

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Juvenile Justice Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Nicholeen P. Peck
Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends statutory provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- requires a school to refer a minor to a court after a minor has allegedly committed a drug possession offense for a third time;
- defines terms related to offenses committed at school;
- amends the notification requirements for an offense committed by a student on school grounds;
- recodifies and amends requirements related to the notification of an offense committed by a student on school grounds, including statutory provisions addressing investigations, searches, and immunity;
- defines terms for juvenile programming and data reporting requirements;
- addresses a minor's eligibility for a nonjudicial adjustment when a referral to a juvenile court involves certain offenses;
- repeals statutes regarding notification and reporting of prohibited acts by students;
- makes technical and conforming changes; and
- includes a coordination clause to address the cross-reference changes to drug offenses if this bill and H.B. 301, Drug Recodification, both pass and become law.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

28 AMENDS:

29 **53G-7-224**, as enacted by Laws of Utah 2024, Chapter 2030 **53G-8-211**, as last amended by Laws of Utah 2025, Chapters 48, 17331 **53G-8-510**, as last amended by Laws of Utah 2024, Chapter 30132 **63M-7-208**, as last amended by Laws of Utah 2024, Chapter 24033 **80-5-102**, as last amended by Laws of Utah 2025, Chapter 8834 **80-6-104**, as last amended by Laws of Utah 2025, Chapters 173, 20835 **80-6-303.5**, as last amended by Laws of Utah 2025, Chapters 173, 174 and 208

36 ENACTS:

37 **53G-8-509.1**, Utah Code Annotated 195338 **53G-8-511**, Utah Code Annotated 195339 **53G-8-512**, Utah Code Annotated 1953

40 RENUMBERS AND AMENDS:

41 **53G-8-513**, (Renumbered from 53G-8-509, as last amended by Laws of Utah 2019,
42 Chapter 293)

43 REPEALS:

44 **53G-8-501**, as renumbered and amended by Laws of Utah 2018, Chapter 345 **53G-8-502**, as renumbered and amended by Laws of Utah 2018, Chapter 346 **53G-8-503**, as last amended by Laws of Utah 2019, Chapter 29347 **53G-8-504**, as renumbered and amended by Laws of Utah 2018, Chapter 348 **53G-8-505**, as last amended by Laws of Utah 2020, Chapter 16149 **53G-8-506**, as last amended by Laws of Utah 2018, Chapter 117 and renumbered and
50 amended by Laws of Utah 2018, Chapter 351 **53G-8-507**, as renumbered and amended by Laws of Utah 2018, Chapter 352 **53G-8-508**, as last amended by Laws of Utah 2020, Chapter 16153 **Utah Code Sections affected by Coordination Clause:**54 **53G-8-509.1 (05/06/26)**, Utah Code Annotated 195355 **53G-8-211 (05/06/26)**, as last amended by Laws of Utah 2025, Chapters 48, 17356 **80-6-303.5 (05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173, 174 and
57 208

58

59 *Be it enacted by the Legislature of the state of Utah:*60 Section 1. Section **53G-7-224** is amended to read:61 **53G-7-224 . Local education agency communication requirements -- Protection.**

- 62 (1) As used in this section, "school employee" means the same as that term is defined in
63 Section [53G-8-510] 53G-8-509.1.
- 64 (2) On or before October 1 of each year, an LEA shall provide the state board with the work
65 email address of each school employee.
- 66 (3) The state board may email school employees for official communication:
67 (a) if the state board provides 48 hours notice to the local superintendent; and
68 (b) no more than three times per calendar year.
- 69 (4) The state board:
70 (a) may use an employee's email address provided under Subsection (2) for official
71 communication between the state board and the school employee; and
72 (b) may not disclose an email address provided under Subsection (2) to a third party.
- 73 (5)(a) Upon request, the state board shall provide the email addresses in Subsection (2)
74 to the president of the Senate and the speaker of the House of Representatives.
- 75 (b) The president of the Senate and the speaker of the House of Representatives, by
76 mutual agreement, may jointly email school employees for official communication
77 on behalf of the Legislature relating to the teaching profession or education policy in
78 the state:
79 (i) if the president of the Senate and the speaker of the House of Representatives
80 provide 48 hours notice to the local superintendent; and
81 (ii) no more than three times per calendar year.
- 82 (c) The president of the Senate and the speaker of the House of Representatives may not:
83 (i) use or allow another individual to use a school employee's email address for
84 political activity or for any purpose other than as described in Subsection (5)(b);
85 and
86 (ii) disclose and email address provided under Subsection (2) to another legislator or
87 a third party.

88 Section 2. Section **53G-8-211** is amended to read:

89 **53G-8-211 . Responses to school-based behavior.**

- 90 (1) As used in this section:
91 (a) "Drug possession offense" means an offense described in Subsection 58-37-8(2)(a)(i).
92 [(a)] (b) "Evidence-based" means a program or practice that:
93 (i) has had multiple randomized control studies or a meta-analysis demonstrating that
94 the program or practice is effective for a specific population;
95 (ii) has been rated as effective by a standardized program evaluation tool; or

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

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

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

100 (ii) is subject to the requirements of Section 53G-6-202; and

101 (iii)(A) is truant at least 20 days during one school year; or

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

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

105 [~~(f)~~] (e) "Mobile crisis outreach team" means the same as that term is defined in Section
106 26B-5-101.

