

Senator Chris H. Wilson proposes the following substitute bill:

**WIRELESS COMMUNICATION DEVICE USE IN A MOTOR
VEHICLE**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the use of a wireless communication device while operating a motor vehicle.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ defines "operate a motor vehicle" to include operating:
 - a moving motor vehicle; or
 - a motor vehicle stopped in compliance with a traffic-control device;
- ▶ prohibits an individual from using a wireless communication device to view or take a photograph while operating a motor vehicle;
- ▶ modifies provisions related to suspending an individual's driver license upon a conviction of using a wireless communication device while operating a motor vehicle;
- ▶ modifies the conduct that constitutes automobile homicide involving using a wireless communication device while operating a motor vehicle; and
- ▶ makes technical and conforming changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-6a-1716**, as last amended by Laws of Utah 2021, Chapter 232

33 **53-3-218**, as last amended by Laws of Utah 2021, Chapter 120

34 **53-3-402**, as last amended by Laws of Utah 2015, Chapters 52 and 422

35 **76-5-207.5**, as last amended by Laws of Utah 2012, Chapter 193

36 **80-6-712**, as enacted by Laws of Utah 2021, Chapter 261

37 **80-6-804**, as last amended by Laws of Utah 2021, First Special Session, Chapter 2



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

40 Section 1. Section **41-6a-1716** is amended to read:

41 **41-6a-1716. Prohibition on using a wireless communication device while**
42 **operating a motor vehicle -- Exceptions -- Penalties.**

43 (1) As used in this section:

44 [~~(a) "Handheld wireless communication device" means a handheld device used for the~~
45 ~~transfer of information without the use of electrical conductors or wires.]~~

46 [~~(b) "Handheld wireless communication device" includes a:~~

47 [~~(i) wireless telephone;~~

48 [~~(ii) text messaging device;~~

49 [~~(iii) laptop; or~~

50 [~~(iv) any substantially similar communication device that is readily removable from the~~
51 ~~vehicle and is used to write, send, or read text or data through manual input.]~~

52 [~~(c) "Handheld wireless communication device" does not include a two-way radio~~
53 ~~device described in 47 C.F.R. Part 90, 95, or 97.]~~

54 (a) "Operate a motor vehicle" means to operate:

55 (i) a moving motor vehicle; or

56 (ii) a motor vehicle stopped in compliance with a traffic-control device.

57 **(b) (i) "Wireless communication device" means an electronic device that is:**
58 **(A) readily removable from a vehicle; and**
59 **(B) used for the transfer of information without the use of electrical conductors or**
60 **wires, including to write, send, or read text or data.**

61 **(ii) "Wireless communication device" does not include a two-way radio device**
62 **described in 47 C.F.R. Part 90, 95, or 97, or a functional equivalent.**

63 **(2) Except as provided in Subsection (3), ~~a person~~ an individual may not use a**
64 **~~handheld~~ wireless communication device while operating a ~~moving~~ motor vehicle on a**
65 **highway in this state to ~~manually~~:**

66 **(a) write, send, or read a written communication, including:**

- 67 **(i) a text message;**
- 68 **(ii) an instant message; or**
- 69 **(iii) electronic mail;**

- 70 **(b) dial a phone number;**
- 71 **(c) access the Internet;**
- 72 **(d) view or record video; ~~or~~**

73 **(e) view or take a photograph; or**
74 **~~(e)~~ (f) enter data into a ~~handheld~~ wireless communication device.**

75 **(3) Subsection (2) does not prohibit ~~a person~~ an individual from using a ~~handheld~~**
76 **wireless communication device while operating a ~~moving~~ motor vehicle:**

- 77 **(a) when using a ~~handheld~~ wireless communication device for voice communication;**
- 78 **(b) to view a global positioning or navigation device or a global positioning or**
79 **navigation application;**

- 80 **(c) during a medical emergency;**
- 81 **(d) when reporting a safety hazard or requesting assistance relating to a safety hazard;**
- 82 **(e) when reporting criminal activity or requesting assistance relating to a criminal**
83 **activity;**

84 **(f) when used by a law enforcement officer or emergency service personnel acting**
85 **within the course and scope of the law enforcement officer's or emergency service personnel's**
86 **employment; or**

