

HB0188S01 compared with HB0188

{Omitted text} shows text that was in HB0188 but was omitted in HB0188S01
inserted text shows text that was not in HB0188 but was inserted into HB0188S01

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Juvenile Justice Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor: Todd Weiler

2

3 LONG TITLE

4 General Description:

5 This bill amends statutory provisions related to juvenile justice.

6 Highlighted Provisions:

7 This bill:

- 8 ▶ defines terms related to offenses committed at school;
- 9 ▶ amends the notification requirements for an offense committed by a student on school grounds;
- 11 ▶ 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;

14 ▶ **requires a school to refer a minor to law enforcement or a court for a drug offense;**

- 14 ▶ defines terms for juvenile programming and data reporting requirements;
- 15 ▶ addresses a minor's eligibility for a nonjudicial adjustment when a referral to a juvenile court involves certain offenses;

17 ▶

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{provides that a court may not grant a petition for expungement of a juvenile record if the petitioner has been adjudicated or convicted of certain drug offenses within two years before the petition for expungement is filed;}

20 ▶ repeals statutes regarding notification and reporting of prohibited acts by students; and
21 ▶ makes technical and conforming changes.

20 Money Appropriated in this Bill:

21 None

22 Other Special Clauses:

23 None

24 Utah Code Sections Affected:

25 AMENDS:

26 **53G-7-224** , as enacted by Laws of Utah 2024, Chapter 20

27 **53G-8-211 , as last amended by Laws of Utah 2025, Chapters 48, 173**

28 **53G-8-510** , as last amended by Laws of Utah 2024, Chapter 301

29 **63M-7-208** , as last amended by Laws of Utah 2024, Chapter 240

30 **80-5-102** , as last amended by Laws of Utah 2025, Chapter 88

31 **80-6-104** , as last amended by Laws of Utah 2025, Chapters 173, 208

32 **80-6-303.5** , as last amended by Laws of Utah 2025, Chapters 173, 174 and 208

33 **{80-6-1004.1 , as last amended by Laws of Utah 2025, Chapters 173, 208}**

ENACTS:

34 **53G-8-509.1** , Utah Code Annotated 1953

35 **53G-8-511** , Utah Code Annotated 1953

36 **53G-8-512** , Utah Code Annotated 1953

RENUMBERS AND AMENDS:

38 **53G-8-513** , (Renumbered from 53G-8-509, as last amended by Laws of Utah 2019, Chapter 293)

REPEALS:

41 **53G-8-501** , as renumbered and amended by Laws of Utah 2018, Chapter 3

42 **53G-8-502** , as renumbered and amended by Laws of Utah 2018, Chapter 3

43 **53G-8-503** , as last amended by Laws of Utah 2019, Chapter 293

44 **53G-8-504** , as renumbered and amended by Laws of Utah 2018, Chapter 3

45 **53G-8-505** , as last amended by Laws of Utah 2020, Chapter 161

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46 **53G-8-506** , as last amended by Laws of Utah 2018, Chapter 117 and renumbered and amended by
47 Laws of Utah 2018, Chapter 3

48 **53G-8-507** , as renumbered and amended by Laws of Utah 2018, Chapter 3

49 **53G-8-508** , as last amended by Laws of Utah 2020, Chapter 161

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

51 Section 1. Section **53G-7-224** is amended to read:

52 **53G-7-224. Local education agency communication requirements -- Protection.**

53 (1) As used in this section, "school employee" means the same as that term is defined in Section
54 [**53G-8-510**] **53G-8-509.1**.

55 (2) On or before October 1 of each year, an LEA shall provide the state board with the work email
56 address of each school employee.

57 (3) The state board may email school employees for official communication:

58 (a) if the state board provides 48 hours notice to the local superintendent; and

59 (b) no more than three times per calendar year.

60 (4) The state board:

61 (a) may use an employee's email address provided under Subsection (2) for official communication
62 between the state board and the school employee; and

63 (b) may not disclose an email address provided under Subsection (2) to a third party.

64 (5)

65 (a) Upon request, the state board shall provide the email addresses in Subsection (2) to the president of
66 the Senate and the speaker of the House of Representatives.

67 (b) The president of the Senate and the speaker of the House of Representatives, by mutual agreement,
68 may jointly email school employees for official communication on behalf of the Legislature relating
69 to the teaching profession or education policy in the state:

70 (i) if the president of the Senate and the speaker of the House of Representatives provide 48 hours
71 notice to the local superintendent; and

72 (ii) no more than three times per calendar year.

