

Nicholeen P. Peck proposes the following substitute bill:

1 **Juvenile Justice Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Nicholeen P. Peck**

Senate Sponsor: Todd Weiler

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2 **LONG TITLE**

3 **General Description:**

4 This bill amends statutory provisions related to juvenile justice.

5 **Highlighted Provisions:**

6 This bill:

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

10 grounds;

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- 12 ▶ recodifies and amends requirements related to the notification of an offense committed by
- 13 a student on school grounds, including statutory provisions addressing investigations,
- 14 searches, and immunity;

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- 16 ▶ requires a school to refer a minor to law enforcement or a court for a drug offense;
- 17 ▶ defines terms for juvenile programming and data reporting requirements;
- 18 ▶ addresses a minor's eligibility for a nonjudicial adjustment when a referral to a juvenile
- 19 court involves certain offenses;

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

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

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

**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

## 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

63 communication between the state board and the school employee; and  
64 (b) may not disclose an email address provided under Subsection (2) to a third party.  
65 (5)(a) Upon request, the state board shall provide the email addresses in Subsection (2)  
66 to the president of the Senate and the speaker of the House of Representatives.  
67 (b) The president of the Senate and the speaker of the House of Representatives, by  
68 mutual agreement, may jointly email school employees for official communication  
69 on behalf of the Legislature relating to the teaching profession or education policy in  
70 the state:  
71 (i) if the president of the Senate and the speaker of the House of Representatives  
72 provide 48 hours notice to the local superintendent; and  
73 (ii) no more than three times per calendar year.

74 (c) The president of the Senate and the speaker of the House of Representatives may not:  
75 (i) use or allow another individual to use a school employee's email address for  
76 political activity or for any purpose other than as described in Subsection (5)(b);  
77 and  
78 (ii) disclose and email address provided under Subsection (2) to another legislator or  
79 a third party.

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

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

82 (1) As used in this section:

83 (a) "Evidence-based" means a program or practice that:  
84 (i) has had multiple randomized control studies or a meta-analysis demonstrating that  
85 the program or practice is effective for a specific population;  
86 (ii) has been rated as effective by a standardized program evaluation tool; or  
87 (iii) is created and developed by a school or school district and has been approved by  
88 the state board.

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

90 (i) is in grade 7 or above, unless the school-age child is under 12 years old;  
91 (ii) is subject to the requirements of Section 53G-6-202; and  
92 (iii)(A) is truant at least 20 days during one school year; or  
93 (B) fails to cooperate with efforts on the part of school authorities to resolve the  
94 school-age child's attendance problem as required under Section 53G-6-206.

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

96 [t] (d) "Mobile crisis outreach team" means the same as that term is defined in Section

97 26B-5-101.

98 [d] (e) "Prosecuting attorney" means the same as that term is defined in Subsections  
99 80-1-102(66)(b) and (c).

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

- 102 (i) to enhance school safety, reduce school suspensions, and limit referrals to law  
103 enforcement agencies and courts; and
- 104 (ii) to help minors take responsibility for and repair harmful behavior that occurs in  
105 school.

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

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

109 [h] (i) "School resource officer" means a law enforcement officer, as defined in Section  
110 53-13-103, who contracts with, is employed by, or whose law enforcement agency  
111 contracts with a local education agency to provide law enforcement services for the  
112 local education agency.

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

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

- 118 (A) the activity is managed or supervised by a local education agency or public  
119 school, or local education agency or public school employee;
- 120 (B) the activity uses the local education agency's or public school's facilities,  
121 equipment, or other school resources; or
- 122 (C) the activity is supported or subsidized, more than inconsequentially, by public  
123 funds, including the public school's activity funds or Minimum School  
124 Program dollars.

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

127 [k] (l)(i) "Status offense" means an offense that would not be an offense but for the  
128 age of the offender.

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

131 (2) This section applies to:

132 (a) a minor who is alleged to be a habitual truant; and  
133 (b) a minor enrolled in school who is alleged to have committed an offense on school  
134 property where the student is enrolled:  
135 (i) when school is in session; or  
136 (ii) during a school-sponsored activity.