107 [~~(d)~~] (f) "Prosecuting attorney" means the same as that term is defined in Subsections
108 80-1-102(66)(b) and (c).

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

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

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

115 [~~(f)~~] (h) "School administrator" means a principal of a school.

116 [~~(g)~~] (i) "School is in session" means a day during which the school conducts instruction
117 for which student attendance is counted toward calculating average daily membership.

118 [~~(h)~~] (j) "School resource officer" means a law enforcement officer, as defined in Section
119 53-13-103, who contracts with, is employed by, or whose law enforcement agency
120 contracts with a local education agency to provide law enforcement services for the
121 local education agency.

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

123 [~~(j)~~] (l)(i) "School-sponsored activity" means an activity, fundraising event, club,
124 camp, clinic, or other event or activity that is authorized by a specific local
125 education agency or public school, according to LEA governing board policy, and
126 satisfies at least one of the following conditions:

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

129 (B) the activity uses the local education agency's or public school's facilities,

- 130 equipment, or other school resources; or
- 131 (C) the activity is supported or subsidized, more than inconsequentially, by public
- 132 funds, including the public school's activity funds or Minimum School
- 133 Program dollars.
- 134 (ii) "School-sponsored activity" includes preparation for and involvement in a public
- 135 performance, contest, athletic competition, demonstration, display, or club activity.
- 136 [~~(k)~~] (m)(i) "Status offense" means an offense that would not be an offense but for the
- 137 age of the offender.
- 138 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or
- 139 felony.
- 140 (2) This section applies to:
- 141 (a) a minor who is alleged to be a habitual truant; and
- 142 (b) a minor enrolled in school who is alleged to have committed an offense on school
- 143 property where the student is enrolled:
- 144 (i) when school is in session; or
- 145 (ii) during a school-sponsored activity.
- 146 (3) If a minor is alleged to have committed an offense on school property that is a class C
- 147 misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual
- 148 truant, the school administrator, the school administrator's designee, or a school resource
- 149 officer shall refer the minor:
- 150 (a) to an evidence-based alternative intervention, including:
- 151 (i) a mobile crisis outreach team;
- 152 (ii) a youth services center, as defined in Section 80-5-102;
- 153 (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative
- 154 justice program;
- 155 (iv) an evidence-based alternative intervention created and developed by the school
- 156 or school district;
- 157 (v) an evidence-based alternative intervention that is jointly created and developed by
- 158 a local education agency, the state board, the juvenile court, local counties and
- 159 municipalities, the Department of Health and Human Services;
- 160 (vi) a tobacco cessation or education program if the offense is a violation of Section
- 161 76-9-1106; or
- 162 (vii) truancy mediation; or
- 163 (b) for prevention and early intervention youth services, as described in Section 80-5-201,

- 164 by the Division of Juvenile Justice and Youth Services if the minor refuses to
165 participate in an evidence-based alternative intervention described in Subsection
166 (3)(a).
- 167 (4) Except as provided in Subsection (6), if a minor is alleged to have committed an offense
168 on school property that is a class C misdemeanor, an infraction, or a status offense, a
169 school administrator, the school administrator's designee, or a school resource officer
170 may refer a minor to a law enforcement officer or agency or a court only if:
- 171 (a) the minor allegedly committed an offense on school property on a previous occasion;
172 and
- 173 (b) the minor was referred to an evidence-based alternative intervention, or to prevention
174 or early intervention youth services, as described in Subsection (3) for the previous
175 offense.
- 176 (5) If a minor is alleged to be a habitual truant, a school administrator, the school
177 administrator's designee, or a school resource officer may only refer the minor to a law
178 enforcement officer or agency or a court if:
- 179 (a) the minor was previously alleged of being a habitual truant at least twice during the
180 same school year; and
- 181 (b) the minor was referred to an evidence-based alternative intervention, or for
182 prevention and early intervention youth services, as described in Subsection (3) for at
183 least two of the previous habitual trancies.
- 184 (6) If a minor is alleged to have committed a traffic offense that is an infraction, a school
185 administrator, the school administrator's designee, or a school resource officer may refer
186 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for
187 the traffic offense.
- 188 (7) Notwithstanding Subsections (4) and (5), a school resource officer may:
- 189 (a) investigate possible criminal offenses and conduct, including conducting probable
190 cause searches;
- 191 (b) consult with school administration about the conduct of a minor enrolled in a school;
- 192 (c) transport a minor enrolled in a school to a location if the location is permitted by law;
- 193 (d) take temporary custody of a minor in accordance with Section 80-6-201; or
- 194 (e) protect the safety of students and the school community, including the use of
195 reasonable and necessary physical force when appropriate based on the totality of the
196 circumstances.
- 197 (8)(a) If a minor is referred to a court or a law enforcement officer or agency under

