

Nicholeen P. Peck proposes the following substitute bill:

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;
- requires a school to refer a minor to law enforcement or a court for a drug offense;
- 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;
- repeals statutes regarding notification and reporting of prohibited acts by students;
- makes technical and conforming changes; and
- includes a coordination clause to address the cross-reference changes to drug offenses if this bill and H.B. 301, Drug Recodification, both pass and become law.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

29 **53G-8-211**, as last amended by Laws of Utah 2025, Chapters 48, 173
 30 **53G-8-510**, as last amended by Laws of Utah 2024, Chapter 301
 31 **63M-7-208**, as last amended by Laws of Utah 2024, Chapter 240
 32 **80-5-102**, as last amended by Laws of Utah 2025, Chapter 88
 33 **80-6-104**, as last amended by Laws of Utah 2025, Chapters 173, 208
 34 **80-6-303.5**, as last amended by Laws of Utah 2025, Chapters 173, 174 and 208

35 ENACTS:

36 **53G-8-509.1**, Utah Code Annotated 1953
 37 **53G-8-511**, Utah Code Annotated 1953
 38 **53G-8-512**, Utah Code Annotated 1953

39 RENUMBERS AND AMENDS:

40 **53G-8-513**, (Renumbered from 53G-8-509, as last amended by Laws of Utah 2019,
 41 Chapter 293)

42 REPEALS:

43 **53G-8-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3
 44 **53G-8-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
 45 **53G-8-503**, as last amended by Laws of Utah 2019, Chapter 293
 46 **53G-8-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
 47 **53G-8-505**, as last amended by Laws of Utah 2020, Chapter 161
 48 **53G-8-506**, as last amended by Laws of Utah 2018, Chapter 117 and renumbered and
 49 amended by Laws of Utah 2018, Chapter 3
 50 **53G-8-507**, as renumbered and amended by Laws of Utah 2018, Chapter 3
 51 **53G-8-508**, as last amended by Laws of Utah 2020, Chapter 161

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

53 **53G-8-509.1 (05/06/26)**, Utah Code Annotated 1953
 54 **80-6-303.5 (05/06/26)**, as last amended by Laws of Utah 2025, Chapters 173, 174 and
 55 208

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

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

59 **53G-7-224 . Local education agency communication requirements -- Protection.**

- 60 (1) As used in this section, "school employee" means the same as that term is defined in
 61 Section [53G-8-510] 53G-8-509.1.
 62 (2) On or before October 1 of each year, an LEA shall provide the state board with the work

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

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

87 **53G-8-211 . Responses to school-based behavior.**

- 88 (1) As used in this section:
- 89 (a) "Evidence-based" means a program or practice that:
- 90 (i) has had multiple randomized control studies or a meta-analysis demonstrating that
- 91 the program or practice is effective for a specific population;
- 92 (ii) has been rated as effective by a standardized program evaluation tool; or
- 93 (iii) is created and developed by a school or school district and has been approved by
- 94 the state board.
- 95 (b) "Habitual truant" means a school-age child who:
- 96 (i) is in grade 7 or above, unless the school-age child is under 12 years old;

