

JUVENILE JUSTICE REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: _____

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;
- ▶ modifies the requirements for referring an offense that occurs when school is in session or during a school-sponsored activity;
- ▶ 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 for any offense;
- ▶ clarifies the crime of criminal solicitation in regard to adults;
- ▶ modifies the crime for the possession of a dangerous weapon on or about school grounds;
- ▶ modifies the crime for the possession of a dangerous weapon by a minor;
- ▶ modifies the requirements for the notification by a juvenile court to a school;
- ▶ requires a juvenile court to order a minor to secure care if the minor is adjudicated



28 for a felony offense of possession of a dangerous weapon and the minor was previously
29 adjudicated for that same offense;

30 ▶ repeals statutes related to criminal solicitation, possession of a dangerous weapon
31 by a minor, and contributing to the delinquency of a minor; and

32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **53E-3-516**, as last amended by Laws of Utah 2023, Chapters 115, 161

40 **53F-2-410**, as repealed and reenacted by Laws of Utah 2023, Chapter 161 and last
41 amended by Coordination Clause, Laws of Utah 2023, Chapter 98

42 **53G-8-211**, as last amended by Laws of Utah 2023, Chapter 161

43 **53G-8-213**, as enacted by Laws of Utah 2023, Chapter 161

44 **53G-8-510**, as last amended by Laws of Utah 2023, Chapter 115

45 **76-4-203**, as last amended by Laws of Utah 2013, Chapter 278

46 **76-10-505.5**, as last amended by Laws of Utah 2021, Chapter 141

47 **76-10-509.4**, as last amended by Laws of Utah 2023, Chapter 161

48 **76-10-509.7**, as last amended by Laws of Utah 2014, Chapter 428

49 **76-10-512**, as last amended by Laws of Utah 2014, Chapter 428

50 **77-23a-8**, as last amended by Laws of Utah 2023, Chapter 111

51 **80-6-103**, as last amended by Laws of Utah 2023, Chapter 161

52 **80-6-303.5**, as enacted by Laws of Utah 2023, Chapter 161

53 **80-6-705**, as last amended by Laws of Utah 2022, Chapter 430

54 **80-6-1004.5**, as enacted by Laws of Utah 2023, Chapter 115

55 ENACTS:

56 **76-4-205**, Utah Code Annotated 1953

57 REPEALS:

58 **76-4-204**, as last amended by Laws of Utah 2008, Chapter 179

59 [76-10-509](#), as last amended by Laws of Utah 1993, Second Special Session, Chapter 10
60 [76-10-2301](#), as last amended by Laws of Utah 2000, Chapter 105



61
62 *Be it enacted by the Legislature of the state of Utah:*

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

64 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
65 **authority.**

66 (1) As used in this section:

67 (a) "Dangerous weapon" means [~~the same as that term is defined in Section~~
68 [53G-8-510](#)] a firearm or an object that in the manner of the object's use or intended use is
69 capable of causing death or serious bodily injury to an individual.

70 (b) "Disciplinary action" means an action by a public school meant to formally
71 discipline a student of that public school that includes a suspension or expulsion.

72 (c) "Law enforcement agency" means the same as that term is defined in Section
73 [77-7a-103](#).

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

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

- 77 (i) a search and seizure by an SRO;
- 78 (ii) issuance of a criminal citation;
- 79 (iii) issuance of a ticket or summons;
- 80 (iv) filing a delinquency petition; or
- 81 (v) referral to a probation officer.

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

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

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

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

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

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

96 (h) " School resource officer" or "SRO" means the same as that term is defined in
97 Section [53G-8-701](#).

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

101 (a) arrests of a minor;

102 (b) other law enforcement activities;

103 (c) disciplinary actions; and

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

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

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

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

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

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

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

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

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

117 (ii) the type of disciplinary action;

118 (d) the number of SROs employed;

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

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

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

- 125 (a) age;
- 126 (b) grade level;
- 127 (c) race;
- 128 (d) sex; and
- 129 (e) disability status.

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

- 132 (a) Chapter 9, Part 3, Student Data Protection;
- 133 (b) Chapter 9, Part 2, Student Privacy; and
- 134 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

135 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
136 state board shall make rules to compile the report described in Subsection (2).