- 198 Subsection (4) or (5), the school or the school district shall appoint a school
199 representative to continue to engage with the minor and the minor's family through
200 the court process.
- 201 (b) A school representative appointed under Subsection (8)(a) may not be a school
202 resource officer.
- 203 (c) A school district or school shall include the following in the school district's or
204 school's referral to the court or the law enforcement officer or agency:
- 205 (i) attendance records for the minor;
 - 206 (ii) a report of evidence-based alternative interventions used by the school before the
207 referral, including outcomes;
 - 208 (iii) the name and contact information of the school representative assigned to
209 actively participate in the court process with the minor and the minor's family;
 - 210 (iv) if the minor was referred to prevention or early intervention youth services under
211 Subsection (3)(b), a report from the Division of Juvenile Justice and Youth
212 Services that demonstrates the minor's failure to complete or participate in
213 prevention and early intervention youth services under Subsection (3)(b); and
 - 214 (v) any other information that the school district or school considers relevant.
- 215 (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or
216 placed in secure detention, including for a contempt charge or violation of a valid
217 court order under Section 78A-6-353:
- 218 (i) when the underlying offense is a status offense or infraction; or
 - 219 (ii) for being a habitual truant.
- 220 (e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when
221 available, the resources of the Division of Juvenile Justice and Youth Services or the
222 Office of Substance Use and Mental Health to address the minor.
- 223 (9)(a) If a minor is alleged to have committed an offense on school property that is a
224 class B misdemeanor or a class A misdemeanor, the school administrator, the school
225 administrator's designee, or a school resource officer may refer the minor directly to a
226 court or to the evidence-based alternative interventions in Subsection (3)(a).
- 227 (b) A school administrator, the school administrator's designee, or a school resource
228 officer shall refer a minor directly to a court if:
- 229 (i) the minor is alleged to have committed a drug possession offense on school
230 property; and
 - 231 (ii) the minor has allegedly committed a drug possession offense on school property

232 on at least two previous occasions.

233 (10) A school administrator, a school administrator's designee, and a school resource officer
 234 retain the discretion described under this section in relation to Title 63G, Chapter 31,
 235 Distinctions on the Basis of Sex.

236 Section 3. Section **53G-8-509.1** is enacted to read:

237 **Part 5. Notification of Offenses at School**

238 **53G-8-509.1 . Definitions for part.**

239 As used in this part:

240 (1) "Drug offense" means an offense described in Section 58-37-8.

241 (2) "School" means a public or private elementary or secondary school.

242 (3) "School employee" means an individual working in the individual's capacity as:

243 (a) a school teacher;

244 (b) a school staff member;

245 (c) a school administrator; or

246 (d) an individual:

247 (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a
 248 school district; and

249 (ii) who works on a school campus.

250 (4) "School is in session" means the same as that term is defined in Section 53E-3-516.

251 (5) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.

252 Section 4. Section **53G-8-510** is amended to read:

253 **53G-8-510 . Notification of an offense committed by a student on school grounds**

254 **-- Immunity from civil and criminal liability.**

255 [(1) As used in this section:]

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

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

258 [(i) a school teacher;]

259 [(ii) a school staff member;]

260 [(iii) a school administrator; or]

261 [(iv) an individual:]

262 [(A) who is employed, directly or indirectly, by a school, an LEA governing
 263 board, or a school district; and]

264 [(B) who works on a school campus.]

265 [(e) "School is in session" means the same as that term is defined in Section 53E-3-516.]

- 266 [(d) "School-sponsored activity" means the same as that term is defined in Section
267 53E-3-516.]
- 268 [(2)] (1) If a ~~minor~~ student allegedly commits an offense on school grounds when school is
269 in session or at a school-sponsored activity and that information is reported to, or known
270 by, a school employee, the school employee shall notify the principal.
- 271 [(3)] (2) After receiving a notification under Subsection [(2)] (1), the principal shall notify:
272 (a) a law enforcement officer or agency if the principal may refer the offense to a law
273 enforcement officer or agency as described in Section 53G-8-211; ~~and~~
274 (b) school or district personnel if the principal determines that school or district
275 personnel should be informed[-] ; and
276 (c) the student's legal parent or guardian.
- 277 [~~(4) A person who in good faith reports information under Subsection (2) or (3) and any
278 person who receives the information is immune from any liability, civil or criminal, that
279 might otherwise result from the reporting or receipt of the information.~~]
- 280 (3) The principal may not disclose to the student, or the student's legal parent or guardian,
281 the identity of the school employee who made the initial notification under Subsection
282 (1).
- 283 (4) The identity of a school employee who notifies a principal under Subsection (1) shall be
284 kept confidential, except that the identity of a school employee may be disclosed to a
285 law enforcement officer or agency for purposes of an investigation or prosecution.
- 286 Section 5. Section **53G-8-511** is enacted to read:
- 287 **53G-8-511 . Investigations into allegations -- Searches -- Evidence.**
- 288 (1)(a) If the principal is notified of an alleged drug offense that involves school property,
289 a student, or a school employee, the principal may conduct an administrative
290 investigation, or authorize an administrative investigation into, the alleged drug
291 offense, including a search on school property in accordance with Subsection (2),
292 before the principal notifies a law enforcement officer or agency.
- 293 (b) The principal shall report and deliver any evidence discovered in an investigation
294 described in Subsection (1)(a) to a law enforcement officer or agency when the
295 principal notifies the law enforcement officer or agency of the alleged drug offense.
- 296 (2)(a) A search under Subsection (1)(a) on school property shall be based on a
297 reasonable belief that the search will turn up evidence of the drug offense.
- 298 (b) The measures adopted for the search shall be reasonably related to the objectives of
299 the search and not excessively intrusive in light of the circumstances, including the

age and sex of the individual involved and the nature of the offense.