87 **(g) to operate:**

- 88 (i) hands-free or voice operated technology; or
- 89 (ii) a system that is physically or electronically integrated into the motor vehicle.
- 90 (4) ~~[A person]~~ An individual convicted of a violation of this section is guilty of a:
- 91 (a) class C misdemeanor with a maximum fine of \$100; or
- 92 (b) class B misdemeanor if the ~~[person]~~ individual:
- 93 (i) has also inflicted serious bodily injury upon another as a proximate result of using a
- 94 ~~[handheld]~~ wireless communication device in violation of this section while operating a
- 95 ~~[moving]~~ motor vehicle on a highway in this state; or
- 96 (ii) has a prior conviction under this section, that is within three years of:
- 97 (A) the current conviction under this section; or
- 98 (B) the commission of the offense upon which the current conviction is based.

99 Section 2. Section **53-3-218** is amended to read:

100 **53-3-218. Court to report convictions and may recommend suspension of license**
101 **-- Severity of speeding violation defined.**

102 (1) As used in this section, "conviction" means conviction by the court of first
103 impression or final administrative determination in an administrative traffic proceeding.

104 (2) (a) Except as provided in Subsection (2)(c), a court having jurisdiction over
105 offenses committed under this chapter or any other law of this state, or under any municipal
106 ordinance regulating driving motor vehicles on highways or driving motorboats on the water,
107 shall forward to the division within five days, an abstract of the court record of the conviction
108 or plea held in abeyance of any person in the court for a reportable traffic or motorboating
109 violation of any laws or ordinances, and may recommend the suspension of the license of the
110 person convicted.

111 (b) When the division receives a court record of a conviction or plea in abeyance for a
112 motorboat violation, the division may only take action against a person's driver license if the
113 motorboat violation is for a violation of Title 41, Chapter 6a, Part 5, Driving Under the
114 Influence and Reckless Driving.

115 (c) A court may not forward to the division an abstract of a court record of a conviction
116 for a violation described in Subsection [53-3-220\(1\)\(c\)\(i\)](#) or (ii), unless the court found that the
117 person convicted of the violation was an operator of a motor vehicle at the time of the
118 violation.

119 (3) (a) A court may not order the division to suspend a person's driver license based
120 solely on the person's failure to pay a penalty accounts receivable.

121 (b) The court may notify the division, and the division may, prior to sentencing,
122 suspend the driver license of a person who fails to appear if the person is charged with:

123 (i) an offense of any level that is a moving traffic violation;

124 (ii) an offense described in Title 41, Chapter 12a, Part 3, Owner's or Operator's
125 Security Requirement; or

126 (iii) an offense described in Subsection 53-3-220(1)(a) or (b).

127 (4) The abstract shall be made in the form prescribed by the division and shall include:

128 (a) the name, date of birth, and address of the party charged;

129 (b) the license certificate number of the party charged, if any;

130 (c) the registration number of the motor vehicle or motorboat involved;

131 (d) whether the motor vehicle was a commercial motor vehicle;

132 (e) whether the motor vehicle carried hazardous materials;

133 (f) whether the motor vehicle carried 16 or more occupants;

134 (g) whether the driver presented a commercial driver license;

135 (h) the nature of the offense;

136 (i) whether the offense involved an accident;

137 (j) the driver's blood alcohol content, if applicable;

138 (k) if the offense involved a speeding violation:

139 (i) the posted speed limit;

140 (ii) the actual speed; and

141 (iii) whether the speeding violation occurred on a highway that is part of the interstate
142 system as defined in Section 72-1-102;

143 (l) the date of the hearing;

144 (m) the plea;

145 (n) the judgment or whether bail was forfeited; and

146 (o) the severity of the violation, which shall be graded by the court as "minimum,"
147 "intermediate," or "maximum" as established in accordance with Subsection 53-3-221(4).

148 (5) When a convicted person secures a judgment of acquittal or reversal in any
149 appellate court after conviction in the court of first impression, the division shall reinstate the

150 convicted person's license immediately upon receipt of a certified copy of the judgment of
151 acquittal or reversal.

152 (6) Upon a conviction for a violation of the prohibition on using a ~~handheld~~ wireless
153 communication device ~~[for text messaging or electronic mail communication]~~ while operating
154 a ~~moving~~ motor vehicle under Section 41-6a-1716, a judge may order a suspension of the
155 convicted person's license for a period of three months.

