

HB0188S03 compared with HB0188S02

~~{Omitted text}~~ shows text that was in HB0188S02 but was omitted in HB0188S03
inserted text shows text that was not in HB0188S02 but was inserted into HB0188S03

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1

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:

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This bill amends statutory provisions related to juvenile justice.

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Highlighted Provisions:

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This bill:

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▶ requires a school to refer a minor to a court after a minor has allegedly committed a drug possession offense for a third time;

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;}~~

15

▶ defines terms for juvenile programming and data reporting requirements;

16

▶ addresses a minor's eligibility for a nonjudicial adjustment when a referral to a juvenile court involves certain offenses;

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

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill provides a coordination clause.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53G-7-224** , as enacted by Laws of Utah 2024, Chapter 20

30 **53G-8-211** , as last amended by Laws of Utah 2025, Chapters 48, 173

31 **53G-8-510** , as last amended by Laws of Utah 2024, Chapter 301

32 **63M-7-208** , as last amended by Laws of Utah 2024, Chapter 240

33 **80-5-102** , as last amended by Laws of Utah 2025, Chapter 88

34 **80-6-104** , as last amended by Laws of Utah 2025, Chapters 173, 208

35 **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 1953

38 **53G-8-511** , Utah Code Annotated 1953

39 **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, Chapter 293)

43 REPEALS:

44 **53G-8-501** , as renumbered and amended by Laws of Utah 2018, Chapter 3

45 **53G-8-502** , as renumbered and amended by Laws of Utah 2018, Chapter 3

46 **53G-8-503** , as last amended by Laws of Utah 2019, Chapter 293

47 **53G-8-504** , as renumbered and amended by Laws of Utah 2018, Chapter 3

48 **53G-8-505** , as last amended by Laws of Utah 2020, Chapter 161

49 **53G-8-506** , as last amended by Laws of Utah 2018, Chapter 117 and renumbered and amended by
Laws of Utah 2018, Chapter 3

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51 **53G-8-507** , as renumbered and amended by Laws of Utah 2018, Chapter 3

52 **53G-8-508** , as last amended by Laws of Utah 2020, Chapter 161

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

54 **53G-8-509.1 (05/06/26)** , Utah Code Annotated 1953

55 **53G-8-211 (05/06/26)** , as last amended by Laws of Utah 2025, Chapters 48, 173

56 **80-6-303.5 (05/06/26)** , as last amended by Laws of Utah 2025, Chapters 173, 174 and 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.**

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

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

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

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

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

67 (4) The state board:

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

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

71 (5)

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

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

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

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

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

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

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

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

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

88 (1) As used in this section:

91 (a) "Drug possession offense" means an offense described in Subsection 58-37-8(2)(a)(i).

89 ~~[(a)]~~ (b) "Evidence-based" means a program or practice that:

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

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

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

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

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

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

98 (iii)

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

99 (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.

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

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

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

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

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

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

112 ~~[(i)]~~ ~~(g)~~ (h) "School administrator" means a principal of a school.

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- 115 ~~[(g)]~~ ~~(h)~~ ~~(i)~~ "School is in session" means a day during which the school conducts instruction for which student attendance is counted toward calculating average daily membership.
- 115 ~~[(h)]~~ ~~(i)~~ ~~(j)~~ "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.
- 119 ~~[(i)]~~ ~~(j)~~ ~~(k)~~ "School-age child" means the same as that term is defined in Section 53G-6-201.
- 120 ~~[(j)]~~ ~~(k)~~ ~~(l)~~
- (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:
- 124 (A) the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;
- 126 (B) the activity uses the local education agency's or public school's facilities, equipment, or other school resources; or
- 128 (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.
- 131 (ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.
- 133 ~~[(k)]~~ ~~(l)~~ ~~(m)~~
- (i) "Status offense" means an offense that would not be an offense but for the age of the offender.
- 135 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or felony.
- 137 (2) This section applies to:
- 138 (a) a minor who is alleged to be a habitual truant; and
- 139 (b) a minor enrolled in school who is alleged to have committed an offense on school property where the student is enrolled:
- 141 (i) when school is in session; or
- 142 (ii) during a school-sponsored activity.
- 143 (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:
- 147 (a) to an evidence-based alternative intervention, including:

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- 148 (i) a mobile crisis outreach team;
- 149 (ii) a youth services center, as defined in Section 80-5-102;
- 150 (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative justice program;
- 152 (iv) an evidence-based alternative intervention created and developed by the school or school district;
- 154 (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;
- 157 (vi) a tobacco cessation or education program if the offense is a violation of Section 76-9-1106; or
- 159 (vii) truancy mediation; or
- 160 (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).
- 164 (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:
- 168 (a) the minor allegedly committed an offense on school property on a previous occasion; and
- 170 (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.
- 173 (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:
- 176 (a) the minor was previously alleged of being a habitual truant at least twice during the same school
year; and
- 178 (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.
- 181 (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.

