division of Juvenile Justice Services, a school resource officer if applicable, and any other
349 relevant party that should be involved in a reintegration plan.

350 ~~[(b) "Violent felony" means the same as that term is defined in Section [76-3-203.5](#).]~~

351 (b) "Serious offense" means the same as that term is defined in Section [80-6-103](#).

352 (2) If a school district receives a notification from the juvenile court or a law
353 enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile
354 court for a ~~[violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons,]~~
355 serious offense, the school shall develop a reintegration plan for the student with a
356 multidisciplinary team, the student, and the student's parent or guardian, within five school
357 days after the day on which the school receives a notification.

358 (3) The school may deny admission to the student until the school completes the
359 reintegration plan under Subsection (2).

360 (4) The reintegration plan under Subsection (2) shall address:

361 (a) a behavioral intervention for the student;

362 (b) a short-term mental health or counseling service for the student; and

363 (c) an academic intervention for the student.

364 (5) A reintegration plan under this section is classified as a protected record under
365 Section [63G-2-305](#).

366 (6) All other records of disclosures under this section are governed by Title 63G,

367 Chapter 2, Government Records Access and Management Act, and the Family Educational
368 Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

369 Section 5. Section **53G-8-510** is amended to read:

370 **53G-8-510. Notification of an offense committed by a minor on school grounds --**
371 **Immunity from civil and criminal liability.**

372 (1) As used in this section:

373 ~~[(a) "Dangerous weapon" means a firearm or an object that in the manner of the~~
374 ~~object's use or intended use is capable of causing death or serious bodily injury to an~~
375 ~~individual.]~~

376 ~~[(b)]~~ (a) "Minor" means the same as that term is defined in Section [80-1-102](#).

377 ~~[(c)]~~ (b) "School employee" means an individual working in the individual's capacity
378 as:

379 (i) a school teacher;

380 (ii) a school staff member;

381 (iii) a school administrator; or

382 (iv) an individual:

383 (A) who is employed, directly or indirectly, by a school, an LEA governing board, or a
384 school district; and

385 (B) who works on a school campus.

386 ~~[(d)]~~ (c) "School is in session" means the same as that term is defined in Section
387 [53E-3-516](#).

388 ~~[(e)]~~ (d) "School-sponsored activity" means the same as that term is defined in Section
389 [53E-3-516](#).

390 (2) If a minor ~~[is found]~~ commits an offense on school grounds when school is in
391 session or at a school-sponsored activity ~~[in possession of a dangerous weapon]~~ and that
392 information is reported to, or known by, a school employee, the school employee shall notify
393 the principal.

394 (3) After receiving a notification under Subsection (2), the principal shall notify:

395 (a) a law enforcement officer or agency if the principal may refer the offense to a law
396 enforcement officer or agency as described in Section [53G-8-211](#); and

397 (b) school or district personnel if the principal determines that school or district

398 personnel should be informed.

399 (4) A person who in good faith reports information under Subsection (2) or (3) and any
400 person who receives the information is immune from any liability, civil or criminal, that might
401 otherwise result from the reporting or receipt of the information.

402 Section 6. Section **76-4-203** is amended to read:

403 **Part 2. Conspiracy, Solicitation, and Contributing to Delinquency**

404 **76-4-203. Criminal solicitation of an adult.**

405 ~~[(1) An actor commits criminal solicitation if, with intent that a felony be committed,~~
406 ~~he solicits, requests, commands, offers to hire, or importunes another person to engage in~~
407 ~~specific conduct that under the circumstances as the actor believes them to be would be a~~
408 ~~felony or would cause the other person to be a party to the commission of a felony.]~~

409 (1) (a) As used in this section:

410 (i) "Adult" means an individual who is 18 years old or older.

411 (ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.

412 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

413 (2) An actor commits criminal solicitation of an adult if, with the intent that a felony
414 offense be committed, the actor solicits an adult to engage in specific conduct that, under the
415 circumstances as the actor believes the circumstances to be, would be a felony offense or would
416 cause the adult to be a party to the commission of a felony offense.

417 (3) A violation of Subsection (2) where the actor solicits the adult to commit:

418 (a) a capital felony, or a felony punishable by imprisonment for life without parole, is a
419 first degree felony;

420 (b) except as provided in Subsection (3)(c) or (d), a first degree felony is a second
421 degree felony;

422 (c) any of the following felony offenses is a first degree felony punishable by
423 imprisonment for an indeterminate term of not fewer than three years and which may be for
424 life:

425 (i) murder, as described in Subsection [76-5-203\(2\)\(a\)](#);

426 (ii) child kidnapping, as described in Section [76-5-301.1](#); or

427 (iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter
428 5, Part 4, Sexual Offenses, that is a first degree felony;

429 (d) except as provided in Subsection (4), any of the following felony offenses is a first
 430 degree felony punishable by a term of imprisonment of not less than 15 years and which may
 431 be for life:

- 432 (i) rape of a child, Section 76-5-402.1;
 433 (ii) object rape of a child, Section 76-5-402.3; or
 434 (iii) sodomy on a child, Section 76-5-403.1;
 435 (e) a second degree felony is a third degree felony; and
 436 (f) a third degree felony is a class A misdemeanor.

437 (4) If a court finds that a lesser term than the term described in Subsection (3)(d) is in
 438 the interests of justice and states the reasons for this finding on the record, the court may
 439 impose a term of imprisonment of not less than:

- 440 (a) 10 years and which may be for life;
 441 (b) six years and which may be for life; or
 442 (c) three years and which may be for life.

443 ~~[(2)]~~ (5) An actor may be convicted under this section only if the solicitation is made
 444 under circumstances strongly corroborative of the actor's intent that the offense be committed.

445 ~~[(3)]~~ (6) It is not a defense [under this section that the person] to a violation of this
 446 section that:

- 447 (a) the adult solicited by the actor:
 448 ~~[(a)]~~ (i) does not agree to act upon the solicitation;
 449 ~~[(b)]~~ (ii) does not commit an overt act;
 450 ~~[(c)]~~ (iii) does not engage in conduct constituting a substantial step toward the
 451 commission of any offense;
 452 ~~[(d)]~~ (iv) is not criminally responsible for the felony offense solicited;
 453 ~~[(e)]~~ (v) was acquitted, was not prosecuted or convicted, or was convicted of a different
 454 offense or of a different type or degree of offense; or
 455 ~~[(f)]~~ (vi) is immune from prosecution[-]; or

456 ~~[(4)]~~ (b) [It is not a defense under this section that] the actor:

- 457 ~~[(a)]~~ (i) belongs to a class of persons that by definition is legally incapable of
 458 committing the offense in an individual capacity; or
 459 ~~[(b)]~~ (ii) fails to communicate with the [person he] adult that the actor solicits to

460 commit an offense[;] if the intent of the actor's conduct was to effect the communication.

461 ~~[(5)]~~ (7) Nothing in this section prevents an actor who otherwise solicits[~~-, requests,~~
462 ~~commands, encourages, or intentionally aids another person to engage in conduct which~~] an
463 adult to engage, or intentionally aids an adult in engaging, in conduct that constitutes an
464 offense from being prosecuted and convicted as a party to the offense under Section 76-2-202
465 if the [~~person solicited~~] adult actually commits the offense.