156 (7) Upon a conviction for a violation of careless driving under Section 41-6a-1715 that
157 causes or results in the death of another person, a judge may order a revocation of the convicted
158 person's license for a period of one year.

159 Section 3. Section 53-3-402 is amended to read:

160 **53-3-402. Definitions.**

161 As used in this part:

162 (1) "Alcohol" means any substance containing any form of alcohol, including ethanol,
163 methanol, propanol, and isopropanol.

164 (2) "Alcohol concentration" means the number of grams of alcohol per:

165 (a) 100 milliliters of blood;

166 (b) 210 liters of breath; or

167 (c) 67 milliliters of urine.

168 (3) "Commercial driver license information system" or "CDLIS" means the
169 information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle
170 Safety Act of 1986, as a clearinghouse for information related to the licensing and
171 identification of commercial motor vehicle drivers.

172 (4) "Controlled substance" means any substance so classified under Section 102(6) of
173 the Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on the
174 current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to
175 time.

176 (5) "Employee" means any driver of a commercial motor vehicle, including:

177 (a) full-time, regularly employed drivers;

178 (b) casual, intermittent, or occasional drivers;

179 (c) leased drivers; and

180 (d) independent, owner-operator contractors while in the course of driving a

181 commercial motor vehicle who are either directly employed by or under lease to an employer.

182 (6) "Employer" means any individual or person including the United States, a state, or
183 a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns an
184 individual to drive a commercial motor vehicle.

185 (7) "Felony" means any offense under state or federal law that is punishable by death or
186 imprisonment for a term of more than one year.

187 (8) "Foreign jurisdiction" means any jurisdiction other than the United States or a state
188 of the United States.

189 (9) "Gross vehicle weight rating" or "GVWR" means the value specified by the
190 manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or
191 articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed
192 units and the loads on those units.

193 (10) "Hazardous material" has the same meaning as defined under 49 C.F.R. Sec.
194 383.5.

195 (11) "Imminent hazard" means the existence of a condition, practice, or violation that
196 presents a substantial likelihood that death, serious illness, severe personal injury, or a
197 substantial endangerment to health, property, or the environment is expected to occur
198 immediately, or before the condition, practice, or violation can be abated.

199 (12) "Medical certification status" means the medical certification of a commercial
200 driver license holder or commercial motor vehicle operator in any of the following categories:

201 (a) Non-excepted interstate. A person shall certify that the person:

202 (i) operates or expects to operate in interstate commerce;

203 (ii) is both subject to and meets the qualification requirements under 49 C.F.R. Part
204 391; and

205 (iii) is required to obtain a medical examiner's certificate under 49 C.F.R. Sec. 391.45.

206 (b) Excepted interstate. A person shall certify that the person:

207 (i) operates or expects to operate in interstate commerce, but engages exclusively in
208 transportation or operations excepted under 49 C.F.R. Sec. 390.3(f), 391.2, 391.68, or 398.3
209 from all or parts of the qualification requirements of 49 C.F.R. Part 391; and

210 (ii) is not required to obtain a medical examiner's certificate under 49 C.F.R. Sec.
211 391.45.

- 212 (c) Non-excepted intrastate. A person shall certify that the person:
213 (i) operates only in intrastate commerce; and
214 (ii) is subject to state driver qualification requirements under Sections [53-3-303.5](#),
215 [53-3-304](#), and [53-3-414](#).
- 216 (d) Excepted intrastate. A person shall certify that the person:
217 (i) operates in intrastate commerce; and
218 (ii) engages exclusively in transportation or operations excepted from all parts of the
219 state driver qualification requirements.
- 220 (13) "NDR" means the National Driver Register.
- 221 (14) "Nonresident CDL" means a commercial driver license issued by a state to an
222 individual who resides in a foreign jurisdiction.
- 223 (15) "Out-of-service order" means a temporary prohibition against driving a
224 commercial motor vehicle.
- 225 (16) "Port-of-entry agent" has the same meaning as provided in Section [72-1-102](#).
- 226 (17) "Serious traffic violation" means a conviction of any of the following:
227 (a) speeding 15 or more miles per hour above the posted speed limit;
228 (b) reckless driving as defined by state or local law;
229 (c) improper or erratic traffic lane changes;
230 (d) following the vehicle ahead too closely;
231 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic
232 accident;
- 233 (f) operating a commercial motor vehicle without a CDL or a CDIP;
234 (g) operating a commercial motor vehicle without the proper class of CDL or CDL
235 endorsement for the type of vehicle group being operated or for the passengers or cargo being
236 transported;
- 237 (h) operating a commercial motor vehicle without a CDL or CDIP license certificate in
238 the driver's possession in violation of Section [53-3-404](#);
- 239 (i) using a [~~handheld~~] wireless communication device in violation of Section
240 [41-6a-1716](#) while operating a commercial motor vehicle; or
241 (j) using a hand-held mobile telephone while operating a commercial motor vehicle in
242 violation of 49 C.F.R. Sec. 392.82.