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- 185 ~~{(b)} If a minor is alleged to have committed an offense on school property that is a drug offense~~
186 ~~described in Subsection 58-37-8(2)(a)(i), the school administrator, the school administrator's~~
187 ~~designee, or a school resource officer shall refer the minor directly to a law enforcement officer or~~
188 ~~agency or a court.}~~
- 189 (7) Notwithstanding Subsections (4) and (5), a school resource officer may:
- 190 (a) investigate possible criminal offenses and conduct, including conducting probable cause searches;
- 192 (b) consult with school administration about the conduct of a minor enrolled in a school;
- 193 (c) transport a minor enrolled in a school to a location if the location is permitted by law;
- 194 (d) take temporary custody of a minor in accordance with Section 80-6-201; or
- 195 (e) protect the safety of students and the school community, including the use of reasonable and
196 necessary physical force when appropriate based on the totality of the circumstances.
- 198 (8)
- 199 (a) If a minor is referred to a court or a law enforcement officer or agency under Subsection (4) or (5),
200 the school or the school district shall appoint a school representative to continue to engage with the
201 minor and the minor's family through the court process.
- 202 (b) A school representative appointed under Subsection (8)(a) may not be a school resource officer.
- 204 (c) A school district or school shall include the following in the school district's or school's referral to
205 the court or the law enforcement officer or agency:
- 206 (i) attendance records for the minor;
- 207 (ii) a report of evidence-based alternative interventions used by the school before the referral, including
208 outcomes;
- 209 (iii) the name and contact information of the school representative assigned to actively participate in the
210 court process with the minor and the minor's family;
- 211 (iv) if the minor was referred to prevention or early intervention youth services under Subsection
212 (3)(b), a report from the Division of Juvenile Justice and Youth Services that demonstrates the
213 minor's failure to complete or participate in prevention and early intervention youth services under
214 Subsection (3)(b); and
- 215 (v) any other information that the school district or school considers relevant.
- 216 (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or placed in secure
217 detention, including for a contempt charge or violation of a valid court order under Section
218 78A-6-353:

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- 219 (i) when the underlying offense is a status offense or infraction; or
220 (ii) for being a habitual truant.
- 221 (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.
- 224 (9)
(a) 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).
- 227 (b) A school administrator, the school administrator's designee, or a school resource 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 property; and
231 (ii) the minor has allegedly committed a drug possession offense on school property on at least two
previous occasions.
- 228 (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.
- 236 Section 3. Section 3 is enacted to read:
238 **53G-8-509.1. Definitions for part.**
5. Notification of Offenses at School
As used in this part:
- 236 (1) "Drug offense" means an offense described in Section 58-37-8.
237 (2) "School" means a public or private elementary or secondary school.
238 (3) "School employee" means an individual working in the individual's capacity as:
239 (a) a school teacher;
240 (b) a school staff member;
241 (c) a school administrator; or
242 (d) an individual:
243 (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district;
and

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- 245 (ii) who works on a school campus.
- 246 (4) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 247 (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 -- Immunity**
from civil and criminal liability.
- 251 [~~(1) As used in this section:~~]
- 252 [~~(a) "Minor" means the same as that term is defined in Section 80-1-102.]~~]
- 253 [~~(b) "School employee" means an individual working in the individual's capacity as:~~]
- 254 [~~(i) a school teacher;~~]
- 255 [~~(ii) a school staff member;~~]
- 256 [~~(iii) a school administrator; or~~]
- 257 [~~(iv) an individual:~~]
- 258 [~~(A) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district;~~
~~and]~~]
- 260 [~~(B) who works on a school campus.]~~]
- 261 [~~(c) "School is in session" means the same as that term is defined in Section 53E-3-516.]~~]
- 262 [~~(d) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.]~~]
- 264 [~~(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.~~
- 267 [~~(3)] (2) After receiving a notification under Subsection [~~(2)~~] (1), the principal shall notify:~~]
- 268 (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]~~]
- 270 (b) school or district personnel if the principal determines that school or district personnel should be
informed[-] ; and
- 272 (c) the student's legal parent or guardian.
- 273 [~~(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.]~~]
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(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).

279 (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.

