

HB 188: Juvenile Justice Amendments

Representative Nicholeen Peck

Modernizes and clarifies Utah's school-based juvenile justice statutes, strengthens safety and reporting procedures, and ensures consistent handling of drug-related incidents on school property.

Key Highlights

Clear definitions, across districts

- Definitions for School, School Employee, School is in session, and School-sponsored activity

Reorganization of School-Offense Statutes

- Recodifies and consolidates notification, search and immunity provisions into a new Part 5
- Repeals outdated sections (53-G-9-501 through 508)

Mandatory Referral for Drug Offenses

- Schools must refer minors to law enforcement or a court for drug offenses

Clarified Referral Rules

- For distribution of drugs, they would be referred to a petition, and for possession of drugs they can be referred to one non-judicial adjustment

Protection for Reporting Employees

- Principals may not disclose the identity of the reporting employee to the student or parent
- Identity may be shared with law enforcement for investigation only

Standards for Administration Investigation & Searches

- Principals may conduct administrative investigations of alleged drug offenses before notifying law enforcement
- Searches must be based on reasonable belief, limited in scope, and not excessively intrusive

Updated Immunity Provisions

- School employees and principals acting in good faith under the statute receive civil and criminal immunity

Addressing Concerns

"This criminalizes students"

Only drug offenses require mandatory referral. Diversion-first remains for all low-level misconduct

"This expands SRO authority"

This does not expand SRO powers, it restates existing authority and clarifies boundaries

"This allows for secret reporting"

Identity is protected only from the student and/or parent to prevent retaliation. Law enforcement still receives full information

"This encourages invasive searches"

Searches must be reasonable, minimally intrusive and tied to evidence of a drug offense

Bottom Line

HB 188 strengthens school safety procedures, clarifies reporting and investigation standards, and ensures consistent handling of drug offenses while preserving Utah's diversion-first approach for minor misconduct.

HB 188: Juvenile Justice and Drug Related Incidents Data

HB 188 strengthens Utah's juvenile justice framework by reinforcing diversion-first responses for low-level, drug possession offenses, while preserving court authority and law-enforcement involvement for serious or drug distribution offenses. The bill aligns statute with outcomes already shown to improve public safety, reduce recidivism, and prevent unnecessary system involvement for youth.

Drug-Related Incidents in Context

Drug possession and low-level substance offenses make up a significant share of juvenile referrals, yet we don't have enough data to prove that non-judicial adjustments stop future drug related offenses

Nonjudicial Adjustments (NJAs) — Drug Offenses

- 94% completion rate across NJ cases (FY22–FY24 average)
- Drug-related NJ cases follow the same 94% success rate as all other NJ cases
- According to CCJJ, “successful” means they completed their NGAA assignment. This does **not** mean that the youth discontinued their drug related behaviors

Drug-related juvenile offenses need to be studied and the data needs to be connected in order to determine if they are truly effective

Court Referrals & Public Safety

- Juvenile court referrals have declined 35% since 2017 (HB 239 reforms)
- FY2024 referral rate: 3.0 per 100 youth (13,376 total referrals)
- 63% of delinquency cases resolved through NJAs in FY2024
- Only 29% resulted in a formal petition

HB 188 builds on this proven model — keeping courts focused on serious cases while addressing substance-related behavior early and effectively.

School-Based Drug & Behavior Incidents (SY 2025)

- 7.0% of Utah students were involved in at least one reported school incident
- Overall incident rate has more than doubled since SY 2021, despite only marginal year-to-year increases
- Most incidents fall into non-violent categories:
 - Other: 28%
 - Disruption: 24%
 - Truancy: 14%
- 2025 USBE Disciplinary and Law Enforcement Action Report: 97.4% of schools reported their incidents in 2025.
- The number of incidents has been steadily climbing.
 - 2020 (67,576), 2021 (53,934), 2022 (97,888), 2023 (105,786), 2024 (116,184), 2025 (115,981).
 - 2025 showed a dip of 598 incidents.
- Distinct Incidents are incidents that one person did. The 2025 number (115,981) represents the total reported incidents. The number of distinct incidents in 2025 were 88,434. That means that 27,547 incidents were additional incidents for the same student.

We don't know how many incidents are not reported, but teachers have confessed to forgetting at the end of the day what happened in a report and not reporting it and students and teachers have reported seeing consistent drug-related incidents that go unnoticed, unreported, or unpunished.

Bottom Line

Mr Wyatt, Principal at Tooele High School: ““The same 40 kids are the ones doing most of the stuff”

- The overall percentage of students with disciplines reported has increased from 1.8% in SY 2019 to 2.69% in SY 2025. (2025 School Disciplinary and Law Enforcement Action Report)
- SY 2025 enrollment count was 716,209
- SY 2025 count of students with more than one discipline was 5,689.

Clearly there are some recidivism issues with school offenses. We also have many reports of drug problems from students, parents, and teachers. We need to track the school-based recidivism and juvenile recidivism in order to see if the repeat nonjudicial adjustment approach is actually decreasing crime.