466 Section 7. Section 76-4-205 is enacted to read:

467 **76-4-205. Criminal solicitation of a minor.**

468 (1) (a) As used in this section:

469 (i) "Minor" means an individual who is younger than 18 years old.

470 (ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.

471 (b) Terms defined in Section 76-1-101.5 apply to this section.

472 (2) An actor commits criminal solicitation of a minor if, with the intent that a felony or
473 class A misdemeanor offense be committed, the actor solicits a minor to engage in specific
474 conduct that, under the circumstances as the actor believes the circumstances to be, would be a
475 felony or class A misdemeanor offense or would cause the minor to be a party to the
476 commission of a felony or class A misdemeanor offense.

477 (3) A violation of Subsection (2) is:

478 (a) a first degree felony if the actor solicits conduct that is a first degree felony;

479 (b) a second degree felony if the actor solicits conduct that is a second degree felony;

480 (c) a third degree felony if the actor solicits conduct that is a third degree felony; and

481 (d) a class A misdemeanor if the actor solicits conduct that is a class A misdemeanor.

482 (4) An actor may be convicted under this section only if the solicitation is made under
483 circumstances strongly corroborative of the actor's intent that the offense be committed.

484 (5) It is not a defense to a violation of this section that:

485 (a) the minor:

486 (i) does not agree to act upon the solicitation;

487 (ii) does not commit an overt act;

488 (iii) does not engage in conduct constituting a substantial step toward the commission
489 of any offense;

490 (iv) is not criminally responsible for the offense solicited;

491 (v) was acquitted or the allegations about the minor in a delinquency petition were
 492 found to not be true;

493 (vi) was not prosecuted, adjudicated, or convicted, or was convicted or adjudicated of a
 494 different offense or of a different type or degree of offense; or

495 (vii) is immune from prosecution; or

496 (b) the actor:

497 (i) belongs to a class of persons that by definition is legally incapable of committing
 498 the offense in an individual capacity; or

499 (ii) fails to communicate with the minor that the actor solicits to commit an offense if
 500 the intent of the actor's conduct was to effect the communication.

501 (6) Nothing in this section prevents an actor who otherwise solicits a minor to engage,
 502 or intentionally aids in a minor in engaging, in conduct that constitutes an offense from being
 503 prosecuted and convicted as a party to the offense under Section [76-2-202](#) if the minor actually
 504 commits the offense.

505 Section 8. Section **76-4-206**, which is renumbered from Section 76-10-2301 is
 506 renumbered and amended to read:

507 ~~[76-10-2301].~~ **76-4-206. Contributing to the delinquency of a minor.**

508 (1) ~~[For purposes of this part]~~

509 (a) As used in this section:

510 ~~[(a)]~~ (i) "Adult" means ~~[a person]~~ an individual who is 18 years ~~[of age]~~ old or older.

511 ~~[(b)]~~ (ii) "Minor" means ~~[a person]~~ an individual who is younger than 18 years ~~[of age]~~
 512 old.

513 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

514 (2) ~~[Any adult who]~~ An actor commits contributing to the delinquency of a minor if the
 515 actor:

516 (a) is an adult; and

517 (b) commits any act or engages in any conduct ~~[which he]~~ that the actor knows or
 518 should know would have the effect of causing or encouraging a minor to commit an act

519 ~~[which] that~~ would be a ~~[misdemeanor or infraction criminal violation of any federal or state~~
 520 ~~statute or any county or municipal ordinance if committed by an adult is guilty of a class B~~

521 ~~misdemeanor]~~ class B misdemeanor, a class C misdemeanor, or an infraction under a federal or

522 state statute or a county or municipal ordinance.

523 (3) A violation of Subsection (2) is a class B misdemeanor.

524 ~~[(3)]~~ (4) A violation of Subsection (2) does not require that the minor be found to be
525 delinquent or to have committed a delinquent act.

526 ~~[(4)]~~ (5) An offense committed under Subsection (2) is in addition to any completed or
527 inchoate offense which the actor may have committed personally or as a party.

528 Section 9. Section **76-10-505.5** is amended to read:

529 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
530 **shotgun on or about school premises -- Penalties.**

531 (1) As used in this section, "on or about school premises" means:

532 (a) (i) in a public or private elementary or secondary school; or

533 (ii) on the grounds of any of those schools;

534 (b) (i) in a public or private institution of higher education; or

535 (ii) on the grounds of a public or private institution of higher education; and

536 (iii) (A) inside the building where a preschool or child care is being held, if the entire
537 building is being used for the operation of the preschool or child care; or

538 (B) if only a portion of a building is being used to operate a preschool or child care, in
539 that room or rooms where the preschool or child care operation is being held.

540 (2) ~~[A person]~~ An actor who is 18 years old or older may not possess ~~[any]~~ a dangerous
541 weapon, firearm, or short barreled shotgun~~[, as those terms are defined in Section 76-10-501,]~~
542 at a place that the [person] actor knows, or has reasonable cause to believe, is on or about
543 school premises [as defined in this section].

544 (3) (a) Possession of a dangerous weapon on or about school premises is a class B
545 misdemeanor.

546 (b) Possession of a firearm or short barreled shotgun on or about school premises is a
547 class A misdemeanor.

548 (4) This section does not apply if:

549 (a) the ~~[person]~~ actor is authorized to possess a firearm as provided under Section
550 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

551 (b) the ~~[person]~~ actor is authorized to possess a firearm as provided under Section
552 53-5-704.5, unless the [person] actor is in a location where the [person] actor is prohibited

553 from carrying a firearm under Subsection [53-5-710\(2\)](#);

554 (c) the possession is approved by the responsible school administrator;

555 (d) the item is present or to be used in connection with a lawful, approved activity and

556 is in the possession or under the control of the ~~[person]~~ actor responsible for ~~[its]~~ the item's

557 possession or use; or

558 (e) the possession is:

559 (i) at the ~~[person's]~~ actor's place of residence or on the ~~[person's]~~ actor's property; or

560 (ii) in any vehicle lawfully under the ~~[person's]~~ actor's control, other than a vehicle

561 owned by the school or used by the school to transport students.

562 (5) This section does not prohibit prosecution of:

563 (a) a more serious weapons offense that may occur on or about school premises[-]; or

564 (b) possession of a dangerous weapon by a minor, as described in Section [76-10-509.4](#),

565 that occurs on or about school premises.

566 Section 10. Section [76-10-509.4](#) is amended to read:

567 **[76-10-509.4. Possession of a dangerous weapon by a minor -- Penalties.](#)**

568 ~~[(1) An individual who is under 18 years old may not possess a handgun.]~~

569 ~~[(2) Except as provided by federal law, an individual who is under 18 years old may~~

570 ~~not possess the following:]~~

571 (1) As used in this section, "responsible adult" means an individual:

572 (a) who is 18 years old or older; and

573 (b) who may lawfully possess a dangerous weapon.

574 (2) An actor who is under 18 years old may not possess a dangerous weapon.

575 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:

576 (i) a class B misdemeanor for a first offense; and

577 (ii) a class A misdemeanor for each subsequent offense.

