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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 offense;
- ▶ clarifies the crime of criminal solicitation in regard to adults;
- ▶ modifies the crime for contributing to the delinquency of a minor;
- ▶ 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;
- ▶ amends the jurisdiction of the juvenile court;
- ▶ addresses the referral of a minor who is a habitual truant to the juvenile court;
- ▶ modifies the requirements for the notification by a juvenile court to a school;

28 ▶ repeals statutes related to criminal solicitation and possession of a dangerous weapon by
29 a minor; and

30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides a coordination clause.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53E-3-516**, as last amended by Laws of Utah 2023, Chapters 115, 161

38 **53F-2-410**, as repealed and reenacted by Laws of Utah 2023, Chapter 161 and last
39 amended by Coordination Clause, Laws of Utah 2023, Chapter 98

40 **53G-8-211**, as last amended by Laws of Utah 2023, Chapter 161

41 **53G-8-213**, as enacted by Laws of Utah 2023, Chapter 161

42 **53G-8-510**, as last amended by Laws of Utah 2023, Chapter 115

43 **76-4-203**, as last amended by Laws of Utah 2013, Chapter 278

44 **76-10-505.5**, as last amended by Laws of Utah 2021, Chapter 141

45 **76-10-509.4**, as last amended by Laws of Utah 2023, Chapter 161

46 **76-10-509.7**, as last amended by Laws of Utah 2014, Chapter 428

47 **76-10-512**, as last amended by Laws of Utah 2014, Chapter 428

48 **77-23a-8**, as last amended by Laws of Utah 2023, Chapter 111

49 **78A-6-103**, as last amended by Laws of Utah 2023, Chapters 115, 161, 264, and 330

50 **78A-6-104**, as last amended by Laws of Utah 2022, Chapter 335

51 **78A-6-450**, as last amended by Laws of Utah 2022, Chapter 335

52 **80-6-102**, as last amended by Laws of Utah 2022, Chapter 155

53 **80-6-103**, as last amended by Laws of Utah 2023, Chapter 161

54 **80-6-201**, as last amended by Laws of Utah 2022, Chapter 335

55 **80-6-202**, as last amended by Laws of Utah 2022, Chapter 335

56 **80-6-301**, as enacted by Laws of Utah 2021, Chapter 261

57 **80-6-303.5**, as enacted by Laws of Utah 2023, Chapter 161

58 **80-6-304.5**, as enacted by Laws of Utah 2023, Chapter 161

59 **80-6-1004.5**, as enacted by Laws of Utah 2023, Chapter 115

60 ENACTS:

61 **76-4-205**, Utah Code Annotated 1953

62 RENUMBERS AND AMENDS:

63 **76-4-206**, (Renumbered from 76-10-2301, as last amended by Laws of Utah 2000,
64 Chapter 105)

65 REPEALS:

66 **76-4-204**, as last amended by Laws of Utah 2008, Chapter 179

67 **76-10-509**, as last amended by Laws of Utah 1993, Second Special Session, Chapter 10

68 **Utah Code Sections affected by Coordination Clause:**

69 **53G-8-201**, as as enacted by Laws of Utah 2018, Chapter 3

70 **53G-8-203**, as as last amended by Laws of Utah 2020, Chapter 161

71 **53G-8-213**, as as enacted by Laws of Utah 2023, Chapter 161

72

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

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

75 **53E-3-516 . School disciplinary and law enforcement action report --**

76 **Rulemaking authority.**

77 (1) As used in this section:

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

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

83 (c) "Law enforcement agency" means the same as that term is defined in Section
84 77-7a-103.

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

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

88 (i) a search and seizure by an SRO;

89 (ii) issuance of a criminal citation;

90 (iii) issuance of a ticket or summons;

91 (iv) filing a delinquency petition; or

92 (v) referral to a probation officer.

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

- 96 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
97 clinic, or other event or activity that is authorized by a specific public school,
98 according to LEA governing board policy, and satisfies at least one of the
99 following conditions:
- 100 (A) the activity is managed or supervised by a school district, public school, or
101 public school employee;
 - 102 (B) the activity uses the school district or public school facilities, equipment, or
103 other school resources; or
 - 104 (C) the activity is supported or subsidized, more than inconsequentially, by public
105 funds, including the public school's activity funds or Minimum School
106 Program dollars.
- 107 (ii) "School-sponsored activity" includes preparation for and involvement in a public
108 performance, contest, athletic competition, demonstration, display, or club activity.
- 109 (h) " School resource officer" or "SRO" means the same as that term is defined in
110 Section 53G-8-701.
- 111 (2) Beginning on July 1, 2023, the state board shall develop an annual report regarding the
112 following incidents that occur on school grounds while school is in session or during a
113 school-sponsored activity:
- 114 (a) arrests of a minor;
 - 115 (b) other law enforcement activities;
 - 116 (c) disciplinary actions; and
 - 117 (d) minors found in possession of a dangerous weapon.
- 118 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with the
119 state board and LEAs to provide and validate data and information necessary to
120 complete the report described in Subsection (2), as requested by an LEA or the state
121 board.
- 122 (4) The report described in Subsection (2) shall include the following information listed
123 separately for each LEA:
- 124 (a) the number of arrests of a minor, including the reason why the minor was arrested;
 - 125 (b) the number of other law enforcement activities, including the following information
126 for each incident:
 - 127 (i) the reason for the other law enforcement activity; and
 - 128 (ii) the type of other law enforcement activity used;
 - 129 (c) the number of disciplinary actions imposed, including:

- 130 (i) the reason for the disciplinary action; and
131 (ii) the type of disciplinary action;
132 (d) the number of SROs employed;
133 (e) if applicable, the demographics of an individual who is subject to, as the following
134 are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation; and
135 (f) the number of minors found in possession of a dangerous weapon on school grounds
136 while school is in session or during a school-sponsored activity.
- 137 (5) The report described in Subsection (2) shall include the following information, in
138 aggregate, for each element described in Subsections (4)(a) through (c):
- 139 (a) age;
140 (b) grade level;
141 (c) race;
142 (d) sex; and
143 (e) disability status.
- 144 (6) Information included in the annual report described in Subsection (2) shall comply with:
- 145 (a) Chapter 9, Part 3, Student Data Protection;
146 (b) Chapter 9, Part 2, Student Privacy; and
147 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 148 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
149 state board shall make rules to compile the report described in Subsection (2).
- 150 (8) The state board shall provide the report described in Subsection (2):
- 151 (a) in accordance with Section 53E-1-203 for incidents that occurred during the previous
152 school year; and
153 (b) to the State Commission on Criminal and Juvenile Justice before July 1 of each year
154 for incidents that occurred during the previous school year.

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

156 **53F-2-410 . Juvenile gang and other violent crime prevention and intervention**
157 **program -- Funding.**

158 (1) As used in this section:

- 159 (a) "State agency" means a department, division, office, entity, agency, or other unit of
160 the state.
- 161 (b) "State agency" includes the State Commission on Criminal and Juvenile Justice, the
162 Administrative Office of the Courts, the Department of Corrections, and the Division
163 of Juvenile Justice Services.