73 (c) The president of the Senate and the speaker of the House of Representatives may not:

74 (i) use or allow another individual to use a school employee's email address for political activity or for
75 any purpose other than as described in Subsection (5)(b); and

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80 (ii) disclose and email address provided under Subsection (2) to another legislator or a third party.

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

81 **53G-8-211. Responses to school-based behavior.**

82 (1) As used in this section:

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

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

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

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

89 (b) "Habitual truant" means a school-age child who:

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

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

92 (iii)

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

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

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

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

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

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

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

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

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

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

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

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

114 [fj] (k)

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

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

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

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

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

127 [fk] (l)

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

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

131 (2) This section applies to:

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

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

135 (i) when school is in session; or

136 (ii) during a school-sponsored activity.

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

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

142 (i) a mobile crisis outreach team;

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

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

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

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- (v) an evidence-based alternative intervention that is jointly created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, the Department of Health and Human Services;
- 151 (vi) a tobacco cessation or education program if the offense is a violation of Section 76-9-1106; or
- 153 (vii) truancy mediation; or
- 154 (b) for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice and Youth Services if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).
- 158 (4) Except as provided in Subsection (6), if a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, a school administrator, the school administrator's designee, or a school resource officer may refer a minor to a law enforcement officer or agency or a court only if:
 - 162 (a) the minor allegedly committed an offense on school property on a previous occasion; and
 - 164 (b) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection (3) for the previous offense.
- 167 (5) If a minor is alleged to be a habitual truant, a school administrator, the school administrator's designee, or a school resource officer may only refer the minor to a law enforcement officer or agency or a court if:
 - 170 (a) the minor was previously alleged of being a habitual truant at least twice during the same school year; and
 - 172 (b) the minor was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described in Subsection (3) for at least two of the previous habitual truancies.
- 175 (6)
 - (a) If a minor is alleged to have committed a traffic offense that is an infraction, a school administrator, the school administrator's designee, or a school resource officer may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.
 - 179 (b) If a minor is alleged to have committed an offense on school property that is a drug offense described in Subsection 58-37-8(2)(a)(i), the school administrator, the school administrator's designee, or a school resource officer shall refer the minor directly to a law enforcement officer or agency or a court.

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183 (7) Notwithstanding Subsections (4) and (5), a school resource officer may:

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

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

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

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

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

192 (8)

196 (a) If a minor is referred to a court or a law enforcement officer or agency under Subsection (4) or (5), the school or the school district shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.

198 (b) A school representative appointed under Subsection (8)(a) may not be a school resource officer.

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

201 (i) attendance records for the minor;

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

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

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

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

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

215 (i) when the underlying offense is a status offense or infraction; or

216 (ii) for being a habitual truant.

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(e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when available, the resources of the Division of Juvenile Justice and Youth Services or the Office of Substance Use and Mental Health to address the minor.

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

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

225 Section 3. Section 3 is enacted to read:

227 **53G-8-509.1. Definitions for part.**

5. Notification of Offenses at School

As used in this part:

86 (1) "School" means a public or private elementary or secondary school.

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

88 (a) a school teacher;

89 (b) a school staff member;

90 (c) a school administrator; or

91 (d) an individual:

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

94 (ii) who works on a school campus.

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

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

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

241 **53G-8-510. Notification of an offense committed by a student on school grounds -- Immunity from civil and criminal liability.**

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

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

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

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103 [({i}) a school teacher;]
104 [({ii}) a school staff member;]
105 [({iii}) a school administrator; or]
106 [({iv}) an individual;]
107 [({A}) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district;
and]
109 [({B}) who works on a school campus.]
110 [({e}) "School is in session" means the same as that term is defined in Section 53E-3-516.]
111 [({d}) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.]
113 [({2})] (1) If a [minor] student allegedly commits an offense on school grounds when school is in session or at a school-sponsored activity and that information is reported to, or known by, a school employee, the school employee shall notify the principal.
116 [({3})] (2) After receiving a notification under Subsection [({2})] (1), the principal shall notify:
117 (a) a law enforcement officer or agency if the principal may refer the offense to a law enforcement officer or agency as described in Section 53G-8-211;[-and]
119 (b) school or district personnel if the principal determines that school or district personnel should be informed[.] ; and
121 (c) the student's legal parent or guardian.
122 [({4}) A person who in good faith reports information under Subsection (2) or (3) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.]
125 (3) The principal may not disclose to the student, or the student's legal parent or guardian, the identity of the school employee who made the initial notification under Subsection (1).
128 (4) The identity of a school employee who notifies a principal under Subsection (1) shall be kept confidential, except that the identity of a school employee may be disclosed to a law enforcement officer or agency for purposes of an investigation or prosecution.
274 Section 5. Section 5 is enacted to read:
275 **53G-8-511. Investigations into allegations -- Searches -- Evidence.**
132 (1)
133 (a) {Before a principal notifies a law enforcement officer or agency} If the principal is notified of {a}
134 an alleged drug offense described in Section 58-37-8 that involves school property, a student, or a