- 97 (ii) is subject to the requirements of Section 53G-6-202; and
98 (iii)(A) is truant at least 20 days during one school year; or
99 (B) fails to cooperate with efforts on the part of school authorities to resolve the
100 school-age child's attendance problem as required under Section 53G-6-206.
- 101 (c) "Minor" means the same as that term is defined in Section 80-1-102.
- 102 [~~(i)~~] (d) "Mobile crisis outreach team" means the same as that term is defined in Section
103 26B-5-101.
- 104 [~~(d)~~] (e) "Prosecuting attorney" means the same as that term is defined in Subsections
105 80-1-102(66)(b) and (c).
- 106 [~~(e)~~] (f) "Restorative justice program" means a school-based program or a program used
107 or adopted by a local education agency that is designed:
- 108 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
109 enforcement agencies and courts; and
110 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
111 school.
- 112 [~~(f)~~] (g) "School administrator" means a principal of a school.
- 113 [~~(g)~~] (h) "School is in session" means a day during which the school conducts instruction
114 for which student attendance is counted toward calculating average daily membership.
- 115 [~~(h)~~] (i) "School resource officer" means a law enforcement officer, as defined in Section
116 53-13-103, who contracts with, is employed by, or whose law enforcement agency
117 contracts with a local education agency to provide law enforcement services for the
118 local education agency.
- 119 [~~(i)~~] (j) "School-age child" means the same as that term is defined in Section 53G-6-201.
- 120 [~~(j)~~] (k)(i) "School-sponsored activity" means an activity, fundraising event, club,
121 camp, clinic, or other event or activity that is authorized by a specific local
122 education agency or public school, according to LEA governing board policy, and
123 satisfies at least one of the following conditions:
- 124 (A) the activity is managed or supervised by a local education agency or public
125 school, or local education agency or public school employee;
- 126 (B) the activity uses the local education agency's or public school's facilities,
127 equipment, or other school resources; or
- 128 (C) the activity is supported or subsidized, more than inconsequentially, by public
129 funds, including the public school's activity funds or Minimum School
130 Program dollars.

- 131 (ii) "School-sponsored activity" includes preparation for and involvement in a public
132 performance, contest, athletic competition, demonstration, display, or club activity.
- 133 [~~(k)~~] (l)(i) "Status offense" means an offense that would not be an offense but for the
134 age of the offender.
- 135 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or
136 felony.
- 137 (2) This section applies to:
- 138 (a) a minor who is alleged to be a habitual truant; and
- 139 (b) a minor enrolled in school who is alleged to have committed an offense on school
140 property where the student is enrolled:
- 141 (i) when school is in session; or
- 142 (ii) during a school-sponsored activity.
- 143 (3) If a minor is alleged to have committed an offense on school property that is a class C
144 misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual
145 truant, the school administrator, the school administrator's designee, or a school resource
146 officer shall refer the minor:
- 147 (a) to an evidence-based alternative intervention, including:
- 148 (i) a mobile crisis outreach team;
- 149 (ii) a youth services center, as defined in Section 80-5-102;
- 150 (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative
151 justice program;
- 152 (iv) an evidence-based alternative intervention created and developed by the school
153 or school district;
- 154 (v) an evidence-based alternative intervention that is jointly created and developed by
155 a local education agency, the state board, the juvenile court, local counties and
156 municipalities, the Department of Health and Human Services;
- 157 (vi) a tobacco cessation or education program if the offense is a violation of Section
158 76-9-1106; or
- 159 (vii) truancy mediation; or
- 160 (b) for prevention and early intervention youth services, as described in Section 80-5-201,
161 by the Division of Juvenile Justice and Youth Services if the minor refuses to
162 participate in an evidence-based alternative intervention described in Subsection
163 (3)(a).
- 164 (4) Except as provided in Subsection (6), if a minor is alleged to have committed an offense

- 165 on school property that is a class C misdemeanor, an infraction, or a status offense, a
166 school administrator, the school administrator's designee, or a school resource officer
167 may refer a minor to a law enforcement officer or agency or a court only if:
- 168 (a) the minor allegedly committed an offense on school property on a previous occasion;
169 and
- 170 (b) the minor was referred to an evidence-based alternative intervention, or to prevention
171 or early intervention youth services, as described in Subsection (3) for the previous
172 offense.
- 173 (5) If a minor is alleged to be a habitual truant, a school administrator, the school
174 administrator's designee, or a school resource officer may only refer the minor to a law
175 enforcement officer or agency or a court if:
- 176 (a) the minor was previously alleged of being a habitual truant at least twice during the
177 same school year; and
- 178 (b) the minor was referred to an evidence-based alternative intervention, or for
179 prevention and early intervention youth services, as described in Subsection (3) for at
180 least two of the previous habitual truanancies.
- 181 (6)(a) If a minor is alleged to have committed a traffic offense that is an infraction, a
182 school administrator, the school administrator's designee, or a school resource officer
183 may refer the minor to a law enforcement officer or agency, a prosecuting attorney,
184 or a court for the traffic offense.
- 185 (b) If a minor is alleged to have committed an offense on school property that is a drug
186 offense described in Subsection 58-37-8(2)(a)(i), the school administrator, the school
187 administrator's designee, or a school resource officer shall refer the minor directly to
188 a law enforcement officer or agency or a court.
- 189 (7) Notwithstanding Subsections (4) and (5), a school resource officer may:
- 190 (a) investigate possible criminal offenses and conduct, including conducting probable
191 cause searches;
- 192 (b) consult with school administration about the conduct of a minor enrolled in a school;
- 193 (c) transport a minor enrolled in a school to a location if the location is permitted by law;
- 194 (d) take temporary custody of a minor in accordance with Section 80-6-201; or
- 195 (e) protect the safety of students and the school community, including the use of
196 reasonable and necessary physical force when appropriate based on the totality of the
197 circumstances.
- 198 (8)(a) If a minor is referred to a court or a law enforcement officer or agency under