137 (8) The state board shall provide the report described in Subsection (2):

- 138 (a) in accordance with Section 53E-1-203 for incidents that occurred during the
139 previous school year; and
- 140 (b) to the State Commission on Criminal and Juvenile Justice before July 1 of each
141 year for incidents that occurred during the previous school year.

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

143 **53F-2-410. Juvenile gang and other violent crime prevention and intervention**
144 **program -- Funding.**

145 (1) As used in this section:

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

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

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

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

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

156 ~~[(2)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
157 Act, the state board shall coordinate with state agencies to make rules that:

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

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

163 (ii) prioritizes the schools in school districts and charter schools based on the
164 prevalence of crimes committed by minors within the boundaries of each municipality where a
165 school is located; and

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

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

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

172 ~~[(3)]~~ (4) (a) A school district or a charter school seeking program funding shall submit
173 a proposal to the state board that:

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

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

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

179 ~~[(4)]~~ (5) The state board may not distribute funds to a school district or a charter school
180 that fails to meet performance standards described in Subsection ~~[(2)(c)]~~ (3)(c).

181 ~~[(5)]~~ (6) A school district or a charter school that is awarded funds under this section
182 shall submit a report to the state board that includes details on:

183 (a) how the school district or the charter school used the funds; and
 184 (b) the school district's, or the charter school's, compliance with the performance
 185 standards described in Subsection ~~[(2)(e)] (3)(c)~~.

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

187 **53G-8-211. Responses to school-based behavior.**

188 (1) As used in this section:

189 (a) "Evidence-based" means a program or practice that has:

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

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

193 (iii) been approved by the state board.

194 ~~[(b) "Habitual truant" means a school-age child who:]~~

195 ~~[(i) is in grade 7 or above, unless the school-age child is under 12 years old;]~~

196 ~~[(ii) is subject to the requirements of Section 53G-6-202; and]~~

197 ~~[(iii) (A) is truant at least 10 times during one school year; or]~~

198 ~~[(B) fails to cooperate with efforts on the part of school authorities to resolve the
 199 school-age child's attendance problem as required under Section 53G-6-206.]~~

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

201 ~~[(d)] (c)~~ "Mobile crisis outreach team" means the same as that term is defined in
 202 Section 62A-15-102.

203 ~~[(e)] (d)~~ "Prosecuting attorney" means the same as that term is defined in Subsections
 204 80-1-102(65)(b) and (c).

205 ~~[(f)] (e)~~ "Restorative justice program" means a school-based program or a program
 206 used or adopted by a local education agency that is designed:

207 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
 208 enforcement agencies and courts; and

209 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
 210 school.

211 ~~[(g)] (f)~~ "School administrator" means a principal of a school.

212 ~~[(h)] (g)~~ "School is in session" means a day during which the school conducts
 213 instruction for which student attendance is counted toward calculating average daily

214 membership.

215 [(+) (h) "School resource officer" means a law enforcement officer, as defined in
216 Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency
217 contracts with a local education agency to provide law enforcement services for the local
218 education agency.

219 ~~[(j) "School-age child" means the same as that term is defined in Section 53G-6-201.]~~

220 [(+) (i) "School-sponsored activity" means an activity, fundraising event, club,
221 camp, clinic, or other event or activity that is authorized by a specific local education agency or
222 public school, according to LEA governing board policy, and satisfies at least one of the
223 following conditions:

224 (A) the activity is managed or supervised by a local education agency or public school,
225 or local education agency or public school employee;

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

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

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

232 [(+) (j) (i) "Status offense" means an offense that would not be an offense but for the
233 age of the offender.

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

236 (2) This section applies to a minor enrolled in school who is alleged to have committed
237 an offense on school property where the student is enrolled:

238 (a) when school is in session; or

239 (b) during a school-sponsored activity.

