

Representative Karianne Lisonbee proposes the following substitute bill:

JUVENILE JUSTICE REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the requirements for the juvenile gang and other violent crime prevention and intervention program;
- ▶ amends the definition of an evidence-based program for purposes of responses to school-based behavior;
- ▶ modifies the requirements for referring an offense that occurs when school is in session or during a school-sponsored activity;
- ▶ modifies provisions regarding reintegration plans for students who have committed a serious offense;
- ▶ requires a school employee to report an offense that is committed by a minor on school grounds when school is in session or at a school-sponsored activity;
- ▶ makes it a crime to solicit a minor for any offense;
- ▶ clarifies the crime of criminal solicitation in regard to adults;
- ▶ modifies the crime for the possession of a dangerous weapon on or about school



- 26 grounds;
- 27 ▶ modifies the crime for the possession of a dangerous weapon by a minor;
- 28 ▶ modifies the requirements for the notification by a juvenile court to a school;
- 29 ▶ repeals statutes related to criminal solicitation, possession of a dangerous weapon
- 30 by a minor, and contributing to the delinquency of a minor; and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **53E-3-516**, as last amended by Laws of Utah 2023, Chapters 115, 161
- 39 **53F-2-410**, as repealed and reenacted by Laws of Utah 2023, Chapter 161 and last
- 40 amended by Coordination Clause, Laws of Utah 2023, Chapter 98
- 41 **53G-8-211**, as last amended by Laws of Utah 2023, Chapter 161
- 42 **53G-8-213**, as enacted by Laws of Utah 2023, Chapter 161
- 43 **53G-8-510**, as last amended by Laws of Utah 2023, Chapter 115
- 44 **76-4-203**, as last amended by Laws of Utah 2013, Chapter 278
- 45 **76-10-505.5**, as last amended by Laws of Utah 2021, Chapter 141
- 46 **76-10-509.4**, as last amended by Laws of Utah 2023, Chapter 161
- 47 **76-10-509.7**, as last amended by Laws of Utah 2014, Chapter 428
- 48 **76-10-512**, as last amended by Laws of Utah 2014, Chapter 428
- 49 **77-23a-8**, as last amended by Laws of Utah 2023, Chapter 111
- 50 **80-6-103**, as last amended by Laws of Utah 2023, Chapter 161
- 51 **80-6-303.5**, as enacted by Laws of Utah 2023, Chapter 161
- 52 **80-6-1004.5**, as enacted by Laws of Utah 2023, Chapter 115

53 ENACTS:

54 **76-4-205**, Utah Code Annotated 1953

55 REPEALS:

56 **76-4-204**, as last amended by Laws of Utah 2008, Chapter 179

57 [76-10-509](#), as last amended by Laws of Utah 1993, Second Special Session, Chapter 10
58 [76-10-2301](#), as last amended by Laws of Utah 2000, Chapter 105



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

61 Section 1. Section **53E-3-516** is amended to read:

62 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
63 **authority.**

64 (1) As used in this section:

65 (a) "Dangerous weapon" means [~~the same as that term is defined in Section~~
66 [53G-8-510](#)] a firearm or an object that in the manner of the object's use or intended use is
67 capable of causing death or serious bodily injury to an individual.

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

70 (c) "Law enforcement agency" means the same as that term is defined in Section
71 [77-7a-103](#).

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

73 (e) "Other law enforcement activity" means a significant law enforcement interaction
74 with a minor that does not result in an arrest, including:

- 75 (i) a search and seizure by an SRO;
- 76 (ii) issuance of a criminal citation;
- 77 (iii) issuance of a ticket or summons;
- 78 (iv) filing a delinquency petition; or
- 79 (v) referral to a probation officer.

80 (f) "School is in session" means the hours of a day during which a public school
81 conducts instruction for which student attendance is counted toward calculating average daily
82 membership.

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

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

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

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

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

94 (h) " School resource officer" or "SRO" means the same as that term is defined in
95 Section 53G-8-701.

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

99 (a) arrests of a minor;

100 (b) other law enforcement activities;

101 (c) disciplinary actions; and

102 (d) minors found in possession of a dangerous weapon.

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

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

108 (a) the number of arrests of a minor, including the reason why the minor was arrested;

109 (b) the number of other law enforcement activities, including the following information
110 for each incident:

111 (i) the reason for the other law enforcement activity; and

112 (ii) the type of other law enforcement activity used;

113 (c) the number of disciplinary actions imposed, including:

114 (i) the reason for the disciplinary action; and

115 (ii) the type of disciplinary action;

116 (d) the number of SROs employed;

117 (e) if applicable, the demographics of an individual who is subject to, as the following
118 are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation; and

119 (f) the number of minors found in possession of a dangerous weapon on school
120 grounds while school is in session or during a school-sponsored activity.

121 (5) The report described in Subsection (2) shall include the following information, in
122 aggregate, for each element described in Subsections (4)(a) through (c):

123 (a) age;

124 (b) grade level;

125 (c) race;

126 (d) sex; and

127 (e) disability status.

