

Representative Cheryl K. Acton proposes the following substitute bill:

1 **JUVENILE JUSTICE MODIFICATIONS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Cheryl K. Acton**

5 Senate Sponsor: Luz Escamilla

6 **LONG TITLE**

7 **General Description:**

8 This bill amends provisions related to juvenile justice.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ addresses the use of juvenile delinquency records by public and private employers;

12 ▶ amends provisions regarding the inspection of juvenile court records;

13 ▶ requires the State Board of Education to include information about dangerous

14 weapons in an annual report on school discipline and law enforcement action;

15 ▶ requires the State Board of Education to provide a report on school discipline and
16 law enforcement action to the State Commission on Criminal and Juvenile Justice;

17 ▶ modifies a reporting requirement regarding a minor found with a dangerous weapon
18 on school grounds;

19 ▶ amends the requirements for the criminal justice database;

20 ▶ modifies the duties of the State Commission on Criminal and Juvenile Justice in
21 regards to juvenile justice;

22 ▶ modifies the jurisdiction of the juvenile court;

23 ▶ amends provisions related to the inspection of juvenile records when a minor who is
24 14 years old or older is charged with a felony offense;



- 26 ▶ enacts data collection and reporting requirements for the State Commission on
27 Criminal and Juvenile Justice and the Administrative Office of the Courts in regards
28 to offenses committed, or allegedly committed, by minors;
29 ▶ defines terms related to juvenile records;
30 ▶ amends and clarifies provisions regarding the vacatur of an adjudication in the
31 juvenile court;
32 ▶ clarifies the release of certain juvenile records;
33 ▶ amends provisions regarding a petition for expungement of a juvenile court record
34 with an adjudication, including the notice and hearing requirements for the petition;
35 ▶ allows for a petition for expungement of a juvenile court record consisting of
36 nonjudicial adjustments;
37 ▶ allows for a petition for expungement of a juvenile court record consisting of
38 records of arrest, investigation, detention, and delinquency petitions;
39 ▶ allows for a petition for expungement of records regarding a petition where the
40 allegations of delinquency were found to be not true;
41 ▶ allows for the automatic expungement of a successful nonjudicial adjustment
42 completed on or after October 1, 2023;
43 ▶ provides the requirements for expunging juvenile records;
44 ▶ addresses the distribution of an expungement order;
45 ▶ addresses agency duties regarding expungement orders;
46 ▶ addresses records in the custody of the Board of Pardons and Parole, the
47 Department of Corrections, or the Division of Child and Family Services;
48 ▶ addresses the effect of an expungement order;
49 ▶ provides that certain individuals may view or inspect expunged juvenile records;
50 ▶ repeals statutes related to the expungement of juvenile records; and
51 ▶ makes technical and conforming changes.

52 **Money Appropriated in this Bill:**

53 None

54 **Other Special Clauses:**

55 This bill provides a special effective date.

56 **Utah Code Sections Affected:**

57 AMENDS:

58 **34-52-201**, as last amended by Laws of Utah 2022, Chapter 447
59 **34-52-301**, as enacted by Laws of Utah 2019, Chapter 371
60 **53E-3-516**, as last amended by Laws of Utah 2022, Chapter 399
61 **53G-8-510**, as renumbered and amended by Laws of Utah 2018, Chapter 3
62 **62A-5-308**, as last amended by Laws of Utah 2021, Chapter 261
63 **63A-16-1001**, as enacted by Laws of Utah 2022, Chapter 390
64 **63A-16-1002**, as enacted by Laws of Utah 2022, Chapter 390 and last amended by
65 Coordination Clause, Laws of Utah 2022, Chapter 390
66 **63M-7-208**, as last amended by Laws of Utah 2021, Chapter 262
67 **63M-7-218**, as enacted by Laws of Utah 2022, Chapter 390 and last amended by
68 Coordination Clause, Laws of Utah 2022, Chapter 390
69 **77-38-14**, as last amended by Laws of Utah 2021, Chapter 262
70 **78A-6-103**, as last amended by Laws of Utah 2022, Chapters 155, 335
71 **78A-6-209**, as last amended by Laws of Utah 2022, Chapters 335, 430
72 **78A-6-358**, as renumbered and amended by Laws of Utah 2021, Chapter 261
73 **78B-6-105**, as last amended by Laws of Utah 2021, Chapter 261
74 **80-6-1001**, as renumbered and amended by Laws of Utah 2021, Chapter 261
75 **80-6-1002**, as last amended by Laws of Utah 2022, Chapter 334

76 ENACTS:

77 **80-6-104**, Utah Code Annotated 1953
78 **80-6-1004.1**, Utah Code Annotated 1953
79 **80-6-1004.2**, Utah Code Annotated 1953
80 **80-6-1004.3**, Utah Code Annotated 1953
81 **80-6-1004.4**, Utah Code Annotated 1953
82 **80-6-1004.5**, Utah Code Annotated 1953
83 **80-6-1006.1**, Utah Code Annotated 1953

84 RENUMBERS AND AMENDS:

85 **80-6-1001.1**, (Renumbered from 80-6-1003, as enacted by Laws of Utah 2021, Chapter
86 261)

87 REPEALS:

88 **80-6-1004**, as last amended by Laws of Utah 2022, Chapter 334

89 **80-6-1005**, as renumbered and amended by Laws of Utah 2021, Chapter 261

90 **80-6-1006**, as renumbered and amended by Laws of Utah 2021, Chapter 261

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

93 Section 1. Section **34-52-201** is amended to read:

94 **34-52-201. Public employer requirements.**

95 (1) A public employer may not exclude an applicant from an initial interview because
96 of a past criminal conviction or juvenile delinquency adjudication.

97 (2) A public employer excludes an applicant from an initial interview if the public
98 employer:

99 (a) requires an applicant to disclose, on an employment application, a criminal
100 conviction or juvenile delinquency adjudication;

101 (b) requires an applicant to disclose, before an initial interview, a criminal conviction
102 or juvenile delinquency adjudication; or

103 (c) if no interview is conducted, requires an applicant to disclose, before making a
104 conditional offer of employment, a criminal conviction or juvenile delinquency adjudication.

105 (3) (a) A public employer may not make any inquiry related to an applicant's expunged
106 criminal or juvenile delinquency history.

107 (b) An applicant seeking employment from a public employer may answer a question
108 related to an expunged criminal or juvenile delinquency record as though the action underlying
109 the expunged criminal or juvenile delinquency record never occurred.

110 (4) Subject to Subsections (1) through (3), nothing in this section prevents a public
111 employer from:

112 (a) asking an applicant for information about an applicant's criminal conviction or
113 juvenile delinquency history during an initial interview or after an initial interview; or

114 (b) considering an applicant's conviction or juvenile delinquency history when making
115 a hiring decision.

116 (5) Subsections (1) through (3) do not apply:

117 (a) if federal, state, or local law, including corresponding administrative rules, requires
118 the consideration of an applicant's criminal conviction or juvenile delinquency history;

119 (b) to a public employer that is a law enforcement agency;
120 (c) to a public employer that is part of the criminal or juvenile justice system;
121 (d) to a public employer seeking a nonemployee volunteer;
122 (e) to a public employer that works with children or vulnerable adults;
123 (f) to the Department of Alcoholic Beverage Services created in Section [32B-2-203](#);
124 (g) to the State Tax Commission;
125 (h) to a public employer whose primary purpose is performing financial or fiduciary
126 functions; and
127 (i) to a public transit district hiring or promoting an individual for a safety sensitive
128 position described in Section [17B-2a-825](#).