- 199 Subsection (4) or (5), the school or the school district shall appoint a school
200 representative to continue to engage with the minor and the minor's family through
201 the court process.
- 202 (b) A school representative appointed under Subsection (8)(a) may not be a school
203 resource officer.
- 204 (c) A school district or school shall include the following in the school district's or
205 school's referral to the court or the law enforcement officer or agency:
- 206 (i) attendance records for the minor;
- 207 (ii) a report of evidence-based alternative interventions used by the school before the
208 referral, including outcomes;
- 209 (iii) the name and contact information of the school representative assigned to
210 actively participate in the court process with the minor and the minor's family;
- 211 (iv) if the minor was referred to prevention or early intervention youth services under
212 Subsection (3)(b), a report from the Division of Juvenile Justice and Youth
213 Services that demonstrates the minor's failure to complete or participate in
214 prevention and early intervention youth services under Subsection (3)(b); and
- 215 (v) any other information that the school district or school considers relevant.
- 216 (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or
217 placed in secure detention, including for a contempt charge or violation of a valid
218 court order under Section 78A-6-353:
- 219 (i) when the underlying offense is a status offense or infraction; or
- 220 (ii) for being a habitual truant.
- 221 (e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when
222 available, the resources of the Division of Juvenile Justice and Youth Services or the
223 Office of Substance Use and Mental Health to address the minor.
- 224 (9) If a minor is alleged to have committed an offense on school property that is a class B
225 misdemeanor or a class A misdemeanor, the school administrator, the school
226 administrator's designee, or a school resource officer may refer the minor directly to a
227 court or to the evidence-based alternative interventions in Subsection (3)(a).
- 228 (10) A school administrator, a school administrator's designee, and a school resource officer
229 retain the discretion described under this section in relation to Title 63G, Chapter 31,
230 Distinctions on the Basis of Sex.

231 *The following section is affected by a coordination clause at the end of this bill.*

232 Section 3. 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) "Drug offense" means an offense described in Section 58-37-8.
- (2) "School" means a public or private elementary or secondary school.
- (3) "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.
- (4) "School is in session" means the same as that term is defined in Section 53E-3-516.
- (5) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.

Section 4. 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.~~]