- (3) If an offense involving an electronic cigarette product may not be referred, or is not referred, to a law enforcement officer or agency under Section 53G-8-211, an LEA shall dispose of or destroy the seized electronic cigarette product in accordance with the LEA's policies adopted under Subsection 53G-8-203(3).
- (4) Evidence of an offense on school property is admissible in civil and criminal actions if the evidence is seized by school authorities acting alone and on their own authority.

Section 6. Section **53G-8-512** is enacted to read:

53G-8-512 . Immunity from civil or criminal liability.

- (1) A school employee or principal who in good faith reports information under Subsection 53G-8-510(1) or (2) is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.
- (2) A school employee or a principal making a notification or conducting an investigation, in good faith, 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.

Section 7. Section **53G-8-513**, which is renumbered from Section 53G-8-509 is renumbered and amended to read:

[53G-8-509] 53G-8-513 . State board rules to ensure protection of individual rights.

- (1) The state board and LEA governing boards shall adopt rules or policies [to implement Sections 53G-8-505 through 53G-8-508] to address the standards and procedures for student searches under this part.
- (2) The rules or policies shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Section 8. Section **63M-7-208** is amended to read:

63M-7-208 . Juvenile justice oversight -- Delegation -- Effective dates.

- (1) As used in this section, "juvenile recidivism" means the same as that term is defined in Section 80-6-104.

~~[(1)]~~ (2) ~~The [State Commission on Criminal and Juvenile Justice] commission~~ shall:

- (a) support implementation and expansion of evidence-based juvenile justice programs and practices, including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;
- (b) examine and make recommendations on the use of third-party entities or an

- 334 intermediary organization to assist with implementation and to support the
335 performance-based contracting system authorized in Subsection [(1)(m)] (2)(m);
- 336 (c) oversee the development of performance measures to track juvenile justice reforms,
337 and ensure early and ongoing stakeholder engagement in identifying the relevant
338 performance measures;
- 339 (d) evaluate currently collected data elements throughout the juvenile justice system and
340 contract reporting requirements to streamline reporting, reduce redundancies,
341 eliminate inefficiencies, and ensure a focus on [~~recidivism reduction~~] the reduction of
342 juvenile recidivism;
- 343 (e) review averted costs from reductions in out-of-home placements for juvenile justice
344 youth placed with the Division of Juvenile Justice and Youth Services and the
345 Division of Child and Family Services, and make recommendations to prioritize the
346 reinvestment and realignment of resources into community-based programs for youth
347 living at home, including the following:
- 348 (i) statewide expansion of:
- 349 (A) juvenile receiving centers, as defined in Section 80-1-102;
- 350 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;
- 351 (C) youth courts; and
- 352 (D) victim-offender mediation;
- 353 (ii) statewide implementation of nonresidential diagnostic assessment;
- 354 (iii) statewide availability of evidence-based programs and practices including
355 cognitive behavioral and family therapy programs for minors assessed by a
356 validated risk and needs assessment as moderate or high risk;
- 357 (iv) implementation and infrastructure to support the sustainability and fidelity of
358 evidence-based juvenile justice programs, including resources for staffing,
359 transportation, and flexible funds; and
- 360 (v) early intervention programs such as family strengthening programs, family
361 wraparound services, and proven truancy interventions;
- 362 (f) assist the Administrative Office of the Courts in the development of a statewide
363 sliding scale for the assessment of fines, fees, and restitution, based on the ability of
364 the minor's family to pay;
- 365 (g) analyze the alignment of resources and the roles and responsibilities of agencies,
366 such as the operation of early intervention services, receiving centers, and diversion,
367 and make recommendations to reallocate functions as appropriate, in accordance with

- 368 Section 80-5-401;
- 369 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 370 (i) develop a reasonable timeline within which all programming delivered to minors in
371 the juvenile justice system must be evidence-based or consist of practices that are
372 rated as effective for reducing juvenile recidivism by a standardized program
373 evaluation tool;
- 374 (j) provide guidelines to be considered by the Administrative Office of the Courts and
375 the Division of Juvenile Justice and Youth Services in developing tools considered
376 by the Administrative Office of the Courts and the Division of Juvenile Justice and
377 Youth Services in developing or selecting tools to be used for the evaluation of
378 juvenile justice programs;
- 379 (k) develop a timeline to support improvements to juvenile justice programs to achieve
380 reductions in juvenile recidivism and review reports from relevant state agencies on
381 progress toward reaching that timeline;
- 382 (l) subject to Subsection [~~(2)~~] (3), assist in the development of training for juvenile
383 justice stakeholders, including educators, law enforcement officers, probation staff,
384 judges, Division of Juvenile Justice and Youth Services staff, Division of Child and
385 Family Services staff, and program providers;
- 386 (m) subject to Subsection [~~(3)~~] (4), assist in the development of a performance-based
387 contracting system, which shall be developed by the Administrative Office of the
388 Courts and the Division of Juvenile Justice and Youth Services for contracted
389 services in the community and contracted out-of-home placement providers;
- 390 (n) assist in the development of a validated detention risk assessment tool that is
391 developed or adopted and validated by the Administrative Office of the Courts and
392 the Division of Juvenile Justice and Youth Services as provided in Section 80-5-203;
393 and
- 394 (o) annually issue and make public a report to the governor, president of the Senate,
395 speaker of the House of Representatives, and chief justice of the Utah Supreme Court
396 on the progress of the reforms and any additional areas in need of review.
- 397 [~~(2)~~] (3) Training described in Subsection [~~(1)~~](2)(1) should include instruction on
398 evidence-based programs and principles of juvenile justice, such as risk, needs,
399 responsivity, and fidelity, and shall be supplemented by the following topics:
- 400 (a) adolescent development;
- 401 (b) identifying and using local behavioral health resources;