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

141 (a) to an evidence-based alternative intervention, including:  
142 (i) a mobile crisis outreach team;  
143 (ii) a youth services center, as defined in Section 80-5-102;  
144 (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative  
145 justice program;  
146 (iv) an evidence-based alternative intervention created and developed by the school  
147 or school district;  
148 (v) an evidence-based alternative intervention that is jointly created and developed by  
149 a local education agency, the state board, the juvenile court, local counties and  
150 municipalities, the Department of Health and Human Services;  
151 (vi) a tobacco cessation or education program if the offense is a violation of Section  
152 76-9-1106; or  
153 (vii) truancy mediation; or

154 (b) for prevention and early intervention youth services, as described in Section 80-5-201,  
155 by the Division of Juvenile Justice and Youth Services if the minor refuses to  
156 participate in an evidence-based alternative intervention described in Subsection  
157 (3)(a).

158 (4) Except as provided in Subsection (6), if a minor is alleged to have committed an offense  
159 on school property that is a class C misdemeanor, an infraction, or a status offense, a  
160 school administrator, the school administrator's designee, or a school resource officer  
161 may refer a minor to a law enforcement officer or agency or a court only if:

162 (a) the minor allegedly committed an offense on school property on a previous occasion;  
163 and  
164 (b) the minor was referred to an evidence-based alternative intervention, or to prevention

or early intervention youth services, as described in Subsection (3) for the previous offense.

(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:

- (a) the minor was previously alleged of being a habitual truant at least twice during the same school year; and
- (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.

(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.

(b) If a minor is alleged to have committed an offense on school property that is a drug offense described in Subsection 58-37-8(2)(a)(i), the school administrator, the school administrator's designee, or a school resource officer shall refer the minor directly to a law enforcement officer or agency or a court.

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

- (a) investigate possible criminal offenses and conduct, including conducting probable cause searches;
- (b) consult with school administration about the conduct of a minor enrolled in a school;
- (c) transport a minor enrolled in a school to a location if the location is permitted by law;
- (d) take temporary custody of a minor in accordance with Section 80-6-201; or
- (e) protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.

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

- (b) A school representative appointed under Subsection (8)(a) may not be a school resource officer.
- (c) A school district or school shall include the following in the school district's or

199 school's referral to the court or the law enforcement officer or agency:

200 (i) attendance records for the minor;

201 (ii) a report of evidence-based alternative interventions used by the school before the

202 referral, including outcomes;

203 (iii) the name and contact information of the school representative assigned to

204 actively participate in the court process with the minor and the minor's family;

205 (iv) if the minor was referred to prevention or early intervention youth services under

206 Subsection (3)(b), a report from the Division of Juvenile Justice and Youth

207 Services that demonstrates the minor's failure to complete or participate in

208 prevention and early intervention youth services under Subsection (3)(b); and

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

210 (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or

211 placed in secure detention, including for a contempt charge or violation of a valid

212 court order under Section 78A-6-353:

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

214 (ii) for being a habitual truant.

215 (e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when

216 available, the resources of the Division of Juvenile Justice and Youth Services or the

217 Office of Substance Use and Mental Health to address the minor.

218 (9) If a minor is alleged to have committed an offense on school property that is a class B

219 misdemeanor or a class A misdemeanor, the school administrator, the school

220 administrator's designee, or a school resource officer may refer the minor directly to a

221 court or to the evidence-based alternative interventions in Subsection (3)(a).

222 (10) A school administrator, a school administrator's designee, and a school resource officer

223 retain the discretion described under this section in relation to Title 63G, Chapter 31,

224 Distinctions on the Basis of Sex.

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

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

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

228 As used in this part:

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

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

231 (a) a school teacher;

232 (b) a school staff member;

233 (c) a school administrator; or  
234 (d) an individual:  
235 (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a  
236 school district; and  
237 (ii) who works on a school campus.

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

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

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

241 **53G-8-510 . Notification of an offense committed by a student on school grounds**

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

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

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

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

246 [(i) a school teacher;]

247 [(ii) a school staff member;]

248 [(iii) a school administrator; or]

249 [(iv) an individual:]

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

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

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

254 [(d) "School-sponsored activity" means the same as that term is defined in Section  
255 53E-3-516.]

256 [(2)] (1) If a [minor] student allegedly commits an offense on school grounds when school is  
257 in session or at a school-sponsored activity and that information is reported to, or known  
258 by, a school employee, the school employee shall notify the principal.