- 267 ~~[(3)]~~ (2) After receiving a notification under Subsection ~~[(2)]~~ (1), the principal shall notify:
- 268 (a) a law enforcement officer or agency if the principal may refer the offense to a law
- 269 enforcement officer or agency as described in Section 53G-8-211;~~[-and]~~
- 270 (b) school or district personnel if the principal determines that school or district
- 271 personnel should be informed~~[-]~~ ; ~~and~~
- 272 (c) the student's legal parent or guardian.
- 273 ~~[(4) A person who in good faith reports information under Subsection (2) or (3) and any~~
- 274 ~~person who receives the information is immune from any liability, civil or criminal, that~~
- 275 ~~might otherwise result from the reporting or receipt of the information.]~~
- 276 (3) The principal may not disclose to the student, or the student's legal parent or guardian,
- 277 the identity of the school employee who made the initial notification under Subsection
- 278 (1).
- 279 (4) The identity of a school employee who notifies a principal under Subsection (1) shall be
- 280 kept confidential, except that the identity of a school employee may be disclosed to a
- 281 law enforcement officer or agency for purposes of an investigation or prosecution.
- 282 Section 5. Section **53G-8-511** is enacted to read:
- 283 **53G-8-511 . Investigations into allegations -- Searches -- Evidence.**
- 284 (1)(a) If the principal is notified of an alleged drug offense that involves school property,
- 285 a student, or a school employee, the principal may conduct an administrative
- 286 investigation, or authorize an administrative investigation into, the alleged drug
- 287 offense, including a search on school property in accordance with Subsection (2),
- 288 before the principal notifies a law enforcement officer or agency.
- 289 (b) The principal shall report and deliver any evidence discovered in an investigation
- 290 described in Subsection (1)(a) to a law enforcement officer or agency when the
- 291 principal notifies the law enforcement officer or agency of the alleged drug offense.
- 292 (2)(a) A search under Subsection (1)(a) on school property shall be based on a
- 293 reasonable belief that the search will turn up evidence of the drug offense.
- 294 (b) The measures adopted for the search shall be reasonably related to the objectives of
- 295 the search and not excessively intrusive in light of the circumstances, including the
- 296 age and sex of the individual involved and the nature of the offense.
- 297 (3) If an offense involving an electronic cigarette product may not be referred, or is not
- 298 referred, to a law enforcement officer or agency under Section 53G-8-211, an LEA shall
- 299 dispose of or destroy the seized electronic cigarette product in accordance with the
- 300 LEA's policies adopted under Subsection 53G-8-203(3).

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

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

304 **53G-8-512 . Immunity from civil or criminal liability.**

305 (1) A school employee or principal who in good faith reports information under Subsection
 306 53G-8-510(1) or (2) is immune from any liability, civil or criminal, that might otherwise
 307 result from the reporting or receipt of the information.

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

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

314 **[53G-8-509] 53G-8-513 . State board rules to ensure protection of individual**
 315 **rights.**

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

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

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

322 **63M-7-208 . Juvenile justice oversight -- Delegation -- Effective dates.**

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

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

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

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

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

- 335 (d) evaluate currently collected data elements throughout the juvenile justice system and
336 contract reporting requirements to streamline reporting, reduce redundancies,
337 eliminate inefficiencies, and ensure a focus on [~~recidivism reduction~~] the reduction of
338 juvenile recidivism;
- 339 (e) review averted costs from reductions in out-of-home placements for juvenile justice
340 youth placed with the Division of Juvenile Justice and Youth Services and the
341 Division of Child and Family Services, and make recommendations to prioritize the
342 reinvestment and realignment of resources into community-based programs for youth
343 living at home, including the following:
- 344 (i) statewide expansion of:
- 345 (A) juvenile receiving centers, as defined in Section 80-1-102;
346 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;
347 (C) youth courts; and
348 (D) victim-offender mediation;
- 349 (ii) statewide implementation of nonresidential diagnostic assessment;
- 350 (iii) statewide availability of evidence-based programs and practices including
351 cognitive behavioral and family therapy programs for minors assessed by a
352 validated risk and needs assessment as moderate or high risk;
- 353 (iv) implementation and infrastructure to support the sustainability and fidelity of
354 evidence-based juvenile justice programs, including resources for staffing,
355 transportation, and flexible funds; and
- 356 (v) early intervention programs such as family strengthening programs, family
357 wraparound services, and proven truancy interventions;
- 358 (f) assist the Administrative Office of the Courts in the development of a statewide
359 sliding scale for the assessment of fines, fees, and restitution, based on the ability of
360 the minor's family to pay;
- 361 (g) analyze the alignment of resources and the roles and responsibilities of agencies,
362 such as the operation of early intervention services, receiving centers, and diversion,
363 and make recommendations to reallocate functions as appropriate, in accordance with
364 Section 80-5-401;
- 365 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 366 (i) develop a reasonable timeline within which all programming delivered to minors in
367 the juvenile justice system must be evidence-based or consist of practices that are
368 rated as effective for reducing juvenile recidivism by a standardized program