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

130 (a) Chapter 9, Part 3, Student Data Protection;

131 (b) Chapter 9, Part 2, Student Privacy; and

132 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

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

135 (8) The state board shall provide the report described in Subsection (2):

136 (a) in accordance with Section 53E-1-203 for incidents that occurred during the
137 previous school year; and

138 (b) to the State Commission on Criminal and Juvenile Justice before July 1 of each
139 year for incidents that occurred during the previous school year.

140 Section 2. Section 53F-2-410 is amended to read:

141 **53F-2-410. Juvenile gang and other violent crime prevention and intervention**
142 **program -- Funding.**

143 (1) As used in this section:

144 (a) "State agency" means a department, division, office, entity, agency, or other unit of
145 the state.

146 (b) "State agency" includes the State Commission on Criminal and Juvenile Justice, the
147 Administrative Office of the Courts, the Department of Corrections, and the Division of
148 Juvenile Justice Services.

149 [(+)] (2) Subject to appropriations by the Legislature, the state board shall:

150 (a) create a juvenile gang and other violent crime prevention and intervention program
151 that is designed to help students at risk for violent criminal involvement stay in school; and

152 (b) distribute money under the program to school districts and charter schools through
153 the distribution formula described in Subsection ~~[(2)]~~ (3).

154 ~~[(2)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
155 Act, the state board shall coordinate with state agencies to make rules that:

156 (a) establish a formula to ~~[distribute]~~ allocate program funding to schools in select
157 school districts and charter schools that:

158 (i) uses the data reported to the state board ~~[under Section 80-6-104]~~, the State
159 Commission on Criminal and Juvenile Justice, the Administrative Office of the Courts, the
160 Department of Corrections, and the Division of Juvenile Justice Services; ~~and~~

161 (ii) prioritizes the schools in school districts and charter schools based on the
162 prevalence of crimes committed by minors within the boundaries of each municipality where a
163 school is located; and

164 (iii) prioritizes school districts and charter schools that demonstrate collaborative
165 efforts with local law enforcement agencies and community prevention.

166 (b) annually adjust the distribution of program funding using the data reported to the
167 state board under Section 80-6-104; and

168 (c) establish baseline performance standards that school districts or charter schools are
169 required to meet in order to receive funding under the program.

170 ~~[(3)]~~ (4) (a) A school district or a charter school seeking program funding shall submit
171 a proposal to the state board that:

172 (i) describes how the school district or charter school intends to use the funds; and

173 (ii) provides data related to the prevalence of crimes committed by minors within the
174 school district as described in Subsection ~~[(2)(a)(ii)]~~ (3)(a)(ii).

175 (b) The state board shall allocate funding on a per student basis to prioritized school
176 districts and charter schools that submit a successful proposal under Subsection ~~[(3)(a)]~~ (4)(a).

177 ~~[(4)]~~ (5) The state board may not distribute funds to a school district or a charter school
178 that fails to meet performance standards described in Subsection ~~[(2)(c)]~~ (3)(c).

179 ~~[(5)]~~ (6) A school district or a charter school that is awarded funds under this section
180 shall submit a report to the state board that includes details on:

181 (a) how the school district or the charter school used the funds; and
182 (b) the school district's, or the charter school's, compliance with the performance
183 standards described in Subsection ~~[(2)(c)]~~ (3)(c).

184 Section 3. Section **53G-8-211** is amended to read:

185 **53G-8-211. Responses to school-based behavior.**

186 (1) As used in this section:

187 (a) "Evidence-based" means a program or practice that ~~[has]~~:

188 (i) has had multiple randomized control studies or a meta-analysis demonstrating that
189 the program or practice is effective for a specific population;

190 (ii) has been rated as effective by a standardized program evaluation tool; or

191 (iii) is created and developed by a school or school district and has been approved by
192 the state board.

193 (b) "Habitual truant" means a school-age child who:

194 (i) is in grade 7 or above, unless the school-age child is under 12 years old;

195 (ii) is subject to the requirements of Section [53G-6-202](#); and

196 (iii) (A) is truant at least 10 times during one school year; or

197 (B) fails to cooperate with efforts on the part of school authorities to resolve the
198 school-age child's attendance problem as required under Section [53G-6-206](#).

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

200 (d) "Mobile crisis outreach team" means the same as that term is defined in Section
201 [62A-15-102](#).

202 (e) "Prosecuting attorney" means the same as that term is defined in Subsections
203 [80-1-102\(65\)\(b\)](#) and (c).

204 (f) "Restorative justice program" means a school-based program or a program used or
205 adopted by a local education agency that is designed:

206 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
207 enforcement agencies and courts; and

208 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
209 school.

210 (g) "School administrator" means a principal of a school.

211 (h) "School is in session" means a day during which the school conducts instruction for

212 which student attendance is counted toward calculating average daily membership.

213 (i) "School resource officer" means a law enforcement officer, as defined in Section
214 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts
215 with a local education agency to provide law enforcement services for the local education
216 agency.