240 (3) If a minor is alleged to have committed an offense on school property that is a class
241 C misdemeanor, an infraction, or a status offense, the school administrator, the school
242 administrator's designee, or a school resource officer [may] shall refer the minor:

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

244 (i) a mobile crisis outreach team;

- 245 (ii) a youth services center, as defined in Section 80-5-102;
- 246 (iii) a youth court or comparable restorative justice program;
- 247 (iv) an evidence-based alternative intervention created and developed by the school or
248 school district;
- 249 (v) an evidence-based alternative intervention that is jointly created and developed by a
250 local education agency, the state board, the juvenile court, local counties and municipalities,
251 the Department of Health and Human Services; or
- 252 (vi) a tobacco cessation or education program if the offense is a violation of Section
253 76-10-105; or
- 254 (b) for prevention and early intervention youth services, as described in Section
255 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an
256 evidence-based alternative intervention described in Subsection (3)(a).
- 257 (4) Except as provided in Subsection (5), if a minor is alleged to have committed an
258 offense on school property that is a class C misdemeanor, an infraction, or a status offense, a
259 school administrator, the school administrator's designee, or a school resource officer may refer
260 a minor to a law enforcement officer or agency or a court only if:
- 261 (a) the minor allegedly committed ~~[the same offense]~~ an offense on school property on
262 ~~[two previous occasions]~~ a previous occasion; and
- 263 (b) the minor was referred to an evidence-based alternative intervention, or to
264 prevention or early intervention youth services, as described in Subsection (3) for ~~[both of the~~
265 ~~two previous offenses]~~ the previous offense.
- 266 (5) If a minor is alleged to have committed a traffic offense that is an infraction, a
267 school administrator, the school administrator's designee, or a school resource officer may refer
268 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the
269 traffic offense.
- 270 (6) Notwithstanding Subsection (4), a school resource officer may:
- 271 (a) investigate possible criminal offenses and conduct, including conducting probable
272 cause searches;
- 273 (b) consult with school administration about the conduct of a minor enrolled in a
274 school;
- 275 (c) transport a minor enrolled in a school to a location if the location is permitted by

276 law;

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

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

281 (7) (a) If a minor is referred to a court or a law enforcement officer or agency under
282 Subsection (4), the school or the school district shall appoint a school representative to
283 continue to engage with the minor and the minor's family through the court process.

284 (b) A school representative appointed under Subsection (7)(a) may not be a school
285 resource officer.

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

288 (i) attendance records for the minor;

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

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

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

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

298 (d) A minor referred to a court under Subsection (4) may not be ordered to or placed in
299 secure detention, including for a contempt charge or violation of a valid court order under
300 Section 78A-6-353, when the underlying offense is a status offense or infraction.

301 (e) If a minor is referred to a court under Subsection (4), the court may use, when
302 available, the resources of the Division of Juvenile Justice Services or the Division of
303 Substance Abuse and Mental Health to address the minor.

304 (8) If a minor is alleged to have committed an offense on school property that is a class
305 B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's
306 designee, or a school resource officer may refer the minor directly to a court or to the

307 evidence-based alternative interventions in Subsection (3)(a).

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

309 **53G-8-213. Reintegration plan for student alleged to have committed a serious**
310 **offense.**

311 (1) As used in this section:

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

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

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

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

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

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

326 (a) a behavioral intervention for the student;

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

328 (c) an academic intervention for the student.

329 (5) A reintegration plan under this section is classified as a protected record under
330 Section 63G-2-305.

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

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

335 **53G-8-510. Notification of an offense committed by a minor on school grounds --**
336 **Immunity from civil and criminal liability.**

337 (1) As used in this section:

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

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

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

344 (i) a school teacher;

345 (ii) a school staff member;

346 (iii) a school administrator; or

347 (iv) an individual:

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

350 (B) who works on a school campus.

351 ~~[(d)]~~ (c) "School is in session" means the same as that term is defined in Section
352 [53E-3-516](#).

353 ~~[(e)]~~ (d) "School-sponsored activity" means the same as that term is defined in Section
354 [53E-3-516](#).

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

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

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

362 (b) school or district personnel if the principal determines that school or district
363 personnel should be informed.

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

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

368 **Part 2. Criminal Conspiracy and Solicitation**

369 **76-4-203. Criminal solicitation an adult.**

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

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

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

376 (ii) "Solicit" means to ask, command, encourage, importune, intentionally aid, offer to
377 hire, or request.

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

379 (2) An actor commits criminal solicitation of an adult if:

380 (a) the actor intentionally solicits an adult to engage in conduct that is a felony offense;

381 and

382 (b) the actor believes, under the circumstances, that the conduct would be a felony
383 offense or would cause the adult to be a party to the commission of a felony offense.