259 [(3)] (2) After receiving a notification under Subsection [(2)] (1), the principal shall notify:

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

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

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

265 [(4) A person who in good faith reports information under Subsection (2) or (3) and any  
266 person who receives the information is immune from any liability, civil or criminal, that

267        might otherwise result from the reporting or receipt of the information.]

268        (3) The principal may not disclose to the student, or the student's legal parent or guardian,  
269        the identity of the school employee who made the initial notification under Subsection  
270        (1).

271        (4) The identity of a school employee who notifies a principal under Subsection (1) shall be  
272        kept confidential, except that the identity of a school employee may be disclosed to a  
273        law enforcement officer or agency for purposes of an investigation or prosecution.

274        Section 5. Section **53G-8-511** is enacted to read:

275        **53G-8-511 . Investigations into allegations -- Searches -- Evidence.**

276        (1)(a) If the principal is notified of an alleged drug offense described in Section 58-37-8  
277        that involves school property, a student, or a school employee, the principal may  
278        conduct an administrative investigation, or authorize an administrative investigation  
279        into, the alleged drug offense, including a search on school property in accordance  
280        with Subsection (2), before the principal notifies a law enforcement officer or agency.

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

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

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

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

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

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

296        **53G-8-512 . Immunity from civil or criminal liability.**

297        (1) A school employee or principal who in good faith reports information under Subsection  
298        53G-8-510(1) or (2) is immune from any liability, civil or criminal, that might otherwise  
299        result from the reporting or receipt of the information.

300        (2) A school employee or a principal making a notification or conducting an investigation,

301       in good faith, under the direction of school or law enforcement authorities under this  
302       part, is immune from any liability, civil or criminal, that otherwise might result by  
303       reason of that action.

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

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

308       (1) The state board and LEA governing boards shall adopt rules or policies [to  
309       implement Sections 53G-8-505 through 53G-8-508] to address the standards and  
310       procedures for student searches under this part.

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

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

314       **63M-7-208 . Juvenile justice oversight -- Delegation -- Effective dates.**

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

317       [(1)] (2) The [State Commission on Criminal and Juvenile Justice] commission shall:  
318       (a) support implementation and expansion of evidence-based juvenile justice programs  
319       and practices, including assistance regarding implementation fidelity, quality  
320       assurance, and ongoing evaluation;  
321       (b) examine and make recommendations on the use of third-party entities or an  
322       intermediary organization to assist with implementation and to support the  
323       performance-based contracting system authorized in Subsection [(1)(m)] (2)(m);  
324       (c) oversee the development of performance measures to track juvenile justice reforms,  
325       and ensure early and ongoing stakeholder engagement in identifying the relevant  
326       performance measures;  
327       (d) evaluate currently collected data elements throughout the juvenile justice system and  
328       contract reporting requirements to streamline reporting, reduce redundancies,  
329       eliminate inefficiencies, and ensure a focus on [recidivism reduction] the reduction of  
330       juvenile recidivism;  
331       (e) review averted costs from reductions in out-of-home placements for juvenile justice  
332       youth placed with the Division of Juvenile Justice and Youth Services and the  
333       Division of Child and Family Services, and make recommendations to prioritize the  
334       reinvestment and realignment of resources into community-based programs for youth

335 living at home, including the following:

336 (i) statewide expansion of:

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

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

339 (C) youth courts; and

340 (D) victim-offender mediation;

341 (ii) statewide implementation of nonresidential diagnostic assessment;

342 (iii) statewide availability of evidence-based programs and practices including  
343 cognitive behavioral and family therapy programs for minors assessed by a  
344 validated risk and needs assessment as moderate or high risk;

345 (iv) implementation and infrastructure to support the sustainability and fidelity of  
346 evidence-based juvenile justice programs, including resources for staffing,  
347 transportation, and flexible funds; and

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

350 (f) assist the Administrative Office of the Courts in the development of a statewide  
351 sliding scale for the assessment of fines, fees, and restitution, based on the ability of  
352 the minor's family to pay;

353 (g) analyze the alignment of resources and the roles and responsibilities of agencies,  
354 such as the operation of early intervention services, receiving centers, and diversion,  
355 and make recommendations to reallocate functions as appropriate, in accordance with  
356 Section 80-5-401;

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

358 (i) develop a reasonable timeline within which all programming delivered to minors in  
359 the juvenile justice system must be evidence-based or consist of practices that are  
360 rated as effective for reducing juvenile recidivism by a standardized program  
361 evaluation tool;