286 Section 5. Section 5 is enacted to read:

287 **53G-8-511. Investigations into allegations -- Searches -- Evidence.**

284 (1)

(a) If the principal is notified of an alleged drug offense that involves school property, a student, or a school employee, the principal 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.

289 (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.

292 (2)

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

294 (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.

297 (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).

301 (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.

307 Section 6. Section 6 is enacted to read:

308 **53G-8-512. Immunity from civil or criminal liability.**

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(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.

308 (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.

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

318 ~~[53G-8-509]~~ **53G-8-513. State board rules to ensure protection of individual rights.**

316 (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.

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

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

326 **63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.**

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

325 ~~[(1)]~~ (2) The [State Commission on Criminal and Juvenile Justice] commission shall:

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

329 (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);

332 (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;

335 (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;

339 (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

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Services, and make recommendations to prioritize the reinvestment and realignment of resources into community-based programs for youth living at home, including the following:

- 344 (i) statewide expansion of:
 - 345 (A) juvenile receiving centers, as defined in Section 80-1-102;
 - 346 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;
 - 347 (C) youth courts; and
 - 348 (D) victim-offender mediation;
- 349 (ii) statewide implementation of nonresidential diagnostic assessment;
- 350 (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;
- 353 (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
- 356 (v) early intervention programs such as family strengthening programs, family wraparound services, and proven truancy interventions;
- 358 (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;
- 361 (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;
- 365 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 366 (i) develop a reasonable timeline within which all programming delivered to minors in the juvenile justice system must be evidence-based or consist of practices that are rated as effective for reducing juvenile recidivism by a standardized program evaluation tool;
- 370 (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;
- 375 (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;

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- 378 (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;
- 382 (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;
- 386 (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
- 390 (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.
- 393 [(2)] (3) Training described in Subsection [(1)(1)] (2)(1) should include instruction on evidence-based
programs and principles of juvenile justice, such as risk, needs, responsivity, and fidelity, and shall
be supplemented by the following topics:
- 396 (a) adolescent development;
- 397 (b) identifying and using local behavioral health resources;
- 398 (c) cross-cultural awareness;
- 399 (d) graduated responses;
- 400 (e) Utah juvenile justice system data and outcomes; and
- 401 (f) gangs.
- 402 [(3)] (4) The system described in Subsection [(1)(m)] (2)(m) shall provide incentives for:
- 403 (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);
- 405 (b) the use of three-month timelines for program completion; and
- 406 (c) evidence-based programs and practices for minors living at home in rural areas.
- 407 [(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).
- 415 Section 9. Section **80-5-102** is amended to read:

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416 **80-5-102. Definitions.**

As used in this chapter:

- 414 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in Section 80-5-302.
- 416 (2)
- (a) "Adult" means an individual who is 18 years old or older.
- 417 (b) "Adult" does not include a juvenile offender.
- 418 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R. 1351.1.
- 420 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 421 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a manner
consistent with public safety and the well-being of the juvenile offender and division employees.
- 424 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section 26B-4-1001.
- 426 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.
- 427 (8) "Discharge" means the same as that term is defined in Section 80-6-102.
- 428 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.
- 430 (10) "Homeless youth" means a child, other than an emancipated minor:
- 431 (a) who is a runaway; or
- 432 (b) who is:
- 433 (i) not accompanied by the child's parent or guardian; and
- 434 (ii) without care, as defined in Section 80-5-602.
- 435 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area space.
- 437 (12) "Minor room" means a secured room where an individual sleeps and uses restroom facilities.
- 439 (13) "Observation and assessment program" means a nonresidential service program operated or
purchased by the division that is responsible only for diagnostic assessment of minors, including for
substance use disorder, mental health, psychological, and sexual behavior risk assessments.
- 443 (14) "Performance based contracting" means a system of contracting with service providers for the
provision of residential or nonresidential services that:
- 445 (a) provides incentives for the implementation of evidence-based juvenile justice programs or programs
rated as effective for reducing juvenile recidivism, as defined in Section 80-6-104, by a standardized
tool in accordance with Section 63M-7-208; and
- 449 (b) provides a premium rate allocation for a minor who receives the evidence-based dosage of treatment
and successfully completes the program within three months.