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

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

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

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

392 (i) murder, as described in Subsection 76-5-203(2)(a);

393 (ii) child kidnapping, as described in Section 76-5-301.1; or

394 (iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter
395 5, Part 4, Sexual Offenses, that is a first degree felony;

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

399 (i) rape of a child, Section 76-5-402.1;

- 400 (ii) object rape of a child, Section 76-5-402.3; or
 401 (iii) sodomy on a child, Section 76-5-403.1;
 402 (e) a second degree felony is a third degree felony; and
 403 (f) a third degree felony is a class A misdemeanor.

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

- 407 (a) 10 years and which may be for life;
 408 (b) six years and which may be for life; or
 409 (c) three years and which may be for life.

410 ~~[(2)]~~ (5) An actor may be convicted under this section only if the solicitation is made
 411 under circumstances strongly corroborative of the actor's intent that the felony offense be
 412 committed.

413 ~~[(3)]~~ (6) It is not a defense ~~[under this section that the person]~~ to a violation of this
 414 section that:

415 (a) the adult solicited by the actor:

416 ~~[(a)]~~ (i) does not agree to act upon the solicitation;

417 ~~[(b)]~~ (ii) does not commit an overt act;

418 ~~[(c)]~~ (iii) does not engage in conduct constituting a substantial step toward the
 419 commission of any offense;

420 ~~[(d)]~~ (iv) is not criminally responsible for the felony solicited;

421 ~~[(e)]~~ (v) was acquitted, was not prosecuted or convicted, or was convicted of a different
 422 offense or of a different type or degree of offense; or

423 ~~[(f)]~~ (vi) is immune from prosecution~~[-]; or~~

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

425 ~~[(a)]~~ (i) belongs to a class of persons that by definition is legally incapable of
 426 committing the offense in an individual capacity; or

427 ~~[(b)]~~ (ii) fails to communicate with the ~~[person he]~~ adult that the actor solicits to
 428 commit an offense~~[-]~~ if the intent of the actor's conduct was to effect the communication.

429 ~~[(5)]~~ (7) Nothing in this section prevents an actor who otherwise solicits~~[-, requests,~~
 430 ~~commands, encourages, or intentionally aids another person]~~ an adult to engage in conduct

431 ~~[which]~~ that constitutes an offense from being prosecuted and convicted as a party to the
432 offense under Section 76-2-202 if the ~~[person solicited]~~ adult actually commits the offense.

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

434 **76-4-205. Criminal solicitation of a minor.**

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

436 (i) "Minor" means an individual who is under 18 years old.

437 (ii) "Solicit" means to ask, command, encourage, importune, intentionally aid, offer to
438 hire, or request.

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

440 (2) An actor commits criminal solicitation of a minor if:

441 (a) the actor intentionally solicits a minor to engage in conduct that is an offense; and

442 (b) the actor believes, under the circumstances, that the conduct would be an offense or
443 would cause the minor to be a party to the commission of an offense.

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

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

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

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

448 (d) a class A misdemeanor if the actor solicits conduct that is a class A misdemeanor;

449 (e) a class B misdemeanor if the actor solicits conduct that is a class B misdemeanor;

450 (f) a class C misdemeanor if the actor solicits conduct that is a class C misdemeanor; or

451 (g) an infraction if the actor solicits conduct that is an infraction.

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

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

455 (a) the minor:

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

457 (ii) does not commit an overt act;

458 (iii) does not engage in conduct constituting a substantial step toward the commission
459 of the offense;

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

461 (v) was acquitted or the allegations about the minor's in a delinquency petition were

462 found to not be true;

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

465 (vii) is immune from prosecution; or

466 (b) the actor:

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

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

471 (6) Nothing in this section prevents an actor who otherwise solicits a minor to engage
472 in conduct that constitutes an offense from being prosecuted and convicted as a party to the
473 offense under Section [76-2-202](#) if the minor actually commits the offense.

474 Section 8. Section **76-10-505.5** is amended to read:

475 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
476 **shotgun on or about school premises -- Penalties.**

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

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

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

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

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

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

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

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

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

492 (b) Possession of a firearm or short barreled shotgun on or about school premises is a

493 class A misdemeanor.