578 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:

579 (i) a handgun;

580 ~~[(a)]~~ (ii) a short barreled rifle;

581 ~~[(b)]~~ (iii) a short barreled shotgun;

582 ~~[(c)]~~ (iv) a fully automatic weapon; or

583 ~~[(d)]~~ (v) a machinegun firearm attachment.

584 ~~[(3) An individual who violates Subsection (1) is guilty of:]~~
 585 ~~[(a) a class B misdemeanor upon the first offense; and]~~
 586 ~~[(b) a class A misdemeanor for each subsequent offense.]~~
 587 ~~[(4) An individual who violates Subsection (2) is guilty of a third degree felony.]~~
 588 (4) For an actor who is younger than 14 years old, this section does not apply if the
 589 actor:
 590 (a) possesses a dangerous weapon;
 591 (b) has permission from the actor's parent or guardian to possess the dangerous
 592 weapon;
 593 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the
 594 actor has the dangerous weapon in the actor's possession; and
 595 (d) does not use the dangerous weapon in the commission of a crime.
 596 (5) For an actor who is 14 years old or older but younger than 18 years old, this section
 597 does not apply if the actor:
 598 (a) possesses a dangerous weapon;
 599 (b) has permission from the actor's parent or guardian to possess the dangerous
 600 weapon; and
 601 (c) does not use the dangerous weapon in the commission of a crime.

602 Section 11. Section **76-10-509.7** is amended to read:

603 **76-10-509.7. Parent or guardian knowing of minor's possession of dangerous**
604 **weapon.**

605 Any parent or guardian of a minor who knows that the minor is in possession of a
606 dangerous weapon in violation of Section ~~[76-10-509 or a firearm in violation of Section]~~
607 76-10-509.4 and fails to make reasonable efforts to remove the dangerous weapon ~~[or firearm]~~
608 from the minor's possession is guilty of a class B misdemeanor.

609 Section 12. Section **76-10-512** is amended to read:

610 **76-10-512. Target concessions, shooting ranges, competitions, and hunting**
611 **excepted from prohibitions.**

612 (1) The provisions of Section ~~[76-10-509 and Subsection 76-10-509.4(1)]~~ 76-10-509.4
613 regarding possession of handguns by minors do not apply to any of the following:

614 (a) patrons firing at lawfully operated target concessions at amusement parks, piers,

615 and similar locations provided that the firearms to be used are firmly chained or affixed to the
616 counters;

617 (b) any person in attendance at a hunter's safety course or a firearms safety course;

618 (c) any person engaging in practice or any other lawful use of a firearm at an
619 established range or any other area where the discharge of a firearm is not prohibited by state or
620 local law;

621 (d) any person engaging in an organized competition involving the use of a firearm, or
622 participating in or practicing for such competition;

623 (e) any minor under 18 years [~~of age~~] old who is on real property with the permission
624 of the owner, licensee, or lessee of the property and who has the permission of a parent or legal
625 guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of law;

626 (f) any resident or nonresident hunters with a valid hunting license or other persons
627 who are lawfully engaged in hunting; or

628 (g) any person traveling to or from any activity described in Subsection (1)(b), (c), (d),
629 (e), or (f) with an unloaded firearm in the person's possession.

630 (2) It is not a violation of Subsection 76-10-503(2) or (3) for a restricted person defined
631 in Subsection 76-10-503(1) to own, possess, or have under the person's custody or control,
632 archery equipment, including crossbows, for the purpose of lawful hunting and lawful target
633 shooting.

634 (3) Notwithstanding Subsection (2), the possession of archery equipment, including
635 crossbows, by a restricted person defined in Subsection 76-10-503(1) may be prohibited by:

636 (a) a court, as a condition of pre-trial release or probation; or

637 (b) the Board of Pardons and Parole, as a condition of parole.

638 Section 13. Section 77-23a-8 is amended to read:

639 **77-23a-8. Court order to authorize or approve interception -- Procedure.**

640 (1) The attorney general of the state, any assistant attorney general specially designated
641 by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy
642 district attorney specially designated by the county attorney or by the district attorney, may
643 authorize an application to a judge of competent jurisdiction for an order for an interception of
644 wire, electronic, or oral communications by any law enforcement agency of the state, the
645 federal government or of any political subdivision of the state that is responsible for

646 investigating the type of offense for which the application is made.

647 (2) The judge may grant the order in conformity with the required procedures when the
648 interception sought may provide or has provided evidence of the commission of:

649 (a) any act:

650 (i) prohibited by the criminal provisions of:

651 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

652 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

653 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and

654 (ii) punishable by a term of imprisonment of more than one year;

655 (b) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
656 Securities Act, and punishable by a term of imprisonment of more than one year;

657 (c) an offense:

658 (i) of:

659 (A) attempt, Section [76-4-101](#);

660 (B) conspiracy, Section [76-4-201](#);

661 (C) [~~solicitation, Section [76-4-203](#)~~] criminal solicitation of an adult, Section [76-4-203](#);

662 or

663 (D) criminal solicitation of a minor, Section [76-4-205](#); and

664 (ii) punishable by a term of imprisonment of more than one year;

665 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
666 more than one year, Section [76-5-107.3](#);

667 (e) (i) aggravated murder, Section [76-5-202](#);

668 (ii) murder, Section [76-5-203](#); or

669 (iii) manslaughter, Section [76-5-205](#);

670 (f) (i) kidnapping, Section [76-5-301](#);

671 (ii) child kidnapping, Section [76-5-301.1](#);

672 (iii) aggravated kidnapping, Section [76-5-302](#);

673 (iv) human trafficking, Section [76-5-308](#), [76-5-308.1](#), or [76-5-308.5](#), or human
674 smuggling, Section [76-5-308.3](#); or

675 (v) aggravated human trafficking, Section [76-5-310](#), or aggravated human smuggling,
676 Section [76-5-310.1](#);

- 677 (g) (i) arson, Section 76-6-102; or
678 (ii) aggravated arson, Section 76-6-103;
679 (h) (i) burglary, Section 76-6-202; or
680 (ii) aggravated burglary, Section 76-6-203;
681 (i) (i) robbery, Section 76-6-301; or
682 (ii) aggravated robbery, Section 76-6-302;
683 (j) an offense:
684 (i) of:
685 (A) theft, Section 76-6-404;
686 (B) theft by deception, Section 76-6-405; or
687 (C) theft by extortion, Section 76-6-406; and
688 (ii) punishable by a maximum term of imprisonment of more than one year;
689 (k) an offense of receiving stolen property that is punishable by a maximum term of
690 imprisonment of more than one year, Section 76-6-408;
691 (l) a financial card transaction offense punishable by a maximum term of imprisonment
692 of more than one year, Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
693 (m) bribery of a labor official, Section 76-6-509;
694 (n) bribery or threat to influence a publicly exhibited contest, Section 76-6-514;
695 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
696 more than one year, Section 76-6-518;
697 (p) criminal usury, Section 76-6-520;
698 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
699 year, Section 76-6-521;
700 (r) a violation of Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by
701 a maximum term of imprisonment of more than one year, Section 76-6-703;
702 (s) bribery to influence official or political actions, Section 76-8-103;
703 (t) misusing public money or public property, Section 76-8-402;
704 (u) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
705 (v) retaliation against a witness, victim, or informant, Section 76-8-508.3;
706 (w) tampering with a juror, retaliation against a juror, Section 76-8-508.5;
707 (x) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;