129 Section 2. Section **34-52-301** is amended to read:

130 **34-52-301. Permitted applicant response regarding expunged criminal or juvenile
131 delinquency history.**

132 An applicant seeking employment from a private employer may answer a question
133 related to an expunged criminal or juvenile delinquency record as though the action underlying
134 the expunged criminal or juvenile delinquency record never occurred.

135 Section 3. Section **53E-3-516** is amended to read:

136 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking
137 authority.**

138 (1) As used in this section:

139 (a) "Dangerous weapon" means the same as that term is defined in Section [53G-8-510](#).

140 [(a)] (b) "Disciplinary action" means an action by a public school meant to formally
141 discipline a student of that public school that includes a suspension or expulsion.

142 [(b)] (c) "Law enforcement agency" means the same as that term is defined in Section
143 [77-7a-103](#).

144 [(c)] (d) "Minor" means the same as that term is defined in Section [[53G-6-201](#)]
145 [80-1-102](#).

146 [(d)] (e) "Other law enforcement activity" means a significant law enforcement
147 interaction with a minor that does not result in an arrest, including:

- 148 (i) a search and seizure by an SRO;
149 (ii) issuance of a criminal citation;

- 150 (iii) issuance of a ticket or summons;
151 (iv) filing a delinquency petition; or
152 (v) referral to a probation officer.

153 [(e)] (f) "School is in session" means the hours of a day during which a public school
154 conducts instruction for which student attendance is counted toward calculating average daily
155 membership.

156 [(f)] (g) (i) "School-sponsored activity" means an activity, fundraising event, club,
157 camp, clinic, or other event or activity that is authorized by a specific public school, according
158 to LEA governing board policy, and satisfies at least one of the following conditions:

159 (A) the activity is managed or supervised by a school district, public school, or public
160 school employee;

161 (B) the activity uses the school district or public school facilities, equipment, or other
162 school resources; or

163 (C) the activity is supported or subsidized, more than inconsequentially, by public
164 funds, including the public school's activity funds or Minimum School Program dollars.

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

167 [(g)] (h) "[Student] School resource officer" or "SRO" means the same as that term is
168 defined in Section [53G-8-701](#).

169 (2) Beginning on July 1, 2023, the state board shall develop an annual report regarding
170 the following incidents that occur on school grounds while school is in session or during a
171 school-sponsored activity:

- 172 (a) arrests of a minor;
173 (b) other law enforcement activities; [and]
174 (c) disciplinary actions[-]; and
175 (d) minors found in possession of a dangerous weapon.

176 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with
177 the state board and LEAs to provide and validate data and information necessary to complete
178 the report described in Subsection (2), as requested by an LEA or the state board.

179 (4) The report described in Subsection (2) shall include the following information
180 listed separately for each LEA:

181 (a) the number of arrests of a minor, including the reason why the minor was arrested;
182 (b) the number of other law enforcement activities, including the following information
183 for each incident:
184 (i) the reason for the other law enforcement activity; and
185 (ii) the type of other law enforcement activity used;
186 (c) the number of disciplinary actions imposed, including:
187 (i) the reason for the disciplinary action; and
188 (ii) the type of disciplinary action;
189 (d) the number of SROs employed; [and]
190 (e) if applicable, the demographics of an individual who is subject to, as the following
191 are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation[-]; and
192 (f) the number of minors found in possession of a dangerous weapon on school
193 grounds while school is in session or during a school-sponsored activity.

194 (5) The report described in Subsection (2) shall include the following information, in
195 aggregate, for each element described in Subsections (4)(a) through (c):
196 (a) age;
197 (b) grade level;
198 (c) race;
199 (d) sex; and
200 (e) disability status.

201 (6) Information included in the annual report described in Subsection (2) shall comply
202 with:

203 (a) Chapter 9, Part 3, Student Data Protection;
204 (b) Chapter 9, Part 2, Student Privacy; and
205 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

206 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
207 state board shall make rules to compile the report described in Subsection (2).

208 (8) The state board shall provide the report described in Subsection (2):
209 (a) in accordance with Section 53E-1-203 for incidents that occurred during the
210 previous school year[-]; and
211 (b) to the State Commission on Criminal and Juvenile Justice before July 1 of each

212 year for incidents that occurred during the previous school year.

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

214 **53G-8-510. Notification of dangerous weapons on school grounds -- Immunity
215 from civil and criminal liability.**

216 (1) As used in this section:

217 (a) "Dangerous weapon" means a firearm or an object that in the manner of the object's
218 use or intended use is capable of causing death or serious bodily injury to an individual.

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

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

221 (i) a school teacher;

222 (ii) a school staff member;

223 (iii) a school administrator; or

224 (iv) an individual:

225 (A) who is employed, directly or indirectly, by a school, an LEA governing board, or a
226 school district; and

227 (B) who works on a school campus.

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

229 (e) "School-sponsored activity" means the same as that term is defined in Section
230 [53E-3-516](#).

231 (2) If a minor is found on school grounds when school is in session or at a
232 school-sponsored activity in possession of a dangerous weapon and that information is reported
233 to, or known by, a school employee, the school employee shall notify the principal.

234 (3) After receiving a notification under Subsection (2), the principal shall notify:

235 (a) a law enforcement officer or agency; and

236 (b) school or district personnel if the principal determines that school or district
237 personnel should be informed.

238 ~~[(1) Whenever a student is found on school property during school hours or at a
239 school-sponsored activity in possession of a dangerous weapon and that information is reported
240 to or known by the principal, the principal shall notify law enforcement personnel and school
241 or district personnel who, in the opinion of the principal, should be informed.]~~

242 ~~[(2)] (4) A person who in good faith reports information under Subsection [(1)] (2) or~~

243 (3) and any person who receives the information is immune from any liability, civil or criminal,
244 that might otherwise result from the reporting or receipt of the information.

245 Section 5. Section **62A-5-308** is amended to read:

246 **62A-5-308. Commitment -- Individual who is under 18 years old.**

247 (1) The director of the division, or the director's designee, may commit an individual
248 under 18 years old who has an intellectual disability or symptoms of an intellectual disability,
249 to the division for observation, diagnosis, care, and treatment if that commitment is based on:

250 (a) an emergency commitment in accordance with Section **62A-5-311**; or

251 (b) involuntary commitment in accordance with Section **62A-5-312**.

252 (2) A proceeding for involuntary commitment under Subsection (1)(a) may be
253 commenced by filing a written petition with the juvenile court under Section **62A-5-312**.

254 (3) (a) A juvenile court has jurisdiction over the proceeding under Subsection (2) as
255 described in Subsection [**78A-6-103**(2)(f)] **78A-6-103**(2)(a)(vi).

256 (b) A juvenile court shall proceed with the written petition in the same manner and
257 with the same authority as the district court.

258 (4) If an individual who is under 18 years old is committed to the custody of the Utah
259 State Developmental Center by the juvenile court, the director or the director's designee shall
260 give the juvenile court written notice of the intention to release the individual not fewer than
261 five days before the day on which the individual is released.

262 Section 6. Section **63A-16-1001** is amended to read:

263 **Part 10. Criminal and Juvenile Justice Database**

264 **63A-16-1001. Definitions.**

265 As used in this part:

266 (1) "Commission" means the State Commission on Criminal and Juvenile Justice
267 created in Section **63M-7-201**.