217 (j) "School-age child" means the same as that term is defined in Section 53G-6-201.

218 (k) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
219 clinic, or other event or activity that is authorized by a specific local education agency or public
220 school, according to LEA governing board policy, and satisfies at least one of the following
221 conditions:

222 (A) the activity is managed or supervised by a local education agency or public school,
223 or local education agency or public school employee;

224 (B) the activity uses the local education agency's or public school's facilities,
225 equipment, or other school resources; or

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

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

230 (l) (i) "Status offense" means an offense that would not be an offense but for the age of
231 the offender.

232 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or
233 felony.

234 (2) This section applies to a minor enrolled in school who is alleged to have committed
235 an offense on school property where the student is enrolled:

236 (a) when school is in session; or

237 (b) during a school-sponsored activity.

238 (3) If a minor is alleged to have committed an offense on school property that is a class
239 C misdemeanor, an infraction, or a status offense, the school administrator, the school
240 administrator's designee, or a school resource officer [may] shall refer the minor:

241 (a) to an evidence-based alternative intervention, including:

242 (i) a mobile crisis outreach team;

- 243 (ii) a youth services center, as defined in Section 80-5-102;
- 244 (iii) a youth court or comparable restorative justice program;
- 245 (iv) an evidence-based alternative intervention created and developed by the school or
246 school district;
- 247 (v) an evidence-based alternative intervention that is jointly created and developed by a
248 local education agency, the state board, the juvenile court, local counties and municipalities,
249 the Department of Health and Human Services; or
- 250 (vi) a tobacco cessation or education program if the offense is a violation of Section
251 76-10-105; or
- 252 (b) for prevention and early intervention youth services, as described in Section
253 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an
254 evidence-based alternative intervention described in Subsection (3)(a).
- 255 (4) Except as provided in Subsection (5), if a minor is alleged to have committed an
256 offense on school property that is a class C misdemeanor, an infraction, or a status offense, a
257 school administrator, the school administrator's designee, or a school resource officer may refer
258 a minor to a law enforcement officer or agency or a court only if:
- 259 (a) the minor allegedly committed ~~[the same offense]~~ an offense on school property on
260 ~~[two previous occasions]~~ a previous occasion; and
- 261 (b) the minor was referred to an evidence-based alternative intervention, or to
262 prevention or early intervention youth services, as described in Subsection (3) for ~~[both of the~~
263 ~~two previous offenses]~~ the previous offense.
- 264 (5) If a minor is alleged to have committed a traffic offense that is an infraction, a
265 school administrator, the school administrator's designee, or a school resource officer may refer
266 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the
267 traffic offense.
- 268 (6) Notwithstanding Subsection (4), a school resource officer may:
- 269 (a) investigate possible criminal offenses and conduct, including conducting probable
270 cause searches;
- 271 (b) consult with school administration about the conduct of a minor enrolled in a
272 school;
- 273 (c) transport a minor enrolled in a school to a location if the location is permitted by

274 law;

275 (d) take temporary custody of a minor in accordance with Section 80-6-201; or

276 (e) protect the safety of students and the school community, including the use of
277 reasonable and necessary physical force when appropriate based on the totality of the
278 circumstances.

279 (7) (a) If a minor is referred to a court or a law enforcement officer or agency under
280 Subsection (4), the school or the school district shall appoint a school representative to
281 continue to engage with the minor and the minor's family through the court process.

282 (b) A school representative appointed under Subsection (7)(a) may not be a school
283 resource officer.

284 (c) A school district or school shall include the following in the school district's or
285 school's referral to the court or the law enforcement officer or agency:

286 (i) attendance records for the minor;

287 (ii) a report of evidence-based alternative interventions used by the school before the
288 referral, including outcomes;

289 (iii) the name and contact information of the school representative assigned to actively
290 participate in the court process with the minor and the minor's family;

291 (iv) if the minor was referred to prevention or early intervention youth services under
292 Subsection (3)(b), a report from the Division of Juvenile Justice Services that demonstrates the
293 minor's failure to complete or participate in prevention and early intervention youth services
294 under Subsection (3)(b); and

295 (v) any other information that the school district or school considers relevant.

296 (d) A minor referred to a court under Subsection (4) may not be ordered to or placed in
297 secure detention, including for a contempt charge or violation of a valid court order under
298 Section 78A-6-353, when the underlying offense is a status offense or infraction.

299 (e) If a minor is referred to a court under Subsection (4), the court may use, when
300 available, the resources of the Division of Juvenile Justice Services or the Division of
301 Substance Abuse and Mental Health to address the minor.

302 (8) If a minor is alleged to have committed an offense on school property that is a class
303 B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's
304 designee, or a school resource officer may refer the minor directly to a court or to the

305 evidence-based alternative interventions in Subsection (3)(a).