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school employee, the principal ~~{shall investigate}~~ may conduct an administrative investigation, or authorize an administrative investigation into, the alleged drug offense, including a search on school property in accordance with Subsection (2), before the principal notifies a law enforcement officer or agency.

136 {~~(b) {A school resource officer shall be present during any search on school property under Subsection (1)(a).}~~}

138 (c){~~(b)~~} The principal shall report and deliver any evidence discovered in an investigation described in Subsection (1)(a) to a law enforcement officer or agency when the principal notifies the law enforcement officer or agency of the alleged drug offense.

141 (2)

(a) A search under Subsection ~~{(1)}~~ ~~(1)(a)~~ on school property shall be based on a reasonable belief that the search will turn up evidence of the drug offense.

143 (b) The measures adopted for the search shall 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 individual involved and the nature of the offense.

146 (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).

150 (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.

295 Section 6. Section 6 is enacted to read:

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

154 (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.

157 (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.

304 Section 7. Section **53G-8-513** is renumbered and amended to read:

306 **[53G-8-509] 53G-8-513. State board rules to ensure protection of individual rights.**

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165 (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.

168 (2) The rules or policies shall establish procedures to ensure protection of individual rights against
excessive and unreasonable intrusion.

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

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

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

174 [(1)] (2) The [State Commission on Criminal and Juvenile Justice] commission shall:

175 (a) support implementation and expansion of evidence-based juvenile justice programs and practices,
including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;

178 (b) examine and make recommendations on the use of third-party entities or an intermediary
organization to assist with implementation and to support the performance-based contracting system
authorized in Subsection [(1)(m)] (2)(m);

181 (c) oversee the development of performance measures to track juvenile justice reforms, and ensure early
and ongoing stakeholder engagement in identifying the relevant performance measures;

184 (d) evaluate currently collected data elements throughout the juvenile justice system and contract
reporting requirements to streamline reporting, reduce redundancies, eliminate inefficiencies, and
ensure a focus on [recidivism reduction] the reduction of juvenile recidivism;

188 (e) review averted costs from reductions in out-of-home placements for juvenile justice youth placed
with the Division of Juvenile Justice and Youth Services and the Division of Child and Family
Services, and make recommendations to prioritize the reinvestment and realignment of resources
into community-based programs for youth living at home, including the following:

193 (i) statewide expansion of:

194 (A) juvenile receiving centers, as defined in Section 80-1-102;

195 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;

196 (C) youth courts; and

197 (D) victim-offender mediation;

198 (ii) statewide implementation of nonresidential diagnostic assessment;

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- (iii) statewide availability of evidence-based programs and practices including cognitive behavioral and family therapy programs for minors assessed by a validated risk and needs assessment as moderate or high risk;
- 202 (iv) implementation and infrastructure to support the sustainability and fidelity of evidence-based juvenile justice programs, including resources for staffing, transportation, and flexible funds; and
- 205 (v) early intervention programs such as family strengthening programs, family wraparound services, and proven truancy interventions;
- 207 (f) assist the Administrative Office of the Courts in the development of a statewide sliding scale for the assessment of fines, fees, and restitution, based on the ability of the minor's family to pay;
- 210 (g) analyze the alignment of resources and the roles and responsibilities of agencies, such as the operation of early intervention services, receiving centers, and diversion, and make recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;
- 214 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 215 (i) develop a reasonable timeline within which all programming delivered to minors in the juvenile justice system ~~{must be{}}~~ is evidence-based or consist of practices that are rated as effective for reducing juvenile recidivism by a standardized program evaluation tool;
- 219 (j) provide guidelines to be considered by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services in developing tools considered by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services in developing or selecting tools to be used for the evaluation of juvenile justice programs;
- 224 (k) develop a timeline to support improvements to juvenile justice programs to achieve reductions in juvenile recidivism and review reports from relevant state agencies on progress toward reaching that timeline;
- 227 (l) subject to Subsection ~~(2)~~ (3), assist in the development of training for juvenile justice stakeholders, including educators, law enforcement officers, probation staff, judges, Division of Juvenile Justice and Youth Services staff, Division of Child and Family Services staff, and program providers;
- 231 (m) subject to Subsection ~~(3)~~ (4), assist in the development of a performance-based contracting system, which shall be developed by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services for contracted services in the community and contracted out-of-home placement providers;