268 (2) "Criminal justice agency" means an agency or institution directly involved in the
269 apprehension, prosecution, and incarceration of an individual involved in criminal activity,
270 including law enforcement, correctional facilities, jails, courts, probation, and parole.

271 (3) "Database" means the [~~Criminal Justice Database~~] **criminal and juvenile justice**
272 **database** created in this part.

273 (4) "Division" means the Division of Technology Services created in Section

274 63A-16-103.

275 Section 7. Section **63A-16-1002** is amended to read:

276 **63A-16-1002. Criminal and juvenile justice database.**

277 (1) The commission shall oversee the creation and management of a [Criminal Justice
278 Database] criminal and juvenile justice database for information and data required to be
279 reported to the commission, organized by county, and accessible to all criminal justice agencies
280 in the state.

281 (2) The division shall assist with the development and management of the database.

282 (3) The division, in collaboration with the commission, shall create:

283 (a) master standards and formats for information submitted to the database;

284 (b) a portal, bridge, website, or other method for reporting entities to provide the
285 information;

286 (c) a master data management index or system to assist in the retrieval of information
287 in the database;

288 (d) a protocol for accessing information in the database that complies with state
289 privacy regulations; and

290 (e) a protocol for real-time audit capability of all data accessed through the portal by
291 participating data source, data use entities, and regulators.

292 (4) Each criminal justice agency charged with reporting information to the commission
293 shall provide the data or information to the database in a form prescribed by the commission.

294 (5) The database shall be the repository for the statutorily required data described in:

295 (a) Section 13-53-111, recidivism reporting requirements;

296 (b) Section 17-22-32, county jail reporting requirements;

297 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;

298 (d) Section 24-4-118, forfeiture reporting requirements;

299 (e) Section 41-6a-511, courts to collect and maintain data;

300 (f) Section 63M-7-214, law enforcement agency grant reporting;

301 (g) Section 63M-7-216, prosecutorial data collection;

302 (h) Section 64-13-21, supervision of sentenced offenders placed in community;

303 (i) Section 64-13-25, standards for programs;

304 (j) Section 64-13-45, department reporting requirements;

305 (k) Section 64-13e-104, housing of state probationary inmates or state parole inmates;
306 (l) Section 77-7-8.5, use of tactical groups;
307 (m) Section 77-20-103, release data requirements;
308 (n) Section 77-22-2.5, court orders for criminal investigations;
309 (o) Section 78A-2-109.5, court demographics reporting; [and]
310 (p) Section 80-6-104, data collection on offenses committed by minors; and
311 [(p)] (q) any other statutes which require the collection of specific data and the
312 reporting of that data to the commission.

313 (6) The commission shall report:
314 (a) progress on the database, including creation, configuration, and data entered, to the
315 Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and
316 (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal
317 Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing
318 Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing
319 Committee not later than January 16, 2023.

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

321 **63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.**

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

336 youth placed with the Division of Juvenile Justice Services and the Division of Child and
337 Family Services, and make recommendations to prioritize the reinvestment and realignment of
338 resources into community-based programs for youth living at home, including the following:

339 (i) statewide expansion of:

340 (A) juvenile receiving centers, as defined in Section [80-1-102](#);

341 (B) mobile crisis outreach teams, as defined in Section [62A-15-102](#);

342 (C) youth courts; and

343 (D) victim-offender mediation;

344 (ii) statewide implementation of nonresidential diagnostic assessment;

345 (iii) statewide availability of evidence-based programs and practices including

346 cognitive behavioral and family therapy programs for minors assessed by a validated risk and
347 needs assessment as moderate or high risk;

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

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

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

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

359 (h) comply with the data collection and reporting requirements under Section
360 [80-6-104](#);

361 [(h) ensure that data reporting is expanded and routinely review data in additional
362 areas, including:]

363 [(i) referral and disposition data by judicial district;]

364 [(ii) data on the length of time minors spend in the juvenile justice system, including
365 the total time spent under court jurisdiction, on community supervision, and in each
366 out-of-home placement;]

367 [((iii) recidivism data for minors who are diverted to a nonjudicial adjustment under
368 Section 80-6-304 and minors for whom dispositions are ordered under Section 80-6-701,
369 including tracking minors into the adult corrections system;]
370

[((iv) change in aggregate risk levels from the time minors receive services, are under
371 supervision, and are in out-of-home placement; and]
372

[((v) dosage of programming;]
373

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

376 (j) provide guidelines to be considered by the Administrative Office of the Courts and
377 the Division of Juvenile Justice Services in developing tools considered by the Administrative
378 Office of the Courts and the Division of Juvenile Justice Services in developing or selecting
379 tools to be used for the evaluation of juvenile justice programs;

380 (k) develop a timeline to support improvements to juvenile justice programs to achieve
381 reductions in recidivism and review reports from relevant state agencies on progress toward
382 reaching that timeline;

383 (l) subject to Subsection (2), assist in the development of training for juvenile justice
384 stakeholders, including educators, law enforcement officers, probation staff, judges, Division
385 of Juvenile Justice Services staff, Division of Child and Family Services staff, and program
386 providers;

387 (m) subject to Subsection (3), assist in the development of a performance-based
388 contracting system, which shall be developed by the Administrative Office of the Courts and
389 the Division of Juvenile Justice Services for contracted services in the community and
390 contracted out-of-home placement providers;

391 (n) assist in the development of a validated detention risk assessment tool that [shall
392 be] is developed or adopted and validated by the Administrative Office of the Courts and the
393 Division of Juvenile Justice Services as provided in Section 80-5-203 [on and after July 1,
394 2018]; and

395 (o) annually issue and make public a report to the governor, president of the Senate,
396 speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the
397 progress of the reforms and any additional areas in need of review.

398 (2) Training described in Subsection (1)(l) should include instruction on
399 evidence-based programs and principles of juvenile justice, such as risk, needs, responsivity,
400 and fidelity, and shall be supplemented by the following topics:
401 (a) adolescent development;
402 (b) identifying and using local behavioral health resources;
403 (c) implicit bias;
404 (d) cultural competency;
405 (e) graduated responses;
406 (f) Utah juvenile justice system data and outcomes; and
407 (g) gangs.
408 (3) The system described in Subsection (1)(m) shall provide incentives for:
409 (a) the use of evidence-based juvenile justice programs and practices rated as effective
410 by the tools selected in accordance with Subsection (1)(j);
411 (b) the use of three-month timelines for program completion; and
412 (c) evidence-based programs and practices for minors living at home in rural areas.
413 (4) The State Commission on Criminal and Juvenile Justice may delegate the duties
414 imposed under this section to a subcommittee or board established by the State Commission on
415 Criminal and Juvenile Justice in accordance with Subsection [63M-7-204](#)(2).

416 [~~(5)~~ Subsections (1)(a) through (c) take effect August 1, 2017. The remainder of this
417 section takes effect July 1, 2018.]

418 Section 9. Section **63M-7-218** is amended to read:

419 **63M-7-218. State grant requirements.**

420 Beginning July 1, 2023, the commission may not award any grant of state funds to any
421 entity subject to, and not in compliance with, the reporting requirements in Subsections
422 [63A-16-1002](#)(5)(a) through [~~(e)~~] [\(p\)](#).

423 Section 10. Section **77-38-14** is amended to read:

424 **77-38-14. Notice of expungement petition -- Victim's right to object.**

425 (1) (a) The Department of Corrections or the Juvenile Probation Department shall
426 prepare a document explaining the right of a victim or a victim's representative to object to a
427 petition for expungement under Section [77-40a-305](#) or [80-6-1004](#) and the procedures for
428 obtaining notice of the petition.