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

307 **53G-8-213. Reintegration plan for student alleged to have committed a serious**
308 **offense.**

309 (1) As used in this section:

310 (a) "Multidisciplinary team" means the local education agency, the juvenile court, the
311 Division of Juvenile Justice Services, a school resource officer if applicable, and any other
312 relevant party that should be involved in a reintegration plan.

313 ~~[(b) "Violent felony" means the same as that term is defined in Section 76-3-203.5.]~~

314 (b) "Serious offense" means the same as that term is defined in Section 80-6-103.

315 (2) If a school district receives a notification from the juvenile court or a law
316 enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile
317 court for a ~~[violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons,]~~
318 serious offense, the school shall develop a reintegration plan for the student with a
319 multidisciplinary team, the student, and the student's parent or guardian, within five school
320 days after the day on which the school receives a notification.

321 (3) The school may deny admission to the student until the school completes the
322 reintegration plan under Subsection (2).

323 (4) The reintegration plan under Subsection (2) shall address:

324 (a) a behavioral intervention for the student;

325 (b) a short-term mental health or counseling service for the student; and

326 (c) an academic intervention for the student.

327 (5) A reintegration plan under this section is classified as a protected record under
328 Section 63G-2-305.

329 (6) All other records of disclosures under this section are governed by Title 63G,
330 Chapter 2, Government Records Access and Management Act, and the Family Educational
331 Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

332 Section 5. Section **53G-8-510** is amended to read:

333 **53G-8-510. Notification of an offense committed by a minor on school grounds --**
334 **Immunity from civil and criminal liability.**

335 (1) As used in this section:

336 ~~[(a) "Dangerous weapon" means a firearm or an object that in the manner of the~~
337 ~~object's use or intended use is capable of causing death or serious bodily injury to an~~
338 ~~individual.]~~

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

340 ~~[(c)]~~ (b) "School employee" means an individual working in the individual's capacity
341 as:

342 (i) a school teacher;

343 (ii) a school staff member;

344 (iii) a school administrator; or

345 (iv) an individual:

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

348 (B) who works on a school campus.

349 ~~[(d)]~~ (c) "School is in session" means the same as that term is defined in Section
350 53E-3-516.

351 ~~[(e)]~~ (d) "School-sponsored activity" means the same as that term is defined in Section
352 53E-3-516.

353 (2) If a minor ~~[is found]~~ commits an offense on school grounds when school is in
354 session or at a school-sponsored activity ~~[in possession of a dangerous weapon]~~ and that
355 information is reported to, or known by, a school employee, the school employee shall notify
356 the principal.

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

358 (a) a law enforcement officer or agency if the principal may refer the offense to a law
359 enforcement officer or agency as described in Section 53G-8-211; and

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

362 (4) A person who in good faith reports information under Subsection (2) or (3) and any
363 person who receives the information is immune from any liability, civil or criminal, that might
364 otherwise result from the reporting or receipt of the information.

365 Section 6. Section 76-4-203 is amended to read:

366 **Part 2. Criminal Conspiracy and Solicitation**

367 **76-4-203. Criminal solicitation an adult.**

368 ~~[(1) An actor commits criminal solicitation if, with intent that a felony be committed,~~
369 ~~he solicits, requests, commands, offers to hire, or importunes another person to engage in~~
370 ~~specific conduct that under the circumstances as the actor believes them to be would be a~~
371 ~~felony or would cause the other person to be a party to the commission of a felony.]~~

372 (1) (a) As used in this section:

373 (i) "Adult" means an individual who is 18 years old or older.

374 (ii) "Solicit" means to ask, command, encourage, importune, intentionally aid, offer to
375 hire, or request.

376 (b) Terms defined in Section 76-1-101.5 apply to this section.

377 (2) An actor commits criminal solicitation of an adult if:

378 (a) the actor intentionally solicits an adult to engage in conduct that is a felony offense;

379 and

380 (b) the actor believes, under the circumstances, that the conduct would be a felony
381 offense or would cause the adult to be a party to the commission of a felony offense.

382 (3) A violation of Subsection (2) where the actor solicits the adult to commit:

383 (a) a capital felony, or a felony punishable by imprisonment for life without parole, is a
384 first degree felony;

385 (b) except as provided in Subsection (3)(c) or (d), a first degree felony is a second
386 degree felony;

387 (c) any of the following felony offenses is a first degree felony punishable by
388 imprisonment for an indeterminate term of not fewer than three years and which may be for
389 life:

390 (i) murder, as described in Subsection 76-5-203(2)(a);

391 (ii) child kidnapping, as described in Section 76-5-301.1; or

392 (iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter
393 5, Part 4, Sexual Offenses, that is a first degree felony;

394 (d) except as provided in Subsection (4), any of the following felony offenses is a first
395 degree felony punishable by a term of imprisonment of not less than 15 years and which may
396 be for life:

397 (i) rape of a child, Section 76-5-402.1;