- 402 (c) cross-cultural awareness;
- 403 (d) graduated responses;
- 404 (e) Utah juvenile justice system data and outcomes; and
- 405 (f) gangs.
- 406 ~~[(3)]~~ (4) The system described in Subsection ~~[(1)(m)]~~ (2)(m) shall provide incentives for:
- 407 (a) the use of evidence-based juvenile justice programs and practices rated as effective
- 408 by the tools selected in accordance with Subsection ~~[(1)(j)]~~ (2)(j);
- 409 (b) the use of three-month timelines for program completion; and
- 410 (c) evidence-based programs and practices for minors living at home in rural areas.
- 411 ~~[(4)]~~ (5) The ~~[State Commission on Criminal and Juvenile Justice]~~ commission may delegate
- 412 the duties imposed under this section to a subcommittee or board established by the [
- 413 ~~State Commission on Criminal and Juvenile Justice]~~ commission in accordance with
- 414 Subsection 63M-7-204(2).
- 415 Section 9. Section **80-5-102** is amended to read:
- 416 **80-5-102 . Definitions.**
- 417 As used in this chapter:
- 418 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in
- 419 Section 80-5-302.
- 420 (2)(a) "Adult" means an individual who is 18 years old or older.
- 421 (b) "Adult" does not include a juvenile offender.
- 422 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
- 423 1351.1.
- 424 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 425 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a
- 426 manner consistent with public safety and the well-being of the juvenile offender and
- 427 division employees.
- 428 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section
- 429 26B-4-1001.
- 430 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.
- 431 (8) "Discharge" means the same as that term is defined in Section 80-6-102.
- 432 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section
- 433 80-5-103.
- 434 (10) "Homeless youth" means a child, other than an emancipated minor:
- 435 (a) who is a runaway; or

- 436 (b) who is:
- 437 (i) not accompanied by the child's parent or guardian; and
- 438 (ii) without care, as defined in Section 80-5-602.
- 439 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area
- 440 space.
- 441 (12) "Minor room" means a secured room where an individual sleeps and uses restroom
- 442 facilities.
- 443 (13) "Observation and assessment program" means a nonresidential service program
- 444 operated or purchased by the division that is responsible only for diagnostic assessment
- 445 of minors, including for substance use disorder, mental health, psychological, and sexual
- 446 behavior risk assessments.
- 447 (14) "Performance based contracting" means a system of contracting with service providers
- 448 for the provision of residential or nonresidential services that:
- 449 (a) provides incentives for the implementation of evidence-based juvenile justice
- 450 programs or programs rated as effective for reducing juvenile recidivism, as defined
- 451 in Section 80-6-104, by a standardized tool in accordance with Section 63M-7-208;
- 452 and
- 453 (b) provides a premium rate allocation for a minor who receives the evidence-based
- 454 dosage of treatment and successfully completes the program within three months.
- 455 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for
- 456 effectuating or facilitating an individual's attempted sex change, any of the following
- 457 alone or in combination with aromatase inhibitors:
- 458 (a) gonadotropin-releasing hormone agonists; or
- 459 (b) androgen receptor inhibitors.
- 460 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined
- 461 in Section 26B-4-1001.
- 462 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 463 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 464 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 465 (20) "Secondary sex characteristic surgical procedure" means the same as that term is
- 466 defined in Section 26B-4-1001.
- 467 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- 468 (22) "Temporary homeless youth shelter" means a facility that:
- 469 (a) provides temporary shelter to homeless youth; and

470 (b) is licensed by the Department of Health and Human Services, created in Section
471 26B-1-201, as a residential support program.

472 (23) "Termination" means the same as that term is defined in Section 80-6-102.

473 (24) "Victim" means the same as that term is defined in Section 80-6-102.

474 (25) "Work program" means a nonresidential public or private service work project
475 established and administered by the division for juvenile offenders for the purpose of
476 rehabilitation, education, and restitution to victims.

477 (26)(a) "Youth services" means services provided in an effort to resolve family conflict:

478 (i) for families in crisis when a minor is ungovernable or a runaway; or

479 (ii) involving a minor and the minor's parent or guardian.

480 (b) "Youth services" include efforts to:

481 (i) resolve family conflict;

482 (ii) maintain or reunite minors with the minors' families; and

483 (iii) divert minors from entering or escalating in the juvenile justice system.

484 (c) "Youth services" may provide:

485 (i) crisis intervention;

486 (ii) short-term shelter;

487 (iii) time-out placement; and

488 (iv) family counseling.