494 (4) This section does not apply if:

495 (a) the [person] actor is authorized to possess a firearm as provided under Section
496 [53-5-704](#), [53-5-705](#), [76-10-511](#), or [76-10-523](#), or as otherwise authorized by law;

497 (b) the [person] actor is authorized to possess a firearm as provided under Section
498 [53-5-704.5](#), unless the [person] actor is in a location where the [person] actor is prohibited
499 from carrying a firearm under Subsection [53-5-710\(2\)](#);

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

501 (d) the item is present or to be used in connection with a lawful, approved activity and
502 is in the possession or under the control of the [person] actor responsible for ~~[its]~~ the item's
503 possession or use; or

504 (e) the possession is:

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

506 (ii) in any vehicle lawfully under the [person's] actor's control, other than a vehicle
507 owned by the school or used by the school to transport students.

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

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

510 (b) possession of a dangerous weapon by a minor, as described in Section [76-10-509.4](#),
511 that occurs on or about school premises.

512 Section 9. Section [76-10-509.4](#) is amended to read:

513 **[76-10-509.4. Possession of a dangerous weapon by a minor -- Penalties.](#)**

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

515 ~~[(2) Except as provided by federal law, an individual who is under 18 years old may~~
516 ~~not possess the following:]~~

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

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

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

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

521 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (1) is:

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

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

524 (b) A violation of Subsection (1) is a third degree felony if the dangerous weapon is:

525 (i) a handgun;

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

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

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

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

530 ~~[(3) An individual who violates Subsection (1) is guilty of:]~~

531 ~~[(a) a class B misdemeanor upon the first offense; and]~~

532 ~~[(b) a class A misdemeanor for each subsequent offense.]~~

533 ~~[(4) An individual who violates Subsection (2) is guilty of a third degree felony.]~~

534 (4) This section does not apply if the actor:

535 (a) possesses a dangerous weapon;

536 (b) has permission from the actor's parent or guardian to possess the dangerous
537 weapon; and

538 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the
539 actor has the dangerous weapon in the actor's possession.

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

541 **76-10-509.7. Parent or guardian knowing of minor's possession of dangerous**
542 **weapon.**

543 Any parent or guardian of a minor who knows that the minor is in possession of a
544 dangerous weapon in violation of Section [~~76-10-509~~ or a firearm in violation of Section]
545 ~~76-10-509.4~~ and fails to make reasonable efforts to remove the dangerous weapon [~~or firearm~~]
546 from the minor's possession is guilty of a class B misdemeanor.

547 Section 11. Section **76-10-512** is amended to read:

548 **76-10-512. Target concessions, shooting ranges, competitions, and hunting**
549 **excepted from prohibitions.**

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

552 (a) patrons firing at lawfully operated target concessions at amusement parks, piers,
553 and similar locations provided that the firearms to be used are firmly chained or affixed to the
554 counters;

- 555 (b) any person in attendance at a hunter's safety course or a firearms safety course;
- 556 (c) any person engaging in practice or any other lawful use of a firearm at an
557 established range or any other area where the discharge of a firearm is not prohibited by state or
558 local law;
- 559 (d) any person engaging in an organized competition involving the use of a firearm, or
560 participating in or practicing for such competition;
- 561 (e) any minor under 18 years [~~of age~~] old who is on real property with the permission
562 of the owner, licensee, or lessee of the property and who has the permission of a parent or legal
563 guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of law;
- 564 (f) any resident or nonresident hunters with a valid hunting license or other persons
565 who are lawfully engaged in hunting; or
- 566 (g) any person traveling to or from any activity described in Subsection (1)(b), (c), (d),
567 (e), or (f) with an unloaded firearm in the person's possession.
- 568 (2) It is not a violation of Subsection 76-10-503(2) or (3) for a restricted person defined
569 in Subsection 76-10-503(1) to own, possess, or have under the person's custody or control,
570 archery equipment, including crossbows, for the purpose of lawful hunting and lawful target
571 shooting.
- 572 (3) Notwithstanding Subsection (2), the possession of archery equipment, including
573 crossbows, by a restricted person defined in Subsection 76-10-503(1) may be prohibited by:
- 574 (a) a court, as a condition of pre-trial release or probation; or
575 (b) the Board of Pardons and Parole, as a condition of parole.
- 576 Section 12. Section 77-23a-8 is amended to read:
- 577 **77-23a-8. Court order to authorize or approve interception -- Procedure.**
- 578 (1) The attorney general of the state, any assistant attorney general specially designated
579 by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy
580 district attorney specially designated by the county attorney or by the district attorney, may
581 authorize an application to a judge of competent jurisdiction for an order for an interception of
582 wire, electronic, or oral communications by any law enforcement agency of the state, the
583 federal government or of any political subdivision of the state that is responsible for
584 investigating the type of offense for which the application is made.
- 585 (2) The judge may grant the order in conformity with the required procedures when the