398 (ii) object rape of a child, Section 76-5-402.3; or
 399 (iii) sodomy on a child, Section 76-5-403.1;
 400 (e) a second degree felony is a third degree felony; and
 401 (f) a third degree felony is a class A misdemeanor.
 402 (4) If a court finds that a lesser term than the term described in Subsection (3)(d) is in
 403 the interests of justice and states the reasons for this finding on the record, the court may
 404 impose a term of imprisonment of not less than:
 405 (a) 10 years and which may be for life;
 406 (b) six years and which may be for life; or
 407 (c) three years and which may be for life.
 408 ~~[(2)]~~ (5) An actor may be convicted under this section only if the solicitation is made
 409 under circumstances strongly corroborative of the actor's intent that the felony offense be
 410 committed.
 411 ~~[(3)]~~ (6) It is not a defense ~~[under this section that the person]~~ to a violation of this
 412 section that:
 413 (a) the adult solicited by the actor:
 414 ~~[(a)]~~ (i) does not agree to act upon the solicitation;
 415 ~~[(b)]~~ (ii) does not commit an overt act;
 416 ~~[(c)]~~ (iii) does not engage in conduct constituting a substantial step toward the
 417 commission of any offense;
 418 ~~[(d)]~~ (iv) is not criminally responsible for the felony solicited;
 419 ~~[(e)]~~ (v) was acquitted, was not prosecuted or convicted, or was convicted of a different
 420 offense or of a different type or degree of offense; or
 421 ~~[(f)]~~ (vi) is immune from prosecution~~[-]; or~~
 422 ~~[(4)]~~ (b) ~~[It is not a defense under this section that]~~ the actor:
 423 ~~[(a)]~~ (i) belongs to a class of persons that by definition is legally incapable of
 424 committing the offense in an individual capacity; or
 425 ~~[(b)]~~ (ii) fails to communicate with the ~~[person he]~~ adult that the actor solicits to
 426 commit an offense~~[-];~~ if the intent of the actor's conduct was to effect the communication.
 427 ~~[(5)]~~ (7) Nothing in this section prevents an actor who otherwise solicits~~[-, requests,~~
 428 ~~commands, encourages, or intentionally aids another person]~~ an adult to engage in conduct

429 ~~[which]~~ that constitutes an offense from being prosecuted and convicted as a party to the
430 offense under Section 76-2-202 if the ~~[person solicited]~~ adult actually commits the offense.

431 Section 7. Section **76-4-205** is enacted to read:

432 **76-4-205. Criminal solicitation of a minor.**

433 (1) (a) As used in this section:

434 (i) "Minor" means an individual who is under 18 years old.

435 (ii) "Solicit" means to ask, command, encourage, importune, intentionally aid, offer to
436 hire, or request.

437 (b) Terms defined in Section 76-1-101.5 apply to this section.

438 (2) An actor commits criminal solicitation of a minor if:

439 (a) the actor intentionally solicits a minor to engage in conduct that is an offense; and

440 (b) the actor believes, under the circumstances, that the conduct would be an offense or

441 would cause the minor to be a party to the commission of an offense.

442 (3) A violation of Subsection (2) is:

443 (a) a first degree felony if the actor solicits conduct that is a first degree felony;

444 (b) a second degree felony if the actor solicits conduct that is a second degree felony;

445 (c) a third degree felony if the actor solicits conduct that is a third degree felony;

446 (d) a class A misdemeanor if the actor solicits conduct that is a class A misdemeanor;

447 (e) a class B misdemeanor if the actor solicits conduct that is a class B misdemeanor;

448 (f) a class C misdemeanor if the actor solicits conduct that is a class C misdemeanor; or

449 (g) an infraction if the actor solicits conduct that is an infraction.

450 (4) An actor may be convicted under this section only if the solicitation is made under
451 circumstances strongly corroborative of the actor's intent that the offense be committed.

452 (5) It is not a defense to a violation of this section that:

453 (a) the minor:

454 (i) does not agree to act upon the solicitation;

455 (ii) does not commit an overt act;

456 (iii) does not engage in conduct constituting a substantial step toward the commission
457 of the offense;

458 (iv) is not criminally responsible for the offense solicited;

459 (v) was acquitted or the allegations about the minor's in a delinquency petition were

460 found to not be true;

461 (vi) was not prosecuted, adjudicated, or convicted, or was convicted or adjudicated of a
462 different offense or of a different type or degree of offense; or

463 (vii) is immune from prosecution; or

464 (b) the actor:

465 (i) belongs to a class of persons that by definition is legally incapable of committing
466 the offense in an individual capacity; or

467 (ii) fails to communicate with the minor that the actor solicits to commit an offense if
468 the intent of the actor's conduct was to effect the communication.

469 (6) Nothing in this section prevents an actor who otherwise solicits a minor to engage
470 in conduct that constitutes an offense from being prosecuted and adjudicated or convicted as a
471 party to the offense under Section [76-2-202](#) if the minor actually commits the offense.