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(n) assist in the development of a validated detention risk assessment tool that is developed or adopted and validated by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services as provided in Section 80-5-203; and

239 (o) annually issue and make public a report to the governor, president of the Senate, speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the progress of the reforms and any additional areas in need of review.

242 [~~(2)~~] (3) Training described in Subsection [~~(1)(h)~~] (2)(l) should include instruction on evidence-based programs and principles of juvenile justice, such as risk, needs, responsiveness, and fidelity, and shall be supplemented by the following topics:

245 (a) adolescent development;

246 (b) identifying and using local behavioral health resources;

247 (c) cross-cultural awareness;

248 (d) graduated responses;

249 (e) Utah juvenile justice system data and outcomes; and

250 (f) gangs.

251 [~~(3)~~] (4) The system described in Subsection [~~(1)(m)~~] (2)(m) shall provide incentives for:

252 (a) the use of evidence-based juvenile justice programs and practices rated as effective by the tools selected in accordance with Subsection [~~(1)(j)~~] (2)(j);

254 (b) the use of three-month timelines for program completion; and

255 (c) evidence-based programs and practices for minors living at home in rural areas.

256 [~~(4)~~] (5) The ~~[State Commission on Criminal and Juvenile Justice]~~ commission may delegate the duties imposed under this section to a subcommittee or board established by the ~~[State Commission on Criminal and Juvenile Justice]~~ commission in accordance with Subsection 63M-7-204(2).

403 Section 9. Section **80-5-102** is amended to read:

80-5-102. Definitions.

As used in this chapter:

263 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in Section 80-5-302.

265 (2)

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

266 (b) "Adult" does not include a juvenile offender.

267 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R. 1351.1.

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269 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.

270 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a manner
271 consistent with public safety and the well-being of the juvenile offender and division employees.

273 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section 26B-4-1001.

275 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.

276 (8) "Discharge" means the same as that term is defined in Section 80-6-102.

277 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.

279 (10) "Homeless youth" means a child, other than an emancipated minor:

280 (a) who is a runaway; or

281 (b) who is:

282 (i) not accompanied by the child's parent or guardian; and

283 (ii) without care, as defined in Section 80-5-602.

284 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area space.

286 (12) "Minor room" means a secured room where an individual sleeps and uses restroom facilities.

288 (13) "Observation and assessment program" means a nonresidential service program operated or
289 purchased by the division that is responsible only for diagnostic assessment of minors, including for
290 substance use disorder, mental health, psychological, and sexual behavior risk assessments.

292 (14) "Performance based contracting" means a system of contracting with service providers for the
293 provision of residential or nonresidential services that:

294 (a) provides incentives for the implementation of evidence-based juvenile justice programs or programs
295 rated as effective for reducing juvenile recidivism, as defined in Section 80-6-104, by a standardized
296 tool in accordance with Section 63M-7-208; and

298 (b) provides a premium rate allocation for a minor who receives the evidence-based dosage of treatment
299 and successfully completes the program within three months.

300 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for effectuating
301 or facilitating an individual's attempted sex change, any of the following alone or in combination
302 with aromatase inhibitors:

303 (a) gonadotropin-releasing hormone agonists; or

304 (b) androgen receptor inhibitors.

305 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined in Section
306 26B-4-1001.

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307 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
308 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
309 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
310 (20) "Secondary sex characteristic surgical procedure" means the same as that term is defined in Section
26B-4-1001.

312 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.
313 (22) "Temporary homeless youth shelter" means a facility that:
314 (a) provides temporary shelter to homeless youth; and
315 (b) is licensed by the Department of Health and Human Services, created in Section 26B-1-201, as a
residential support program.