429 (b) The department or division shall provide each trial court a copy of the document
430 that has jurisdiction over delinquencies or criminal offenses subject to expungement.

431 (2) The prosecuting attorney in any case leading to a conviction, a charge dismissed in
432 accordance with a plea in abeyance agreement, or an adjudication subject to expungement,
433 shall provide a copy of the document to each person who would be entitled to notice of a
434 petition for expungement under Sections [77-40a-305](#) and [[80-6-1004](#)] [80-6-1004.1](#).

435 Section 11. Section **78A-6-103** is amended to read:

436 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --
437 Findings -- Transfer of a case from another court.**

438 (1) Except as otherwise provided by Sections [78A-5-102.5](#) and [78A-7-106](#), the juvenile
439 court has original jurisdiction over:

440 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
441 state, or federal law, that was committed by a child;

442 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
443 state, or federal law, that was committed by an individual:

444 (i) who is under 21 years old at the time of all court proceedings; and

445 (ii) who was under 18 years old at the time the offense was committed; and

446 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state
447 law, that was committed:

448 (i) by an individual:

449 (A) who was 18 years old and enrolled in high school at the time of the offense; and

450 (B) who is under 21 years old at the time of all court proceedings; and

451 (ii) on school property where the individual was enrolled:

452 (A) when school was in session; or

453 (B) during a school-sponsored activity, as defined in Subsection [53G-8-211](#)(1)(k).

454 (2) The juvenile court has original jurisdiction over:

455 (a) any proceeding concerning:

456 [(a)] (i) a child who is an abused child, neglected child, or dependent child;

457 [(b)] (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
458 Child Protective Orders;

459 [(c)] (iii) the appointment of a guardian of the individual or other guardian of a minor

460 who comes within the court's jurisdiction under other provisions of this section;

461 [d] (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
462 Emancipation;

463 [e] (v) the termination of parental rights in accordance with Title 80, Chapter 4,
464 Termination and Restoration of Parental Rights, including termination of residual parental
465 rights and duties;

466 [f] (vi) the treatment or commitment of a minor who has an intellectual disability;

467 [g] (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
468 accordance with Section 30-1-9;

469 [h] (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);

470 [i] (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;

471 [j] (x) the treatment or commitment of a child with a mental illness;

472 [k] (xi) the commitment of a child to a secure drug or alcohol facility in accordance
473 with Section 62A-15-301;

474 [l] (xii) a minor found not competent to proceed in accordance with Title 80, Chapter
475 6, Part 4, Competency;

476 [m] (xiii) de novo review of final agency actions resulting from an informal
477 adjudicative proceeding as provided in Section 63G-4-402;

478 [n] (xiv) adoptions conducted in accordance with the procedures described in Title
479 78B, Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order
480 terminating the rights of a parent and finds that adoption is in the best interest of the child;

481 [o] (xv) an ungovernable or runaway child who is referred to the juvenile court by the
482 Division of Juvenile Justice Services if, despite earnest and persistent efforts by the Division of
483 Juvenile Justice Services, the child has demonstrated that the child:

484 [p] (A) is beyond the control of the child's parent, guardian, or custodian to the extent
485 that the child's behavior or condition endangers the child's own welfare or the welfare of others;
486 or

487 [q] (B) has run away from home; and

488 [r] (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for
489 an adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to
490 comply with a promise to appear and bring a child to the juvenile court[-];

491 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
492 Expungement; and

493 (c) the extension of a nonjudicial adjustment under Section 80-6-304.

494 (3) It is not necessary for a minor to be adjudicated for an offense or violation of the
495 law under Section 80-6-701[5] for the juvenile court to exercise jurisdiction under Subsection
496 [f2](p)] (2)(a)(xvi), (b), or (c).

497 (4) This section does not restrict the right of access to the juvenile court by private
498 agencies or other persons.

499 (5) The juvenile court has jurisdiction of all magistrate functions relative to cases
500 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

501 (6) The juvenile court has jurisdiction to make a finding of substantiated,
502 unsubstantiated, or without merit, in accordance with Section 80-3-404.

503 (7) The juvenile court has jurisdiction over matters transferred to the juvenile court by
504 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

505 Section 12. Section **78A-6-209** is amended to read:

506 **78A-6-209. Court records -- Inspection.**

507 (1) The juvenile court and the juvenile court's probation department shall keep records
508 as required by the board and the presiding judge.

509 (2) A court record shall be open to inspection by:

510 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties
511 in the case, the attorneys, and agencies to which custody of a minor has been transferred;

512 (b) for information relating to adult offenders alleged to have committed a sexual
513 offense, a felony or class A misdemeanor drug offense, or an offense against the person under
514 Title 76, Chapter 5, Offenses Against the Individual, the State Board of Education for the
515 purpose of evaluating whether an individual should be permitted to obtain or retain a license as
516 an educator or serve as an employee or volunteer in a school, with the understanding that the
517 State Board of Education must provide the individual with an opportunity to respond to any
518 information gathered from the State Board of Education's inspection of the records before the
519 State Board of Education makes a decision concerning licensure or employment;

520 (c) the Criminal Investigations and Technical Services Division, established in Section
521 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm

522 and establishing good character for issuance of a concealed firearm permit as provided in
523 Section 53-5-704;

524 (d) the Division of Child and Family Services for the purpose of Child Protective
525 Services Investigations in accordance with Sections 80-2-602 and 80-2-701 and administrative
526 hearings in accordance with Section 80-2-707;

527 (e) the Office of Licensing for the purpose of conducting a background check in
528 accordance with Section 62A-2-120;

529 (f) for information related to a minor who has committed a sexual offense, a felony, or
530 an offense that if committed by an adult would be a misdemeanor, the Department of Health
531 for the purpose of evaluating under the provisions of Subsection 26-39-404(3) whether a
532 licensee should be permitted to obtain or retain a license to provide child care, with the
533 understanding that the department must provide the individual who committed the offense with
534 an opportunity to respond to any information gathered from the Department of Health's
535 inspection of records before the Department of Health makes a decision concerning licensure;

536 (g) for information related to a minor who has committed a sexual offense, a felony, or
537 an offense that if committed by an adult would be a misdemeanor, the Department of Health to
538 determine whether an individual meets the background screening requirements of Title 26,
539 Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that the
540 department must provide the individual who committed the offense an opportunity to respond
541 to any information gathered from the Department of Health's inspection of records before the
542 Department of Health makes a decision under that part; and

543 (h) for information related to a minor who has committed a sexual offense, a felony, or
544 an offense that if committed by an adult would be a misdemeanor, the Department of Health to
545 determine whether to grant, deny, or revoke background clearance under Section 26-8a-310 for
546 an individual who is seeking or who has obtained an emergency medical service personnel
547 license under Section 26-8a-302, with the understanding that the Department of Health must
548 provide the individual who committed the offense an opportunity to respond to any information
549 gathered from the Department of Health's inspection of records before the Department of
550 Health makes a determination.

551 (3) With the consent of the juvenile court, a court record may be inspected by the child,
552 by persons having a legitimate interest in the proceedings, and by persons conducting pertinent

553 research studies.

554 (4) (a) Except as provided in Subsection (4)(b), if a petition is filed charging a minor
555 who is 14 years old or older with an offense that would be a felony if committed by an adult,
556 the juvenile court shall make available to any person upon request the petition, any
557 adjudication or disposition orders, and the delinquency history summary for the minor.