243 (18) "State" means a state of the United States, the District of Columbia, any province
244 or territory of Canada, or Mexico.

245 (19) "United States" means the 50 states and the District of Columbia.

246 Section 4. Section **76-5-207.5** is amended to read:

247 **76-5-207.5. Automobile homicide involving using a wireless communication**
248 **device while operating a motor vehicle.**

249 (1) As used in this section:

250 (a) "Criminally negligent" means criminal negligence as defined ~~[by]~~ in Subsection
251 [76-2-103\(4\)](#).

252 ~~[(b) "Handheld wireless communication device" has the same meaning as defined in~~
253 ~~Section [41-6a-1716](#).]~~

254 ~~[(c)]~~ (b) "Motor vehicle" means any self-propelled vehicle ~~[and includes any]~~,
255 including an automobile, truck, van, motorcycle, train, engine, watercraft, or aircraft.

256 ~~[(d)]~~ (c) "Negligent" means ~~[simple negligence,]~~ the failure to exercise ~~[that]~~ the
257 degree of care that a reasonable and prudent ~~[persons exercise under like or]~~ person exercises
258 under similar circumstances.

259 (d) "Operate a motor vehicle" means the same as that term is defined in Section
260 [41-6a-1716](#).

261 (e) "Wireless communication device" means the same as that term is defined in Section
262 [41-6a-1716](#).

263 (2) Criminal homicide is automobile homicide, a third degree felony, if the person
264 operates a ~~[moving]~~ motor vehicle in a negligent manner:

265 (a) while using a ~~[handheld]~~ wireless communication device in violation of Section
266 [41-6a-1716](#); and

267 (b) causing the death of another person.

268 (3) Criminal homicide is automobile homicide, a second degree felony, if the person
269 operates a ~~[moving]~~ motor vehicle in a criminally negligent manner:

270 (a) while using a ~~[handheld]~~ wireless communication device in violation of Section
271 [41-6a-1716](#); and

272 (b) causing the death of another person.

273 Section 5. Section **80-6-712** is amended to read:

274 **80-6-712. Time periods for supervision of probation or placement -- Termination**
275 **of continuing jurisdiction.**

276 (1) If the juvenile court places a minor on probation under Section 80-6-702, the
277 juvenile court shall establish a period of time for supervision for the minor that is:

- 278 (a) if the minor is placed on intake probation, no more than three months; or
- 279 (b) if the minor is placed on formal probation, from four to six months, but may not
280 exceed six months.

281 (2) (a) If the juvenile court commits a minor to the division under Section 80-6-703,
282 and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:

283 (i) for a minor placed out of the home, a period of custody from three to six months,
284 but may not exceed six months; and

285 (ii) for aftercare services if the minor was placed out of the home, a period of
286 supervision from three to four months, but may not exceed four months.

287 (b) A minor may be supervised for aftercare under Subsection (2)(a)(ii) in the home of
288 a qualifying relative or guardian, or at an independent living program contracted or operated by
289 the division.

290 (3) If the juvenile court orders a minor to secure care, the authority shall:

- 291 (a) have jurisdiction over the minor's case; and
- 292 (b) apply the provisions of Part 8, Commitment and Parole.

293 (4) (a) In accordance with Section 80-6-711 and Subsections (1) and (2), the juvenile
294 court shall terminate continuing jurisdiction over a minor's case at the end of the time period
295 described in Subsection (1) for probation, or Subsection (2) for commitment to the division,
296 unless:

297 (i) termination would interrupt the completion of the treatment program determined to
298 be necessary by the results of a validated risk and needs assessment under Section 80-6-606;

299 (ii) the minor commits a new misdemeanor or felony offense;
300 (iii) community or compensatory service hours have not been completed;

301 (iv) there is an outstanding fine; or
302 (v) there is a failure to pay restitution in full.