317 (23) "Termination" means the same as that term is defined in Section 80-6-102.
318 (24) "Victim" means the same as that term is defined in Section 80-6-102.
319 (25) "Work program" means a nonresidential public or private service work project established and
administered by the division for juvenile offenders for the purpose of rehabilitation, education, and
restitution to victims.

322 (26)
323 (a) "Youth services" means services provided in an effort to resolve family conflict:
324 (i) for families in crisis when a minor is ungovernable or a runaway; or
325 (ii) involving a minor and the minor's parent or guardian.
326 (b) "Youth services" include efforts to:
327 (i) resolve family conflict;
328 (ii) maintain or reunite minors with the minors' families; and
329 (iii) divert minors from entering or escalating in the juvenile justice system.
330 (c) "Youth services" may provide:
331 (i) crisis intervention;
332 (ii) short-term shelter;
333 (iii) time-out placement; and
334 (iv) family counseling.
334 (27) "Youth services center" means a center established by, or under contract with, the division to
provide youth services.

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

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

339 (1) As used in this section:

340 {(a) "Diversion" means an agreement between an individual and a prosecuting attorney or juvenile probation officer that results in the dismissal of charges for an offense before an adjudication or conviction.} }

483 (a) "Diversion" means:

343 {(a) (b) } an agreement between an individual and a juvenile probation officer that results in the resolution of a referral for an offense before a petition is filed; or

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

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

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

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

348 (i) the individual accepted a nonjudicial adjustment; or

349 (ii) the juvenile court ordered a disposition for the individual resulting in secure care, community-based placement, formal probation, or intake probation.

351 (e) "School" means the same as that term is defined in Section 80-6-103.

352 {(f) "School-based referral" means the referral of a minor under Section 53G-8-211 for a school-based offense to an evidence-based alternative intervention or for prevention and early intervention youth services, or to a law enforcement officer or agency or a court, within six months, one year, two years, and three years after the day on which:} }

356 {(i) the minor was referred under Section 53G-8-211 for a school-based offense;} }

357 {(ii) the minor accepted a nonjudicial adjustment for a school-based offense; or} }

358 {(iii) the juvenile court ordered a disposition for a school-based offense resulting in secure care, community-based placement, formal probation, or intake probation for the minor.} }

361 (g){(f) "School-based offense" means {an } any infraction, misdemeanor, or felony offense that {is committed, or allegedly committed, by a minor enrolled in } occurred at school when school is in session {or } , at the location of a school-sponsored activityduring the activity, or on school district transportation, including a school bus.

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{~~(e)~~} (h) "School-based referral" means the referral of a minor under Section 53G-8-211 for a school-based offense.

(h) "School-based recidivism" means a diversion, adjudication, or conviction of an individual for a school-based offense within six months, one year, two years, and three years after the day on which:

(i) the individual accepted a nonjudicial adjustment for a school-based offense; or

(ii) the juvenile court ordered a disposition for the individual resulting in secure care, community-based placement, formal probation, or intake probation.

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

~~[d] (i){(j)}~~ "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.

(2) Before July 1 of each year, the Administrative Office of the Courts shall submit the following data to the State Commission on Criminal and Juvenile Justice, broken down by judicial district, for the preceding calendar year:

- (a) the number of referrals to the juvenile court;
- (b) the number of minors diverted to a nonjudicial adjustment;
- (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
- (e) the number of minors for whom an information is filed in the juvenile court;
- (f) the number of minors bound over to the district court by the juvenile court;
- (g) the number of petitions for offenses committed by minors that were dismissed by the juvenile court;
- (h) the number of adjudications in the juvenile court for offenses committed by minors;
- (i) the number of guilty pleas entered into by minors in the juvenile court;
- (j) the number of dispositions resulting in secure care, community-based placement, formal probation, and intake probation; and
- (k) for each minor charged in the juvenile court with a firearm-related offense:
 - (i) the minor's age at the time the offense was committed or allegedly committed;
 - (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
 - (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or 76-11-303(4);
 - (iv) the type of offense for which the minor is charged;
 - (v) the outcome of the minor's case in juvenile court, including whether the minor was bound over to the district court or adjudicated by the juvenile court; and