489 (27) "Youth services center" means a center established by, or under contract with, the
490 division to provide youth services.

491 Section 10. Section **80-6-104** is amended to read:

492 **80-6-104 . Data collection on offenses committed by minors -- Reporting**
493 **requirement.**

494 (1) As used in this section:

495 (a) "Diversion" means:

496 (i) an agreement between an individual and a juvenile probation officer that results in
497 the resolution of a referral for an offense before a petition is filed; or

498 (ii) an agreement between an individual and a prosecuting attorney that results in the
499 dismissal of charges for an offense before a conviction.

500 [(a)] (b) "Firearm" means the same as that term is defined in Section 76-11-101.

501 [(b)] (c) "Firearm-related offense" means a criminal offense involving a firearm.

502 (d) "Juvenile recidivism" means a diversion, adjudication, or conviction of an individual
503 for an offense within six months, one year, two years, and three years after the day on

- 504 which:
- 505 (i) the individual accepted a nonjudicial adjustment; or
- 506 (ii) the juvenile court ordered a disposition for the individual resulting in secure care,
507 community-based placement, formal probation, or intake probation.
- 508 (e) "School" means the same as that term is defined in Section 80-6-103.
- 509 (f) "School-based offense" means any infraction, misdemeanor, or felony offense that
510 occurs at school when school is in session, at the location of a school-sponsored
511 activity during the activity, or on school district transportation, including a school bus.
- 512 (g) "School-based referral" means the referral of a minor under Section 53G-8-211 for a
513 school-based offense.
- 514 (h) "School-based recidivism" means a diversion, adjudication, or conviction of an
515 individual for a school-based offense within six months, one year, two years, and
516 three years after the day on which:
517 (i) the individual accepted a nonjudicial adjustment for a school-based offense; or
518 (ii) the juvenile court ordered a disposition for the individual resulting in secure care,
519 community-based placement, formal probation, or intake probation.
- 520 [(e)] (i) "School is in session" means the same as that term is defined in Section
521 53E-3-516.
- 522 [(d)] (j) "School-sponsored activity" means the same as that term is defined in Section
523 53E-3-516.
- 524 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
525 following data to the State Commission on Criminal and Juvenile Justice, broken down
526 by judicial district, for the preceding calendar year:
- 527 (a) the number of referrals to the juvenile court;
- 528 (b) the number of minors diverted to a nonjudicial adjustment;
- 529 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- 530 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
- 531 (e) the number of minors for whom an information is filed in the juvenile court;
- 532 (f) the number of minors bound over to the district court by the juvenile court;
- 533 (g) the number of petitions for offenses committed by minors that were dismissed by the
534 juvenile court;
- 535 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 536 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 537 (j) the number of dispositions resulting in secure care, community-based placement,

- 538 formal probation, and intake probation; and
- 539 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 540 (i) the minor's age at the time the offense was committed or allegedly committed;
- 541 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 542 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or
- 543 76-11-303(4);
- 544 (iv) the type of offense for which the minor is charged;
- 545 (v) the outcome of the minor's case in juvenile court, including whether the minor
- 546 was bound over to the district court or adjudicated by the juvenile court; and
- 547 (vi) if a disposition was entered by the juvenile court, whether the disposition
- 548 resulted in secure care, community-based placement, formal probation, or intake
- 549 probation.
- 550 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a
- 551 case resulting from a firearm-related offense committed, or allegedly committed, by a
- 552 minor when the minor is found in possession of a firearm while school is in session or
- 553 during a school-sponsored activity.
- 554 (4) In collaboration with the Administrative Office of the Courts, the division, and other
- 555 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for
- 556 the preceding calendar year on:
- 557 (a) the length of time that minors spend in the juvenile justice system, including the total
- 558 amount of time minors spend under juvenile court jurisdiction, on community
- 559 supervision, and in each out-of-home placement;
- 560 (b) ~~[recidivism of minors who are diverted to a nonjudicial adjustment and minors for~~
- 561 ~~whom dispositions are ordered by the juvenile court]~~ juvenile recidivism, including
- 562 tracking minors into the adult corrections system;
- 563 (c) school-based recidivism;
- 564 (d) school-based referrals;
- 565 ~~[(e)]~~ (e) changes in aggregate risk levels from the time minors receive services, are under
- 566 supervision, and are in out-of-home placement; and
- 567 ~~[(d)]~~ (f) dosages of programming.
- 568 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile
- 569 Justice shall prepare and submit a written report to the Judiciary Interim Committee and
- 570 the Law Enforcement and Criminal Justice Interim Committee that includes:
- 571 (a) data collected by the State Commission on Criminal and Juvenile Justice under this

- 572 section;
- 573 (b) data collected by the State Board of Education under Section 53E-3-516; and
- 574 (c) recommendations for legislative action with respect to the data described in this
- 575 Subsection (5).
- 576 (6) After submitting the written report described in Subsection (5), the State Commission
- 577 on Criminal and Juvenile Justice may supplement the report at a later time with updated
- 578 data and information the State Board of Education collects under Section 53E-3-516.
- 579 (7) Nothing in this section shall be construed to require the disclosure of information or
- 580 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
- 581 Government Records Access and Management Act.