- 164 ~~[(1)]~~ (2) Subject to appropriations by the Legislature, the state board shall:
- 165 (a) create a juvenile gang and other violent crime prevention and intervention program
- 166 that is designed to help students at risk for violent criminal involvement stay in
- 167 school; and
- 168 (b) distribute money under the program to school districts and charter schools through
- 169 the distribution formula described in Subsection ~~[(2)]~~ (3).
- 170 ~~[(2)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 171 state board shall coordinate with state agencies to make rules that:
- 172 (a) establish a formula to ~~[distribute]~~ allocate program funding to schools in select school
- 173 districts and charter schools that:
- 174 (i) uses the data reported to the state board~~[under Section 80-6-104]~~ , the State
- 175 Commission on Criminal and Juvenile Justice, the Administrative Office of the
- 176 Courts, the Department of Corrections, and the Division of Juvenile Justice
- 177 Services; ~~and~~
- 178 (ii) prioritizes the schools in school districts and charter schools based on the
- 179 prevalence of crimes committed by minors within the boundaries of each
- 180 municipality where a school is located; and
- 181 (iii) prioritizes school districts and charter schools that demonstrate collaborative
- 182 efforts with local law enforcement agencies and community prevention.
- 183 (b) annually adjust the distribution of program funding using the data reported to the
- 184 state board under Section 80-6-104; and
- 185 (c) establish baseline performance standards that school districts or charter schools are
- 186 required to meet in order to receive funding under the program.
- 187 ~~[(3)]~~ (4) (a) A school district or a charter school seeking program funding shall submit a
- 188 proposal to the state board that:
- 189 (i) describes how the school district or charter school intends to use the funds; and
- 190 (ii) provides data related to the prevalence of crimes committed by minors within the
- 191 school district as described in Subsection ~~[(2)(a)(ii)]~~ (3)(a)(ii).
- 192 (b) The state board shall allocate funding on a per student basis to prioritized school
- 193 districts and charter schools that submit a successful proposal under Subsection [~~(3)(a)]~~ (4)(a).
- 194
- 195 ~~[(4)]~~ (5) The state board may not distribute funds to a school district or a charter school that
- 196 fails to meet performance standards described in Subsection ~~[(2)(e)]~~ (3)(c).
- 197 ~~[(5)]~~ (6) A school district or a charter school that is awarded funds under this section shall

- 198 submit a report to the state board that includes details on:
- 199 (a) how the school district or the charter school used the funds; and
- 200 (b) the school district's, or the charter school's, compliance with the performance
- 201 standards described in Subsection [~~(2)(e)~~] (3)(c).
- 202 Section 3. Section **53G-8-211** is amended to read:
- 203 **53G-8-211 . Responses to school-based behavior.**
- 204 (1) As used in this section:
- 205 (a) "Evidence-based" means a program or practice that~~[has]~~:
- 206 (i) has had multiple randomized control studies or a meta-analysis demonstrating that
- 207 the program or practice is effective for a specific population;
- 208 (ii) has been rated as effective by a standardized program evaluation tool; or
- 209 (iii) is created and developed by a school or school district and has been approved by
- 210 the state board.
- 211 (b) "Habitual truant" means a school-age child who:
- 212 (i) is in grade 7 or above, unless the school-age child is under 12 years old;
- 213 (ii) is subject to the requirements of Section 53G-6-202; and
- 214 (iii) (A) is truant at least [~~10 times~~] 20 days during one school year; or
- 215 (B) fails to cooperate with efforts on the part of school authorities to resolve the
- 216 school-age child's attendance problem as required under Section 53G-6-206.
- 217 (c) "Minor" means the same as that term is defined in Section 80-1-102.
- 218 (d) "Mobile crisis outreach team" means the same as that term is defined in Section
- 219 62A-15-102.
- 220 (e) "Prosecuting attorney" means the same as that term is defined in Subsections
- 221 80-1-102(65)(b) and (c).
- 222 (f) "Restorative justice program" means a school-based program or a program used or
- 223 adopted by a local education agency that is designed:
- 224 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
- 225 enforcement agencies and courts; and
- 226 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
- 227 school.
- 228 (g) "School administrator" means a principal of a school.
- 229 (h) "School is in session" means a day during which the school conducts instruction for
- 230 which student attendance is counted toward calculating average daily membership.
- 231 (i) "School resource officer" means a law enforcement officer, as defined in Section

232 53-13-103, who contracts with, is employed by, or whose law enforcement agency
 233 contracts with a local education agency to provide law enforcement services for the
 234 local education agency.

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

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

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

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

244 (C) the activity is supported or subsidized, more than inconsequentially, by public
 245 funds, including the public school's activity funds or Minimum School
 246 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
 250 of 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 C
 260 misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual
 261 truant, the school administrator, the school administrator's designee, or a school resource
 262 officer [~~may~~] 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
 269 or school district;
- 270 (v) an evidence-based alternative intervention that is jointly created and developed by
 271 a local education agency, the state board, the juvenile court, local counties and
 272 municipalities, 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 80-5-201,
 277 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 an
 280 offense on school property that is a class C misdemeanor, an infraction, or a status
 281 offense, a school administrator, the school administrator's designee, or a school resource
 282 officer may refer 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 prevention
 286 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
 295 least two 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
 298 may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a
 299 court for the traffic offense.

300 ~~[(6)]~~ (7) Notwithstanding ~~[Subsection (4)]~~ Subsections (4) and (5), a school resource officer
 301 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 school;
- 305 (c) transport a minor enrolled in a school to a location if the location is permitted by law;
- 306 (d) take temporary custody of a minor in accordance with Section 80-6-201; or
- 307 (e) protect the safety of students and the school community, including the use of
 308 reasonable and necessary physical force when appropriate based on the totality of the
 309 circumstances.

310 ~~[(7)]~~ (8) (a) If a minor is referred to a court or a law enforcement officer or agency under
 311 Subsection (4) or (5), the school or the school district shall appoint a school
 312 representative to continue to engage with the minor and the minor's family through
 313 the court process.

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

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

- 318 (i) attendance records for the minor;
- 319 (ii) a report of evidence-based alternative interventions used by the school before the
 320 referral, including outcomes;
- 321 (iii) the name and contact information of the school representative assigned to
 322 actively participate in the court process with the minor and the minor's family;
- 323 (iv) if the minor was referred to prevention or early intervention youth services under
 324 Subsection (3)(b), a report from the Division of Juvenile Justice Services that
 325 demonstrates the minor's failure to complete or participate in prevention and early
 326 intervention youth services under Subsection (3)(b); and
- 327 (v) any other information that the school district or school considers relevant.

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

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

332 (ii) for being a habitual truant.

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

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

336 ~~[(8)]~~ (9) If a minor is alleged to have committed an offense on school property that is a class
 337 B misdemeanor or a class A misdemeanor, the school administrator, the school
 338 administrator's designee, or a school resource officer may refer the minor directly to a
 339 court or to the evidence-based alternative interventions in Subsection (3)(a).

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

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

342 **53G-8-213 . Reintegration plan for student alleged to have committed a serious**
 343 **offense.**

344 (1) As used in this section:

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

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

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

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

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

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

359 (a) a behavioral intervention for the student;

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

361 (c) an academic intervention for the student.

362 (5) A reintegration plan under this section is classified as a protected record under Section
 363 63G-2-305.

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

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

368 **53G-8-510 . Notification of an offense committed by a minor on school grounds --**
 369 **Immunity from civil and criminal liability.**

370 (1) As used in this section:

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

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

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

376 (i) a school teacher;

377 (ii) a school staff member;

378 (iii) a school administrator; or

379 (iv) an individual:

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

382 (B) who works on a school campus.

383 ~~[(d)]~~ (c) "School is in session" means the same as that term is defined in Section
 384 53E-3-516.

385 ~~[(e)]~~ (d) "School-sponsored activity" means the same as that term is defined in Section
 386 53E-3-516.