303 (b) The juvenile court shall determine whether a minor has completed a treatment
304 program under Subsection (4)(a)(i) by considering:

- 305 (i) the recommendations of the licensed service provider for the treatment program;
- 306 (ii) the minor's record in the treatment program; and
- 307 (iii) the minor's completion of the goals of the treatment program.

308 (5) Subject to Subsection (8), if one of the circumstances under Subsection (4) exists
309 the juvenile court may extend supervision for the time needed to address the specific
310 circumstance.

311 (6) If a circumstance under Subsection (4)(a)(iii), (iv), or (v) exists, the juvenile court
312 may extend supervision for no more than three months.

313 (7) If the juvenile court extends supervision under this section, the grounds for the
314 extension and the length of any extension shall be recorded in the court records and tracked in
315 the data system used by the Administrative Office of the Courts and the division.

316 (8) For a minor who is under the continuing jurisdiction of the juvenile court and
317 whose supervision is extended under Subsection (4)(a)(iii), (iv), or (v), supervision may only
318 be extended as intake probation.

319 (9) If a minor leaves supervision without authorization for more than 24 hours, the
320 supervision period for the minor shall toll until the minor returns.

321 (10) This section does not apply to any minor adjudicated under this chapter for:

- 322 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 323 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 324 (c) Section 76-5-203, murder or attempted murder;
- 325 (d) Section 76-5-205, manslaughter;
- 326 (e) Section 76-5-206, negligent homicide;
- 327 (f) Section 76-5-207, automobile homicide;
- 328 (g) Section 76-5-207.5, automobile homicide involving ~~handheld~~ using a wireless
329 communication device while operating a motor vehicle;
- 330 (h) Section 76-5-208, child abuse homicide;
- 331 (i) Section 76-5-209, homicide by assault;
- 332 (j) Section 76-5-302, aggravated kidnapping;
- 333 (k) Section 76-5-405, aggravated sexual assault;
- 334 (l) a felony violation of Section 76-6-103, aggravated arson;
- 335 (m) Section 76-6-203, aggravated burglary;

- 336 (n) Section 76-6-302, aggravated robbery;
- 337 (o) Section 76-10-508.1, felony discharge of a firearm;
- 338 (p) (i) an offense other than an offense listed in Subsections (10)(a) through (o)
- 339 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
- 340 (ii) the minor has been previously adjudicated or convicted of an offense involving the
- 341 use of a dangerous weapon; or
- 342 (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and
- 343 the minor has been previously committed to the division for secure care.

344 Section 6. Section 80-6-804 is amended to read:

345 **80-6-804. Review and termination of secure care.**

346 (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile

347 offender shall appear before the authority within 45 days after the day on which the juvenile

348 offender is ordered to secure care for review of a treatment plan and to establish parole release

349 guidelines.

350 (2) (a) If a juvenile offender is ordered to secure care under Section 80-6-705, the

351 authority shall set a presumptive term of commitment for the juvenile offender from three to

352 six months, but the presumptive term may not exceed six months.

353 (b) The authority shall release the juvenile offender on parole at the end of the

354 presumptive term of commitment unless:

355 (i) termination would interrupt the completion of a treatment program determined to be

356 necessary by the results of a validated risk and needs assessment under Section 80-6-606; or

357 (ii) the juvenile offender commits a new misdemeanor or felony offense.

358 (c) The authority shall determine whether a juvenile offender has completed a

359 treatment program under Subsection (2)(b)(i) by considering:

360 (i) the recommendations of the licensed service provider for the treatment program;

361 (ii) the juvenile offender's record in the treatment program; and

362 (iii) the juvenile offender's completion of the goals of the treatment program.

363 (d) The authority may extend the length of commitment and delay parole release for the

364 time needed to address the specific circumstance if one of the circumstances under Subsection

365 (2)(b) exists.