- 369 evaluation tool;
- 370 (j) provide guidelines to be considered by the Administrative Office of the Courts and
371 the Division of Juvenile Justice and Youth Services in developing tools considered
372 by the Administrative Office of the Courts and the Division of Juvenile Justice and
373 Youth Services in developing or selecting tools to be used for the evaluation of
374 juvenile justice programs;
- 375 (k) develop a timeline to support improvements to juvenile justice programs to achieve
376 reductions in juvenile recidivism and review reports from relevant state agencies on
377 progress toward reaching that timeline;
- 378 (l) subject to Subsection [~~(2)~~] (3), assist in the development of training for juvenile
379 justice stakeholders, including educators, law enforcement officers, probation staff,
380 judges, Division of Juvenile Justice and Youth Services staff, Division of Child and
381 Family Services staff, and program providers;
- 382 (m) subject to Subsection [~~(3)~~] (4), assist in the development of a performance-based
383 contracting system, which shall be developed by the Administrative Office of the
384 Courts and the Division of Juvenile Justice and Youth Services for contracted
385 services in the community and contracted out-of-home placement providers;
- 386 (n) assist in the development of a validated detention risk assessment tool that is
387 developed or adopted and validated by the Administrative Office of the Courts and
388 the Division of Juvenile Justice and Youth Services as provided in Section 80-5-203;
389 and
- 390 (o) annually issue and make public a report to the governor, president of the Senate,
391 speaker of the House of Representatives, and chief justice of the Utah Supreme Court
392 on the progress of the reforms and any additional areas in need of review.
- 393 [~~(2)~~] (3) Training described in Subsection [~~(1)~~](4) (2)(1) should include instruction on
394 evidence-based programs and principles of juvenile justice, such as risk, needs,
395 responsivity, and fidelity, and shall be supplemented by the following topics:
- 396 (a) adolescent development;
- 397 (b) identifying and using local behavioral health resources;
- 398 (c) cross-cultural awareness;
- 399 (d) graduated responses;
- 400 (e) Utah juvenile justice system data and outcomes; and
- 401 (f) gangs.
- 402 [~~(3)~~] (4) The system described in Subsection [~~(1)~~](m) (2)(m) shall provide incentives for:

- 403 (a) the use of evidence-based juvenile justice programs and practices rated as effective
 404 by the tools selected in accordance with Subsection [(1)(j)] (2)(j);
 405 (b) the use of three-month timelines for program completion; and
 406 (c) evidence-based programs and practices for minors living at home in rural areas.
 407 [(4)] (5) The [~~State Commission on Criminal and Juvenile Justice~~] commission may delegate
 408 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
 409 Subsection 63M-7-204(2).
 410

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

412 **80-5-102 . Definitions.**

413 As used in this chapter:

- 414 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in
 415 Section 80-5-302.
 416 (2)(a) "Adult" means an individual who is 18 years old or older.
 417 (b) "Adult" does not include a juvenile offender.
 418 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
 419 1351.1.
 420 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
 421 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a
 422 manner consistent with public safety and the well-being of the juvenile offender and
 423 division employees.
 424 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section
 425 26B-4-1001.
 426 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.
 427 (8) "Discharge" means the same as that term is defined in Section 80-6-102.
 428 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section
 429 80-5-103.
 430 (10) "Homeless youth" means a child, other than an emancipated minor:
 431 (a) who is a runaway; or
 432 (b) who is:
 433 (i) not accompanied by the child's parent or guardian; and
 434 (ii) without care, as defined in Section 80-5-602.
 435 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area
 436 space.