362 (j) provide guidelines to be considered by the Administrative Office of the Courts and  
363 the Division of Juvenile Justice and Youth Services in developing tools considered  
364 by the Administrative Office of the Courts and the Division of Juvenile Justice and  
365 Youth Services in developing or selecting tools to be used for the evaluation of  
366 juvenile justice programs;

367 (k) develop a timeline to support improvements to juvenile justice programs to achieve  
368 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)(i)] (2)(l) should include instruction on evidence-based programs and principles of juvenile justice, such as risk, needs, responsibility, 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 [(f)(f)] (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).

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

404       **80-5-102 . Definitions.**

405       As used in this chapter:

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

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

410       (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.  
411           1351.1.

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

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

416       (6) "Cross-sex hormone treatment" means the same as that term is defined in Section  
417           26B-4-1001.

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

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

420       (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section  
421           80-5-103.

422       (10) "Homeless youth" means a child, other than an emancipated minor:  
423           (a) who is a runaway; or  
424           (b) who is:  
425              (i) not accompanied by the child's parent or guardian; and  
426              (ii) without care, as defined in Section 80-5-602.

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

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

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

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

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

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

443 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for  
444 effectuating or facilitating an individual's attempted sex change, any of the following  
445 alone or in combination with aromatase inhibitors:  
446 (a) gonadotropin-releasing hormone agonists; or  
447 (b) androgen receptor inhibitors.

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

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

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

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

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

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

456 (22) "Temporary homeless youth shelter" means a facility that:  
457 (a) provides temporary shelter to homeless youth; and  
458 (b) is licensed by the Department of Health and Human Services, created in Section  
459 26B-1-201, as a residential support program.

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

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

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

465 (26)(a) "Youth services" means services provided in an effort to resolve family conflict:  
466 (i) for families in crisis when a minor is ungovernable or a runaway; or  
467 (ii) involving a minor and the minor's parent or guardian.

468 (b) "Youth services" include efforts to:  
469 (i) resolve family conflict;  
470 (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 10. 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:

(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

(ii) an agreement between an individual and a prosecuting attorney that results in the dismissal of charges for an offense before a 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 offense" means any infraction, misdemeanor, or felony offense that occurred 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.

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

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

505 (i) the individual accepted a nonjudicial adjustment for a school-based offense; or  
506 (ii) the juvenile court ordered a disposition for the individual resulting in secure care,  
507 community-based placement, formal probation, or intake probation.

508 [(e)] (i) "School is in session" means the same as that term is defined in Section  
509 53E-3-516.

510 [(d)] (j) "School-sponsored activity" means the same as that term is defined in Section  
511 53E-3-516.

512 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the  
513 following data to the State Commission on Criminal and Juvenile Justice, broken down  
514 by judicial district, for the preceding calendar year:  
515 (a) the number of referrals to the juvenile court;  
516 (b) the number of minors diverted to a nonjudicial adjustment;  
517 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;  
518 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;  
519 (e) the number of minors for whom an information is filed in the juvenile court;  
520 (f) the number of minors bound over to the district court by the juvenile court;  
521 (g) the number of petitions for offenses committed by minors that were dismissed by the  
522 juvenile court;  
523 (h) the number of adjudications in the juvenile court for offenses committed by minors;  
524 (i) the number of guilty pleas entered into by minors in the juvenile court;  
525 (j) the number of dispositions resulting in secure care, community-based placement,  
526 formal probation, and intake probation; and  
527 (k) for each minor charged in the juvenile court with a firearm-related offense:  
528 (i) the minor's age at the time the offense was committed or allegedly committed;  
529 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;  
530 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or  
531 76-11-303(4);  
532 (iv) the type of offense for which the minor is charged;  
533 (v) the outcome of the minor's case in juvenile court, including whether the minor  
534 was bound over to the district court or adjudicated by the juvenile court; and  
535 (vi) if a disposition was entered by the juvenile court, whether the disposition  
536 resulted in secure care, community-based placement, formal probation, or intake  
537 probation.

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

539 case resulting from a firearm-related offense committed, or allegedly committed, by a  
540 minor when the minor is found in possession of a firearm while school is in session or  
541 during a school-sponsored activity.