586 interception sought may provide or has provided evidence of the commission of:
587 (a) any act:
588 (i) prohibited by the criminal provisions of:
589 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
590 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
591 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
592 (ii) punishable by a term of imprisonment of more than one year;
593 (b) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
594 Securities Act, and punishable by a term of imprisonment of more than one year;
595 (c) an offense:
596 (i) of:
597 (A) attempt, Section 76-4-101;
598 (B) conspiracy, Section 76-4-201;
599 (C) [~~solicitation, Section 76-4-203~~] criminal solicitation of an adult, Section 76-4-203;
600 or
601 (D) criminal solicitation of a minor, Section 76-4-205; and
602 (ii) punishable by a term of imprisonment of more than one year;
603 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
604 more than one year, Section 76-5-107.3;
605 (e) (i) aggravated murder, Section 76-5-202;
606 (ii) murder, Section 76-5-203; or
607 (iii) manslaughter, Section 76-5-205;
608 (f) (i) kidnapping, Section 76-5-301;
609 (ii) child kidnapping, Section 76-5-301.1;
610 (iii) aggravated kidnapping, Section 76-5-302;
611 (iv) human trafficking, Section 76-5-308, 76-5-308.1, or 76-5-308.5, or human
612 smuggling, Section 76-5-308.3; or
613 (v) aggravated human trafficking, Section 76-5-310, or aggravated human smuggling,
614 Section 76-5-310.1;
615 (g) (i) arson, Section 76-6-102; or
616 (ii) aggravated arson, Section 76-6-103;

- 617 (h) (i) burglary, Section 76-6-202; or
618 (ii) aggravated burglary, Section 76-6-203;
619 (i) (i) robbery, Section 76-6-301; or
620 (ii) aggravated robbery, Section 76-6-302;
621 (j) an offense:
622 (i) of:
623 (A) theft, Section 76-6-404;
624 (B) theft by deception, Section 76-6-405; or
625 (C) theft by extortion, Section 76-6-406; and
626 (ii) punishable by a maximum term of imprisonment of more than one year;
627 (k) an offense of receiving stolen property that is punishable by a maximum term of
628 imprisonment of more than one year, Section 76-6-408;
629 (l) a financial card transaction offense punishable by a maximum term of imprisonment
630 of more than one year, Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
631 (m) bribery of a labor official, Section 76-6-509;
632 (n) bribery or threat to influence a publicly exhibited contest, Section 76-6-514;
633 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
634 more than one year, Section 76-6-518;
635 (p) criminal usury, Section 76-6-520;
636 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
637 year, Section 76-6-521;
638 (r) a violation of Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by
639 a maximum term of imprisonment of more than one year, Section 76-6-703;
640 (s) bribery to influence official or political actions, Section 76-8-103;
641 (t) misusing public money or public property, Section 76-8-402;
642 (u) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
643 (v) retaliation against a witness, victim, or informant, Section 76-8-508.3;
644 (w) tampering with a juror, retaliation against a juror, Section 76-8-508.5;
645 (x) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
646 (y) obstruction of justice, Section 76-8-306;
647 (z) destruction of property to interfere with preparation for defense or war, Section

648 76-8-802;

649 (aa) an attempt to commit crimes of sabotage, Section 76-8-804;

650 (bb) conspiracy to commit crimes of sabotage, Section 76-8-805;

651 (cc) advocating criminal syndicalism or sabotage, Section 76-8-902;

652 (dd) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;

653 (ee) riot punishable by a maximum term of imprisonment of more than one year,