- 708 (y) obstruction of justice, Section 76-8-306;
- 709 (z) destruction of property to interfere with preparation for defense or war, Section
- 710 76-8-802;
- 711 (aa) an attempt to commit crimes of sabotage, Section 76-8-804;
- 712 (bb) conspiracy to commit crimes of sabotage, Section 76-8-805;
- 713 (cc) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 714 (dd) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 715 (ee) riot punishable by a maximum term of imprisonment of more than one year,
- 716 Section 76-9-101;
- 717 (ff) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a
- 718 maximum term of imprisonment of more than one year, Section 76-9-301.1;
- 719 (gg) possession, use, or removal of an explosive, chemical, or incendiary device and
- 720 parts, Section 76-10-306;
- 721 (hh) delivery to a common carrier or mailing of an explosive, chemical, or incendiary
- 722 device, Section 76-10-307;
- 723 (ii) exploiting prostitution, Section 76-10-1305;
- 724 (jj) aggravated exploitation of prostitution, Section 76-10-1306;
- 725 (kk) bus hijacking or assault with intent to commit hijacking, Section 76-10-1504;
- 726 (ll) discharging firearms and hurling missiles, Section 76-10-1505;
- 727 (mm) violations of Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act, and
- 728 the offenses listed under the definition of unlawful activity in the act, including the offenses not
- 729 punishable by a maximum term of imprisonment of more than one year when those offenses
- 730 are investigated as predicates for the offenses prohibited by the act, Section 76-10-1602;
- 731 (nn) communications fraud, Section 76-10-1801;
- 732 (oo) money laundering, Sections 76-10-1903 and 76-10-1904; or
- 733 (pp) reporting by a person engaged in a trade or business when the offense is
- 734 punishable by a maximum term of imprisonment of more than one year, Section 76-10-1906.
- 735 Section 14. Section 78A-6-103 is amended to read:
- 736 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**
- 737 **Findings -- Transfer of a case from another court.**
- 738 (1) Except as otherwise provided by Sections 78A-5-102.5 and 78A-7-106, the juvenile

739 court has original jurisdiction over:

740 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
741 state, or federal law, that was committed by a child;

742 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
743 state, or federal law, that was committed by an individual:

744 (i) who is under 21 years old at the time of all court proceedings; and

745 (ii) who was under 18 years old at the time the offense was committed; and

746 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state
747 law, that was committed:

748 (i) by an individual:

749 (A) who was 18 years old and enrolled in high school at the time of the offense; and

750 (B) who is under 21 years old at the time of all court proceedings; and

751 (ii) on school property where the individual was enrolled:

752 (A) when school was in session; or

753 (B) during a school-sponsored activity, as defined in ~~[Subsection]~~ Section 53G-8-211.

754 (2) The juvenile court has original jurisdiction over:

755 (a) any proceeding concerning:

756 (i) a child who is an abused child, neglected child, or dependent child;

757 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
758 Protective Orders;

759 (iii) the appointment of a guardian of the individual or other guardian of a minor who
760 comes within the court's jurisdiction under other provisions of this section;

761 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;

762 (v) the termination of parental rights in accordance with Title 80, Chapter 4,

763 Termination and Restoration of Parental Rights, including termination of residual parental
764 rights and duties;

765 (vi) the treatment or commitment of a minor who has an intellectual disability;

766 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
767 accordance with Section 30-1-9;

768 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);

769 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;

- 770 (x) the treatment or commitment of a child with a mental illness;
- 771 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
772 Section [26B-5-204](#);
- 773 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
774 Part 4, Competency;
- 775 (xiii) de novo review of final agency actions resulting from an informal adjudicative
776 proceeding as provided in Section [63G-4-402](#);
- 777 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,
778 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order
779 terminating the rights of a parent and finds that adoption is in the best interest of the child;
- 780 (xv) an ungovernable or runaway child who is referred to the juvenile court by the
781 Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the
782 Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:
- 783 (A) is beyond the control of the child's parent, guardian, or custodian to the extent that
784 the child's behavior or condition endangers the child's own welfare or the welfare of others; or
785 (B) has run away from home; and
- 786 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
787 adult alleged to have committed an offense under Subsection [78A-6-352\(4\)\(b\)](#) for failure to
788 comply with a promise to appear and bring a child to the juvenile court;
- 789 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
790 Expungement; ~~and~~
- 791 (c) the extension of a nonjudicial adjustment under Section [80-6-304](#)~~[-]~~; and
792 (d) a referral of a minor for being a habitual truant as defined in Section [53G-8-211](#).
- 793 (3) The juvenile court has original jurisdiction over a petition for special findings under
794 Section [80-3-505](#).
- 795 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the
796 law under Section [80-6-701](#) for the juvenile court to exercise jurisdiction under Subsection
797 (2)(a)(xvi), (b), or (c).
- 798 (5) This section does not restrict the right of access to the juvenile court by private
799 agencies or other persons.
- 800 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases

801 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

802 (7) The juvenile court has jurisdiction to make a finding of substantiated,
803 unsubstantiated, or without merit, in accordance with Section 80-3-404.

804 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
805 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

806 Section 15. Section 78A-6-104 is amended to read:

807 **78A-6-104. Concurrent jurisdiction of the juvenile court -- Transfer of a**
808 **protective order.**

809 (1) (a) The juvenile court has jurisdiction, concurrent with the district court:

810 (i) to establish paternity, or to order testing for purposes of establishing paternity, for a
811 child in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act, when a
812 proceeding is initiated under Title 80, Chapter 3, Abuse, Neglect, and Dependency
813 Proceedings, or Title 80, Chapter 4, Termination and Restoration of Parental Rights, that
814 involves the child;

815 (ii) over a petition to modify a minor's birth certificate if the juvenile court has
816 jurisdiction over the minor's case under Section 78A-6-103; and

817 (iii) over questions of custody, support, and parent-time of a minor if the juvenile court
818 has jurisdiction over the minor's case under Section 78A-6-103.

819 (b) If the juvenile court obtains jurisdiction over a paternity action under Subsection
820 (1)(a)(i), the juvenile court may:

821 (i) retain jurisdiction over the paternity action until paternity of the child is adjudicated;
822 or

823 (ii) transfer jurisdiction over the paternity action to the district court.

824 (2) (a) The juvenile court has jurisdiction, concurrent with the district court or the
825 justice court otherwise having jurisdiction, over a criminal information filed under Part 4a,
826 Adult Criminal Proceedings, for an adult alleged to have committed:

827 (i) an offense under Section 32B-4-403, unlawful sale, offer for sale, or furnishing to a
828 minor;

829 (ii) an offense under Section 53G-6-202, failure to comply with compulsory education
830 requirements;

831 (iii) an offense under Section 80-2-609, failure to report;

832 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;
833 (v) an offense under Section [~~76-10-2301~~] 76-4-206, contributing to the delinquency of
834 a minor; or

835 (vi) an offense under Section 80-5-601, harboring a runaway.

836 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the
837 law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
838 (2)(a).

