

1

**Juvenile Justice Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nicholeen P. Peck**

Senate Sponsor:

2

**LONG TITLE**

3

**General Description:**

4

This bill amends statutory provisions related to juvenile justice.

5

**Highlighted Provisions:**

6

This bill:

7

- ▶ 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.

8

**Money Appropriated in this Bill:**

9

None

10

**Other Special Clauses:**

11

None

12

**Utah Code Sections Affected:**

13

**AMENDS:**

14

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

15

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

16

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

**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

65 communication between the state board and the school employee; and  
66 (b) may not disclose an email address provided under Subsection (2) to a third party.  
67 (5)(a) Upon request, the state board shall provide the email addresses in Subsection (2)  
68 to the president of the Senate and the speaker of the House of Representatives.  
69 (b) The president of the Senate and the speaker of the House of Representatives, by  
70 mutual agreement, may jointly email school employees for official communication  
71 on behalf of the Legislature relating to the teaching profession or education policy in  
72 the state:  
73 (i) if the president of the Senate and the speaker of the House of Representatives  
74 provide 48 hours notice to the local superintendent; and  
75 (ii) no more than three times per calendar year.  
76 (c) The president of the Senate and the speaker of the House of Representatives may not:  
77 (i) use or allow another individual to use a school employee's email address for  
78 political activity or for any purpose other than as described in Subsection (5)(b);  
79 and  
80 (ii) disclose and email address provided under Subsection (2) to another legislator or  
81 a third party.

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

#### 83 **Part 5. Notification of Offenses at School**

##### 84 **53G-8-509.1 . Definitions for part.**

85 As used in this part:

86 (1) "School" means a public or private elementary or secondary school.  
87 (2) "School employee" means an individual working in the individual's capacity as:  
88 (a) a school teacher;  
89 (b) a school staff member;  
90 (c) a school administrator; or  
91 (d) an individual:  
92 (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a  
93 school district; and  
94 (ii) who works on a school campus.  
95 (3) "School is in session" means the same as that term is defined in Section 53E-3-516.  
96 (4) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.

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

#### 98 **53G-8-510 . Notification of an offense committed by a student on school grounds**

99 -- Immunity from civil and criminal liability.

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

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

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

103 [(i) a school teacher;]

104 [(ii) a school staff member;]

105 [(iii) a school administrator; or]

106 [(iv) an individual:]

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

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

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

111 [(d) "School-sponsored activity" means the same as that term is defined in Section  
112 53E-3-516.]

113 [(2)] (1) If a [minor] student allegedly commits an offense on school grounds when school is  
114 in session or at a school-sponsored activity and that information is reported to, or known  
115 by, a school employee, the school employee shall notify the principal.

116 [(3)] (2) After receiving a notification under Subsection [(2)] (1), the principal shall notify:

117 (a) a law enforcement officer or agency if the principal may refer the offense to a law  
118 enforcement officer or agency as described in Section 53G-8-211;[ and]

119 (b) school or district personnel if the principal determines that school or district  
120 personnel should be informed[-] ; and

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

122 [(4) A person who in good faith reports information under Subsection (2) or (3) and any  
123 person who receives the information is immune from any liability, civil or criminal, that  
124 might otherwise result from the reporting or receipt of the information.]

125 (3) The principal may not disclose to the student, or the student's legal parent or guardian,  
126 the identity of the school employee who made the initial notification under Subsection  
127 (1).

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

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

131 **53G-8-511 . Investigations into allegations -- Searches -- Evidence.**

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

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

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

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

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

143 (b) The measures adopted for the search shall be reasonably related to the objectives of  
144 the search and not excessively intrusive in light of the circumstances, including the  
145 age and sex of the individual involved and the nature of the offense.

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

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

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

153 **53G-8-512 . Immunity from civil or criminal liability.**

154 (1) A school employee or principal who in good faith reports information under Subsection  
155 53G-8-510(1) or (2) is immune from any liability, civil or criminal, that might otherwise  
156 result from the reporting or receipt of the information.