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

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

392 (a) a law enforcement officer or agency if the principal may refer the offense to a law
 393 enforcement officer or agency as described in Section 53G-8-211; and

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

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

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

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

401 **76-4-203 . Criminal solicitation of an adult.**

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

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

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

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

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

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

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

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

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

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

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

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

424 (iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter
425 5, Part 4, Sexual Offenses, that is a first degree felony;

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

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

430 (ii) object rape of a child, Section 76-5-402.3; or

431 (iii) sodomy on a child, Section 76-5-403.1;

432 (e) a second degree felony is a third degree felony; and

433 (f) a third degree felony is a class A misdemeanor.

434 (4) If a court finds that a lesser term than the term described in Subsection (3)(d) is in the

- 435 interests of justice and states the reasons for this finding on the record, the court may
 436 impose a term of imprisonment of not less than:
- 437 (a) 10 years and which may be for life;
 438 (b) six years and which may be for life; or
 439 (c) three years and which may be for life.
- 440 ~~[(2)]~~ (5) An actor may be convicted under this section only if the solicitation is made under
 441 circumstances strongly corroborative of the actor's intent that the offense be committed.
- 442 ~~[(3)]~~ (6) It is not a defense ~~[under this section that the person]~~ to a violation of this section
 443 that:
- 444 (a) the adult solicited by the actor:
- 445 ~~[(a)]~~ (i) does not agree to act upon the solicitation;
 446 ~~[(b)]~~ (ii) does not commit an overt act;
 447 ~~[(c)]~~ (iii) does not engage in conduct constituting a substantial step toward the
 448 commission of any offense;
 449 ~~[(d)]~~ (iv) is not criminally responsible for the felony offense solicited;
 450 ~~[(e)]~~ (v) was acquitted, was not prosecuted or convicted, or was convicted of a
 451 different offense or of a different type or degree of offense; or
 452 ~~[(f)]~~ (vi) is immune from prosecution~~[-]~~ ; or
- 453 ~~[(4)]~~ (b) ~~[It is not a defense under this section that-]~~the actor:
- 454 ~~[(a)]~~ (i) belongs to a class of persons that by definition is legally incapable of
 455 committing the offense in an individual capacity; or
 456 ~~[(b)]~~ (ii) fails to communicate with the ~~[person he]~~ adult that the actor solicits to
 457 commit an offense~~[-]~~ if the intent of the actor's conduct was to effect the
 458 communication.
- 459 ~~[(5)]~~ (7) Nothing in this section prevents an actor who otherwise solicits~~[-, requests,~~
 460 ~~commands, encourages, or intentionally aids another person to engage in conduct which]~~
 461 an adult to engage, or intentionally aids an adult in engaging, in conduct that constitutes
 462 an offense from being prosecuted and convicted as a party to the offense under Section
 463 76-2-202 if the ~~[person solicited]~~ adult actually commits the offense.
- 464 Section 7. Section **76-4-205** is enacted to read:
- 465 **76-4-205 . Criminal solicitation of a minor.**
- 466 (1) (a) As used in this section:
- 467 (i) "Minor" means an individual who is younger than 18 years old.
 468 (ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.

- 469 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 470 (2) An actor commits criminal solicitation of a minor if, with the intent that a felony or
471 class A misdemeanor offense be committed, the actor solicits a minor to engage in
472 specific conduct that, under the circumstances as the actor believes the circumstances to
473 be, would be a felony or class A misdemeanor offense or would cause the minor to be a
474 party to the commission of a felony or class A misdemeanor offense.
- 475 (3) A violation of Subsection (2) is:
- 476 (a) a first degree felony if the actor solicits conduct that is a first degree felony;
477 (b) a second degree felony if the actor solicits conduct that is a second degree felony;
478 (c) a third degree felony if the actor solicits conduct that is a third degree felony; and
479 (d) a class A misdemeanor if the actor solicits conduct that is a class A misdemeanor.
- 480 (4) An actor may be convicted under this section only if the solicitation is made under
481 circumstances strongly corroborative of the actor's intent that the offense be committed.
- 482 (5) It is not a defense to a violation of this section that:
- 483 (a) the minor:
- 484 (i) does not agree to act upon the solicitation;
485 (ii) does not commit an overt act;
486 (iii) does not engage in conduct constituting a substantial step toward the commission
487 of any offense;
488 (iv) is not criminally responsible for the offense solicited;
489 (v) was acquitted or the allegations about the minor in a delinquency petition were
490 found to not be true;
491 (vi) was not prosecuted, adjudicated, or convicted, or was convicted or adjudicated of
492 a different offense or of a different type or degree of offense; or
493 (vii) is immune from prosecution; or
- 494 (b) the actor:
- 495 (i) belongs to a class of persons that by definition is legally incapable of committing
496 the offense in an individual capacity; or
497 (ii) fails to communicate with the minor that the actor solicits to commit an offense if
498 the intent of the actor's conduct was to effect the communication.
- 499 (6) Nothing in this section prevents an actor who otherwise solicits a minor to engage, or
500 intentionally aids in a minor in engaging, in conduct that constitutes an offense from
501 being prosecuted and convicted as a party to the offense under Section 76-2-202 if the
502 minor actually commits the offense.

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

505 ~~{76-10-2301}~~ **76-4-206. . Contributing to the delinquency of a minor.**

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

507 (a) As used in this section:

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

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

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

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

514 (a) is an adult; and

515 (b) commits any act or engages in any conduct ~~[which he]~~ that the actor knows or should
516 know would have the effect of causing or encouraging a minor to commit an act [
517 ~~which]~~ that would be a ~~[misdemeanor or infraction criminal violation of any federal~~
518 ~~or state statute or any county or municipal ordinance if committed by an adult is~~
519 ~~guilty of a class B misdemeanor]~~ class B misdemeanor, a class C misdemeanor, or an
520 infraction under a federal or state statute or a county or municipal ordinance.

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

522 ~~[(3)]~~ (4) A violation of Subsection (2) does not require that the minor be found to be
523 delinquent or to have committed a delinquent act.

524 ~~[(4)]~~ (5) An offense committed under Subsection (2) is in addition to any completed or
525 inchoate offense which the actor may have committed personally or as a party.

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

527 **76-10-505.5 . Possession of a dangerous weapon, firearm, or short barreled**
528 **shotgun on or about school premises -- Penalties.**

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

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

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

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

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

534 (iii) (A) inside the building where a preschool or child care is being held, if the

535 entire building is being used for the operation of the preschool or child care; or

536 (B) if only a portion of a building is being used to operate a preschool or child

537 care, in that room or rooms where the preschool or child care operation is being
538 held.

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

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

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

547 (4) This section does not apply if:

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

550 (b) the ~~[person]~~ actor is authorized to possess a firearm as provided under Section
551 53-5-704.5, unless the ~~[person]~~ actor is in a location where the ~~[person]~~ actor is
552 prohibited from carrying a firearm under Subsection 53-5-710(2);

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

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

557 (e) the possession is:

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

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

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

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

563 (b) possession of a dangerous weapon by a minor, as described in Section 76-10-509.4,
564 that occurs on or about school premises.

