

Effective 5/6/2026

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

- (1) If the juvenile court receives a referral for an offense committed by a minor that is, or appears to be, within the juvenile court's jurisdiction, or for the minor being a habitual truant, a juvenile probation officer shall make a preliminary inquiry in accordance with this section to determine whether the minor is eligible to enter into a nonjudicial adjustment.
- (2) If a minor is referred to the juvenile court for multiple offenses arising from a single criminal episode, and the minor is eligible under this section for a nonjudicial adjustment, the juvenile probation officer shall offer the minor one nonjudicial adjustment for all offenses arising from the single criminal episode.
- (3)
 - (a) The juvenile probation officer may:
 - (i) conduct a validated risk and needs assessment; and
 - (ii) request that a prosecuting attorney review a referral in accordance with Section 80-6-304.5 if:
 - (A) the results of the validated risk and needs assessment indicate the minor is high risk; or
 - (B) the results of the validated risk and needs assessment indicate the minor is moderate risk and the referral is for a class A misdemeanor violation under Sections 76-9-112, 76-12-306, 76-12-307, or 76-12-309, or Title 76, Chapter 5, Offenses Against the Individual.
 - (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor shall:
 - (i) undergo a drug and alcohol screening;
 - (ii) if found appropriate by the screening, participate in an assessment; and
 - (iii) if warranted by the screening and assessment, follow the recommendations of the assessment.
- (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation officer shall offer a nonjudicial adjustment to a minor if:
 - (a) the minor:
 - (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
 - (ii) has no more than two prior adjudications; and
 - (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;
 - (b) the minor is referred for an offense that is alleged to have occurred before the minor was 12 years old; or
 - (c) the minor is referred for being a habitual truant.
- (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial adjustment.
- (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single criminal episode that resulted in one or more prior adjudications as a single adjudication.
- (7) Except for a referral that involves an offense described in Subsection (8), the juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the criteria described in Subsection (4)(a).
- (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the referral involves:
 - (a) an offense alleged to have occurred when the minor was 12 years old or older that is:
 - (i) a felony offense; or

- (ii) a misdemeanor violation of:
 - (A) Section 41-6a-502, driving under the influence;
 - (B) Section 76-18-209, unlawfully distributing or agreeing to distribute a controlled substance or counterfeit substance;
 - (C) Section 76-18-210, unlawfully possessing a controlled substance or counterfeit substance with intent to distribute;
 - (D) Section 76-5-107, threat of violence;
 - (E) Section 76-5-107.1, threats against schools;
 - (F) Section 76-5-112, reckless endangerment creating a substantial risk of death or serious bodily injury;
 - (G) Section 76-5-206, negligent homicide;
 - (H) Section 76-5-401.3, unlawful adolescent sexual activity;
 - (I) Section 76-5-418, sexual battery;
 - (J) Section 76-5d-204, patronizing a prostituted individual who is a child;
 - (K) Section 76-5d-211, sexual solicitation by an actor offering compensation to a child in exchange for sexual activity;
 - (L) Section 76-11-205, carrying a dangerous weapon at an elementary school or secondary school;
 - (M) Section 76-11-206, carrying a dangerous weapon at a daycare;
 - (N) Section 76-11-207, threatening with or using a dangerous weapon in a fight or quarrel;
 - (O) Section 76-11-208, possession of a dangerous weapon with criminal intent; or
 - (P) Section 76-11-211, possession of a dangerous weapon by a minor; or
- (b) an offense alleged to have occurred before the minor is 12 years old that is a felony violation of:
 - (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
 - (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
 - (iii) Section 76-5-203, murder or attempted murder;
 - (iv) Section 76-5-302, aggravated kidnapping;
 - (v) Section 76-5-405, aggravated sexual assault;
 - (vi) Section 76-6-103, aggravated arson;
 - (vii) Section 76-6-203, aggravated burglary;
 - (viii) Section 76-6-302, aggravated robbery; or
 - (ix) Section 76-11-210, felony discharge of a firearm.
- (9) The juvenile probation officer shall request that a prosecuting attorney review a referral if:
 - (a) the referral involves an offense described in Subsection (8); or
 - (b) the minor has a current suspended order for custody under Section 80-6-711.

Amended by Chapter 72, 2026 General Session