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- 451 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for effectuating
or facilitating an individual's attempted sex change, any of the following alone or in combination
with aromatase inhibitors:
- 454 (a) gonadotropin-releasing hormone agonists; or
455 (b) androgen receptor inhibitors.
- 456 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined in Section
26B-4-1001.
- 458 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 459 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 460 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 461 (20) "Secondary sex characteristic surgical procedure" means the same as that term is defined in Section
26B-4-1001.
- 463 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- 464 (22) "Temporary homeless youth shelter" means a facility that:
- 465 (a) provides temporary shelter to homeless youth; and
466 (b) is licensed by the Department of Health and Human Services, created in Section 26B-1-201, as a
residential support program.
- 468 (23) "Termination" means the same as that term is defined in Section 80-6-102.
- 469 (24) "Victim" means the same as that term is defined in Section 80-6-102.
- 470 (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.
- 473 (26)
- (a) "Youth services" means services provided in an effort to resolve family conflict:
- 474 (i) for families in crisis when a minor is ungovernable or a runaway; or
475 (ii) involving a minor and the minor's parent or guardian.
- 476 (b) "Youth services" include efforts to:
- 477 (i) resolve family conflict;
478 (ii) maintain or reunite minors with the minors' families; and
479 (iii) divert minors from entering or escalating in the juvenile justice system.
- 480 (c) "Youth services" may provide:

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- 481 (i) crisis intervention;
482 (ii) short-term shelter;
483 (iii) time-out placement; and
484 (iv) family counseling.
485 (27) "Youth services center" means a center established by, or under contract with, the 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 requirement.**

490 (1) As used in this section:

491 (a) "Diversion" means:

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

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

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

498 (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:

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

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

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

505 (f) "School-based offense" means any infraction, misdemeanor, or felony offense that occurs at school
when school is in session, at the location of a school-sponsored activity during the activity, or on
school district transportation, including a school bus.

508 (g) "School-based referral" means the referral of a minor under Section 53G-8-211 for a school-based
offense.

510 (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:

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

514

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

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

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

520 (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:

523 (a) the number of referrals to the juvenile court;

524 (b) the number of minors diverted to a nonjudicial adjustment;

525 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;

526 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;

527 (e) the number of minors for whom an information is filed in the juvenile court;

528 (f) the number of minors bound over to the district court by the juvenile court;

529 (g) the number of petitions for offenses committed by minors that were dismissed by the juvenile court;

531 (h) the number of adjudications in the juvenile court for offenses committed by minors;

532 (i) the number of guilty pleas entered into by minors in the juvenile court;

533 (j) the number of dispositions resulting in secure care, community-based placement, formal probation, and intake probation; and

535 (k) for each minor charged in the juvenile court with a firearm-related offense:

536 (i) the minor's age at the time the offense was committed or allegedly committed;

537 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;

538 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or 76-11-303(4);

540 (iv) the type of offense for which the minor is charged;

541 (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

543 (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.

546 (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.

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- 550 (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:
- 553 (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;
- 556 (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;
- 559 (c) school-based recidivism;
- 560 (d) school-based referrals;
- 561 [(e)] (e) changes in aggregate risk levels from the time minors receive services, are under supervision,
and are in out-of-home placement; and
- 563 [(d)] (f) dosages of programming.
- 564 ~~{(5) In collaboration with the Youth Court Board, the State Commission on Criminal and Juvenile
Justice shall collect data on the preceding calendar year on recidivism of minors who are diverted to
and participate in a youth court.}~~
- 567 ~~{(5){1} {(6)+}~~ 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:
- 571 (a) data collected by the State Commission on Criminal and Juvenile Justice under this 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 Subsection ~~{(5){1}~~
~~(6)}~~.
- 576 ~~{(6){1} {(7)+}~~ After submitting the written report described in Subsection ~~{(5){1} (6)}~~, 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.
- 580 ~~{(7){1} {(8)+}~~ 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.
- 582 Section 11. Section **80-6-303.5** is amended to read:

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- 583 **80-6-303.5. Preliminary inquiry by juvenile probation officer -- Eligibility for nonjudicial**
584 **adjustment.**
- 587 (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.
- 592 (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.
- 596 (3)
- (a) The juvenile probation officer may:
- 597 (i) conduct a validated risk and needs assessment; and
- 598 (ii) request that a prosecuting attorney review a referral in accordance with Section 80-6-304.5 if:
- 600 (A) the results of the validated risk and needs assessment indicate the minor is high risk; or
- 602 (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, or
 76-12-309, or Title 76, Chapter 5, Offenses Against the Individual.
- 606 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor shall:
- 608 (i) undergo a drug and alcohol screening;
- 609 (ii) if found appropriate by the screening, participate in an assessment; and
- 610 (iii) if warranted by the screening and assessment, follow the recommendations of the assessment.
- 612 (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:
- 614 (a) the minor:
- 615 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
- 616 (ii) has no more than two prior adjudications; and
- 617 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;
- 618 (b) the minor is referred for an offense that is alleged to have occurred before the minor was 12 years
 old; or
- 620 (c) the minor is referred for being a habitual truant.