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

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

163 **[53G-8-509] 53G-8-513 . State board rules to ensure protection of individual  
164 rights.**

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

167       procedures for student searches under this part.

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

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

171       **63M-7-208 . Juvenile justice oversight -- Delegation -- Effective dates.**

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

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

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

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

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

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

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

193       (i) statewide expansion of:

194           (A) juvenile receiving centers, as defined in Section 80-1-102;  
195           (B) mobile crisis outreach teams, as defined in Section 26B-5-101;  
196           (C) youth courts; and  
197           (D) victim-offender mediation;

198       (ii) statewide implementation of nonresidential diagnostic assessment;

199       (iii) statewide availability of evidence-based programs and practices including  
200       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;

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

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

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

245 (a) adolescent development;  
246 (b) identifying and using local behavioral health resources;  
247 (c) cross-cultural awareness;  
248 (d) graduated responses;  
249 (e) Utah juvenile justice system data and outcomes; and  
250 (f) gangs.

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

252 (a) the use of evidence-based juvenile justice programs and practices rated as effective  
253 by the tools selected in accordance with Subsection [(1)(j)] (2)(j);  
254 (b) the use of three-month timelines for program completion; and  
255 (c) evidence-based programs and practices for minors living at home in rural areas.

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

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

261 **80-5-102 . Definitions.**

262 As used in this chapter:

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

265 (2)(a) "Adult" means an individual who is 18 years old or older.  
266 (b) "Adult" does not include a juvenile offender.

267 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.  
268 1351.1.

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

270 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a

271 manner consistent with public safety and the well-being of the juvenile offender and

272 division employees.

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

274 26B-4-1001.

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

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

277 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section

278 80-5-103.

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

280 (a) who is a runaway; or

281 (b) who is:

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

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

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

285 space.

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

287 facilities.

288 (13) "Observation and assessment program" means a nonresidential service program

289 operated or purchased by the division that is responsible only for diagnostic assessment

290 of minors, including for substance use disorder, mental health, psychological, and sexual

291 behavior risk assessments.

292 (14) "Performance based contracting" means a system of contracting with service providers

293 for the provision of residential or nonresidential services that:

294 (a) provides incentives for the implementation of evidence-based juvenile justice

295 programs or programs rated as effective for reducing juvenile recidivism, as defined

296 in Section 80-6-104, by a standardized tool in accordance with Section 63M-7-208;

297 and

298 (b) provides a premium rate allocation for a minor who receives the evidence-based

299 dosage of treatment and successfully completes the program within three months.

300 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for

301 effectuating or facilitating an individual's attempted sex change, any of the following

302 alone or in combination with aromatase inhibitors:

303 (a) gonadotropin-releasing hormone agonists; or  
304 (b) androgen receptor inhibitors.

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

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

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

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

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

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

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

314 (a) provides temporary shelter to homeless youth; and

315 (b) is licensed by the Department of Health and Human Services, created in Section  
316 26B-1-201, as a residential support program.

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

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

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

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

323 (i) for families in crisis when a minor is ungovernable or a runaway; or  
324 (ii) involving a minor and the minor's parent or guardian.

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

326 (i) resolve family conflict;  
327 (ii) maintain or reunite minors with the minors' families; and  
328 (iii) divert minors from entering or escalating in the juvenile justice system.

329 (c) "Youth services" may provide:

330 (i) crisis intervention;  
331 (ii) short-term shelter;  
332 (iii) time-out placement; and  
333 (iv) family counseling.

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

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

337           **80-6-104 . Data collection on offenses committed by minors -- Reporting**  
338           **requirement.**

339           (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

364           [(e)] (h) "School is in session" means the same as that term is defined in Section  
365           53E-3-516.

366           [(d)] (i) "School-sponsored activity" means the same as that term is defined in Section  
367           53E-3-516.