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- (vi) if a disposition was entered by the juvenile court, whether the disposition resulted in secure care, community-based placement, formal probation, or intake probation.
- (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a case resulting from a firearm-related offense committed, or allegedly committed, by a minor when the minor is found in possession of a firearm while school is in session or during a school-sponsored activity.
- (4) In collaboration with the Administrative Office of the Courts, the division, and other agencies, the State Commission on Criminal and Juvenile Justice shall collect data for the preceding calendar year on:
 - (a) the length of time that minors spend in the juvenile justice system, including the total amount of time minors spend under juvenile court jurisdiction, on community supervision, and in each out-of-home placement;
 - (b) ~~recidivism of minors who are diverted to a nonjudicial adjustment and minors for whom dispositions are ordered by the juvenile court~~ juvenile recidivism, including tracking minors into the adult corrections system;
 - (c) school-based recidivism;
 - (c)(d) school-based referrals;
 - [~~(e)~~] (d){(e)} changes in aggregate risk levels from the time minors receive services, are under supervision, and are in out-of-home placement; and
 - [~~(d)~~] (e){(f)} dosages of programming.
- (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile Justice shall prepare and submit a written report to the Judiciary Interim Committee and the Law Enforcement and Criminal Justice Interim Committee that includes:
 - (a) data collected by the State Commission on Criminal and Juvenile Justice under this section;
 - (b) data collected by the State Board of Education under Section 53E-3-516; and
 - (c) recommendations for legislative action with respect to the data described in this Subsection (5).
- (6) After submitting the written report described in Subsection (5), the State Commission on Criminal and Juvenile Justice may supplement the report at a later time with updated data and information the State Board of Education collects under Section 53E-3-516.

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(7) Nothing in this section shall be construed to require the disclosure of information or data that is classified as controlled, private, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.

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

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

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

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

437 (3)

438 (a) The juvenile probation officer may:

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

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

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

442 (B) the results of the validated risk and needs assessment indicate the minor is moderate risk and the referral is for a class A misdemeanor violation under Sections 76-9-112, 76-12-306, 76-12-307, 76-12-309, or Title 76, Chapter 5, Offenses Against the Individual.

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

444 (i) undergo a drug and alcohol screening;

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

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

447 (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation officer shall offer a nonjudicial adjustment to a minor if:

448 (a) the minor:

449 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;

450 (ii) has no more than two prior adjudications; and

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458 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;

459 (b) the minor is referred for an offense that is alleged to have occurred before the minor was 12 years old; or

461 (c) the minor is referred for being a habitual truant.

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

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

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

473 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if[~~the referral involves~~]:

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

477 (i) a felony offense; or

478 (ii) a misdemeanor violation of:

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

480 (B) Subsection 58-37-8(1)(a)(ii), distributing a controlled or counterfeit substance, or agreeing, consenting, offering, or arranging to distribute a controlled substance;

483 (C) Subsection 58-37-8(1)(a)(iii), possessing a controlled or counterfeit substance with intent to distribute;

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

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

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

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

490 [(F)] (H) Section 76-5-418, sexual battery;

491 (I) Section 76-5-401.3, unlawful adolescent sexual activity;

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

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

495 [({I})] (L) Section 76-11-205, carrying a dangerous weapon at an elementary school or secondary school;

497 [({J})] (M) Section 76-11-206, carrying a dangerous weapon at a daycare;

498 [({K})] (N) Section 76-11-207, threatening with or using a dangerous weapon in a fight or quarrel;

500 [({L})] (O) Section 76-11-208, possession of a dangerous weapon with criminal intent; or

502 [({M})] (P) Section 76-11-211, possession of a dangerous weapon by a minor; [or]

503 (b)

507 (i) the referral involves an offense alleged to have occurred when the minor was 12 years old or older that is a misdemeanor violation of Subsection 58-37-8(2)(a)(i), for the possession or use of a controlled substance analog or controlled substance; and

510 (ii) the minor has a prior nonjudicial adjustment involving a referral for an offense that is a misdemeanor violation of Subsection 58-37-8(2)(a)(i), for the possession or use of a controlled substance analog or controlled substance; or

512 (c) the referral involves an offense alleged to have occurred before the minor is 12 years old that is a felony violation of:

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

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

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

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

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

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

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

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

521 (ix) Section 76-11-210, felony discharge of a firearm.

