

Part 13
Reporting School-Related Controlled Substance Abuse

53A-11-1301 Definitions.

- (1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply to this part.
- (2) As used in this part:
 - (a) "Prohibited act" means an act punishable under Section 53A-3-501, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b, Imitation Controlled Substances Act.
 - (b) "School" means a public or private elementary or secondary school.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1302 Reporting of prohibited acts affecting a school -- Confidentiality.

- (1) A person who has reasonable cause to believe that an individual has committed a prohibited act shall immediately notify:
 - (a) the nearest law enforcement agency;
 - (b) the principal;
 - (c) an administrator of the affected school;
 - (d) the superintendent of the affected school district; or
 - (e) an administrator of the affected school district.
- (2) If notice is given to a school official, the official may authorize an investigation into allegations involving school property, students, or school district employees.
- (3) School officials may refer a complaint of an alleged prohibited act reported as occurring on school grounds or in connection with school-sponsored activities to an appropriate law enforcement agency. Referrals shall be made by school officials if the complaint alleges the prohibited act occurred elsewhere.
- (4) The identity of persons making reports pursuant to this section shall be kept confidential.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1303 Immunity from civil or criminal liability.

Any person, official, or institution, other than a law enforcement officer or law enforcement agency, participating in good faith in making a report or conducting an investigation under the direction of school or law enforcement authorities under this part, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1304 Admissibility of evidence in civil and criminal actions.

- (1) Evidence relating to violations of this part which is seized by school authorities acting alone, on their own authority, and not in conjunction with or at the behest of law enforcement authorities is admissible in civil and criminal actions.
- (2) A search under this section must be based on at least a reasonable belief that the search will turn up evidence of a violation of this part. The measures adopted for the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the circumstances, including the age and sex of the person involved and the nature of the infraction.

Renumbered and Amended by Chapter 3, 2008 General Session

53A-11-1305 Board rules to ensure protection of individual rights.

The State Board of Education and local boards of education shall adopt rules to implement this part. The rules shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Renumbered and Amended by Chapter 3, 2008 General Session