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

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

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

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

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

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

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

377 (g) the number of petitions for offenses committed by minors that were dismissed by the

378 juvenile court;

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

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

381 (j) the number of dispositions resulting in secure care, community-based placement,

382 formal probation, and intake probation; and

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

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

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

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

387 76-11-303(4);

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

389 (v) the outcome of the minor's case in juvenile court, including whether the minor

390 was bound over to the district court or adjudicated by the juvenile court; and

391 (vi) if a disposition was entered by the juvenile court, whether the disposition

392 resulted in secure care, community-based placement, formal probation, or intake

393 probation.

394 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a

395 case resulting from a firearm-related offense committed, or allegedly committed, by a

396 minor when the minor is found in possession of a firearm while school is in session or

397 during a school-sponsored activity.

398 (4) In collaboration with the Administrative Office of the Courts, the division, and other

399 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for

400 the preceding calendar year on:

401 (a) the length of time that minors spend in the juvenile justice system, including the total

402 amount of time minors spend under juvenile court jurisdiction, on community

403 supervision, and in each out-of-home placement;

404 (b) [recidivism of minors who are diverted to a nonjudicial adjustment and minors for

405 whom dispositions are ordered by the juvenile court] juvenile recidivism, including  
406 tracking minors into the adult corrections system;

407 (c) school-based referrals;

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

410 [ (d) ] (e) dosages of programming.

411 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile  
412 Justice shall prepare and submit a written report to the Judiciary Interim Committee and  
413 the Law Enforcement and Criminal Justice Interim Committee that includes:

414 (a) data collected by the State Commission on Criminal and Juvenile Justice under this  
415 section;

416 (b) data collected by the State Board of Education under Section 53E-3-516; and

417 (c) recommendations for legislative action with respect to the data described in this  
418 Subsection (5).

419 (6) After submitting the written report described in Subsection (5), the State Commission  
420 on Criminal and Juvenile Justice may supplement the report at a later time with updated  
421 data and information the State Board of Education collects under Section 53E-3-516.

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

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

426 **80-6-303.5 . Preliminary inquiry by juvenile probation officer -- Eligibility for  
427 nonjudicial adjustment.**

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

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

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

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

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

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

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

449 (i) undergo a drug and alcohol screening;  
450 (ii) if found appropriate by the screening, participate in an assessment; and  
451 (iii) if warranted by the screening and assessment, follow the recommendations of the  
452 assessment.

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

455 (a) the minor:

456 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;  
457 (ii) has no more than two prior adjudications; and  
458 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;

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

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

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

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

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

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

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

477 (i) a felony offense; or

478 (ii) a misdemeanor violation of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

503 (b)(i) ~~the referral involves an offense alleged to have occurred when the minor was~~  
504 ~~12 years old or older that is a misdemeanor violation of Subsection~~  
505 ~~58-37-8(2)(a)(i), for the possession or use of a controlled substance analog or~~  
506 ~~controlled substance; and~~

507 (ii) the minor has a prior nonjudicial adjustment involving a referral for an offense  
508 that is a misdemeanor violation of Subsection 58-37-8(2)(a)(i), for the possession  
509 or use of a controlled substance analog or controlled substance; or  
510 (c) the referral involves an offense alleged to have occurred before the minor is 12 years  
511 old that is a felony violation of:  
512 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;  
513 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;  
514 (iii) Section 76-5-203, murder or attempted murder;  
515 (iv) Section 76-5-302, aggravated kidnapping;  
516 (v) Section 76-5-405, aggravated sexual assault;  
517 (vi) Section 76-6-103, aggravated arson;  
518 (vii) Section 76-6-203, aggravated burglary;  
519 (viii) Section 76-6-302, aggravated robbery; or  
520 (ix) Section 76-11-210, felony discharge of a firearm.

521 (9) The juvenile probation officer shall request that a prosecuting attorney review a referral  
522 if:  
523 (a) the referral involves an offense described in Subsection (8); or  
524 (b) the minor has a current suspended order for custody under Section 80-6-711.