565 Section 10. Section **76-10-509.4** is amended to read:

566 **76-10-509.4 . Possession of a dangerous weapon by a minor -- Penalties.**

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

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

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

- 571 (a) who is 18 years old or older; and
572 (b) who may lawfully possess a dangerous weapon.
573 (2) An actor who is under 18 years old may not possess a dangerous weapon.
574 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:
575 (i) a class B misdemeanor for a first offense; and
576 (ii) a class A misdemeanor for each subsequent offense.
577 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:
578 (i) a handgun;
579 [~~(a)~~] (ii) a short barreled rifle;
580 [~~(b)~~] (iii) a short barreled shotgun;
581 [~~(c)~~] (iv) a fully automatic weapon; or
582 [~~(d)~~] (v) a machinegun firearm attachment.
583 [~~(3) An individual who violates Subsection (1) is guilty of:~~
584 [~~(a) a class B misdemeanor upon the first offense; and~~
585 [~~(b) a class A misdemeanor for each subsequent offense.~~
586 [~~(4) An individual who violates Subsection (2) is guilty of a third degree felony.~~
587 (4) For an actor who is younger than 14 years old, this section does not apply if the actor:
588 (a) possesses a dangerous weapon;
589 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
590 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the
591 actor has the dangerous weapon in the actor's possession; and
592 (d) does not use the dangerous weapon in the commission of a crime.
593 (5) For an actor who is 14 years old or older but younger than 18 years old, this section
594 does not apply if the actor:
595 (a) possesses a dangerous weapon;
596 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
597 and
598 (c) does not use the dangerous weapon in the commission of a crime.

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

600 **76-10-509.7 . Parent or guardian knowing of minor's possession of dangerous**
601 **weapon.**

602 Any parent or guardian of a minor who knows that the minor is in possession of a
603 dangerous weapon in violation of Section[~~76-10-509 or a firearm in violation of~~
604 ~~Section~~] 76-10-509.4 and fails to make reasonable efforts to remove the dangerous

605 weapon~~[-or firearm]~~ from the minor's possession is guilty of a class B misdemeanor.

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

607 **76-10-512 . Target concessions, shooting ranges, competitions, and hunting**
 608 **excepted from prohibitions.**

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

- 611 (a) patrons firing at lawfully operated target concessions at amusement parks, piers, and
 612 similar locations provided that the firearms to be used are firmly chained or affixed to
 613 the counters;
- 614 (b) any person in attendance at a hunter's safety course or a firearms safety course;
- 615 (c) any person engaging in practice or any other lawful use of a firearm at an established
 616 range or any other area where the discharge of a firearm is not prohibited by state or
 617 local law;
- 618 (d) any person engaging in an organized competition involving the use of a firearm, or
 619 participating in or practicing for such competition;
- 620 (e) any minor under 18 years ~~[of age]~~ old who is on real property with the permission of
 621 the owner, licensee, or lessee of the property and who has the permission of a parent
 622 or legal guardian or the owner, licensee, or lessee to possess a firearm not otherwise
 623 in violation of law;
- 624 (f) any resident or nonresident hunters with a valid hunting license or other persons who
 625 are lawfully engaged in hunting; or
- 626 (g) any person traveling to or from any activity described in Subsection (1)(b), (c), (d),
 627 (e), or (f) with an unloaded firearm in the person's possession.

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

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

- 635 (a) a court, as a condition of pre-trial release or probation; or
 636 (b) the Board of Pardons and Parole, as a condition of parole.

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

638 **77-23a-8 . Court order to authorize or approve interception -- Procedure.**

- 639 (1) The attorney general of the state, any assistant attorney general specially designated by
640 the attorney general, any county attorney, district attorney, deputy county attorney, or
641 deputy district attorney specially designated by the county attorney or by the district
642 attorney, may authorize an application to a judge of competent jurisdiction for an order
643 for an interception of wire, electronic, or oral communications by any law enforcement
644 agency of the state, the federal government or of any political subdivision of the state
645 that is responsible for investigating the type of offense for which the application is made.
- 646 (2) The judge may grant the order in conformity with the required procedures when the
647 interception sought may provide or has provided evidence of the commission of:
- 648 (a) any act:
- 649 (i) prohibited by the criminal provisions of:
- 650 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 651 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
- 652 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
- 653 (ii) punishable by a term of imprisonment of more than one year;
- 654 (b) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
655 Securities Act, and punishable by a term of imprisonment of more than one year;
- 656 (c) an offense:
- 657 (i) of:
- 658 (A) attempt, Section 76-4-101;
- 659 (B) conspiracy, Section 76-4-201;
- 660 (C) ~~solicitation, Section 76-4-203~~ criminal solicitation of an adult, Section
661 76-4-203; or
- 662 (D) criminal solicitation of a minor, Section 76-4-205; and
- 663 (ii) punishable by a term of imprisonment of more than one year;
- 664 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
665 more than one year, Section 76-5-107.3;
- 666 (e) (i) aggravated murder, Section 76-5-202;
- 667 (ii) murder, Section 76-5-203; or
- 668 (iii) manslaughter, Section 76-5-205;
- 669 (f) (i) kidnapping, Section 76-5-301;
- 670 (ii) child kidnapping, Section 76-5-301.1;
- 671 (iii) aggravated kidnapping, Section 76-5-302;
- 672 (iv) human trafficking, Section 76-5-308, 76-5-308.1, or 76-5-308.5, or human

- 673 smuggling, Section 76-5-308.3; or
674 (v) aggravated human trafficking, Section 76-5-310, or aggravated human smuggling,
675 Section 76-5-310.1;
- 676 (g) (i) arson, Section 76-6-102; or
677 (ii) aggravated arson, Section 76-6-103;
- 678 (h) (i) burglary, Section 76-6-202; or
679 (ii) aggravated burglary, Section 76-6-203;
- 680 (i) (i) robbery, Section 76-6-301; or
681 (ii) aggravated robbery, Section 76-6-302;
- 682 (j) an offense:
683 (i) of:
684 (A) theft, Section 76-6-404;
685 (B) theft by deception, Section 76-6-405; or
686 (C) theft by extortion, Section 76-6-406; and
687 (ii) punishable by a maximum term of imprisonment of more than one year;
- 688 (k) an offense of receiving stolen property that is punishable by a maximum term of
689 imprisonment of more than one year, Section 76-6-408;
- 690 (l) a financial card transaction offense punishable by a maximum term of imprisonment
691 of more than one year, Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 692 (m) bribery of a labor official, Section 76-6-509;
- 693 (n) bribery or threat to influence a publicly exhibited contest, Section 76-6-514;
- 694 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
695 more than one year, Section 76-6-518;
- 696 (p) criminal usury, Section 76-6-520;
- 697 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
698 year, Section 76-6-521;
- 699 (r) a violation of Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by a
700 maximum term of imprisonment of more than one year, Section 76-6-703;
- 701 (s) bribery to influence official or political actions, Section 76-8-103;
- 702 (t) misusing public money or public property, Section 76-8-402;
- 703 (u) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 704 (v) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 705 (w) tampering with a juror, retaliation against a juror, Section 76-8-508.5;
- 706 (x) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;