- 437 (12) "Minor room" means a secured room where an individual sleeps and uses restroom
438 facilities.
- 439 (13) "Observation and assessment program" means a nonresidential service program
440 operated or purchased by the division that is responsible only for diagnostic assessment
441 of minors, including for substance use disorder, mental health, psychological, and sexual
442 behavior risk assessments.
- 443 (14) "Performance based contracting" means a system of contracting with service providers
444 for the provision of residential or nonresidential services that:
- 445 (a) provides incentives for the implementation of evidence-based juvenile justice
446 programs or programs rated as effective for reducing juvenile recidivism, as defined
447 in Section 80-6-104, by a standardized tool in accordance with Section 63M-7-208;
448 and
- 449 (b) provides a premium rate allocation for a minor who receives the evidence-based
450 dosage of treatment and successfully completes the program within three months.
- 451 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for
452 effectuating or facilitating an individual's attempted sex change, any of the following
453 alone or in combination with aromatase inhibitors:
- 454 (a) gonadotropin-releasing hormone agonists; or
455 (b) androgen receptor inhibitors.
- 456 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined
457 in Section 26B-4-1001.
- 458 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 459 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 460 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 461 (20) "Secondary sex characteristic surgical procedure" means the same as that term is
462 defined in Section 26B-4-1001.
- 463 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- 464 (22) "Temporary homeless youth shelter" means a facility that:
- 465 (a) provides temporary shelter to homeless youth; and
466 (b) is licensed by the Department of Health and Human Services, created in Section
467 26B-1-201, as a residential support program.
- 468 (23) "Termination" means the same as that term is defined in Section 80-6-102.
- 469 (24) "Victim" means the same as that term is defined in Section 80-6-102.
- 470 (25) "Work program" means a nonresidential public or private service work project

471 established and administered by the division for juvenile offenders for the purpose of
472 rehabilitation, education, and restitution to victims.

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

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

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

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

477 (i) resolve family conflict;

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

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

480 (c) "Youth services" may provide:

481 (i) crisis intervention;

482 (ii) short-term shelter;

483 (iii) time-out placement; and

484 (iv) family counseling.

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

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

488 **80-6-104 . Data collection on offenses committed by minors -- Reporting**
489 **requirement.**

490 (1) As used in this section:

491 (a) "Diversion" means:

492 (i) an agreement between an individual and a juvenile probation officer that results in
493 the resolution of a referral for an offense before a petition is filed; or

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

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

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

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

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

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

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

- 505 (f) "School-based offense" means any infraction, misdemeanor, or felony offense that
 506 occurs at school when school is in session, at the location of a school-sponsored
 507 activity during the activity, or on school district transportation, including a school bus.
- 508 (g) "School-based referral" means the referral of a minor under Section 53G-8-211 for a
 509 school-based offense.
- 510 (h) "School-based recidivism" means a diversion, adjudication, or conviction of an
 511 individual for a school-based offense within six months, one year, two years, and
 512 three years after the day on which:
- 513 (i) the individual accepted a nonjudicial adjustment for a school-based offense; or
 514 (ii) the juvenile court ordered a disposition for the individual resulting in secure care,
 515 community-based placement, formal probation, or intake probation.
- 516 [(e)] (i) "School is in session" means the same as that term is defined in Section
 517 53E-3-516.
- 518 [(d)] (j) "School-sponsored activity" means the same as that term is defined in Section
 519 53E-3-516.
- 520 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
 521 following data to the State Commission on Criminal and Juvenile Justice, broken down
 522 by judicial district, for the preceding calendar year:
- 523 (a) the number of referrals to the juvenile court;
 524 (b) the number of minors diverted to a nonjudicial adjustment;
 525 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
 526 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
 527 (e) the number of minors for whom an information is filed in the juvenile court;
 528 (f) the number of minors bound over to the district court by the juvenile court;
 529 (g) the number of petitions for offenses committed by minors that were dismissed by the
 530 juvenile court;
 531 (h) the number of adjudications in the juvenile court for offenses committed by minors;
 532 (i) the number of guilty pleas entered into by minors in the juvenile court;
 533 (j) the number of dispositions resulting in secure care, community-based placement,
 534 formal probation, and intake probation; and
 535 (k) for each minor charged in the juvenile court with a firearm-related offense:
 536 (i) the minor's age at the time the offense was committed or allegedly committed;
 537 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
 538 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or