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

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

527 **Order.**

528 (1) An individual may petition the juvenile court for an order to expunge the individual's  
529 juvenile record if:  
530 (a) the individual was adjudicated for an offense in the juvenile court;  
531 (b) the individual has reached 18 years old; and  
532 (c) at least one year has passed from the day on which:  
533 (i) the juvenile court's continuing jurisdiction was terminated; or  
534 (ii) if the individual was committed to secure care, the individual was unconditionally  
535 released from the custody of the division.  
536 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection (1),  
537 the petition shall include a criminal history report obtained from the Bureau of Criminal  
538 Identification in accordance with Section 53-10-108.  
539 (3) If the juvenile court finds and states on the record the reason why the waiver is  
540 appropriate, the juvenile court may waive:

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

543 (4)(a) Upon the filing of a petition described in Subsection (1), the juvenile court shall:  
544 (i) set a date for a hearing; and  
545 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,  
546 notify the prosecuting attorney and any affected agency identified in the  
547 petitioner's juvenile record:  
548 (A) that the petition has been filed; and  
549 (B) of the date of the hearing.

550 (b)(i) The juvenile court shall provide a victim with the opportunity to request notice  
551 of a petition described in Subsection (1).  
552 (ii) Upon the victim's request under Subsection (4)(b)(i), the victim shall receive  
553 notice of the petition at least 30 days before the day on which the hearing is  
554 scheduled if, before the day on which an expungement order is made, the victim,  
555 or the victim's next of kin or authorized representative if the victim is a child or an  
556 individual who is incapacitated or deceased, submits a written and signed request  
557 for notice to the juvenile court in the judicial district in which the offense occurred  
558 or judgment is entered.  
559 (iii) The notice described in Subsection (4)(b)(ii) shall include a copy of the petition  
560 and any statutes and rules applicable to the petition.

561 (c) At the hearing, the prosecuting attorney, a victim, and any other individual who may  
562 have relevant information about the petitioner may testify.  
563 (d) The juvenile court may waive the hearing for the petition if:  
564 (i)(A) there is no victim; or  
565 (B) if there is a victim, the victim agrees to the waiver; and  
566 (ii) the prosecuting attorney agrees to the waiver.

567 (5)(a) Except as provided in Subsection (6), the juvenile court may grant a petition  
568 described in Subsection (1) and order expungement of the petitioner's juvenile record  
569 if the juvenile court finds that the petitioner is rehabilitated to the satisfaction of the  
570 court in accordance with Subsection (5)(b).  
571 (b) In deciding whether to grant a petition described in Subsection (1), the juvenile court  
572 shall consider:  
573 (i) whether expungement of the petitioner's juvenile record is in the best interest of  
574 the petitioner;

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

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

577 adjudicated;

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

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

580 and

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

582 76-11-303(4):

583 (A) whether the offense for which the petitioner is a restricted person was

584 committed with a weapon;

585 (B) whether expungement of the petitioner's juvenile record poses an unreasonable

586 risk to public safety; and

587 (C) the amount of time that has passed since the adjudication of the offense for

588 which the petitioner is a restricted person.

589 (6) The juvenile court may not grant a petition described in Subsection (1) and order

590 expungement of the petitioner's juvenile record if:

591 (a) the petitioner has been convicted of a violent felony within five years before the day

592 on which the petition for expungement is filed;

593 (b) the petitioner has been adjudicated or convicted of an offense described in Section

594 58-37-8 within two years before the day on which the petition for expungement is

595 filed;

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

597 [(e)] (d) the petitioner has not satisfied a judgment of restitution entered by the juvenile

598 court for an adjudication in the petitioner's juvenile record;

599 [(d)] (e) the petitioner has not satisfied restitution that was a condition of a nonjudicial

600 adjustment in the petitioner's juvenile record; or

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

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

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

604 **Section 12. Repealer.**

605 This bill repeals:

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

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

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

609       Section **53G-8-504, Immunity from civil or criminal liability.**  
610       Section **53G-8-505, Definitions.**  
611       Section **53G-8-506, Reporting of prohibited acts affecting a school -- Confidentiality.**  
612       Section **53G-8-507, Immunity from civil or criminal liability.**  
613       Section **53G-8-508, Admissibility of evidence in civil and criminal actions.**  
614       Section 13. **Effective Date.**  
615       This bill takes effect on May 6, 2026.