- 707 (y) obstruction of justice, Section 76-8-306;
- 708 (z) destruction of property to interfere with preparation for defense or war, Section
- 709 76-8-802;
- 710 (aa) an attempt to commit crimes of sabotage, Section 76-8-804;
- 711 (bb) conspiracy to commit crimes of sabotage, Section 76-8-805;
- 712 (cc) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 713 (dd) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 714 (ee) riot punishable by a maximum term of imprisonment of more than one year, Section
- 715 76-9-101;
- 716 (ff) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a
- 717 maximum term of imprisonment of more than one year, Section 76-9-301.1;
- 718 (gg) possession, use, or removal of an explosive, chemical, or incendiary device and
- 719 parts, Section 76-10-306;
- 720 (hh) delivery to a common carrier or mailing of an explosive, chemical, or incendiary
- 721 device, Section 76-10-307;
- 722 (ii) exploiting prostitution, Section 76-10-1305;
- 723 (jj) aggravated exploitation of prostitution, Section 76-10-1306;
- 724 (kk) bus hijacking or assault with intent to commit hijacking, Section 76-10-1504;
- 725 (ll) discharging firearms and hurling missiles, Section 76-10-1505;
- 726 (mm) violations of Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act, and
- 727 the offenses listed under the definition of unlawful activity in the act, including the
- 728 offenses not punishable by a maximum term of imprisonment of more than one year
- 729 when those offenses are investigated as predicates for the offenses prohibited by the
- 730 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 punishable
- 734 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 law,
747 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;
750 and
751 (B) who is under 21 years old at the time of all court proceedings; and
752 (ii) on school property where the individual was enrolled:
- 753 (A) when school was in session; or
754 (B) during a school-sponsored activity, as defined in ~~[Subsection]~~Section
755 53G-8-211.
- 756 (2) The juvenile court has original jurisdiction over:
- 757 (a) any proceeding concerning:
- 758 (i) a child who is an abused child, neglected child, or dependent child;
759 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
760 Child Protective Orders;
- 761 (iii) the appointment of a guardian of the individual or other guardian of a minor who
762 comes within the court's jurisdiction under other provisions of this section;
- 763 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
764 Emancipation;
- 765 (v) the termination of parental rights in accordance with Title 80, Chapter 4,
766 Termination and Restoration of Parental Rights, including termination of residual
767 parental rights and duties;
- 768 (vi) the treatment or commitment of a minor who has an intellectual disability;
- 769 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
770 accordance with Section 30-1-9;
- 771 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
772 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 773 (x) the treatment or commitment of a child with a mental illness;
- 774 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with

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

809 or without merit, in accordance with Section 80-3-404.

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

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

813 **78A-6-104 . Concurrent jurisdiction of the juvenile court -- Transfer of a**
814 **protective order.**

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

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

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

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

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

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

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

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

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

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

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

838 (iv) a misdemeanor offense under Section 76-5-303, custodial interference;

839 (v) an offense under Section [~~76-10-230~~] 76-4-206, contributing to the delinquency
840 of a minor; or

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

842 (b) It is not necessary for a minor to be adjudicated for an offense or violation of the law

- 843 under Section 80-6-701 for the juvenile court to exercise jurisdiction under
844 Subsection (2)(a).
- 845 (3) (a) When a support, custody, or parent-time award has been made by a district court
846 in a divorce action or other proceeding, and the jurisdiction of the district court in the
847 case is continuing, the juvenile court may acquire jurisdiction in a case involving the
848 same child if the child comes within the jurisdiction of the juvenile court under
849 Section 78A-6-103.
- 850 (b) (i) The juvenile court may, by order, change the custody subject to Subsection
851 30-3-10(6), support, parent-time, and visitation rights previously ordered in the
852 district court as necessary to implement the order of the juvenile court for the
853 safety and welfare of the child.
- 854 (ii) An order by the juvenile court under Subsection (3)(b)(i) remains in effect so
855 long as the juvenile court continues to exercise jurisdiction.
- 856 (c) If a copy of the findings and order of the juvenile court under this Subsection (3) are
857 filed with the district court, the findings and order of the juvenile court are binding on
858 the parties to the divorce action as though entered in the district court.
- 859 (4) This section does not deprive the district court of jurisdiction to:
- 860 (a) appoint a guardian for a child;
- 861 (b) determine the support, custody, and parent-time of a child upon writ of habeas
862 corpus; or
- 863 (c) determine a question of support, custody, and parent-time that is incidental to the
864 determination of an action in the district court.
- 865 (5) A juvenile court may transfer a petition for a protective order for a child to the district
866 court if the juvenile court has entered an ex parte protective order and finds that:
- 867 (a) the petitioner and the respondent are the natural parent, adoptive parent, or step
868 parent of the child who is the object of the petition;
- 869 (b) the district court has a petition pending or an order related to custody or parent-time
870 entered under Title 30, Chapter 3, Divorce, Title 78B, Chapter 7, Part 6, Cohabitant
871 Abuse Protective Orders, or Title 78B, Chapter 15, Utah Uniform Parentage Act, in
872 which the petitioner and the respondent are parties; and
- 873 (c) the best interests of the child will be better served in the district court.
- 874 Section 16. Section **78A-6-450** is amended to read:
- 875 **78A-6-450 . Criminal information for an adult in juvenile court.**
- 876 A county attorney or district attorney may file a criminal information in the

- 877 juvenile court charging an adult for:
- 878 (1) unlawful sale or furnishing of an alcoholic product to minors in violation of Section
879 32B-4-403;
- 880 (2) failure to report abuse or neglect in violation of Section 80-2-609;
- 881 (3) harboring a runaway in violation of Section 80-5-601;
- 882 (4) misdemeanor custodial interference in violation of Section 76-5-303;
- 883 (5) contributing to the delinquency of a minor in violation of Section [~~76-10-2301~~] 76-4-206;
- 884 (6) failure to comply with compulsory education requirements in violation of Section
885 53G-6-202; or
- 886 (7) a willful failure to perform a promise to appear under Subsection 78A-6-352(4)(b).
887 Section 17. Section **80-6-102** is amended to read:
- 888 **80-6-102 . Definitions.**
- 889 As used in this chapter:
- 890 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
891 1351.1.
- 892 (2) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 893 (3) "Commission" means the State Commission on Criminal and Juvenile Justice created in
894 Section 63M-7-201.
- 895 (4) "Compensatory service" means service or unpaid work performed by a minor in lieu of
896 the payment of a fine, fee, or restitution.
- 897 (5) "Control" means the same as that term is defined in Section 80-5-102.
- 898 (6) "Detention hearing" means a proceeding under Section 80-6-207 to determine whether a
899 minor should remain in detention.
- 900 (7) "Detention guidelines" means standards, established by the division in accordance with
901 Subsection 80-5-202(1)(a), for the admission of a minor to detention.
- 902 (8) "Discharge" means a written order of the authority that removes a juvenile offender
903 from the authority's jurisdiction.
- 904 (9) "Division" means the Division of Juvenile Justice Services created in Section 80-5-103.
- 905 (10) "Family-based setting" means a home that is licensed to allow a minor to reside at the
906 home, including a foster home, proctor care, or residential care by a professional parent.
- 907 (11) "Formal referral" means a written report from a peace officer, or other person,
908 informing the juvenile court that:
- 909 (a) an offense committed by a minor is, or appears to be, within the juvenile court's
910 jurisdiction; and

- 911 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting
912 attorney.
- 913 ~~(12)~~ "Habitual truant" means the same as that term is defined in Section 53G-8-211.
- 914 ~~[(12)]~~ (13) "Material loss" means an uninsured:
- 915 (a) property loss;
- 916 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;
- 917 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the
918 police or prosecution; or
- 919 (d) medical expense.
- 920 ~~[(13)]~~ (14) "Referral" means a formal referral, a referral to the juvenile court under Section
921 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice
922 under Section 80-6-302.
- 923 ~~[(14)]~~ (15) "Rescission" means a written order of the authority that rescinds a date for parole.
- 924 ~~[(15)]~~ (16) "Restitution" means money or services that the juvenile court, or a juvenile
925 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay
926 or render to a victim for the minor's wrongful act or conduct.
- 927 ~~[(16)]~~ (17) "Revocation" means a written order of the authority that, after a hearing and
928 determination under Section 80-6-806:
- 929 (a) terminates supervision of a juvenile offender's parole; and
- 930 (b) directs a juvenile offender to return to secure care.
- 931 ~~[(17)]~~ (18) "Temporary custody" means the control and responsibility of a minor, before an
932 adjudication under Section 80-6-701, until the minor is released to a parent, guardian,
933 responsible adult, or to an appropriate agency.
- 934 ~~[(18)]~~ (19) "Termination" means a written order of the authority that terminates a juvenile
935 offender from parole.
- 936 ~~[(19)]~~ (20) (a) "Victim" means a person that the juvenile court determines suffered a
937 material loss as a result of a minor's wrongful act or conduct.
- 938 (b) "Victim" includes:
- 939 (i) any person directly harmed by the minor's wrongful act or conduct in the course of
940 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an
941 offense that involves an element of a scheme, a conspiracy, or a pattern of
942 criminal activity; and
- 943 (ii) the Utah Office for Victims of Crime.
- 944 ~~[(20)]~~ (21) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

945 [(21)] (22) "Work program" means the same as that term is defined in Section 80-5-102.