654 Section 76-9-101;

655 (ff) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a

656 maximum term of imprisonment of more than one year, Section 76-9-301.1;

657 (gg) possession, use, or removal of an explosive, chemical, or incendiary device and

658 parts, Section 76-10-306;

659 (hh) delivery to a common carrier or mailing of an explosive, chemical, or incendiary

660 device, Section 76-10-307;

661 (ii) exploiting prostitution, Section 76-10-1305;

662 (jj) aggravated exploitation of prostitution, Section 76-10-1306;

663 (kk) bus hijacking or assault with intent to commit hijacking, Section 76-10-1504;

664 (ll) discharging firearms and hurling missiles, Section 76-10-1505;

665 (mm) violations of Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act, and

666 the offenses listed under the definition of unlawful activity in the act, including the offenses not

667 punishable by a maximum term of imprisonment of more than one year when those offenses

668 are investigated as predicates for the offenses prohibited by the act, Section 76-10-1602;

669 (nn) communications fraud, Section 76-10-1801;

670 (oo) money laundering, Sections 76-10-1903 and 76-10-1904; or

671 (pp) reporting by a person engaged in a trade or business when the offense is

672 punishable by a maximum term of imprisonment of more than one year, Section 76-10-1906.

673 Section 13. Section 80-6-103 is amended to read:

674 **80-6-103. Notification to a school -- Civil and criminal liability.**

675 (1) As used in this section:

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

677 (b) "Local education agency" means a school district, a charter school, or the Utah

678 Schools for the Deaf and the Blind.

679 (c) "School official" means:

680 (i) the school superintendent of the district in which the minor resides or attends school
681 or the school superintendent's designee; or

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

684 (d) "Serious offense" means:

685 (i) a violent felony as defined in Section 76-3-203.5;

686 (ii) an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property
687 stolen is a firearm; or

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

689 [(d)] (e) "Transferee school official" means:

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

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

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

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

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

702 (i) the name of the minor;

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

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

707 (4) After a detention hearing for a minor who is alleged to have committed [~~a violent~~
708 ~~felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious offense,
709 the juvenile court shall order a juvenile probation officer to notify a school official, or a

710 transferee school official, and the appropriate local law enforcement agency of the juvenile
711 court's decision, including any disposition, order, or no-contact order.

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

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

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

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

724 (i) the name of the minor;

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

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

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

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

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

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

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

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

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

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

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

746 Section 14. Section 80-6-303.5 is amended to read:

747 **80-6-303.5. Preliminary inquiry by juvenile probation officer -- Eligibility for**
748 **nonjudicial adjustment.**

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

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

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

758 (i) conduct a validated risk and needs assessment; and

759 (ii) request that a prosecuting attorney review a referral in accordance with Section
760 80-6-304.5 if:

761 (A) the results of the validated risk and needs assessment indicate the minor is high
762 risk; or

763 (B) the results of the validated risk and needs assessment indicate the minor is
764 moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5,
765 Offenses Against the Individual, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.

766 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor
767 shall:

768 (i) undergo a drug and alcohol screening;

769 (ii) if found appropriate by the screening, participate in an assessment; and

770 (iii) if warranted by the screening and assessment, follow the recommendations of the
771 assessment.

772 (4) Except for an offense that is not eligible under Subsection (8), the juvenile
773 probation officer shall offer a nonjudicial adjustment to a minor if:
774 (a) the minor:
775 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
776 (ii) has no more than two prior adjudications; and
777 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts; or
778 (b) the minor is referred for an offense that is alleged to have occurred before the minor
779 was 12 years old.

780 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
781 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
782 criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial adjustment.

783 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
784 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
785 criminal episode that resulted in one or more prior adjudications as a single adjudication.

786 (7) Except for a referral that involves an offense described in Subsection (8), the
787 juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the
788 criteria described in Subsection (4)(a).

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

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

793 (i) a felony offense; or

794 (ii) a misdemeanor violation of:

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

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

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

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

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

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

802 (G) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled

803 shotgun on or about school premises;

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

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

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

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

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

810 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony

811 violation of:

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

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

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

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

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

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

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

819 (viii) Section 76-6-302, aggravated robbery; or

820 (ix) Section 76-10-508.1, felony discharge of a firearm.