366 (e) The authority shall:

- 367 (i) record the length of the extension and the grounds for the extension; and
- 368 (ii) report annually the length and grounds of extension to the commission.
- 369 (f) Records under Subsection (2)(e) shall be tracked in the data system used by the
- 370 juvenile court and the division.
- 371 (3) (a) If a juvenile offender is committed to secure care, the authority shall set a
- 372 presumptive term of parole supervision, including aftercare services, from three to four months,
- 373 but the presumptive term may not exceed four months.
- 374 (b) If the authority determines that a juvenile offender is unable to return home
- 375 immediately upon release, the juvenile offender may serve the term of parole in the home of a
- 376 qualifying relative or guardian or at an independent living program contracted or operated by
- 377 the division.
- 378 (c) The authority shall release a juvenile offender from parole and terminate the
- 379 authority's jurisdiction at the end of the presumptive term of parole, unless:
- 380 (i) termination would interrupt the completion of a treatment program that is
- 381 determined to be necessary by the results of a validated risk and needs assessment under
- 382 Section [80-6-606](#);
- 383 (ii) the juvenile offender commits a new misdemeanor or felony offense; or
- 384 (iii) restitution has not been completed.
- 385 (d) The authority shall determine whether a juvenile offender has completed a
- 386 treatment program under Subsection (2)(c)(i) by considering:
- 387 (i) the recommendations of the licensed service provider;
- 388 (ii) the juvenile offender's record in the treatment program; and
- 389 (iii) the juvenile offender's completion of the goals of the treatment program.
- 390 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay
- 391 parole release only for the time needed to address the specific circumstance.
- 392 (f) The authority shall:
- 393 (i) record the grounds for extension of the presumptive length of parole and the length
- 394 of the extension; and
- 395 (ii) report annually the extension and the length of the extension to the commission.
- 396 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the
- 397 juvenile court and the division.

398 (h) If a juvenile offender leaves parole supervision without authorization for more than
399 24 hours, the term of parole shall toll until the juvenile offender returns.

400 (4) Subsections (2) and (3) do not apply to a juvenile offender committed to secure
401 care for:

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

403 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

404 (c) Section 76-5-203, murder or attempted murder;

405 (d) Section 76-5-205, manslaughter;

406 (e) Section 76-5-206, negligent homicide;

407 (f) Section 76-5-207, automobile homicide;

408 (g) Section 76-5-207.5, automobile homicide involving [~~a handheld~~] using a wireless
409 communication device while operating a motor vehicle;

410 (h) Section 76-5-208, child abuse homicide;

411 (i) Section 76-5-209, homicide by assault;

412 (j) Section 76-5-302, aggravated kidnapping;

413 (k) Section 76-5-405, aggravated sexual assault;

414 (l) a felony violation of Section 76-6-103, aggravated arson;

415 (m) Section 76-6-203, aggravated burglary;

416 (n) Section 76-6-302, aggravated robbery;

417 (o) Section 76-10-508.1, felony discharge of a firearm;

418 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)
419 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and

420 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
421 involving the use of a dangerous weapon, as defined in Section 76-1-601; or

422 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
423 juvenile offender has been previously committed to the division for secure care.

424 (5) (a) The division may continue to have responsibility over a juvenile offender, who
425 is discharged under this section from parole, to participate in a specific educational or
426 rehabilitative program:

427 (i) until the juvenile offender is:

428 (A) if the juvenile offender is a youth offender, 21 years old; or

429 (B) if the juvenile offender is a serious youth offender, 25 years old; and
430 (ii) under an agreement by the division and the juvenile offender that the program has
431 certain conditions.

432 (b) The division and the juvenile offender may terminate participation in a program
433 under Subsection (5)(a) at any time.

434 (c) The division shall offer an educational or rehabilitative program before a juvenile
435 offender's discharge date in accordance with this section.

436 (d) A juvenile offender may request the services described in this Subsection (5), even
437 if the offender has been previously declined services or services were terminated for
438 noncompliance.

439 (e) Notwithstanding Subsection (5)(c), the division:

440 (i) shall consider a request by a juvenile offender under Subsection (5)(d) for the
441 services described in this Subsection (5) for up to 365 days after the juvenile offender's
442 effective date of discharge, even if the juvenile offender has previously declined services or
443 services were terminated for noncompliance; and

444 (ii) may reach an agreement with the juvenile offender to provide the services
445 described in this Subsection (5) until the juvenile offender is:

446 (A) if the juvenile offender is a youth offender, 21 years old; or

447 (B) if the juvenile offender is a serious youth offender, 25 years old.

448 (f) The division and the juvenile offender may terminate an agreement for services
449 under this Subsection (5) at any time.