472 Section 8. Section **76-10-505.5** is amended to read:

473 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
474 **shotgun on or about school premises -- Penalties.**

475 (1) As used in this section, "on or about school premises" means:

476 (a) (i) in a public or private elementary or secondary school; or

477 (ii) on the grounds of any of those schools;

478 (b) (i) in a public or private institution of higher education; or

479 (ii) on the grounds of a public or private institution of higher education; and

480 (iii) (A) inside the building where a preschool or child care is being held, if the entire
481 building is being used for the operation of the preschool or child care; or

482 (B) if only a portion of a building is being used to operate a preschool or child care, in
483 that room or rooms where the preschool or child care operation is being held.

484 (2) ~~[A person]~~ An actor who is 18 years old or older may not possess [any] a dangerous
485 weapon, firearm, or short barreled shotgun~~[, as those terms are defined in Section [76-10-501](#);~~
486 at a place that the [person] actor knows, or has reasonable cause to believe, is on or about
487 school premises~~[as defined in this section].~~

488 (3) (a) Possession of a dangerous weapon on or about school premises is a class B
489 misdemeanor.

490 (b) Possession of a firearm or short barreled shotgun on or about school premises is a

491 class A misdemeanor.

492 (4) This section does not apply if:

493 (a) the [person] actor is authorized to possess a firearm as provided under Section
494 [53-5-704](#), [53-5-705](#), [76-10-511](#), or [76-10-523](#), or as otherwise authorized by law;

495 (b) the [person] actor is authorized to possess a firearm as provided under Section
496 [53-5-704.5](#), unless the [person] actor is in a location where the [person] actor is prohibited
497 from carrying a firearm under Subsection [53-5-710\(2\)](#);

498 (c) the possession is approved by the responsible school administrator;

499 (d) the item is present or to be used in connection with a lawful, approved activity and
500 is in the possession or under the control of the [person] actor responsible for [its] the item's
501 possession or use; or

502 (e) the possession is:

503 (i) at the [person's] actor's place of residence or on the [person's] actor's property; or

504 (ii) in any vehicle lawfully under the [person's] actor's control, other than a vehicle
505 owned by the school or used by the school to transport students.

506 (5) This section does not prohibit prosecution of:

507 (a) a more serious weapons offense that may occur on or about school premises[-]; or

508 (b) possession of a dangerous weapon by a minor, as described in Section [76-10-509.4](#),
509 that occurs on or about school premises.

510 Section 9. Section [76-10-509.4](#) is amended to read:

511 **[76-10-509.4. Possession of a dangerous weapon by a minor -- Penalties.](#)**

512 ~~[(1) An individual who is under 18 years old may not possess a handgun.]~~

513 ~~[(2) Except as provided by federal law, an individual who is under 18 years old may~~
514 ~~not possess the following:]~~

515 (1) As used in this section, "responsible adult" means an individual:

516 (a) who is 18 years old or older; and

517 (b) who may lawfully possess a dangerous weapon.

518 (2) An actor who is under 18 years old may not possess a dangerous weapon.

519 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (1) is:

520 (i) a class B misdemeanor for a first offense; and

521 (ii) a class A misdemeanor for each subsequent offense.

522 (b) A violation of Subsection (1) is a third degree felony if the dangerous weapon is:

523 (i) a handgun;

524 ~~[(a)]~~ (ii) a short barreled rifle;

525 ~~[(b)]~~ (iii) a short barreled shotgun;

526 ~~[(c)]~~ (iv) a fully automatic weapon; or

527 ~~[(d)]~~ (v) a machinegun firearm attachment.

528 ~~[(3) An individual who violates Subsection (1) is guilty of:]~~

529 ~~[(a) a class B misdemeanor upon the first offense; and]~~

530 ~~[(b) a class A misdemeanor for each subsequent offense.]~~

531 ~~[(4) An individual who violates Subsection (2) is guilty of a third degree felony.]~~

532 (4) This section does not apply if the actor:

533 (a) possesses a dangerous weapon ~~H→~~ **that is a firearm** ~~←H~~ ;

534 (b) has permission from the actor's parent or guardian to possess the ~~H→~~ **[dangerous**
535 **weapon]** **firearm** ~~←H~~ ; and

536 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the
537 actor has the ~~H→~~ **[dangerous weapon]** **firearm** ~~←H~~ in the actor's possession.

538 Section 10. Section **76-10-509.7** is amended to read:

539 **76-10-509.7. Parent or guardian knowing of minor's possession of dangerous**
540 **weapon.**

541 Any parent or guardian of a minor who knows that the minor is in possession of a
542 dangerous weapon in violation of Section [~~76-10-509~~ or a firearm in violation of Section]
543 ~~76-10-509.4~~ and fails to make reasonable efforts to remove the dangerous weapon [~~or firearm~~]
544 from the minor's possession is guilty of a class B misdemeanor.