- 539 76-11-303(4);
- 540 (iv) the type of offense for which the minor is charged;
- 541 (v) the outcome of the minor's case in juvenile court, including whether the minor
- 542 was bound over to the district court or adjudicated by the juvenile court; and
- 543 (vi) if a disposition was entered by the juvenile court, whether the disposition
- 544 resulted in secure care, community-based placement, formal probation, or intake
- 545 probation.
- 546 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a
- 547 case resulting from a firearm-related offense committed, or allegedly committed, by a
- 548 minor when the minor is found in possession of a firearm while school is in session or
- 549 during a school-sponsored activity.
- 550 (4) In collaboration with the Administrative Office of the Courts, the division, and other
- 551 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for
- 552 the preceding calendar year on:
- 553 (a) the length of time that minors spend in the juvenile justice system, including the total
- 554 amount of time minors spend under juvenile court jurisdiction, on community
- 555 supervision, and in each out-of-home placement;
- 556 (b) ~~[recidivism of minors who are diverted to a nonjudicial adjustment and minors for~~
- 557 ~~whom dispositions are ordered by the juvenile court]~~ juvenile recidivism, including
- 558 tracking minors into the adult corrections system;
- 559 (c) school-based recidivism;
- 560 (d) school-based referrals;
- 561 ~~[(e)]~~ (e) changes in aggregate risk levels from the time minors receive services, are under
- 562 supervision, and are in out-of-home placement; and
- 563 ~~[(d)]~~ (f) dosages of programming.
- 564 (5) In collaboration with the Youth Court Board, the State Commission on Criminal and
- 565 Juvenile Justice shall collect data on the preceding calendar year on recidivism of
- 566 minors who are diverted to and participate in a youth court.
- 567 ~~[(5)]~~ (6) On and before October 1 of each year, the State Commission on Criminal and
- 568 Juvenile Justice shall prepare and submit a written report to the Judiciary Interim
- 569 Committee and the Law Enforcement and Criminal Justice Interim Committee that
- 570 includes:
- 571 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
- 572 section;

573 (b) data collected by the State Board of Education under Section 53E-3-516; and
574 (c) recommendations for legislative action with respect to the data described in this
575 Subsection [~~(5)~~] (6).

576 [~~(6)~~] (7) After submitting the written report described in Subsection [~~(5)~~] (6), the State
577 Commission on Criminal and Juvenile Justice may supplement the report at a later time
578 with updated data and information the State Board of Education collects under Section
579 53E-3-516.

580 [~~(7)~~] (8) Nothing in this section shall be construed to require the disclosure of information or
581 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
582 Government Records Access and Management Act.

583 *The following section is affected by a coordination clause at the end of this bill.*

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

585 **80-6-303.5 . Preliminary inquiry by juvenile probation officer -- Eligibility for**
586 **nonjudicial adjustment.**

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

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

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

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

598 (ii) request that a prosecuting attorney review a referral in accordance with Section
599 80-6-304.5 if:

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

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

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

- 607 shall:
- 608 (i) undergo a drug and alcohol screening;
- 609 (ii) if found appropriate by the screening, participate in an assessment; and
- 610 (iii) if warranted by the screening and assessment, follow the recommendations of the
- 611 assessment.
- 612 (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation
- 613 officer shall offer a nonjudicial adjustment to a minor if:
- 614 (a) the minor:
- 615 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
- 616 (ii) has no more than two prior adjudications; and
- 617 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;
- 618 (b) the minor is referred for an offense that is alleged to have occurred before the minor
- 619 was 12 years old; or
- 620 (c) the minor is referred for being a habitual truant.
- 621 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
- 622 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
- 623 single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial
- 624 adjustment.
- 625 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
- 626 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
- 627 single criminal episode that resulted in one or more prior adjudications as a single
- 628 adjudication.
- 629 (7) Except for a referral that involves an offense described in Subsection (8), the juvenile
- 630 probation officer may offer a nonjudicial adjustment to a minor who does not meet the
- 631 criteria described in Subsection (4)(a).
- 632 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if ~~the~~
- 633 ~~referral involves~~:
- 634 (a) the referral involves an offense alleged to have occurred when the minor was 12
- 635 years old or older that is:
- 636 (i) a felony offense; or
- 637 (ii) a misdemeanor violation of:
- 638 (A) Section 41-6a-502, driving under the influence;
- 639 (B) Subsection 58-37-8(1)(a)(ii), distributing a controlled or counterfeit substance,
- 640 or agreeing, consenting, offering, or arranging to distribute a controlled