839 (3) (a) When a support, custody, or parent-time award has been made by a district court
840 in a divorce action or other proceeding, and the jurisdiction of the district court in the case is
841 continuing, the juvenile court may acquire jurisdiction in a case involving the same child if the
842 child comes within the jurisdiction of the juvenile court under Section 78A-6-103.

843 (b) (i) The juvenile court may, by order, change the custody subject to Subsection
844 30-3-10(6), support, parent-time, and visitation rights previously ordered in the district court as
845 necessary to implement the order of the juvenile court for the safety and welfare of the child.

846 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so long
847 as the juvenile court continues to exercise jurisdiction.

848 (c) If a copy of the findings and order of the juvenile court under this Subsection (3)
849 are filed with the district court, the findings and order of the juvenile court are binding on the
850 parties to the divorce action as though entered in the district court.

851 (4) This section does not deprive the district court of jurisdiction to:

852 (a) appoint a guardian for a child;

853 (b) determine the support, custody, and parent-time of a child upon writ of habeas
854 corpus; or

855 (c) determine a question of support, custody, and parent-time that is incidental to the
856 determination of an action in the district court.

857 (5) A juvenile court may transfer a petition for a protective order for a child to the
858 district court if the juvenile court has entered an ex parte protective order and finds that:

859 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step
860 parent of the child who is the object of the petition;

861 (b) the district court has a petition pending or an order related to custody or parent-time
862 entered under Title 30, Chapter 3, Divorce, Title 78B, Chapter 7, Part 6, Cohabitant Abuse

863 Protective Orders, or Title 78B, Chapter 15, Utah Uniform Parentage Act, in which the
864 petitioner and the respondent are parties; and

865 (c) the best interests of the child will be better served in the district court.

866 Section 16. Section **78A-6-450** is amended to read:

867 **78A-6-450. Criminal information for an adult in juvenile court.**

868 A county attorney or district attorney may file a criminal information in the juvenile
869 court charging an adult for:

870 (1) unlawful sale or furnishing of an alcoholic product to minors in violation of Section

871 [32B-4-403](#);

872 (2) failure to report abuse or neglect in violation of Section [80-2-609](#);

873 (3) harboring a runaway in violation of Section [80-5-601](#);

874 (4) misdemeanor custodial interference in violation of Section [76-5-303](#);

875 (5) contributing to the delinquency of a minor in violation of Section [~~[76-10-2301](#)~~]

876 [76-4-206](#);

877 (6) failure to comply with compulsory education requirements in violation of Section

878 [53G-6-202](#); or

879 (7) a willful failure to perform a promise to appear under Subsection [78A-6-352](#)(4)(b).

880 Section 17. Section **80-6-102** is amended to read:

881 **80-6-102. Definitions.**

882 As used in this chapter:

883 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.

884 1351.1.

885 (2) "Authority" means the Youth Parole Authority created in Section [80-5-701](#).

886 (3) "Commission" means the State Commission on Criminal and Juvenile Justice

887 created in Section [63M-7-201](#).

888 (4) "Compensatory service" means service or unpaid work performed by a minor in

889 lieu of the payment of a fine, fee, or restitution.

890 (5) "Control" means the same as that term is defined in Section [80-5-102](#).

891 (6) "Detention hearing" means a proceeding under Section [80-6-207](#) to determine

892 whether a minor should remain in detention.

893 (7) "Detention guidelines" means standards, established by the division in accordance

894 with Subsection [80-5-202](#)(1)(a), for the admission of a minor to detention.

895 (8) "Discharge" means a written order of the authority that removes a juvenile offender
896 from the authority's jurisdiction.

897 (9) "Division" means the Division of Juvenile Justice Services created in Section
898 [80-5-103](#).

899 (10) "Family-based setting" means a home that is licensed to allow a minor to reside at
900 the home, including a foster home, proctor care, or residential care by a professional parent.

901 (11) "Formal referral" means a written report from a peace officer, or other person,
902 informing the juvenile court that:

903 (a) an offense committed by a minor is, or appears to be, within the juvenile court's
904 jurisdiction; and

905 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting
906 attorney.

907 (12) "Habitual truant" means the same as that term is defined in Section [53G-8-211](#).

908 [~~(12)~~] (13) "Material loss" means an uninsured:

909 (a) property loss;

910 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;

911 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the
912 police or prosecution; or

913 (d) medical expense.

914 [~~(13)~~] (14) "Referral" means a formal referral, a referral to the juvenile court under
915 Section [53G-8-211](#), or a citation issued to a minor for which the juvenile court receives notice
916 under Section [80-6-302](#).

917 [~~(14)~~] (15) "Rescission" means a written order of the authority that rescinds a date for
918 parole.

919 [~~(15)~~] (16) "Restitution" means money or services that the juvenile court, or a juvenile
920 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or
921 render to a victim for the minor's wrongful act or conduct.

922 [~~(16)~~] (17) "Revocation" means a written order of the authority that, after a hearing and
923 determination under Section [80-6-806](#):

924 (a) terminates supervision of a juvenile offender's parole; and

925 (b) directs a juvenile offender to return to secure care.

926 [~~(17)~~] (18) "Temporary custody" means the control and responsibility of a minor,
927 before an adjudication under Section 80-6-701, until the minor is released to a parent, guardian,
928 responsible adult, or to an appropriate agency.

929 [~~(18)~~] (19) "Termination" means a written order of the authority that terminates a
930 juvenile offender from parole.

931 [~~(19)~~] (20) (a) "Victim" means a person that the juvenile court determines suffered a
932 material loss as a result of a minor's wrongful act or conduct.

933 (b) "Victim" includes:

934 (i) any person directly harmed by the minor's wrongful act or conduct in the course of
935 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an offense that
936 involves an element of a scheme, a conspiracy, or a pattern of criminal activity; and

937 (ii) the Utah Office for Victims of Crime.

938 [~~(20)~~] (21) "Violent felony" means the same as that term is defined in Section
939 76-3-203.5.

940 [~~(21)~~] (22) "Work program" means the same as that term is defined in Section
941 80-5-102.

942 [~~(22)~~] (23) "Youth services" means the same as that term is defined in Section
943 80-5-102.

944 Section 18. Section 80-6-103 is amended to read:

945 **80-6-103. Notification to a school -- Civil and criminal liability.**

946 (1) As used in this section:

947 (a) "School" means a school in a local education agency.

948 (b) "Local education agency" means a school district, a charter school, or the Utah
949 Schools for the Deaf and the Blind.

950 (c) "School official" means:

951 (i) the school superintendent, or the school superintendent's designee, of the district in
952 which the minor resides or attends school; or

953 (ii) if there is no school superintendent for the school, the principal, or the principal's
954 designee, of the school where the minor attends.

955 (d) "Serious offense" means:

956 (i) a violent felony as defined in Section 76-3-203.5;
957 (ii) an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property
958 stolen is a firearm; or

959 (iii) an offense that is a violation of Title 76, Chapter 10, Part 5, Weapons.

960 [(+) (e) "Transferee school official" means:

961 (i) the school superintendent, or the superintendent's designee, of the district in which
962 the minor resides or attends school if the minor is admitted to home detention; or

963 (ii) if there is no school superintendent for the school, the principal, or the principal's
964 designee, of the school where the minor attends if the minor is admitted to home detention.