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

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

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

670 Section 12. Repealer.

This Bill Repeals:

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671 This bill repeals:

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

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

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

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

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

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

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

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

525 ~~{Section 11. Section 80-6-1004.1 is amended to read: }~~

526 **80-6-1004.1. Petition to expunge adjudication -- Hearing and notice -- Waiver -- Order.**

528 (1) An individual may petition the juvenile court for an order to expunge the individual's juvenile record if:

530 (a) the individual was adjudicated for an offense in the juvenile court;

531 (b) the individual has reached 18 years old; and

532 (c) at least one year has passed from the day on which:

533 (i) the juvenile court's continuing jurisdiction was terminated; or

534 (ii) if the individual was committed to secure care, the individual was unconditionally released from the custody of the division.

536 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection (1), the petition shall include a criminal history report obtained from the Bureau of Criminal Identification in accordance with Section 53-10-108.

539 (3) If the juvenile court finds and states on the record the reason why the waiver is appropriate, the juvenile court may waive:

541 (a) the age requirement under Subsection (1)(b) for a petition; or

542 (b) the one-year requirement under Subsection (1)(c) for a petition.

543 (4)

544 (a) Upon the filing of a petition described in Subsection (1), the juvenile court shall:

545 (i) set a date for a hearing; and

545 (ii) at least 30 days before the day on which the hearing on the petition is scheduled, notify the prosecuting attorney and any affected agency identified in the petitioner's juvenile record:

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548 (A) that the petition has been filed; and

549 (B) of the date of the hearing.

550 (b)

552 (i) The juvenile court shall provide a victim with the opportunity to request notice of a petition described in Subsection (1).

559 (ii) Upon the victim's request under Subsection (4)(b)(i), the victim shall receive notice of the petition at least 30 days before the day on which the hearing is scheduled if, before the day on which an expungement order is made, the victim, or the victim's next of kin or authorized representative if the victim is a child or an individual who is incapacitated or deceased, submits a written and signed request for notice to the juvenile court in the judicial district in which the offense occurred or judgment is entered.

561 (iii) The notice described in Subsection (4)(b)(ii) shall include a copy of the petition and any statutes and rules applicable to the petition.

563 (c) At the hearing, the prosecuting attorney, a victim, and any other individual who may have relevant information about the petitioner may testify.

564 (d) The juvenile court may waive the hearing for the petition if:

565 (i) (A) there is no victim; or

566 (B) if there is a victim, the victim agrees to the waiver; and

567 (ii) the prosecuting attorney agrees to the waiver.

(5)

571 (a) Except as provided in Subsection (6), the juvenile court may grant a petition described in Subsection (1) and order expungement of the petitioner's juvenile record if the juvenile court finds that the petitioner is rehabilitated to the satisfaction of the court in accordance with Subsection (5)(b).

573 (b) In deciding whether to grant a petition described in Subsection (1), the juvenile court shall consider:

575 (i) whether expungement of the petitioner's juvenile record is in the best interest of the petitioner;

576 (ii) the petitioner's response to programs and treatment;

578 (iii) the nature and seriousness of the conduct for which the petitioner was adjudicated;

579 (iv) the petitioner's behavior ~~[subsequent to]~~ after adjudication;

581 (v) the petitioner's reason for seeking expungement of the petitioner's juvenile record; and

(vi) if the petitioner is a restricted person under Subsection 76-11-302(4) or 76-11-303(4);

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583 (A) whether the offense for which the petitioner is a restricted person was committed with a weapon;

585 (B) whether expungement of the petitioner's juvenile record poses an unreasonable risk to public safety;

587 and

589 (C) the amount of time that has passed since the adjudication of the offense for which the petitioner is a restricted person.

591 (6) The juvenile court may not grant a petition described in Subsection (1) and order expungement of the petitioner's juvenile record if:

593 (a) the petitioner has been convicted of a violent felony within five years before the day on which the petition for expungement is filed;

596 [(b)] (c) there are delinquency or criminal proceedings pending against the petitioner;

597 [(e)] (d) the petitioner has not satisfied a judgment of restitution entered by the juvenile court for an adjudication in the petitioner's juvenile record;

599 [(d)] (e) the petitioner has not satisfied restitution that was a condition of a nonjudicial adjustment in the petitioner's juvenile record; or

601 [(e)] (f) the petitioner's juvenile record contains an adjudication for a violation of:

602 (i) Section 76-5-202, aggravated murder; or

603 (ii) Section 76-5-203, murder.

680 Section 13. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-5-26 10:27 AM