542 (4) In collaboration with the Administrative Office of the Courts, the division, and other  
543 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for  
544 the preceding calendar year on:

545 (a) the length of time that minors spend in the juvenile justice system, including the total  
546 amount of time minors spend under juvenile court jurisdiction, on community  
547 supervision, and in each out-of-home placement;

548 (b) ~~recidivism of minors who are diverted to a nonjudicial adjustment and minors for~~ juvenile recidivism, including  
549 ~~whom dispositions are ordered by the juvenile court~~ tracking minors into the adult corrections system;

550 (c) school-based recidivism;

551 (d) school-based referrals;

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

554 [(f)] (f) dosages of programming.

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

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

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

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

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

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

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

570 **80-6-303.5 . Preliminary inquiry by juvenile probation officer -- Eligibility for**  
571 **nonjudicial adjustment.**

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

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

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

583 (i) conduct a validated risk and needs assessment; and  
584 (ii) request that a prosecuting attorney review a referral in accordance with Section  
585 80-6-304.5 if:  
586 (A) the results of the validated risk and needs assessment indicate the minor is  
587 high risk; or  
588 (B) the results of the validated risk and needs assessment indicate the minor is  
589 moderate risk and the referral is for a class A misdemeanor violation under  
590 Sections 76-9-112, 76-12-306, 76-12-307, 76-12-309, or Title 76, Chapter 5,  
591 Offenses Against the Individual.

592 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor  
593 shall:  
594 (i) undergo a drug and alcohol screening;  
595 (ii) if found appropriate by the screening, participate in an assessment; and  
596 (iii) if warranted by the screening and assessment, follow the recommendations of the  
597 assessment.

598 (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation  
599 officer shall offer a nonjudicial adjustment to a minor if:  
600 (a) the minor:  
601 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;  
602 (ii) has no more than two prior adjudications; and  
603 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;  
604 (b) the minor is referred for an offense that is alleged to have occurred before the minor  
605 was 12 years old; or  
606 (c) the minor is referred for being a habitual truant.

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

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

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

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

620 (a) the referral involves an offense alleged to have occurred when the minor was 12  
621 years old or older that is:  
622 (i) a felony offense; or  
623 (ii) a misdemeanor violation of:  
624 (A) Section 41-6a-502, driving under the influence;  
625 (B) Subsection 58-37-8(1)(a)(ii), distributing a controlled or counterfeit substance,  
626 or agreeing, consenting, offering, or arranging to distribute a controlled  
627 substance;  
628 (C) Subsection 58-37-8(1)(a)(iii), possessing a controlled or counterfeit substance  
629 with intent to distribute;  
630 [(D)] (D) Section 76-5-107, threat of violence;  
631 [(E)] (E) Section 76-5-107.1, threats against schools;  
632 [(F)] (F) Section 76-5-112, reckless endangerment creating a substantial risk of  
633 death or serious bodily injury;  
634 [(G)] (G) Section 76-5-206, negligent homicide;  
635 [(H)] (H) Section 76-5-418, sexual battery;  
636 (I) Section 76-5-401.3, unlawful adolescent sexual activity;  
637 [(J)] (J) Section 76-5d-204, patronizing a prostituted individual who is a child;  
638 [(K)] (K) Section 76-5d-211, sexual solicitation by an actor offering compensation  
639 to a child in exchange for sexual activity;  
640 [(L)] (L) Section 76-11-205, carrying a dangerous weapon at an elementary school

641 or secondary school;

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

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

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

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

648 (b)(i) the referral involves an offense alleged to have occurred when the minor was

649 12 years old or older that is a misdemeanor violation of Subsection

650 58-37-8(2)(a)(i), for the possession or use of a controlled substance analog or  
controlled substance; and

651 (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

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

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

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

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

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

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

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

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

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

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

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

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

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

667 **Section 12. Repealer.**

668 This bill repeals:

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

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

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

675       Section **53G-8-504, Immunity from civil or criminal liability.**  
676       Section **53G-8-505, Definitions.**  
677       Section **53G-8-506, Reporting of prohibited acts affecting a school -- Confidentiality.**  
678       Section **53G-8-507, Immunity from civil or criminal liability.**  
679       Section **53G-8-508, Admissibility of evidence in civil and criminal actions.**  
680       Section 13. **Effective Date.**  
681       This bill takes effect on May 6, 2026.