558 (b) A juvenile court may close the records described in Subsection (4)(a) to the public
559 if the juvenile court finds, on the record, that the records are closed for good cause.

560 [4) If a petition is filed charging a minor who is 14 years old or older with an offense
561 that would be a felony if committed by an adult, the juvenile court shall make available to any
562 person upon request the petition, any adjudication or disposition orders, and the delinquency
563 history summary of the minor charged unless the records are closed by the juvenile court upon
564 findings on the record for good cause.]

565 (5) A juvenile probation officer's records and reports of social and clinical studies are
566 not open to inspection, except by consent of the juvenile court, given under rules adopted by
567 the board.

568 (6) The juvenile court may charge a reasonable fee to cover the costs associated with
569 retrieving a requested record that has been archived.

570 Section 13. Section **78A-6-358** is amended to read:

571 **78A-6-358. Period of effect for a judgment, decree, or order by a juvenile court.**

572 (1) A judgment, order, or decree of the juvenile court is no longer in effect after a
573 minor is 21 years old, except:

574 (a) for an order of commitment to the Utah State Developmental Center or to the
575 custody of the Division of Substance Abuse and Mental Health;

576 (b) for an adoption under Subsection [78A-6-103(2)(n)] **78A-6-103(2)(a)(xiv)**;

577 (c) for an order permanently terminating the rights of a parent, guardian, or custodian
578 under Title 80, Chapter 4, Termination and Restoration of Parental Rights;

579 (d) for a permanent order of custody and guardianship under Subsection
580 **80-3-405(2)(d)**;

581 (e) an order establishing paternity under Subsection **78A-6-104(1)(a)(i)**; and

582 (f) as provided in Subsection (2).

583 (2) If the juvenile court enters a judgment or order for a minor for whom the juvenile

584 court has extended continuing jurisdiction over the minor's case until the minor is 25 years old
585 under Section 80-6-605, the juvenile court's judgment or order is no longer in effect after the
586 minor is 25 years old.

587 Section 14. Section 78B-6-105 is amended to read:

588 **78B-6-105. District court venue -- Jurisdiction of juvenile court -- Jurisdiction
589 over nonresidents -- Time for filing.**

590 (1) An adoption proceeding shall be commenced by filing a petition in:
591 (a) the district court in the district where the prospective adoptive parent resides;
592 (b) if the prospective adoptive parent is not a resident of this state, the district court in
593 the district where:

594 (i) the adoptee was born;
595 (ii) the adoptee resides on the day on which the petition is filed; or
596 (iii) a parent of the proposed adoptee resides on the day on which the petition is filed;

597 or

598 (c) the juvenile court as provided in Subsection [78A-6-103(2)(n)]
599 78A-6-103(2)(a)(xiv) and Section 78A-6-350.

600 (2) All orders, decrees, agreements, and notices in an adoption proceeding shall be
601 filed with the clerk of the court where the adoption proceeding is commenced under Subsection
602 (1).

603 (3) A petition for adoption:
604 (a) may be filed before the birth of a child;
605 (b) may be filed before or after the adoptee is placed in the home of the petitioner for
606 the purpose of adoption; and

607 (c) shall be filed no later than 30 days after the day on which the adoptee is placed in
608 the home of the petitioners for the purpose of adoption, unless:

609 (i) the time for filing has been extended by the court; or
610 (ii) the adoption is arranged by a child-placing agency in which case the agency may
611 extend the filing time.

612 (4) (a) If a person whose consent for the adoption is required under Section 78B-6-120
613 or 78B-6-121 cannot be found within the state, the fact of the minor's presence within the state
614 shall confer jurisdiction on the court in proceedings under this chapter as to such absent person,

615 provided that due notice has been given in accordance with the Utah Rules of Civil Procedure.

616 (b) The notice may not include the name of:

617 (i) a prospective adoptive parent; or

618 (ii) an unmarried mother without her consent.

619 (5) Service of notice described in Subsection (6) shall vest the court with jurisdiction
620 over the person served in the same manner and to the same extent as if the person served was
621 served personally within the state.

622 (6) In the case of service outside the state, service completed not less than five days
623 before the time set in the notice for appearance of the person served is sufficient to confer
624 jurisdiction.

625 (7) Computation of periods of time not otherwise set forth in this section shall be made
626 in accordance with the Utah Rules of Civil Procedure.

627 Section 15. Section **80-6-104** is enacted to read:

628 **80-6-104. Data collection on offenses committed by minors -- Reporting
requirement.**

630 (1) As used in this section:

631 (a) "Firearm" means the same as that term is defined in Section [76-10-501](#).

632 (b) "Firearm-related offense" means a criminal offense involving a firearm.

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

634 (d) "School-sponsored activity" means the same as that term is defined in Section
635 [53E-3-516](#).

636 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
637 following data to the State Commission on Criminal and Juvenile Justice, broken down by
638 judicial district, for the preceding calendar year:

639 (a) the number of referrals to the juvenile court;

640 (b) the number of minors diverted to a nonjudicial adjustment;

641 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;

642 (d) the number of minors for whom a petition for an offense is filed in the juvenile
643 court;

644 (e) the number of minors for whom an information is filed in the juvenile court;

645 (f) the number of minors bound over to the district court by the juvenile court;

646 (g) the number of petitions for offenses committed by minors that were dismissed by
647 the juvenile court;
648 (h) the number of adjudications in the juvenile court for offenses committed by minors;
649 (i) the number of guilty pleas entered into by minors in the juvenile court;
650 (j) the number of dispositions resulting in secure care, community-based placement,
651 formal probation, and intake probation; and
652 (k) for each minor charged in the juvenile court with a firearm-related offense:
653 (i) the minor's age at the time the offense was committed or allegedly committed;
654 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
655 (iii) whether the minor is a restricted person under Subsection 76-10-503(1)(a)(iv) or
656 (1)(b)(ii);
657 (iv) the type of offense for which the minor is charged;
658 (v) the outcome of the minor's case in juvenile court, including whether the minor was
659 bound over to the district court or adjudicated by the juvenile court; and
660 (vi) if a disposition was entered by the juvenile court, whether the disposition resulted
661 in secure care, community-based placement, formal probation, or intake probation.

662 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition
663 of a case resulting from a firearm-related offense committed, or allegedly committed, by a
664 minor when the minor is found in possession of a firearm while school is in session or during a
665 school-sponsored activity.

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

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

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

675 (c) changes in aggregate risk levels from the time minors receive services, are under
676 supervision, and are in out-of-home placement; and

677 (d) dosages of programming.

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

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

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

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

686 Section 16. Section **80-6-1001** is amended to read:

687 **80-6-1001. Definitions.**

688 As used in this part:

689 (1) "Abstract" means a copy or summary of a court's disposition.

690 (2) (a) "Agency" means a state, county, or local government entity that generates or
691 maintains records [relating to a nonjudicial adjustment or an adjudication] for which
692 expungement may be ordered under this part.

693 (b) "Agency" includes a local education agency, as defined in Section 53E-1-102, for
694 purposes of this part.

695 (3) "Expunge" means to seal or otherwise restrict access to a record that is part of an
696 individual's juvenile record and in the custody of the juvenile court or an agency.

697 (4) (a) "Juvenile record" means all records for all incidents of delinquency involving an
698 individual that are in the custody of the juvenile court or an agency.

699 (b) "Juvenile record" does not include a record of an adjudication under Chapter 3,
700 Abuse, Neglect, or Dependency Proceedings, or Chapter 4, Termination and Restoration of
701 Parental Rights.