965 (2) A notification under this section is provided for a minor's supervision and student
966 safety.

967 (3) (a) If a minor is taken into temporary custody under Section 80-6-201 for [~~a violent~~
968 ~~felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious offense,
969 the peace officer, or other person who has taken the minor into temporary custody, shall notify
970 a school official within five days after the day on which the minor is taken into temporary
971 custody.

972 (b) A notification under this Subsection (3) shall only disclose:

973 (i) the name of the minor;

974 (ii) the offense for which the minor was taken into temporary custody or admitted to
975 detention; and

976 (iii) if available, the name of the victim if the victim resides in the same school district
977 as the minor or attends the same school as the minor.

978 (4) After a detention hearing for a minor who is alleged to have committed [~~a violent~~
979 ~~felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious offense,
980 the juvenile court shall order a juvenile probation officer to notify a school official, or a
981 transferee school official, and the appropriate local law enforcement agency of the juvenile
982 court's decision, including any disposition, order, or no-contact order.

983 (5) If a designated staff member of a detention facility admits a minor to home
984 detention under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile
985 court shall order a juvenile probation officer to notify a school official, or a transferee school
986 official, and the appropriate local law enforcement agency that the minor has been admitted to

987 home detention.

988 (6) (a) If the juvenile court adjudicates a minor for [~~an offense of violence or an~~
989 ~~offense in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious offense, the juvenile
990 court shall order a juvenile probation officer to notify a school official, or a transferee school
991 official, of the adjudication.

992 (b) A notification under this Subsection (6) shall be given to a school official, or a
993 transferee school official, within three days after the day on which the minor is adjudicated.

994 (c) A notification under this section shall include:

995 (i) the name of the minor;

996 (ii) the offense for which the minor was adjudicated; and

997 (iii) if available, the name of the victim if the victim:

998 (A) resides in the same school district as the minor; or

999 (B) attends the same school as the minor.

1000 (7) If the juvenile court orders formal probation under Section 80-6-702, the juvenile
1001 court shall order a juvenile probation officer to notify the appropriate local law enforcement
1002 agency and the school official of the juvenile court's order for formal probation.

1003 (8) (a) An employee of the local law enforcement agency, or the school the minor
1004 attends, who discloses a notification under this section is not:

1005 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as
1006 provided in Section 63G-7-202; and

1007 (ii) civilly or criminally liable except when the disclosure constitutes a knowing
1008 violation of Section 63G-2-801.

1009 (b) An employee of a governmental agency is immune from any criminal liability for
1010 failing to provide the information required by this section, unless the employee fails to act due
1011 to malice, gross negligence, or deliberate indifference to the consequences.

1012 (9) (a) A notification under this section shall be classified as a protected record under
1013 Section 63G-2-305.

1014 (b) All other records of disclosures under this section are governed by Title 63G,
1015 Chapter 2, Government Records Access and Management Act, and the Family Educational
1016 Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

1017 Section 19. Section **80-6-201** is amended to read:

1018 **80-6-201. Minor taken into temporary custody by peace officer, private citizen,**
1019 **or probation officer -- Grounds -- Protective custody.**

1020 (1) A minor may be taken into temporary custody by a peace officer without a court
1021 order, or a warrant under Section [80-6-202](#), if the peace officer has probable cause to believe
1022 that:

1023 (a) the minor has committed an offense under municipal, state, or federal law;

1024 (b) the minor seriously endangers the minor's own welfare or the welfare of others and
1025 taking the minor into temporary custody appears to be necessary for the protection of the minor
1026 or others;

1027 (c) the minor has run away or escaped from the minor's parents, guardian, or custodian;
1028 or

1029 (d) the minor is:

1030 (i) subject to the state's compulsory education law; and

1031 (ii) subject to ~~[Section]~~ Sections [53G-6-208](#) and [53G-8-211](#), absent from school
1032 without legitimate or valid excuse.

1033 (2) A private citizen may take a minor into temporary custody if under the
1034 circumstances the private citizen could make a citizen's arrest under Section [77-7-3](#) if the
1035 minor was an adult.

1036 (3) A juvenile probation officer may take a minor into temporary custody:

1037 (a) under the same circumstances as a peace officer in Subsection (1); or

1038 (b) if the juvenile probation officer has a reasonable suspicion that the minor has
1039 violated the conditions of the minor's probation.

1040 (4) (a) Nothing in this part shall be construed to prevent a peace officer or the Division
1041 of Child and Family Services from taking a minor into protective custody under Section
1042 [80-2a-202](#) or [80-3-204](#).

1043 (b) If a peace officer or the Division of Child and Family Services takes a minor into
1044 protective custody, the provisions of Chapter 2, Child Welfare Services, Chapter 2a, Removal
1045 and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency
1046 Proceedings shall govern.

1047 Section 20. Section **80-6-202** is amended to read:

1048 **80-6-202. Warrants for minors.**

1049 (1) (a) Except as otherwise provided in this section, after a petition is filed under
1050 Section 80-6-305, or a criminal information under Section 80-6-503, a juvenile court may issue
1051 a warrant for a minor to be taken into temporary custody if:

1052 (i) there is probable cause to believe that:

1053 (A) the minor has committed an offense that would be a felony if committed by an
1054 adult;

1055 (B) the minor has failed to appear after the minor or the minor's parent, guardian, or
1056 custodian has been legally served with a summons in accordance with Section 78A-6-351 and
1057 the Utah Rules of Juvenile Procedure;

1058 (C) there is a substantial likelihood the minor will not respond to a summons;

1059 (D) a summons cannot be served and the minor's present whereabouts are unknown;

1060 (E) serving a summons for the minor will be ineffectual;

1061 (F) the minor seriously endangers others or the public and temporary custody appears
1062 to be necessary for the protection of others or the public; or

1063 (G) the minor is a runaway or has escaped from the minor's parent, guardian, or
1064 custodian; or

1065 (ii) the minor is under the continuing jurisdiction of the juvenile court and there is
1066 probable cause to believe that the minor:

1067 (A) has left the custody of the person or agency vested by a court with legal custody, or
1068 guardianship of the minor, without permission; or

1069 (B) has violated a court order.

1070 (b) A warrant issued under this Subsection (1) shall be:

1071 (i) filed in accordance with Utah Rules of Juvenile Procedure, Rule 7; and

1072 (ii) executed in accordance with Title 77, Chapter 7, Arrest, by Whom, and How Made.

1073 (2) A juvenile court may not issue a warrant for a minor to be taken into temporary
1074 custody for:

1075 (a) a status offense; ~~or~~

1076 (b) an infraction~~[-]~~; or

1077 (c) being a habitual truant.

1078 (3) (a) For a minor not eligible for a warrant under Subsection (2), a juvenile court may
1079 issue a warrant that directs a minor to be returned home, to the juvenile court, or to a shelter or

1080 other nonsecure facility.

1081 (b) A warrant under Subsection (3)(a) may not direct a minor to secure care or secure
1082 detention.

1083 (4) Subsection (2) does not apply to a minor who is under Chapter 6, Part 11, Interstate
1084 Compact for Juveniles.

