Juvenile Justice Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends statutory provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- defines terms related to offenses committed at school;
- amends the notification requirements for an offense committed by a student on school grounds;
- recodifies and amends requirements related to the notification of an offense committed by a student on school grounds, including statutory provisions addressing investigations, searches, and immunity;
- defines terms for juvenile programming and data reporting requirements;
- addresses a minor's eligibility for a nonjudicial adjustment when a referral to a juvenile court involves certain offenses;
- 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;
- repeals statutes regarding notification and reporting of prohibited acts by students; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

H.B. 188

80-5-102, as last amended by Laws of Utah 2025, Chapter 88
80-6-104, as last amended by Laws of Utah 2025, Chapters 173, 208
80-6-303.5, as last amended by Laws of Utah 2025, Chapters 173, 174 and 208
80-6-1004.1, as last amended by Laws of Utah 2025, Chapters 173, 208
ENACTS:
53G-8-509.1, Utah Code Annotated 1953
53G-8-511, Utah Code Annotated 1953
53G-8-512, Utah Code Annotated 1953
RENUMBERS AND AMENDS:
53G-8-513, (Renumbered from 53G-8-509, as last amended by Laws of Utah 2019, Chapter 293)
REPEALS:
53G-8-501, as renumbered and amended by Laws of Utah 2018, Chapter 3
53G-8-502, as renumbered and amended by Laws of Utah 2018, Chapter 3
53G-8-503, as last amended by Laws of Utah 2019, Chapter 293
53G-8-504, as renumbered and amended by Laws of Utah 2018, Chapter 3
53G-8-505, as last amended by Laws of Utah 2020, Chapter 161
53G-8-506, as last amended by Laws of Utah 2018, Chapter 117 and renumbered and amended by Laws of Utah 2018, Chapter 3
53G-8-507, as renumbered and amended by Laws of Utah 2018, Chapter 3
53G-8-508, as last amended by Laws of Utah 2020, Chapter 161

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

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

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

(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.

(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.

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

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

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

(4) The state board:

(a) may use an employee's email address provided under Subsection (2) for official

communication between the state board and the school employee; and

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

(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.

(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:

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

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

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

(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

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

Section 2. Section **53G-8-509.1** is enacted to read:

Part 5. Notification of Offenses at School

53G-8-509.1 . Definitions for part.

As used in this part:

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

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

(a) a school teacher;

(b) a school staff member;

(c) a school administrator; or

(d) an individual:

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

(ii) who works on a school campus.

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

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

Section 3. Section **53G-8-510** is amended to read:

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

-- Immunity from civil and criminal liability.

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

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

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

[~~(i) a school teacher;~~]

[~~(ii) a school staff member;~~]

[~~(iii) a school administrator; or~~]

[~~(iv) an individual:~~]

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

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

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

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

[~~(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.

[~~(3)~~] (2) After receiving a notification under Subsection [~~(2)~~] (1), the principal shall notify:

(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~~]

(b) school or district personnel if the principal determines that school or district personnel should be informed[~~.~~] ; and

(c) the student's legal parent or guardian.

[~~(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.~~]

(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).

(4) The identity of a school employee who notifies a principal under Subsection (1) shall be kept confidential.

Section 4. Section **53G-8-511** is enacted to read:

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

(1)(a) Before a principal notifies a law enforcement officer or agency of a drug offense

described in Section 58-37-8 that involves school property, a student, or a school employee, the principal shall investigate, or authorize an investigation into, the drug offense, including a search on school property in accordance with Subsection (2).

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

(c) 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 drug offense.

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

(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.

(3) If an offense involving an electronic cigarette product may not be referred, or is not referred, to a law enforcement officer or agency under Section 53G-8-211, an LEA shall dispose of or destroy the seized electronic cigarette product in accordance with the LEA's policies adopted under Subsection 53G-8-203(3).

(4) Evidence of an offense on school property is admissible in civil and criminal actions if the evidence is seized by school authorities acting alone and on their own authority.