582 Section 11. Section **80-6-303.5** is amended to read:

583 **80-6-303.5 . Preliminary inquiry by juvenile probation officer -- Eligibility for**

584 **nonjudicial adjustment.**

- 585 (1) If the juvenile court receives a referral for an offense committed by a minor that is, or
- 586 appears to be, within the juvenile court's jurisdiction, or for the minor being a habitual
- 587 truant, a juvenile probation officer shall make a preliminary inquiry in accordance with
- 588 this section to determine whether the minor is eligible to enter into a nonjudicial
- 589 adjustment.
- 590 (2) If a minor is referred to the juvenile court for multiple offenses arising from a single
- 591 criminal episode, and the minor is eligible under this section for a nonjudicial
- 592 adjustment, the juvenile probation officer shall offer the minor one nonjudicial
- 593 adjustment for all offenses arising from the single criminal episode.
- 594 (3)(a) The juvenile probation officer may:
- 595 (i) conduct a validated risk and needs assessment; and
- 596 (ii) request that a prosecuting attorney review a referral in accordance with Section
- 597 80-6-304.5 if:
- 598 (A) the results of the validated risk and needs assessment indicate the minor is
- 599 high risk; or
- 600 (B) the results of the validated risk and needs assessment indicate the minor is
- 601 moderate risk and the referral is for a class A misdemeanor violation under
- 602 Sections 76-9-112, 76-12-306, 76-12-307, or 76-12-309, or Title 76, Chapter 5,
- 603 Offenses Against the Individual.
- 604 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor
- 605 shall:

- 606 (i) undergo a drug and alcohol screening;
- 607 (ii) if found appropriate by the screening, participate in an assessment; and
- 608 (iii) if warranted by the screening and assessment, follow the recommendations of the
- 609 assessment.
- 610 (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation
- 611 officer shall offer a nonjudicial adjustment to a minor if:
- 612 (a) the minor:
- 613 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
- 614 (ii) has no more than two prior adjudications; and
- 615 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;
- 616 (b) the minor is referred for an offense that is alleged to have occurred before the minor
- 617 was 12 years old; or
- 618 (c) the minor is referred for being a habitual truant.
- 619 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
- 620 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
- 621 single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial
- 622 adjustment.
- 623 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
- 624 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
- 625 single criminal episode that resulted in one or more prior adjudications as a single
- 626 adjudication.
- 627 (7) Except for a referral that involves an offense described in Subsection (8), the juvenile
- 628 probation officer may offer a nonjudicial adjustment to a minor who does not meet the
- 629 criteria described in Subsection (4)(a).
- 630 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the
- 631 referral involves:
- 632 (a) an offense alleged to have occurred when the minor was 12 years old or older that is:
- 633 (i) a felony offense; or
- 634 (ii) a misdemeanor violation of:
- 635 (A) Section 41-6a-502, driving under the influence;
- 636 (B) Subsection 58-37-8(1)(a)(ii), distributing a controlled or counterfeit substance,
- 637 or agreeing, consenting, offering, or arranging to distribute a controlled
- 638 substance;
- 639 (C) Subsection 58-37-8(1)(a)(iii), possessing a controlled or counterfeit substance

- 640 with intent to distribute;
- 641 [~~B~~] (D) Section 76-5-107, threat of violence;
- 642 [~~C~~] (E) Section 76-5-107.1, threats against schools;
- 643 [~~D~~] (F) Section 76-5-112, reckless endangerment creating a substantial risk of
- 644 death or serious bodily injury;
- 645 [~~E~~] (G) Section 76-5-206, negligent homicide;
- 646 [~~F~~] (H) Section 76-5-418, sexual battery;
- 647 (I) Section 76-5-401.3, unlawful adolescent sexual activity;
- 648 [~~G~~] (J) Section 76-5d-204, patronizing a prostituted individual who is a child;
- 649 [~~H~~] (K) Section 76-5d-211, sexual solicitation by an actor offering compensation
- 650 to a child in exchange for sexual activity;
- 651 [~~I~~] (L) Section 76-11-205, carrying a dangerous weapon at an elementary school
- 652 or secondary school;
- 653 [~~J~~] (M) Section 76-11-206, carrying a dangerous weapon at a daycare;
- 654 [~~K~~] (N) Section 76-11-207, threatening with or using a dangerous weapon in a
- 655 fight or quarrel;
- 656 [~~L~~] (O) Section 76-11-208, possession of a dangerous weapon with criminal
- 657 intent; or
- 658 [~~M~~] (P) Section 76-11-211, possession of a dangerous weapon by a minor; or
- 659 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony
- 660 violation of:
- 661 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 662 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 663 (iii) Section 76-5-203, murder or attempted murder;
- 664 (iv) Section 76-5-302, aggravated kidnapping;
- 665 (v) Section 76-5-405, aggravated sexual assault;
- 666 (vi) Section 76-6-103, aggravated arson;
- 667 (vii) Section 76-6-203, aggravated burglary;
- 668 (viii) Section 76-6-302, aggravated robbery; or
- 669 (ix) Section 76-11-210, felony discharge of a firearm.
- 670 (9) The juvenile probation officer shall request that a prosecuting attorney review a referral
- 671 if:
- 672 (a) the referral involves an offense described in Subsection (8); or
- 673 (b) the minor has a current suspended order for custody under Section 80-6-711.