1085 Section 21. Section **80-6-301** is amended to read:

1086 **80-6-301. Referral to juvenile court.**

1087 (1) Except as provided in Subsections (2) and (3), a peace officer, or a public official of
1088 the state, a county, a city, or a town charged with the enforcement of the laws of the state or
1089 local jurisdiction, shall file a formal referral with the juvenile court within 10 days after the day
1090 on which a minor is taken into temporary custody under Section [80-6-201](#).

1091 (2) If a minor is taken to a detention facility, a peace officer or a public official of the
1092 state, a county, a city, or a town charged with the enforcement of laws of the state or local
1093 jurisdiction shall file the formal referral with the juvenile court within 24 hours after the time
1094 in which the minor is taken into temporary custody under Section [80-6-201](#).

1095 (3) A peace officer, public official, school district, or school may only refer a minor to
1096 the juvenile court under Section [53G-8-211](#) for an offense [~~that is~~], or for being a habitual
1097 truant, if the offense or habitual truancy is subject to referral [under] as described in Section
1098 [53G-8-211](#).

1099 Section 22. Section **80-6-303.5** is amended to read:

1100 **80-6-303.5. Preliminary inquiry by juvenile probation officer -- Eligibility for**
1101 **nonjudicial adjustment.**

1102 (1) If the juvenile court receives a referral for an offense committed by a minor that is,
1103 or appears to be, within the juvenile court's jurisdiction, or for the minor being a habitual
1104 truant, a juvenile probation officer shall make a preliminary inquiry in accordance with this
1105 section to determine whether the minor is eligible to enter into a nonjudicial adjustment.

1106 (2) If a minor is referred to the juvenile court for multiple offenses arising from a
1107 single criminal episode, and the minor is eligible under this section for a nonjudicial
1108 adjustment, the juvenile probation officer shall offer the minor one nonjudicial adjustment for
1109 all offenses arising from the single criminal episode.

1110 (3) (a) The juvenile probation officer may:

- 1111 (i) conduct a validated risk and needs assessment; and
- 1112 (ii) request that a prosecuting attorney review a referral in accordance with Section
- 1113 80-6-304.5 if:
- 1114 (A) the results of the validated risk and needs assessment indicate the minor is high
- 1115 risk; or
- 1116 (B) the results of the validated risk and needs assessment indicate the minor is
- 1117 moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5,
- 1118 Offenses Against the Individual, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.
- 1119 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor
- 1120 shall:
- 1121 (i) undergo a drug and alcohol screening;
- 1122 (ii) if found appropriate by the screening, participate in an assessment; and
- 1123 (iii) if warranted by the screening and assessment, follow the recommendations of the
- 1124 assessment.
- 1125 (4) Except for an offense that is not eligible under Subsection (8), the juvenile
- 1126 probation officer shall offer a nonjudicial adjustment to a minor if:
- 1127 (a) the minor:
- 1128 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
- 1129 (ii) has no more than two prior adjudications; and
- 1130 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts; ~~or~~
- 1131 (b) the minor is referred for an offense that is alleged to have occurred before the minor
- 1132 was 12 years old[-]; or
- 1133 (c) the minor is referred for being a habitual truant.
- 1134 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
- 1135 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
- 1136 criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial adjustment.
- 1137 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
- 1138 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
- 1139 criminal episode that resulted in one or more prior adjudications as a single adjudication.
- 1140 (7) Except for a referral that involves an offense described in Subsection (8), the
- 1141 juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the

1142 criteria described in Subsection (4)(a).

1143 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the
1144 referral involves:

1145 (a) an offense alleged to have occurred when the minor was 12 years old or older that
1146 is:

1147 (i) a felony offense; or

1148 (ii) a misdemeanor violation of:

1149 (A) Section 41-6a-502, driving under the influence;

1150 (B) Section 76-5-107, threat of violence;

1151 (C) Section 76-5-107.1, threats against schools;

1152 (D) Section 76-5-112, reckless endangerment creating a substantial risk of death or
1153 serious bodily injury;

1154 (E) Section 76-5-206, negligent homicide;

1155 (F) Section 76-9-702.1, sexual battery;

1156 (G) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled
1157 shotgun on or about school premises;

1158 (H) Section 76-10-506, threatening with or using a dangerous weapon in fight or
1159 quarrel;

1160 (I) Section 76-10-507, possession of a deadly weapon with criminal intent; or

1161 (J) Section 76-10-509.4, possession of a dangerous weapon by a minor; or

1162 [~~(J) Section 76-10-509, possession of a dangerous weapon by a minor; or~~]

1163 [~~(K) Section 76-10-509.4, prohibition of possession of certain weapons by minors; or~~]

1164 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony
1165 violation of:

1166 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

1167 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;

1168 (iii) Section 76-5-203, murder or attempted murder;

1169 (iv) Section 76-5-302, aggravated kidnapping;

1170 (v) Section 76-5-405, aggravated sexual assault;

1171 (vi) Section 76-6-103, aggravated arson;

1172 (vii) Section 76-6-203, aggravated burglary;

- 1173 (viii) Section 76-6-302, aggravated robbery; or
1174 (ix) Section 76-10-508.1, felony discharge of a firearm.
1175 (9) The juvenile probation officer shall request that a prosecuting attorney review a
1176 referral if:
1177 (a) the referral involves an offense described in Subsection (8); or
1178 (b) the minor has a current suspended order for custody under Section 80-6-711.
1179 Section 23. Section 80-6-304.5 is amended to read:
1180 **80-6-304.5. Prosecutorial review of referral to juvenile court -- Filing a petition.**
1181 (1) A prosecuting attorney shall review a referral to the juvenile court for an offense
1182 committed by a minor if:
1183 (a) the prosecuting attorney is requested to review the referral under Section
1184 80-6-303.5;
1185 (b) the minor fails to substantially comply with a condition agreed upon as part of the
1186 nonjudicial adjustment; or
1187 (c) the minor is not offered or declines a nonjudicial adjustment.
1188 (2) (a) Upon review of a referral of an offense under Subsection (1), the prosecuting
1189 attorney shall:
1190 ~~[(a)]~~ (i) dismiss the referral;
1191 ~~[(b)]~~ (ii) send the referral back to the juvenile probation officer for a new attempt at a
1192 nonjudicial adjustment if the minor's case is eligible for a nonjudicial adjustment under Section
1193 80-6-303.5; or
1194 ~~[(c)]~~ (iii) except as provided in Subsection (5), file a petition with the juvenile court.
1195 (b) Upon review of a referral for habitual truancy under Subsection (1), the prosecuting
1196 attorney shall dismiss the referral.
1197 (3) A prosecuting attorney may only file a petition under Subsection ~~[(2)(c)]~~ (2)(a)(iii)
1198 upon reasonable belief that:
1199 (a) the charges are supported by probable cause;
1200 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable
1201 doubt; and
1202 (c) the decision to charge is in the interests of justice.
1203 (4) If a minor has substantially complied with the other conditions of a nonjudicial

1204 adjustment or conditions imposed through any other court diversion program, the minor's
1205 failure to pay a fine or fee as a condition of the nonjudicial adjustment or program may not
1206 serve as a basis for filing of a petition.