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- 621 (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.
- 625 (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.
- 629 (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).
- 632 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if ~~{ the referral
involves}~~ :
- 634 (a) ~~{ the referral involves }~~ an offense alleged to have occurred when the minor was 12 years old or older
that is:
- 636 (i) a felony offense; or
- 637 (ii) a misdemeanor violation of:
- 638 (A) Section 41-6a-502, driving under the influence;
- 639 (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;
- 642 (C) Subsection 58-37-8(1)(a)(iii), possessing a controlled or counterfeit substance with intent to
distribute;
- 644 ~~[(B)]~~ (D) Section 76-5-107, threat of violence;
- 645 ~~[(C)]~~ (E) Section 76-5-107.1, threats against schools;
- 646 ~~[(D)]~~ (F) Section 76-5-112, reckless endangerment creating a substantial risk of death or serious bodily
injury;
- 648 ~~[(E)]~~ (G) Section 76-5-206, negligent homicide;
- 649 ~~[(F)]~~ (H) Section 76-5-418, sexual battery;
- 650 (I) Section 76-5-401.3, unlawful adolescent sexual activity;
- 651 ~~[(G)]~~ (J) Section 76-5d-204, patronizing a prostituted individual who is a child;
- 652 ~~[(H)]~~ (K) Section 76-5d-211, sexual solicitation by an actor offering compensation to a child in
exchange for sexual activity;
- 654 ~~[(I)]~~ (L) Section 76-11-205, carrying a dangerous weapon at an elementary school or secondary school;

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- 656 [~~(J)~~] (M) Section 76-11-206, carrying a dangerous weapon at a daycare;
- 657 [~~(K)~~] (N) Section 76-11-207, threatening with or using a dangerous weapon in a fight or quarrel;
- 659 [~~(L)~~] (O) Section 76-11-208, possession of a dangerous weapon with criminal intent; or
- 661 [~~(M)~~] (P) Section 76-11-211, possession of a dangerous weapon by a minor; ~~{or}~~
- 662 (b)
- ~~{(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 }~~
- 666 ~~{(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 }~~
- 669 ~~{(e) the referral involves }~~an offense alleged to have occurred before the minor is 12 years old that is a felony violation of:
- 671 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 672 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 673 (iii) Section 76-5-203, murder or attempted murder;
- 674 (iv) Section 76-5-302, aggravated kidnapping;
- 675 (v) Section 76-5-405, aggravated sexual assault;
- 676 (vi) Section 76-6-103, aggravated arson;
- 677 (vii) Section 76-6-203, aggravated burglary;
- 678 (viii) Section 76-6-302, aggravated robbery; or
- 679 (ix) Section 76-11-210, felony discharge of a firearm.
- 680 (9) The juvenile probation officer shall request that a prosecuting attorney review a referral if:
- 682 (a) the referral involves an offense described in Subsection (8); or
- 683 (b) the minor has a current suspended order for custody under Section 80-6-711.

674 Section 12. **Repealer.**

This Bill Repeals:

- 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.**

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- 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.**

Effective Date.

This bill takes effect on May 6, 2026.

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

If H.B. 188, Juvenile Justice Amendments, and H.B. 301, Drug Recodification, both pass and become law, the Legislature intends that, on May 6, 2026:

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

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

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

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

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

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

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

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

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

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

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

(h) unlawful use of a license number in the course of manufacturing or distributing a

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controlled substance as described in Section 76-18-214;

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

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

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

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

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

~~{(2)}~~ (3) Subsection 80-6-303.5(8) in H.B. 188 be amended to read:

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

~~{ (a) the referral involves an offense alleged to have occurred when the minor was 12 }~~

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

(i) a felony offense; or

(ii) a misdemeanor violation of:

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

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

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

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

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

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

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

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

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

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

~~[(H)]~~(K) Section 76-5d-211, sexual solicitation by an actor offering compensation

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to a child in exchange for sexual activity;

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

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

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

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

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

~~{(b) (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 Section 76-18-207 for unlawfully~~

~~{possessing or using a controlled substance or controlled substance analog; and }~~

~~{(ii) the minor has a prior nonjudicial adjustment involving a referral for an offense }~~

~~{that is a misdemeanor violation of Section 76-18-207 for unlawfully possessing or using a controlled substance or controlled substance analog; or }~~

~~{(c) the referral involves }~~ (b) an offense alleged to have occurred before the minor is 12 years old

that is a felony

~~{old that is a felony }~~ violation of:

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

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

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

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

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

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

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

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

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

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