946 [(22)] (23) "Youth services" means the same as that term is defined in Section 80-5-102.

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

948 **80-6-103 . Notification to a school -- Civil and criminal liability.**

949 (1) As used in this section:

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

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

953 (c) "School official" means:

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

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

958 (d) "Serious offense" means:

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

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

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

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

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

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

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

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

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

976 (i) the name of the minor;

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

- 979 (iii) if available, the name of the victim if the victim resides in the same school
980 district as the minor or attends the same school as the minor.
- 981 (4) After a detention hearing for a minor who is alleged to have committed [~~a violent~~
982 ~~felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious
983 offense, the juvenile court shall order a juvenile probation officer to notify a school
984 official, or a transferee school official, and the appropriate local law enforcement agency
985 of the juvenile court's decision, including any disposition, order, or no-contact order.
- 986 (5) If a designated staff member of a detention facility admits a minor to home detention
987 under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile
988 court shall order a juvenile probation officer to notify a school official, or a transferee
989 school official, and the appropriate local law enforcement agency that the minor has
990 been admitted to home detention.
- 991 (6) (a) If the juvenile court adjudicates a minor for [~~an offense of violence or an offense~~
992 ~~in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious offense, the juvenile
993 court shall order a juvenile probation officer to notify a school official, or a transferee
994 school official, of the adjudication.
- 995 (b) A notification under this Subsection (6) shall be given to a school official, or a
996 transferee school official, within three days after the day on which the minor is
997 adjudicated.
- 998 (c) A notification under this section shall include:
999 (i) the name of the minor;
1000 (ii) the offense for which the minor was adjudicated; and
1001 (iii) if available, the name of the victim if the victim:
1002 (A) resides in the same school district as the minor; or
1003 (B) attends the same school as the minor.
- 1004 (7) If the juvenile court orders formal probation under Section 80-6-702, the juvenile court
1005 shall order a juvenile probation officer to notify the appropriate local law enforcement
1006 agency and the school official of the juvenile court's order for formal probation.
- 1007 (8) (a) An employee of the local law enforcement agency, or the school the minor
1008 attends, who discloses a notification under this section is not:
1009 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as
1010 provided in Section 63G-7-202; and
1011 (ii) civilly or criminally liable except when the disclosure constitutes a knowing
1012 violation of Section 63G-2-801.

1013 (b) An employee of a governmental agency is immune from any criminal liability for
1014 failing to provide the information required by this section, unless the employee fails
1015 to act due to malice, gross negligence, or deliberate indifference to the consequences.

1016 (9) (a) A notification under this section shall be classified as a protected record under
1017 Section 63G-2-305.

1018 (b) All other records of disclosures under this section are governed by Title 63G,
1019 Chapter 2, Government Records Access and Management Act, and the Family
1020 Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

1021 Section 19. Section **80-6-201** is amended to read:

1022 **80-6-201 . Minor taken into temporary custody by peace officer, private citizen,**
1023 **or probation officer -- Grounds -- Protective custody.**

1024 (1) A minor may be taken into temporary custody by a peace officer without a court order,
1025 or a warrant under Section 80-6-202, if the peace officer has probable cause to believe
1026 that:

1027 (a) the minor has committed an offense under municipal, state, or federal law;

1028 (b) the minor seriously endangers the minor's own welfare or the welfare of others and
1029 taking the minor into temporary custody appears to be necessary for the protection of
1030 the minor or others;

1031 (c) the minor has run away or escaped from the minor's parents, guardian, or custodian;
1032 or

1033 (d) the minor is:

1034 (i) subject to the state's compulsory education law; and

1035 (ii) subject to ~~[Section]~~ Sections 53G-6-208 and 53G-8-211, absent from school
1036 without legitimate or valid excuse.

1037 (2) A private citizen may take a minor into temporary custody if under the circumstances
1038 the private citizen could make a citizen's arrest under Section 77-7-3 if the minor was an
1039 adult.

1040 (3) A juvenile probation officer may take a minor into temporary custody:

1041 (a) under the same circumstances as a peace officer in Subsection (1); or

1042 (b) if the juvenile probation officer has a reasonable suspicion that the minor has
1043 violated the conditions of the minor's probation.

1044 (4) (a) Nothing in this part shall be construed to prevent a peace officer or the Division
1045 of Child and Family Services from taking a minor into protective custody under
1046 Section 80-2a-202 or 80-3-204.

1047 (b) If a peace officer or the Division of Child and Family Services takes a minor into
1048 protective custody, the provisions of Chapter 2, Child Welfare Services, Chapter 2a,
1049 Removal and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and
1050 Dependency Proceedings shall govern.

1051 Section 20. Section **80-6-202** is amended to read:

1052 **80-6-202 . Warrants for minors.**

1053 (1) (a) Except as otherwise provided in this section, after a petition is filed under Section
1054 80-6-305, or a criminal information under Section 80-6-503, a juvenile court may
1055 issue a warrant for a minor to be taken into temporary custody if:

1056 (i) there is probable cause to believe that:

1057 (A) the minor has committed an offense that would be a felony if committed by an
1058 adult;

1059 (B) the minor has failed to appear after the minor or the minor's parent, guardian,
1060 or custodian has been legally served with a summons in accordance with
1061 Section 78A-6-351 and the Utah Rules of Juvenile Procedure;

1062 (C) there is a substantial likelihood the minor will not respond to a summons;

1063 (D) a summons cannot be served and the minor's present whereabouts are
1064 unknown;

1065 (E) serving a summons for the minor will be ineffectual;

1066 (F) the minor seriously endangers others or the public and temporary custody
1067 appears to be necessary for the protection of others or the public; or

1068 (G) the minor is a runaway or has escaped from the minor's parent, guardian, or
1069 custodian; or

1070 (ii) the minor is under the continuing jurisdiction of the juvenile court and there is
1071 probable cause to believe that the minor:

1072 (A) has left the custody of the person or agency vested by a court with legal
1073 custody, or guardianship of the minor, without permission; or

1074 (B) has violated a court order.

1075 (b) A warrant issued under this Subsection (1) shall be:

1076 (i) filed in accordance with Utah Rules of Juvenile Procedure, Rule 7; and

1077 (ii) executed in accordance with Title 77, Chapter 7, Arrest, by Whom, and How
1078 Made.