702 (5) "Petitioner" means an individual requesting an expungement or vacatur under this
703 part.

704 [(3) "Expunge" means to seal or otherwise restrict access to an individual's record held
705 by a court or an agency when the record relates to a nonjudicial adjustment or an adjudication
706 of an offense in the juvenile court.]

707 Section 17. Section **80-6-1001.1**, which is renumbered from Section 80-6-1003 is

708 renumbered and amended to read:

709 **[80-6-1003]. 80-6-1001.1. Court records -- Abstracts.**

710 [①(a) Except as otherwise provided in this part, if a minor's juvenile record is
711 expunged, and upon a court order, all photographs or records under Section 80-6-608 shall be
712 destroyed by an agency.]

713 [②(b) A record of a minor's fingerprints may not be destroyed by an agency.]

714 [③(1) A court or agency with custody of an individual's record related to an offense
715 that the individual is alleged to have committed, or an offense that the individual committed,
716 before the individual was 18 years old may not disclose the record to a federal agency that is
717 responsible for criminal justice research or proceedings unless the court or the agency is
718 required to share the record under state or federal law.

719 [④(2) An abstract of a [juvenile court] record for [an] a minor's adjudication of a
720 traffic offense shall be submitted to the Department of Public Safety as provided in Section
721 53-3-218.

722 Section 18. Section 80-6-1002 is amended to read:

723 **80-6-1002. Vacatur of an adjudication.**

724 [①(a) An individual who has been adjudicated under this chapter may petition the
725 juvenile court for vacatur of the individual's juvenile court records and any related records in
726 the custody of an agency if the record relates to:]

727 [②(i) an adjudication under Section 76-10-1302, 76-10-1304, or 76-10-1313, or]

728 [③(ii) an adjudication that was based on an offense that the petitioner engaged in while
729 subject to force, fraud, or coercion, as defined in Section 76-5-308.]

730 [④(a) An individual who has been adjudicated for an offense by the juvenile court may
731 petition the juvenile court for vacatur of the adjudication if the adjudication was for a violation
732 of:

733 [⑤(i) Section 76-5-308, human trafficking for labor if the petitioner engaged in the human
734 trafficking for labor while subject to force, fraud, or coercion;

735 [⑥(ii) Section 76-10-1302, prostitution;

736 [⑦(iii) Section 76-10-1304, aiding prostitution; or

737 [⑧(iv) Section 76-10-1313, sexual solicitation.

738 (b) The petitioner shall include in the petition the relevant juvenile court incident

739 number and any agencies known or alleged to have any [documents] records related to the
740 offense for which vacatur is being sought.

741 (c) The petitioner shall include with the petition the original criminal history report
742 obtained from the Bureau of Criminal Identification in accordance with the provisions of
743 Section 53-10-108.

744 (d) The petitioner shall send a copy of the petition to the [county attorney or, if within a
745 prosecution district, the district attorney] prosecuting attorney.

746 (2) (a) Upon the filing of a petition, the juvenile court shall:

747 (i) set a date for a hearing; and

748 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,
749 notify the prosecuting attorney and any affected agency identified in the juvenile record:

750 (A) that a petition has been filed; and

751 (B) of the date of the hearing.

752 [(ii) notify the county attorney or district attorney and the agency with custody of the
753 records at least 30 days prior to the hearing of the pendency of the petition; and]]

754 [(iii) notify the county attorney or district attorney and the agency with records the
755 petitioner is asking the juvenile court to vacate of the date of the hearing.]

756 (b) (i) The juvenile court shall provide a victim with the opportunity to request notice
757 of a petition for vacatur.

758 [(ii) A victim shall receive notice of a petition for vacatur at least 30 days before the
759 hearing if, before the entry of vacatur, the victim or, in the case of a child or an individual who
760 is incapacitated or deceased, the victim's next of kin or authorized representative;]

761 (ii) At least 30 days before the day on which the hearing is scheduled, a victim shall
762 receive notice of a petition for vacatur if, before the entry of vacatur, the victim, or the victim's
763 next of kin or authorized representative if the victim is a child or an individual who is
764 incapacitated or deceased, submits a written and signed request for notice to the court in the
765 judicial district in which the crime occurred or judgment was entered.

766 (iii) The notice shall include a copy of the petition and statutes and rules applicable to
767 the petition.

768 [(3)(a)] (c) At the hearing the petitioner, the [county attorney or district attorney]
769 prosecuting attorney, a victim, and any other person who may have relevant information about

770 the petitioner may testify.

771 [~~(b)(i)~~] (3) (a) In deciding whether to grant a petition for vacatur of an adjudication of
772 an offense for human trafficking of labor described in Subsection (1)(a)(i), the juvenile court
773 shall consider whether the petitioner acted subject to force, fraud, or coercion[, as defined in
774 Section 76-5-308,] at the time of the conduct giving rise to the adjudication.

775 [~~(ii)(A)~~] (b) If the juvenile court finds by a preponderance of the evidence that the
776 petitioner was subject to force, fraud, or coercion[, as defined in Section 76-5-308] at the time
777 of the conduct giving rise to the adjudication, the juvenile court shall grant vacatur of the
778 adjudication.

779 [~~(B)~~] (c) If the juvenile court does not find sufficient evidence, the juvenile court shall
780 deny vacatur of the adjudication.

781 [~~(iii)~~] (4) If the petition [~~is for~~ vacatur of any adjudication under Section 76-10-1302,
782 76-10-1304, or 76-10-1313] seeks to vacate an adjudication of an offense described in
783 Subsection (1)(a)(ii) through (iv), the juvenile court shall presumptively grant vacatur of the
784 adjudication unless the petitioner acted as a purchaser of any sexual activity.

785 [~~(e)~~] If vacatur is granted, the juvenile court shall order sealed all of the petitioner's
786 records under the control of the juvenile court and any of the petitioner's records under the
787 control of any other agency or official]

788 (5) (a) Except as provided in Subsection (5)(b), if the juvenile court grants a vacatur of
789 an adjudication for an offense described in Subsection (1)(a), the juvenile court shall order
790 expungement of all records in the petitioner's juvenile record pertaining to the incident
791 identified in the petition, including relevant related records contained in the Management
792 Information System and the Licensing Information System.

793 [~~(6)~~] (b) The juvenile court may not [~~vacate a juvenile court record if the record~~
794 ~~contains an adjudication of~~] order expungement of any record in the petitioner's juvenile record
795 that contains an adjudication for a violation of:

796 [~~(a)~~] (i) Section 76-5-202, aggravated murder; or
797 [~~(b)~~] (ii) Section 76-5-203, murder.

798 [~~(4)~~] (6) (a) The petitioner shall be responsible for service of the vacatur and
799 expungement order [~~of vacatur~~] to all affected state, county, and local entities, agencies, and
800 officials.

801 (b) To avoid destruction or [sealing] expungement of the records in whole or in part,
802 the agency or entity receiving the vacatur and expungement order shall only [vacate] expunge
803 all references to the petitioner's name in the records pertaining to the relevant adjudicated
804 juvenile court incident.

805 [(5)(a) Upon the entry of vacatur,]
806 [(b) Inspection of the records may thereafter only be permitted by the juvenile court
807 upon petition by the individual who is the subject of the records, and only to persons named in
808 the petition.]