1207 (5) A prosecuting attorney may not file a petition against a minor unless:

1208 (a) the prosecuting attorney has statutory authority to file the petition under Section
1209 80-6-305; and

1210 (b) (i) the minor is not eligible for a nonjudicial adjustment under Section 80-6-303.5;

1211 (ii) the minor declines a nonjudicial adjustment;

1212 (iii) the minor fails to substantially comply with the conditions agreed upon as part of
1213 the nonjudicial adjustment; or

1214 (iv) the minor fails to respond to the juvenile probation officer's inquiry regarding
1215 eligibility for or an offer of a nonjudicial adjustment after being provided with notice for
1216 preliminary inquiry.

1217 (6) If the prosecuting attorney files a petition in a juvenile court, or a proceeding is
1218 commenced against a minor under Section 80-6-302, the juvenile court may refer the case to
1219 the juvenile probation officer for another offer of nonjudicial adjustment if the minor is eligible
1220 for a nonjudicial adjustment under Section 80-6-303.5.

1221 Section 24. Section 80-6-1004.5 is amended to read:

1222 **80-6-1004.5. Automatic expungement of successful nonjudicial adjustment --**
1223 **Effect of successful nonjudicial adjustment.**

1224 (1) Except as provided in Subsection (2), the juvenile court shall issue, without a
1225 petition, an order to expunge an individual's juvenile record if:

1226 (a) the individual has reached 18 years old;

1227 (b) the individual's juvenile record consists solely of nonjudicial adjustments;

1228 (c) the individual has successfully completed each nonjudicial adjustment; and

1229 (d) all nonjudicial adjustments were completed on or after October 1, 2023.

1230 (2) An individual's juvenile record is not eligible for expungement under Subsection
1231 (1) if the individual's juvenile record contains a nonjudicial adjustment for a violation of:

1232 (a) Section 41-6a-502, driving under the influence;

1233 (b) Section 76-5-112, reckless endangerment creating a substantial risk of death or
1234 serious bodily injury;

- 1235 (c) Section [76-5-206](#), negligent homicide;
- 1236 (d) Section [76-9-702.1](#), sexual battery;
- 1237 (e) Section [76-10-505.5](#), possession of a dangerous weapon, firearm, or short barreled
- 1238 shotgun on or about school premises; or
- 1239 (f) Section [~~76-10-509~~] [76-10-509.4](#), possession of a dangerous weapon by a minor.
- 1240 (3) If an individual's juvenile record consists solely of nonjudicial adjustments that
- 1241 were completed before October 1, 2023:
- 1242 (a) any nonjudicial adjustment in the individual's juvenile record is considered to never
- 1243 have occurred if:
- 1244 (i) the individual has reached 18 years old;
- 1245 (ii) the individual has satisfied restitution that was a condition of any nonjudicial
- 1246 adjustment in the individual's juvenile record; and
- 1247 (iii) the nonjudicial adjustment was for an offense that is not an offense described in
- 1248 Subsection (2); and
- 1249 (b) the individual may reply to any inquiry about the nonjudicial adjustment as though
- 1250 there never was a nonjudicial adjustment.

1251 Section 25. **Repealer.**

1252 This bill repeals:

1253 Section [76-4-204](#), **Criminal solicitation -- Penalties.**

1254 Section [76-10-509](#), **Possession of dangerous weapon by minor.**

1255 Section 26. **Effective date.**

1256 This bill takes effect on May 1, 2024.

1257 Section 27. **Coordinating H.B. 362 with H.B. 418 -- Technical amendment.**

1258 If H.B. 362, Juvenile Justice Revisions, and H.B. 418, Student Offender Reintegration

1259 Amendments, both pass and become law, the Legislature intends that, on July 1, 2024:

1260 (1) Section [53G-8-201](#) in H.B. 418 be amended to read:

1261 "[53G-8-201](#). **Definitions.**

1262 [Reserved] As used in this part:

1263 (1) "Sexual crime" or "sexual misconduct" means any conduct described in:

1264 (a) Title 76, Chapter 5, Part 4, Sexual Offenses;

1265 (b) Title 76, Chapter 5b, Sexual Exploitation Act;

1266 (c) Section 76-7-102, incest;
1267 (d) Section 76-9-702, lewdness; and
1268 (e) Section 76-9-702.1, sexual battery.
1269 (2) "Serious offense" means the same as that term is defined in Section 80-6-103.";
1270 (2) Subsection 53G-8-203(4) in H.B. 418 be amended to read:
1271 "(4) (a) Each LEA shall adopt a policy for responding to when a student has committed
1272 a serious offense or sexual crime.
1273 (b) The policy described in Subsection (4)(a) shall:
1274 (i) address a serious offense or sexual misconduct related to hazing;
1275 (ii) distinguish procedures for when the crime occurs on school property and off of
1276 school property;
1277 (iii) if a student has committed a serious offense or sexual crime, provide a process for
1278 a school resource officer to provide input for the LEA to consider regarding the safety risks a
1279 student may pose upon reintegration;
1280 (iv) establish a process to inform a school resource officer of any student who is on
1281 probation;
1282 (v) create procedures for determining an alternative placement for a student if the
1283 student attends the same school as:
1284 (A) the victim of the student's crime; and
1285 (B) an individual who has a protective order against the student; and
1286 (vi) be compliant with state and federal law."; and
1287 (3) Section 53G-8-213 be amended to read:
1288 **"53G-8-213. Reintegration plan for student alleged to have committed a serious**
1289 **offense.**
1290 (1) As used in this section[:(a) ~~"Multidisciplinary~~], "multidisciplinary team" means
1291 the local education agency, the juvenile court, the Division of Juvenile Justice Services, a
1292 school resource officer if applicable, and any other relevant party that should be involved in a
1293 reintegration plan.
1294 [~~(b) "Violent felony" means the same as that term is defined in Section 76-3-203.5.]~~
1295 (2) If a school district receives a notification from the juvenile court or a law
1296 enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile

1297 court for a [~~violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons,~~
1298 serious offense, the school shall develop a reintegration plan for the student with a
1299 multidisciplinary team, the student, and the student's parent or guardian, within five school
1300 days after the day on which the school receives a notification.

1301 (3) The school may deny admission to the student until the school completes the
1302 reintegration plan under Subsection (2).

1303 (4) The reintegration plan under Subsection (2) shall address:

1304 (a) a behavioral intervention for the student;

1305 (b) a short-term mental health or counseling service for the student; [~~and~~]

1306 (c) an academic intervention for the student[~~;~~]; and

1307 (d) if the serious offense was directed at a school employee or another student within
1308 the school, notification of the reintegration plan to that school employee or student and the
1309 student's parent.

1310 (5) A school district may not reintegrate a student into a school where:

1311 (a) a student or staff member has a protective order against the student being
1312 reintegrated; or

1313 (b) a student or staff member is the victim of a sexual crime committed by the student
1314 being reintegrated.

1315 (6) A reintegration plan under this section is classified as a protected record under
1316 Section 63G-2-305.

1317 (7) All other records of disclosures under this section are governed by Title 63G,
1318 Chapter 2, Government Records Access and Management Act, and the Family Educational
1319 Rights and Privacy Act, 20 U.S.C. Sec. 1232g."