545 Section 11. Section **76-10-512** is amended to read:

546 **76-10-512. Target concessions, shooting ranges, competitions, and hunting**
547 **excepted from prohibitions.**

548 (1) The provisions of Section [~~76-10-509~~ and Subsection ~~76-10-509.4~~(1)] ~~76-10-509.4~~
549 regarding possession of handguns by minors do not apply to any of the following:

550 (a) patrons firing at lawfully operated target concessions at amusement parks, piers,
551 and similar locations provided that the firearms to be used are firmly chained or affixed to the
552 counters;

- 553 (b) any person in attendance at a hunter's safety course or a firearms safety course;
- 554 (c) any person engaging in practice or any other lawful use of a firearm at an
- 555 established range or any other area where the discharge of a firearm is not prohibited by state or
- 556 local law;
- 557 (d) any person engaging in an organized competition involving the use of a firearm, or
- 558 participating in or practicing for such competition;
- 559 (e) any minor under 18 years [~~of age~~ old] who is on real property with the permission
- 560 of the owner, licensee, or lessee of the property and who has the permission of a parent or legal
- 561 guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of law;
- 562 (f) any resident or nonresident hunters with a valid hunting license or other persons
- 563 who are lawfully engaged in hunting; or
- 564 (g) any person traveling to or from any activity described in Subsection (1)(b), (c), (d),
- 565 (e), or (f) with an unloaded firearm in the person's possession.
- 566 (2) It is not a violation of Subsection 76-10-503(2) or (3) for a restricted person defined
- 567 in Subsection 76-10-503(1) to own, possess, or have under the person's custody or control,
- 568 archery equipment, including crossbows, for the purpose of lawful hunting and lawful target
- 569 shooting.
- 570 (3) Notwithstanding Subsection (2), the possession of archery equipment, including
- 571 crossbows, by a restricted person defined in Subsection 76-10-503(1) may be prohibited by:
- 572 (a) a court, as a condition of pre-trial release or probation; or
- 573 (b) the Board of Pardons and Parole, as a condition of parole.
- 574 Section 12. Section 77-23a-8 is amended to read:
- 575 **77-23a-8. Court order to authorize or approve interception -- Procedure.**
- 576 (1) The attorney general of the state, any assistant attorney general specially designated
- 577 by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy
- 578 district attorney specially designated by the county attorney or by the district attorney, may
- 579 authorize an application to a judge of competent jurisdiction for an order for an interception of
- 580 wire, electronic, or oral communications by any law enforcement agency of the state, the
- 581 federal government or of any political subdivision of the state that is responsible for
- 582 investigating the type of offense for which the application is made.
- 583 (2) The judge may grant the order in conformity with the required procedures when the

584 interception sought may provide or has provided evidence of the commission of:
585 (a) any act:
586 (i) prohibited by the criminal provisions of:
587 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
588 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
589 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
590 (ii) punishable by a term of imprisonment of more than one year;
591 (b) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
592 Securities Act, and punishable by a term of imprisonment of more than one year;
593 (c) an offense:
594 (i) of:
595 (A) attempt, Section 76-4-101;
596 (B) conspiracy, Section 76-4-201;
597 (C) ~~solicitation, Section 76-4-203~~ criminal solicitation of an adult, Section 76-4-203;
598 or
599 (D) criminal solicitation of a minor, Section 76-4-205; and
600 (ii) punishable by a term of imprisonment of more than one year;
601 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
602 more than one year, Section 76-5-107.3;
603 (e) (i) aggravated murder, Section 76-5-202;
604 (ii) murder, Section 76-5-203; or
605 (iii) manslaughter, Section 76-5-205;
606 (f) (i) kidnapping, Section 76-5-301;
607 (ii) child kidnapping, Section 76-5-301.1;
608 (iii) aggravated kidnapping, Section 76-5-302;
609 (iv) human trafficking, Section 76-5-308, 76-5-308.1, or 76-5-308.5, or human
610 smuggling, Section 76-5-308.3; or
611 (v) aggravated human trafficking, Section 76-5-310, or aggravated human smuggling,
612 Section 76-5-310.1;
613 (g) (i) arson, Section 76-6-102; or
614 (ii) aggravated arson, Section 76-6-103;

- 615 (h) (i) burglary, Section 76-6-202; or
616 (ii) aggravated burglary, Section 76-6-203;
617 (i) (i) robbery, Section 76-6-301; or
618 (ii) aggravated robbery, Section 76-6-302;
619 (j) an offense:
620 (i) of:
621 (A) theft, Section 76-6-404;
622 (B) theft by deception, Section 76-6-405; or
623 (C) theft by extortion, Section 76-6-406; and
624 (ii) punishable by a maximum term of imprisonment of more than one year;
625 (k) an offense of receiving stolen property that is punishable by a maximum term of
626 imprisonment of more than one year, Section 76-6-408;
627 (l) a financial card transaction offense punishable by a maximum term of imprisonment
628 of more than one year, Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
629 (m) bribery of a labor official, Section 76-6-509;
630 (n) bribery or threat to influence a publicly exhibited contest, Section 76-6-514;
631 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
632 more than one year, Section 76-6-518;
633 (p) criminal usury, Section 76-6-520;
634 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
635 year, Section 76-6-521;
636 (r) a violation of Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by
637 a maximum term of imprisonment of more than one year, Section 76-6-703;
638 (s) bribery to influence official or political actions, Section 76-8-103;
639 (t) misusing public money or public property, Section 76-8-402;
640 (u) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
641 (v) retaliation against a witness, victim, or informant, Section 76-8-508.3;
642 (w) tampering with a juror, retaliation against a juror, Section 76-8-508.5;
643 (x) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
644 (y) obstruction of justice, Section 76-8-306;
645 (z) destruction of property to interfere with preparation for defense or war, Section