809 (7)(a) Upon entry of a vacatur and expungement order under this section:

810 (i) the proceedings in the incident identified in the petition [shall be] are considered
811 never to have occurred; and

812 (ii) the petitioner may [properly reply accordingly upon any inquiry in the matter] reply
813 to an inquiry on the matter as though the proceedings never occurred.

814 (b) Upon petition, any record expunged under this section may only be released to or
815 viewed by:

816 (i) the individual who is the subject of the record; or

817 (ii) a person named in the petition of vacatur.

818 Section 19. Section **80-6-1004.1** is enacted to read:

819 **80-6-1004.1. Petition to expunge adjudication -- Hearing and notice -- Waiver --**

820 **Order.**

821 (1) An individual may petition the juvenile court for an order to expunge the
822 individual's juvenile record if:

823 (a) the individual was adjudicated for an offense in the juvenile court;

824 (b) the individual has reached 18 years old; and

825 (c) at least one year has passed from the day on which:

826 (i) the juvenile court's continuing jurisdiction was terminated; or

827 (ii) if the individual was committed to secure care, the individual was unconditionally
828 released from the custody of the division.

829 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection
830 (1), the petition shall include a criminal history report obtained from the Bureau of Criminal
831 Identification in accordance with Section **53-10-108**.

832 (3) If the juvenile court finds and states on the record the reason why waiver is
833 appropriate, the juvenile court may waive:

834 (a) the age requirement under Subsection (1)(b) for a petition; or
835 (b) the one-year requirement under Subsection (1)(c) for a petition.

836 (4) (a) Upon the filing of a petition described in Subsection (1)(a), the juvenile court
837 shall:

838 (i) set a date for a hearing; and
839 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,
840 notify the prosecuting attorney and any affected agency identified in the petitioner's juvenile
841 record:

842 (A) that the petition has been filed; and
843 (B) of the date of the hearing.

844 (b) (i) The juvenile court shall provide a victim with the opportunity to request notice
845 of a petition described in Subsection (1).

846 (ii) Upon the victim's request under Subsection (4)(b)(i), the victim shall receive notice
847 of the petition at least 30 days before the day on which the hearing is scheduled if, before the
848 day on which an expungement order is made, the victim, or the victim's next of kin or
849 authorized representative if the victim is a child or an individual who is incapacitated or
850 deceased, submits a written and signed request for notice to the juvenile court in the judicial
851 district in which the offense occurred or judgment is entered.

852 (iii) The notice described in Subsection (4)(b)(ii) shall include a copy of the petition
853 and any statutes and rules applicable to the petition.

854 (c) At the hearing, the prosecuting attorney, a victim, and any other individual who
855 may have relevant information about the petitioner may testify.

856 (d) The juvenile court may waive the hearing for the petition if:

857 (i) (A) there is no victim; or
858 (B) if there is a victim, the victim agrees to the waiver; and
859 (ii) the prosecuting attorney agrees to the waiver.

860 (5) (a) Except as provided in Subsection (6), the juvenile court may grant a petition
861 described in Subsection (1) and order expungement of the petitioner's juvenile record if the
862 juvenile court finds that the petitioner is rehabilitated to the satisfaction of the court in

863 accordance with Subsection (5)(b).

864 (b) In deciding whether to grant a petition described in Subsection (1), the juvenile
865 court shall consider:

866 (i) whether expungement of the petitioner's juvenile record is in the best interest of the
867 petitioner;

868 (ii) the petitioner's response to programs and treatment;

869 (iii) the nature and seriousness of the conduct for which the petitioner was adjudicated;

870 (iv) the petitioner's behavior subsequent to adjudication;

871 (v) the petitioner's reason for seeking expungement of the petitioner's juvenile record;

872 and

873 (vi) if the petitioner is a restricted person under Subsection 76-10-503(1)(a)(iv) or
874 (b)(ii):

875 (A) whether the offense for which the petitioner is a restricted person was committed
876 with a weapon;

877 (B) whether expungement of the petitioner's juvenile record poses an unreasonable risk
878 to public safety; and

879 (C) the amount of time that has passed since the adjudication of the offense for which
880 the petitioner is a restricted person.

881 (6) The juvenile court may not grant a petition described in Subsection (1) and order
882 expungement of the petitioner's juvenile record if:

883 (a) the petitioner has been convicted of a violent felony within five years before the day
884 on which the petition for expungement is filed;

885 (b) there are delinquency or criminal proceedings pending against the petitioner;

886 (c) the petitioner has not satisfied a judgment of restitution entered by the juvenile
887 court for an adjudication in the petitioner's juvenile record;

888 (d) the petitioner has not satisfied restitution that was a condition of a nonjudicial
889 adjustment in the petitioner's juvenile record; or

890 (e) the petitioner's juvenile record contains an adjudication for a violation of:

891 (i) Section 76-5-202, aggravated murder; or

892 (ii) Section 76-5-203, murder.

893 Section 20. Section **80-6-1004.2** is enacted to read:

894 **80-6-1004.2. Petition to expunge nonjudicial adjustment -- Order.**

895 (1) An individual may petition the juvenile court for an order to expunge the
896 individual's juvenile record if:

897 (a) the individual's juvenile record consists solely of nonjudicial adjustments;

898 (b) the individual's juvenile record is not eligible for automatic expungement under
899 Section 80-6-1004.5; and

900 (c) the individual has reached 18 years old.

901 (2) If the juvenile court finds and states on the record the reason why the waiver is
902 appropriate, the juvenile court may waive the age requirement under Subsection (1)(c) for a
903 petition.

904 (3) Except as provided in Subsection (4), the juvenile court shall grant a petition
905 described in Subsection (1) and order expungement of the petitioner's juvenile record.

906 (4) The juvenile court may not grant a petition described in Subsection (1) and order
907 expungement of the petitioner's juvenile record if:

908 (a) there are delinquency or criminal proceedings pending against the petitioner; or

909 (b) the petitioner has not satisfied restitution that was a condition of a nonjudicial
910 adjustment in the petitioner's juvenile record.

911 Section 21. Section **80-6-1004.3** is enacted to read:

912 **80-6-1004.3. Petition to expunge arrest, investigation, detention, or delinquency**
petition -- Screening -- Order.

914 (1) An individual may petition the juvenile court for an order to expunge the
915 individual's juvenile record if:

916 (a) the individual's juvenile record consists solely of records of arrest, investigation,
917 detention, or petitions that did not result in adjudication;

918 (b) the individual was not adjudicated for an offense in the juvenile court; and

919 (c) the individual has reached 18 years old.

920 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection
921 (1), the petition shall include a criminal history report obtained from the Bureau of Criminal
922 Identification in accordance with Section 53-10-108.

923 (3) If the juvenile court finds and states on the record the reason why the waiver is
924 appropriate, the juvenile court may waive the age requirement under Subsection (1)(c) for a

925 petition.

926 (4) (a) Upon the filing of a petition described in Subsection (1), the juvenile court shall
927 notify the prosecuting attorney that the petition has been filed.

928 (b) Within 30 days after the day on which the notification is sent under Subsection
929 (4)(a), the prosecuting attorney shall respond to the petition stating whether the petitioner
930 meets the requirements for expungement under this section.

931 (5) Except as provided in Subsection (6), the juvenile court shall grant a petition
932 described in Subsection (1) and order expungement of the petitioner's juvenile record if each
933 case identified in the petition:

934 (a) has been screened by the investigating law enforcement agency and the prosecuting
935 attorney has determined that no charges will be filed against the individual;

936 (b) resulted in all charges in the case being dismissed with prejudice;

937 (c) resulted in all charges in the case being dismissed without prejudice or without
938 condition and the prosecuting attorney consents to the expungement; or

939 (d) is barred from prosecution by the statute of limitations.