Section 5. Section **53G-8-512** is enacted to read:

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

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

(2) A school employee or a principal making a notification or conducting an investigation, in good faith, under the direction of school or law enforcement authorities under this part, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

Section 6. Section **53G-8-513**, which is renumbered from Section 53G-8-509 is renumbered and amended to read:

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

(1) The state board and LEA governing boards shall adopt rules or policies [~~to implement Sections 53G-8-505 through 53G-8-508~~] to address the standards and

procedures for student searches under this part.

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

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

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

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

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

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

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

(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;

(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;

(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:

(i) statewide expansion of:

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

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

(C) youth courts; and

(D) victim-offender mediation;

(ii) statewide implementation of nonresidential diagnostic assessment;

(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;

(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

(v) early intervention programs such as family strengthening programs, family wraparound services, and proven truancy interventions;

(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;

(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;

(h) comply with the data collection and reporting requirements under Section 80-6-104;

(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;

(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;

(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;

(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;

(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;

(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

(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.

[~~(2)~~] (3) Training described in Subsection [~~(1)(l)~~] (2)(l) 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:

(a) adolescent development;

(b) identifying and using local behavioral health resources;

(c) cross-cultural awareness;

(d) graduated responses;

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

(f) gangs.

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

(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);

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

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

[~~(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).

Section 8. Section **80-5-102** is amended to read:

80-5-102 . Definitions.

As used in this chapter:

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

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

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

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

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

(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.

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

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

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

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

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

(a) who is a runaway; or

(b) who is:

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

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

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

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

(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.

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

(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

(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.

(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:

(a) gonadotropin-releasing hormone agonists; or

(b) androgen receptor inhibitors.

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

(17) "Rescission" means the same as that term is defined in Section 80-6-102.

(18) "Restitution" means the same as that term is defined in Section 80-6-102.

(19) "Revocation" means the same as that term is defined in Section 80-6-102.

(20) "Secondary sex characteristic surgical procedure" means the same as that term is defined in Section 26B-4-1001.

(21) "Temporary custody" means the same as that term is defined in Section 80-6-102.

(22) "Temporary homeless youth shelter" means a facility that:

(a) provides temporary shelter to homeless youth; and

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

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

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

(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.

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

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

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

(b) "Youth services" include efforts to:

(i) resolve family conflict;

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

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

(c) "Youth services" may provide:

(i) crisis intervention;

(ii) short-term shelter;

(iii) time-out placement; and

(iv) family counseling.

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

Section 9. Section **80-6-104** is amended to read:

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

(1) As used in this section:

(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.

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

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

(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:

(i) the individual accepted a nonjudicial adjustment; or

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

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

(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:

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

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

(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.

(g) "School-based offense" means an offense that is committed, or allegedly committed, by a minor enrolled in school when school is in session or at a school-sponsored activity.

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

[~~(d)~~] (i) "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

(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 referrals;

[~~(c)~~] (d) changes in aggregate risk levels from the time minors receive services, are under supervision, and are in out-of-home placement; and

[~~(d)~~] (e) 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.

(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.

Section 10. Section **80-6-303.5** is amended to read:

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

(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.

(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.

(3)(a) The juvenile probation officer may:

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

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

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

(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.

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

(i) undergo a drug and alcohol screening;

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

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

(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:

(a) the minor:

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

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

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

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

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

(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.

(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.

(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).

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

(C) Subsection 58-37-8(1)(a)(iii), possessing a controlled 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;

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

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

[~~(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 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; [~~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 Subsection 58-37-8(2)(a)(i), for the possession or use of a controlled substance analog or controlled substance; and

(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

(c) the referral involves an offense alleged to have occurred before the minor is 12 years 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.

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

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

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

Section 11. Section **80-6-1004.1** is amended to read:

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

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

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

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

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

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

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

(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.

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

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

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

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

(i) set a date for a hearing; and

(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:

(A) that the petition has been filed; and

(B) of the date of the hearing.

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

(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.

(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.

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

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

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

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

(ii) the prosecuting attorney agrees to the waiver.

(5)(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).

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

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

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

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

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

(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):

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

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

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

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

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

(b) the petitioner has been adjudicated or convicted of an offense described in Section 58-37-8 within two years before the day on which the petition for expungement is filed;

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

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

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

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

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

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

Section 12. **Repealer.**

This bill repeals:

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

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

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

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

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

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

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

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

Section 13. **Effective Date.**

This bill takes effect on May 6, 2026.