- 641 substance;
- 642 (C) Subsection 58-37-8(1)(a)(iii), possessing a controlled or counterfeit substance
- 643 with intent to distribute;
- 644 [~~B~~] (D) Section 76-5-107, threat of violence;
- 645 [~~C~~] (E) Section 76-5-107.1, threats against schools;
- 646 [~~D~~] (F) Section 76-5-112, reckless endangerment creating a substantial risk of
- 647 death or serious bodily injury;
- 648 [~~E~~] (G) Section 76-5-206, negligent homicide;
- 649 [~~F~~] (H) Section 76-5-418, sexual battery;
- 650 (I) Section 76-5-401.3, unlawful adolescent sexual activity;
- 651 [~~G~~] (J) Section 76-5d-204, patronizing a prostituted individual who is a child;
- 652 [~~H~~] (K) Section 76-5d-211, sexual solicitation by an actor offering compensation
- 653 to a child in exchange for sexual activity;
- 654 [~~I~~] (L) Section 76-11-205, carrying a dangerous weapon at an elementary school
- 655 or secondary school;
- 656 [~~J~~] (M) Section 76-11-206, carrying a dangerous weapon at a daycare;
- 657 [~~K~~] (N) Section 76-11-207, threatening with or using a dangerous weapon in a
- 658 fight or quarrel;
- 659 [~~L~~] (O) Section 76-11-208, possession of a dangerous weapon with criminal
- 660 intent; or
- 661 [~~M~~] (P) Section 76-11-211, possession of a dangerous weapon by a minor; [or]
- 662 (b)(i) the referral involves an offense alleged to have occurred when the minor was
- 663 12 years old or older that is a misdemeanor violation of Subsection
- 664 58-37-8(2)(a)(i), for the possession or use of a controlled substance analog or
- 665 controlled substance; and
- 666 (ii) the minor has a prior nonjudicial adjustment involving a referral for an offense
- 667 that is a misdemeanor violation of Subsection 58-37-8(2)(a)(i), for the possession
- 668 or use of a controlled substance analog or controlled substance; or
- 669 (c) the referral involves an offense alleged to have occurred before the minor is 12 years
- 670 old that is a felony violation of:
- 671 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 672 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 673 (iii) Section 76-5-203, murder or attempted murder;
- 674 (iv) Section 76-5-302, aggravated kidnapping;

- 675 (v) Section 76-5-405, aggravated sexual assault;
 676 (vi) Section 76-6-103, aggravated arson;
 677 (vii) Section 76-6-203, aggravated burglary;
 678 (viii) Section 76-6-302, aggravated robbery; or
 679 (ix) Section 76-11-210, felony discharge of a firearm.

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

- 682 (a) the referral involves an offense described in Subsection (8); or
 683 (b) the minor has a current suspended order for custody under Section 80-6-711.

684 Section 12. **Repealer.**

685 This bill repeals:

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

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

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

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

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

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

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

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

694 Section 13. **Effective Date.**

695 This bill takes effect on May 6, 2026.

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

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

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

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

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

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

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

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

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

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

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

715 (h) unlawful use of a license number in the course of manufacturing or distributing a
 716 controlled substance as described in Section 76-18-214;

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

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

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

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

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

726 (2) Subsection 80-6-303.5(8) in H.B. 188 be amended to read:

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

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

731 (i) a felony offense; or

732 (ii) a misdemeanor violation of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

756 (b) (i) the referral involves an offense alleged to have occurred when the minor was 12
757 years old or older that is a misdemeanor violation of Section 76-18-207 for unlawfully
758 possessing or using a controlled substance or controlled substance analog; and

759 (ii) the minor has a prior nonjudicial adjustment involving a referral for an offense
760 that is a misdemeanor violation of Section 76-18-207 for unlawfully possessing or using a
761 controlled substance or controlled substance analog; or

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

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

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

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

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

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

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

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

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

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