940 (6) The juvenile court may not grant a petition described in Subsection (1) and order
941 expungement of the petitioner's juvenile record if there are delinquency or criminal proceedings
942 pending against the petitioner.

943 Section 22. Section **80-6-1004.4** is enacted to read:

944 **80-6-1004.4. Petition to expunge petition not found to be true -- Order.**

945 (1) An individual may petition the juvenile court, at any time, for an order to expunge
946 all records in the individual's juvenile record pertaining to an incident where a petition was
947 filed if:

948 (a) the incident was presented to the juvenile court for adjudication based upon an
949 admission, plea, or trial;

950 (b) the juvenile court did not find by beyond a reasonable doubt the allegations in the
951 petition to be true;

952 (c) at least 30 days have passed since the day on which the juvenile court did not find
953 the allegations in the petition to be true; and

954 (d) an appeal has not been filed for the petition within the 30-day period described in
955 Subsection (1)(c).

956 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection
957 (1), the petition shall include a criminal history report obtained from the Bureau of Criminal
958 Identification in accordance with Section [53-10-108](#).

959 (3) The juvenile court shall grant a petition described in Subsection (1), without a
960 hearing, and order expungement of any record in the petitioner's juvenile record pertaining to
961 the incident.

962 Section 23. Section **80-6-1004.5** is enacted to read:

963 **80-6-1004.5. Automatic expungement of successful nonjudicial adjustment --
964 Effect of successful nonjudicial adjustment.**

965 (1) Except as provided in Subsection (2), the juvenile court shall issue, without a
966 petition, an order to expunge an individual's juvenile record if:

- 967 (a) the individual has reached 18 years old;
- 968 (b) the individual's juvenile record consists solely of nonjudicial adjustments;
- 969 (c) the individual has successfully completed each nonjudicial adjustment; and
- 970 (d) all nonjudicial adjustments were completed on or after October 1, 2023.

971 (2) An individual's juvenile record is not eligible for expungement under Subsection
972 (1) if the individual's juvenile record contains a nonjudicial adjustment for a violation of:

- 973 (a) Section [41-6a-502](#), driving under the influence;
- 974 (b) Section [76-5-112](#), reckless endangerment creating a substantial risk of death or
975 serious bodily injury;
- 976 (c) Section [76-5-206](#), negligent homicide;
- 977 (d) Section [76-9-702.1](#), sexual battery;
- 978 (e) Section [76-10-505.5](#), possession of a dangerous weapon, firearm, or short barreled
979 shotgun on or about school premises; or

- 980 (f) Section [76-10-509](#), possession of a dangerous weapon by a minor.

981 (3) If an individual's juvenile record consists solely of nonjudicial adjustments that
982 were completed before October 1, 2023:

- 983 (a) any nonjudicial adjustment in the individual's juvenile record is considered to never
984 have occurred if:
 - 985 (i) the individual has reached 18 years old;
 - 986 (ii) the individual has satisfied restitution that was a condition of any nonjudicial

987 adjustment in the individual's juvenile record; and

988 (iii) the nonjudicial adjustment was for an offense that is not an offense described in
989 Subsection (2); and

990 (b) the individual may reply to any inquiry about the nonjudicial adjustment as though
991 there never was a nonjudicial adjustment.

992 Section 24. Section **80-6-1006.1** is enacted to read:

993 **80-6-1006.1. Exceptions to expungement order -- Distribution of expungement**
994 **order -- Agency duties -- Effect of expungement -- Access to expunged record.**

995 (1) This section applies to an expungement order under Section **80-6-1004.1**,
996 **80-6-1004.2**, **80-6-1004.3**, **80-6-1004.4**, or **80-6-1004.5**.

997 (2) The juvenile court may not order:

998 (a) the Board of Pardons and Parole and the Department of Corrections to seal a record
999 in the possession of the Board of Pardons and Parole or the Department of Corrections, except
1000 that the juvenile court may order the Board of Pardons and Parole and the Department of
1001 Corrections to restrict access to a record if the record is specifically identified in the
1002 expungement order as a record in the possession of the Board of Pardons and Parole or the
1003 Department of Corrections; or

1004 (b) the Division of Child and Family Services to expunge a record in an individual's
1005 juvenile record that is contained in the Management Information System or the Licensing
1006 Information System unless:

1007 (i) the record is unsupported; or

1008 (ii) after notice and an opportunity to be heard, the Division of Child and Family
1009 Services stipulates in writing to expunging the record.

1010 (3) (a) If the juvenile court issues an expungement order, the juvenile court shall send a
1011 copy of the expungement order to any affected agency or official identified in the juvenile
1012 record.

1013 (b) An individual who is the subject of an expungement order may deliver copies of the
1014 expungement order to all agencies and officials affected by the expungement order.

1015 (4) (a) Upon receipt of an expungement order, an agency shall:

1016 (i) to avoid destruction or expungement of records in whole or in part, expunge only
1017 the references to the individual's name in the records relating to the individual's adjudication,

1018 nonjudicial adjustment, petition, arrest, investigation, or detention for which expungement is
1019 ordered; and

1020 (ii) destroy all photographs and records created under Section 80-6-608, except that a
1021 record of a minor's fingerprints may not be destroyed by an agency.

1022 (b) An agency that receives a copy of an expungement order shall mail an affidavit to
1023 the individual who is the subject of the expungement order, or the individual's attorney, that the
1024 agency has complied with the expungement order.

1025 (5) Notwithstanding Subsection (4), the Board of Pardons and Parole and the
1026 Department of Corrections:

1027 (a) may not disclose records expunged in an expungement order unless required by
1028 law;

1029 (b) are not required to destroy any photograph or record created under Section
1030 80-6-608;

1031 (c) may use an expunged record for purposes related to incarceration and supervision
1032 of an individual under the jurisdiction of the Board of Pardons and Parole, including for the
1033 purpose of making decisions about:

1034 (i) the treatment and programming of the individual;

1035 (ii) housing of the individual;

1036 (iii) applicable guidelines regarding the individual; or

1037 (iv) supervision conditions for the individual;

1038 (d) are not prohibited from disclosing or sharing any information in an expunged
1039 record with another agency that uses the same record management system as the Board of
1040 Pardons and Parole or the Department of Corrections; and

1041 (e) are not required to mail an affidavit under Subsection (4)(b).

1042 (6) Upon entry of an expungement order:

1043 (a) an adjudication, a nonjudicial adjustment, a petition, an arrest, an investigation, or a
1044 detention for which the record is expunged is considered to have never occurred; and

1045 (b) the individual, who is the subject of the expungement order, may reply to an inquiry
1046 on the matter as though there never was an adjudication, a nonjudicial adjustment, a petition,
1047 an arrest, an investigation, or a detention.

1048 (7) A record expunged under Section 80-6-1004.1, 80-6-1004.2, 80-6-1004.3,

1049 80-6-1004.4, or 80-6-1004.5 may be released to, or viewed by, the individual who is the subject
1050 of the record.

1051 Section 25. **Repealer.**

1052 This bill repeals:

1053 Section **80-6-1004, Requirements to apply to expunge an adjudication.**

1054 Section **80-6-1005, Nonjudicial adjustment expungement.**

1055 Section **80-6-1006, Effect of an expunged record -- Agency duties.**

1056 Section 26. **Effective date.**

1057 This bill takes effect on October 1, 2023.