1079 (2) A juvenile court may not issue a warrant for a minor to be taken into temporary custody
1080 for:

- 1081 (a) a status offense; [~~or~~]
 1082 (b) an infraction[-] ; or
 1083 (c) being a habitual truant.
- 1084 (3) (a) For a minor not eligible for a warrant under Subsection (2), a juvenile court may
 1085 issue a warrant that directs a minor to be returned home, to the juvenile court, or to a
 1086 shelter or other nonsecure facility.
- 1087 (b) A warrant under Subsection (3)(a) may not direct a minor to secure care or secure
 1088 detention.
- 1089 (4) Subsection (2) does not apply to a minor who is under Chapter 6, Part 11, Interstate
 1090 Compact for Juveniles.
- 1091 Section 21. Section **80-6-301** is amended to read:
 1092 **80-6-301 . Referral to juvenile court.**
- 1093 (1) Except as provided in Subsections (2) and (3), a peace officer, or a public official of the
 1094 state, a county, a city, or a town charged with the enforcement of the laws of the state or
 1095 local jurisdiction, shall file a formal referral with the juvenile court within 10 days after
 1096 the day on which a minor is taken into temporary custody under Section 80-6-201.
- 1097 (2) If a minor is taken to a detention facility, a peace officer or a public official of the state,
 1098 a county, a city, or a town charged with the enforcement of laws of the state or local
 1099 jurisdiction shall file the formal referral with the juvenile court within 24 hours after the
 1100 time in which the minor is taken into temporary custody under Section 80-6-201.
- 1101 (3) A peace officer, public official, school district, or school may only refer a minor to the
 1102 juvenile court under Section 53G-8-211 for an offense [~~that is~~] , or for being a habitual
 1103 truant, if the offense or habitual truancy is subject to referral [~~under~~] as described in
 1104 Section 53G-8-211.
- 1105 Section 22. Section **80-6-303.5** is amended to read:
 1106 **80-6-303.5 . Preliminary inquiry by juvenile probation officer -- Eligibility for**
 1107 **nonjudicial adjustment.**
- 1108 (1) If the juvenile court receives a referral for an offense committed by a minor that is, or
 1109 appears to be, within the juvenile court's jurisdiction, or for the minor being a habitual
 1110 truant, a juvenile probation officer shall make a preliminary inquiry in accordance with
 1111 this section to determine whether the minor is eligible to enter into a nonjudicial
 1112 adjustment.
- 1113 (2) If a minor is referred to the juvenile court for multiple offenses arising from a single
 1114 criminal episode, and the minor is eligible under this section for a nonjudicial

- 1115 adjustment, the juvenile probation officer shall offer the minor one nonjudicial
1116 adjustment for all offenses arising from the single criminal episode.
- 1117 (3) (a) The juvenile probation officer may:
- 1118 (i) conduct a validated risk and needs assessment; and
 - 1119 (ii) request that a prosecuting attorney review a referral in accordance with Section
1120 80-6-304.5 if:
 - 1121 (A) the results of the validated risk and needs assessment indicate the minor is
1122 high risk; or
 - 1123 (B) the results of the validated risk and needs assessment indicate the minor is
1124 moderate risk and the referral is for a class A misdemeanor violation under
1125 Title 76, Chapter 5, Offenses Against the Individual, or Title 76, Chapter 9,
1126 Part 7, Miscellaneous Provisions.
- 1127 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor
1128 shall:
- 1129 (i) undergo a drug and alcohol screening;
 - 1130 (ii) if found appropriate by the screening, participate in an assessment; and
 - 1131 (iii) if warranted by the screening and assessment, follow the recommendations of the
1132 assessment.
- 1133 (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation
1134 officer shall offer a nonjudicial adjustment to a minor if:
- 1135 (a) the minor:
 - 1136 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
 - 1137 (ii) has no more than two prior adjudications; and
 - 1138 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts; ~~or~~
 - 1139 (b) the minor is referred for an offense that is alleged to have occurred before the minor
1140 was 12 years old~~[-]~~ ; or
 - 1141 (c) the minor is referred for being a habitual truant.
- 1142 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
1143 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
1144 single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial
1145 adjustment.
- 1146 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
1147 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
1148 single criminal episode that resulted in one or more prior adjudications as a single

- 1149 adjudication.
- 1150 (7) Except for a referral that involves an offense described in Subsection (8), the juvenile
1151 probation officer may offer a nonjudicial adjustment to a minor who does not meet the
1152 criteria described in Subsection (4)(a).
- 1153 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the
1154 referral involves:
- 1155 (a) an offense alleged to have occurred when the minor was 12 years old or older that is:
- 1156 (i) a felony offense; or
- 1157 (ii) a misdemeanor violation of:
- 1158 (A) Section 41-6a-502, driving under the influence;
- 1159 (B) Section 76-5-107, threat of violence;
- 1160 (C) Section 76-5-107.1, threats against schools;
- 1161 (D) Section 76-5-112, reckless endangerment creating a substantial risk of death
1162 or serious bodily injury;
- 1163 (E) Section 76-5-206, negligent homicide;
- 1164 (F) Section 76-9-702.1, sexual battery;
- 1165 (G) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short
1166 barreled shotgun on or about school premises;
- 1167 (H) Section 76-10-506, threatening with or using a dangerous weapon in fight or
1168 quarrel;
- 1169 (I) Section 76-10-507, possession of a deadly weapon with criminal intent; or
- 1170 (J) Section 76-10-509.4, possession of a dangerous weapon by a minor; or
- 1171 ~~[(J) Section 76-10-509, possession of a dangerous weapon by a minor; or]~~
- 1172 ~~[(K) Section 76-10-509.4, prohibition of possession of certain weapons by~~
1173 ~~minors; or]~~
- 1174 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony
1175 violation of:
- 1176 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 1177 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 1178 (iii) Section 76-5-203, murder or attempted murder;
- 1179 (iv) Section 76-5-302, aggravated kidnapping;
- 1180 (v) Section 76-5-405, aggravated sexual assault;
- 1181 (vi) Section 76-6-103, aggravated arson;
- 1182 (vii) Section 76-6-203, aggravated burglary;

- 1183 (viii) Section 76-6-302, aggravated robbery; or
 1184 (ix) Section 76-10-508.1, felony discharge of a firearm.
- 1185 (9) The juvenile probation officer shall request that a prosecuting attorney review a referral
 1186 if:
- 1187 (a) the referral involves an offense described in Subsection (8); or
 1188 (b) the minor has a current suspended order for custody under Section 80-6-711.
- 1189 Section 23. Section **80-6-304.5** is amended to read:
- 1190 **80-6-304.5 . Prosecutorial review of referral to juvenile court -- Filing a petition.**
- 1191 (1) A prosecuting attorney shall review a referral to the juvenile court for an offense
 1192 committed by a minor if:
- 1193 (a) the prosecuting attorney is requested to review the referral under Section 80-6-303.5;
 1194 (b) the minor fails to substantially comply with a condition agreed upon as part of the
 1195 nonjudicial adjustment; or
 1196 (c) the minor is not offered or declines a nonjudicial adjustment.
- 1197 (2) (a) Upon review of a referral of an offense under Subsection (1), the prosecuting
 1198 attorney shall:
- 1199 ~~[(a)]~~ (i) dismiss the referral;
 1200 ~~[(b)]~~ (ii) send the referral back to the juvenile probation officer for a new attempt at a
 1201 nonjudicial adjustment if the minor's case is eligible for a nonjudicial adjustment
 1202 under Section 80-6-303.5; or
 1203 ~~[(c)]~~ (iii) except as provided in Subsection (5), file a petition with the juvenile court.
- 1204 (b) Upon review of a referral for habitual truancy under Subsection (1), the prosecuting
 1205 attorney shall dismiss the referral.
- 1206 (3) A prosecuting attorney may only file a petition under Subsection ~~[(2)(c)]~~ (2)(a)(iii) upon
 1207 reasonable belief that:
- 1208 (a) the charges are supported by probable cause;
 1209 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable
 1210 doubt; and
 1211 (c) the decision to charge is in the interests of justice.
- 1212 (4) If a minor has substantially complied with the other conditions of a nonjudicial
 1213 adjustment or conditions imposed through any other court diversion program, the
 1214 minor's failure to pay a fine or fee as a condition of the nonjudicial adjustment or
 1215 program may not serve as a basis for filing of a petition.
- 1216 (5) A prosecuting attorney may not file a petition against a minor unless:

- 1217 (a) the prosecuting attorney has statutory authority to file the petition under Section
1218 80-6-305; and
- 1219 (b) (i) the minor is not eligible for a nonjudicial adjustment under Section 80-6-303.5;
1220 (ii) the minor declines a nonjudicial adjustment;
1221 (iii) the minor fails to substantially comply with the conditions agreed upon as part of
1222 the nonjudicial adjustment; or
1223 (iv) the minor fails to respond to the juvenile probation officer's inquiry regarding
1224 eligibility for or an offer of a nonjudicial adjustment after being provided with
1225 notice for preliminary inquiry.
- 1226 (6) If the prosecuting attorney files a petition in a juvenile court, or a proceeding is
1227 commenced against a minor under Section 80-6-302, the juvenile court may refer the
1228 case to the juvenile probation officer for another offer of nonjudicial adjustment if the
1229 minor is eligible for a nonjudicial adjustment under Section 80-6-303.5.
- 1230 Section 24. Section **80-6-1004.5** is amended to read:
- 1231 **80-6-1004.5 . Automatic expungement of successful nonjudicial adjustment --**
1232 **Effect of successful nonjudicial adjustment.**
- 1233 (1) Except as provided in Subsection (2), the juvenile court shall issue, without a petition,
1234 an order to expunge an individual's juvenile record if:
- 1235 (a) the individual has reached 18 years old;
1236 (b) the individual's juvenile record consists solely of nonjudicial adjustments;
1237 (c) the individual has successfully completed each nonjudicial adjustment; and
1238 (d) all nonjudicial adjustments were completed on or after October 1, 2023.
- 1239 (2) An individual's juvenile record is not eligible for expungement under Subsection (1) if
1240 the individual's juvenile record contains a nonjudicial adjustment for a violation of:
- 1241 (a) Section 41-6a-502, driving under the influence;
1242 (b) Section 76-5-112, reckless endangerment creating a substantial risk of death or
1243 serious bodily injury;
1244 (c) Section 76-5-206, negligent homicide;
1245 (d) Section 76-9-702.1, sexual battery;
1246 (e) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled
1247 shotgun on or about school premises; or
1248 (f) Section [~~76-10-509~~] 76-10-509.4, possession of a dangerous weapon by a minor.
- 1249 (3) If an individual's juvenile record consists solely of nonjudicial adjustments that were
1250 completed before October 1, 2023:

- 1251 (a) any nonjudicial adjustment in the individual's juvenile record is considered to never
 1252 have occurred if:
- 1253 (i) the individual has reached 18 years old;
- 1254 (ii) the individual has satisfied restitution that was a condition of any nonjudicial
 1255 adjustment in the individual's juvenile record; and
- 1256 (iii) the nonjudicial adjustment was for an offense that is not an offense described in
 1257 Subsection (2); and
- 1258 (b) the individual may reply to any inquiry about the nonjudicial adjustment as though
 1259 there never was a nonjudicial adjustment.

1260 Section 25. **Repealer.**

1261 This bill repeals:

1262 Section **76-4-204, Criminal solicitation -- Penalties.**

1263 Section **76-10-509, Possession of dangerous weapon by minor.**

1264 Section 26. **Effective date.**

1265 This bill takes effect on May 1, 2024.

1266 Section 27. **Coordinating H.B. 362 with H.B. 418.**

1267 If H.B. 362, Juvenile Justice Revisions, and H.B. 418, Student Offender
 1268 Reintegration Amendments, both pass and become law, the Legislature intends that,
 1269 on July 1, 2024:

1270 (1) Section 53G-8-201 in H.B. 418 be amended to read:

1271 **"53G-8-201. Definitions.**

1272 [Reserved] As used in this part:

1273 (1) "Sexual crime" or "sexual misconduct" means any conduct described in:

1274 (a) Title 76, Chapter 5, Part 4, Sexual Offenses;

1275 (b) Title 76, Chapter 5b, Sexual Exploitation Act;

1276 (c) Section 76-7-102, incest;

1277 (d) Section 76-9-702, lewdness; and

1278 (e) Section 76-9-702.1, sexual battery.

1279 (2) "Serious offense" means the same as that term is defined in Section 80-6-103.";

1280 (2) Subsection 53G-8-203(4) in H.B. 418 be amended to read:

1281 "(4)(a) Each LEA shall adopt a policy for responding to when a student has
 1282 committed
 1283 a serious offense or sexual crime.

1284 (b) The policy described in Subsection (4)(a) shall:

- 1285 (i) address a serious offense or sexual misconduct related to hazing;
 1286 (ii) distinguish procedures for when the crime occurs on school property and off
 1287 of school property;
 1288 (iii) if a student has committed a serious offense or sexual crime, provide a
 1289 process for a school resource officer to provide input for the LEA to consider
 1290 regarding the safety risks a student may pose upon reintegration;
 1291 (iv) establish a process to inform a school resource officer of any student who is
 1292 on probation;
 1293 (v) create procedures for determining an alternative placement for a student if the
 1294 student attends the same school as:
 1295 (A) the victim of the student's crime; and
 1296 (B) an individual who has a protective order against the student; and
 1297 (vi) be compliant with state and federal law."; and
 1298 (3) Section 53G-8-213 be amended to read:
 1300 **"53G-8-213. Reintegration plan for student alleged to have committed a serious**
 1301 **offense.**
 1302 (1) As used in this section[~~:(a) "Multidisciplinary"~~], "multidisciplinary team"
 1303 means the local education agency, the juvenile court, the Division of Juvenile Justice
 1304 Services, a school resource officer if applicable, and any other relevant party that
 1305 should be involved in a reintegration plan.
 1306 [~~(b) "Violent felony" means the same as that term is defined in Section 76-3-203.5.]~~
 1307 (2) If a school district receives a notification from the juvenile court or a law
 1308 enforcement agency that a student was arrested for, charged with, or adjudicated in
 1309 the juvenile court for a [~~violent felony or an offense in violation of Title 76, Chapter~~
 1310 ~~10, Part 5, Weapons,~~] serious offense, the school shall develop a reintegration plan
 1311 for the student with a multidisciplinary team, the student, and the student's parent or
 1312 guardian, within five school days after the day on which the school receives a
 1313 notification.
 1314 (3) The school may deny admission to the student until the school completes the
 1315 reintegration plan under Subsection (2).
 1316 (4) The reintegration plan under Subsection (2) shall address:
 1317 (a) a behavioral intervention for the student;
 1318 (b) a short-term mental health or counseling service for the student; [~~and~~]
 1319 (c) an academic intervention for the student[~~;~~]; and

1320 (d) if the serious offense was directed at a school employee or another student
1321 within the school, notification of the reintegration plan to that school employee or
1322 student and the student's parent.

1323 (5) A school district may not reintegrate a student into a school where:

1324 (a) a student or staff member has a protective order against the student being
1325 reintegrated; or

1326 (b) a student or staff member is the victim of a sexual crime committed by the
1327 student being reintegrated.

1328 (6) A reintegration plan under this section is classified as a protected record under
1329 Section 63G-2-305.

1330 (7) All other records of disclosures under this section are governed by Title 63G,
1331 Chapter 2, Government Records Access and Management Act, and the Family
1332 Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g."