674 Section 12. **Repealer.**

675 This bill repeals:

676 Section **53G-8-501, Definitions.**

677 Section **53G-8-502, Mandatory reporting of prohibited acts.**

678 Section **53G-8-503, Reporting procedure.**

679 Section **53G-8-504, Immunity from civil or criminal liability.**

680 Section **53G-8-505, Definitions.**

681 Section **53G-8-506, Reporting of prohibited acts affecting a school -- Confidentiality.**

682 Section **53G-8-507, Immunity from civil or criminal liability.**

683 Section **53G-8-508, Admissibility of evidence in civil and criminal actions.**

684 Section 13. **Effective Date.**

685 This bill takes effect on May 6, 2026.

686 Section 14. **Coordinating H.B. 188 with H.B. 301.**

687 If H.B. 188, Juvenile Justice Amendments, and H.B. 301, Drug Recodification, both

688 pass and become law, the Legislature intends that, on May 6, 2026:

689 (1) Subsection 53G-8-211(1)(a) enacted in H.B. 188 be amended to read:

690 "(a) "Drug possession offense" means unlawfully possessing or using a controlled
691 substance or controlled substance analog as described in Section 76-18-207.";

692 (2) Subsection 53G-8-509.1(1) enacted in H.B. 188 be amended to read:

693 "(1) "Drug offense" means an offense for:

694 (a) unlawfully possessing or using a controlled substance or controlled substance analog
695 as described in Section 76-18-207;

696 (b) unlawfully producing, manufacturing, or dispensing a controlled substance or
697 counterfeit substance as described in Section 76-18-208;

698 (c) unlawfully distributing or agreeing to distribute a controlled substance or counterfeit
699 substance as described in Section 76-18-209;

700 (d) unlawfully possessing a controlled substance or counterfeit substance with intent to
701 distribute as described in Section 76-18-210;

702 (e) unlawfully engaging in a continuing criminal enterprise involving drugs as described
703 in Section 76-18-211;

704 (f) unlawfully allowing possession, use, or distribution of a controlled substance on the
705 premises as described in Section 76-18-212;

706 (g) unlawful possession of an altered or forged prescription or order for a controlled
707 substance as described in Section 76-18-213;

708 (h) unlawful use of a license number in the course of manufacturing or distributing a
 709 controlled substance as described in Section 76-18-214;

710 (i) unlawful misrepresentation as an authorized person to obtain a controlled substance
 711 described in Section 76-18-215;

712 (j) unlawful conduct to obtain a controlled substance as described in Section 76-18-216;

713 (k) unlawfully prescribing or dispensing a controlled substance to a person known to be
 714 using unlawful means as described in Section 76-18-217;

715 (l) unlawfully making, forging, altering, or uttering a prescription or a written order as
 716 described in Section 76-18-218; or

717 (m) unlawful materials to create a counterfeit controlled substance as described in
 718 Section 76-18-219."; and

719 (3) Subsection 80-6-303.5(8) in H.B. 188 be amended to read:

720 "(8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the
 721 referral involves:

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

723 (i) a felony offense; or

724 (ii) a misdemeanor violation of:

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

726 (B) Section 76-18-209, unlawfully distributing or agreeing to distribute a
 727 controlled substance or counterfeit substance;

728 (C) Section 76-18-210, unlawfully possessing a controlled substance or
 729 counterfeit substance with intent to distribute;

730 [~~(B)~~] (D) Section 76-5-107, threat of violence;

731 [~~(C)~~] (E) Section 76-5-107.1, threats against schools;

732 [~~(D)~~] (F) Section 76-5-112, reckless endangerment creating a substantial risk of
 733 death or serious bodily injury;

734 [~~(E)~~] (G) Section 76-5-206, negligent homicide;

735 (H) Section 76-5-401.3, unlawful adolescent sexual activity;

736 [~~(F)~~] (I) Section 76-5-418, sexual battery;

737 [~~(G)~~] (J) Section 76-5d-204, patronizing a prostituted individual who is a child;

738 [~~(H)~~] (K) Section 76-5d-211, sexual solicitation by an actor offering compensation
 739 to a child in exchange for sexual activity;

740 [~~(I)~~] (L) Section 76-11-205, carrying a dangerous weapon at an elementary school
 741 or secondary school;

- 742 [~~(J)~~] (M) Section 76-11-206, carrying a dangerous weapon at a daycare;
- 743 [~~(K)~~] (N) Section 76-11-207, threatening with or using a dangerous weapon in a
- 744 fight or quarrel;
- 745 [~~(L)~~] (O) Section 76-11-208, possession of a dangerous weapon with criminal
- 746 intent; or
- 747 [~~(M)~~] (P) Section 76-11-211, possession of a dangerous weapon by a minor; or
- 748 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony
- 749 violation of:
- 750 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 751 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 752 (iii) Section 76-5-203, murder or attempted murder;
- 753 (iv) Section 76-5-302, aggravated kidnapping;
- 754 (v) Section 76-5-405, aggravated sexual assault;
- 755 (vi) Section 76-6-103, aggravated arson;
- 756 (vii) Section 76-6-203, aggravated burglary;
- 757 (viii) Section 76-6-302, aggravated robbery; or
- 758 (ix) Section 76-11-210, felony discharge of a firearm."