821 (9) The juvenile probation officer shall request that a prosecuting attorney review a
822 referral if:

823 (a) the referral involves an offense described in Subsection (8); or

824 (b) the minor has a current suspended order for custody under Section 80-6-711.

825 Section 15. Section 80-6-705 is amended to read:

826 **80-6-705. Secure care -- Limitations -- Order for therapy for parent with minor**

827 **in secure care.**

828 (1) If a minor is adjudicated for an offense under Section 80-6-701, the juvenile court
829 may order the minor to secure care if ~~[the juvenile court finds that]~~:

830 (a) (i) the juvenile court finds that:

831 ~~[(i)]~~ (A) the minor poses a risk of harm to others; or

832 ~~[(ii)]~~ (B) the minor's conduct resulted in the victim's death; and

833 (b) the minor is adjudicated for:

- 834 (i) a felony offense;
- 835 (ii) a misdemeanor offense if the minor has five prior misdemeanor or felony
- 836 adjudications arising from separate criminal episodes; or
- 837 (iii) a misdemeanor offense involving the use of a dangerous weapon as defined in
- 838 Section [76-1-101.5](#).

839 (2) If a minor is adjudicated for an offense under Section [80-6-701](#), the juvenile court
 840 shall order the minor to secure care if:

- 841 (a) the minor is adjudicated for a felony offense involving the possession of a
- 842 dangerous weapon by a minor as described in Section [76-10-509.4](#); and
- 843 (b) the minor was previously adjudicated for a felony offense involving the possession
- 844 of a dangerous weapon by a minor as described in Section [76-10-509.4](#).

845 [~~2~~] (3) A juvenile court may not order a minor to secure care for:

- 846 (a) contempt of court;
- 847 (b) a violation of probation;
- 848 (c) failure to pay a fine, fee, restitution, or other financial obligation;
- 849 (d) unfinished compensatory or community service hours;
- 850 (e) an infraction; or
- 851 (f) a status offense.

852 [~~3~~] (4) The juvenile court may, on the ~~re~~ recommendation of the division, order a parent
 853 of a minor in secure care to undergo group rehabilitation therapy under the direction of a
 854 therapist, who has supervision of the minor in secure care, or any other therapist for a period
 855 recommended by the division.

856 Section 16. Section **80-6-1004.5** is amended to read:

857 **80-6-1004.5. Automatic expungement of successful nonjudicial adjustment --**
 858 **Effect of successful nonjudicial adjustment.**

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

- 861 (a) the individual has reached 18 years old;
- 862 (b) the individual's juvenile record consists solely of nonjudicial adjustments;
- 863 (c) the individual has successfully completed each nonjudicial adjustment; and
- 864 (d) all nonjudicial adjustments were completed on or after October 1, 2023.

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

867 (a) Section [41-6a-502](#), driving under the influence;

868 (b) Section [76-5-112](#), reckless endangerment creating a substantial risk of death or
869 serious bodily injury;

870 (c) Section [76-5-206](#), negligent homicide;

871 (d) Section [76-9-702.1](#), sexual battery;

872 (e) Section [76-10-505.5](#), possession of a dangerous weapon, firearm, or short barreled
873 shotgun on or about school premises; or

874 (f) Section [~~76-10-509~~] [76-10-509.4](#), possession of a dangerous weapon by a minor.

875 (3) If an individual's juvenile record consists solely of nonjudicial adjustments that
876 were completed before October 1, 2023:

877 (a) any nonjudicial adjustment in the individual's juvenile record is considered to never
878 have occurred if:

879 (i) the individual has reached 18 years old;

880 (ii) the individual has satisfied restitution that was a condition of any nonjudicial
881 adjustment in the individual's juvenile record; and

882 (iii) the nonjudicial adjustment was for an offense that is not an offense described in
883 Subsection (2); and

884 (b) the individual may reply to any inquiry about the nonjudicial adjustment as though
885 there never was a nonjudicial adjustment.

886 Section 17. **Repealer.**

887 This bill repeals:

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

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

890 Section [76-10-2301](#), **Contributing to the delinquency of a minor -- Definitions --**

891 **Penalties.**

892 Section 18. **Effective date.**

893 This bill takes effect on May 1, 2024.