646 76-8-802;

647 (aa) an attempt to commit crimes of sabotage, Section 76-8-804;

648 (bb) conspiracy to commit crimes of sabotage, Section 76-8-805;

649 (cc) advocating criminal syndicalism or sabotage, Section 76-8-902;

650 (dd) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;

651 (ee) riot punishable by a maximum term of imprisonment of more than one year,

652 Section 76-9-101;

653 (ff) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a

654 maximum term of imprisonment of more than one year, Section 76-9-301.1;

655 (gg) possession, use, or removal of an explosive, chemical, or incendiary device and

656 parts, Section 76-10-306;

657 (hh) delivery to a common carrier or mailing of an explosive, chemical, or incendiary

658 device, Section 76-10-307;

659 (ii) exploiting prostitution, Section 76-10-1305;

660 (jj) aggravated exploitation of prostitution, Section 76-10-1306;

661 (kk) bus hijacking or assault with intent to commit hijacking, Section 76-10-1504;

662 (ll) discharging firearms and hurling missiles, Section 76-10-1505;

663 (mm) violations of Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act, and

664 the offenses listed under the definition of unlawful activity in the act, including the offenses not

665 punishable by a maximum term of imprisonment of more than one year when those offenses

666 are investigated as predicates for the offenses prohibited by the act, Section 76-10-1602;

667 (nn) communications fraud, Section 76-10-1801;

668 (oo) money laundering, Sections 76-10-1903 and 76-10-1904; or

669 (pp) reporting by a person engaged in a trade or business when the offense is

670 punishable by a maximum term of imprisonment of more than one year, Section 76-10-1906.

671 Section 13. Section 80-6-103 is amended to read:

672 **80-6-103. Notification to a school -- Civil and criminal liability.**

673 (1) As used in this section:

674 (a) "School" means a school in a local education agency.

675 (b) "Local education agency" means a school district, a charter school, or the Utah

676 Schools for the Deaf and the Blind.

677 (c) "School official" means:

678 (i) the school superintendent, or the school superintendent's designee, of the district in
679 which the minor resides or attends school; or

680 (ii) if there is no school superintendent for the school, the principal, or the principal's
681 designee, of the school where the minor attends.

682 (d) "Serious offense" means:

683 (i) a violent felony as defined in Section 76-3-203.5;

684 (ii) an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property
685 stolen is a firearm; or

686 (iii) an offense that is a violation of Title 76, Chapter 10, Part 5, Weapons.

687 [(d)] (e) "Transferee school official" means:

688 (i) the school superintendent, or the superintendent's designee, of the district in which
689 the minor resides or attends school if the minor is admitted to home detention; or

690 (ii) if there is no school superintendent for the school, the principal, or the principal's
691 designee, of the school where the minor attends if the minor is admitted to home detention.

692 (2) A notification under this section is provided for a minor's supervision and student
693 safety.

694 (3) (a) If a minor is taken into temporary custody under Section 80-6-201 for [~~a violent~~
695 ~~felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious offense,
696 the peace officer, or other person who has taken the minor into temporary custody, shall notify
697 a school official within five days after the day on which the minor is taken into temporary
698 custody.

699 (b) A notification under this Subsection (3) shall only disclose:

700 (i) the name of the minor;

701 (ii) the offense for which the minor was taken into temporary custody or admitted to
702 detention; and

703 (iii) if available, the name of the victim if the victim resides in the same school district
704 as the minor or attends the same school as the minor.

705 (4) After a detention hearing for a minor who is alleged to have committed [~~a violent~~
706 ~~felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious offense,
707 the juvenile court shall order a juvenile probation officer to notify a school official, or a

708 transferee school official, and the appropriate local law enforcement agency of the juvenile
709 court's decision, including any disposition, order, or no-contact order.

710 (5) If a designated staff member of a detention facility admits a minor to home
711 detention under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile
712 court shall order a juvenile probation officer to notify a school official, or a transferee school
713 official, and the appropriate local law enforcement agency that the minor has been admitted to
714 home detention.

715 (6) (a) If the juvenile court adjudicates a minor for [~~an offense of violence or an~~
716 ~~offense in violation of Title 76, Chapter 10, Part 5, Weapons]~~ a serious offense, the juvenile
717 court shall order a juvenile probation officer to notify a school official, or a transferee school
718 official, of the adjudication.

719 (b) A notification under this Subsection (6) shall be given to a school official, or a
720 transferee school official, within three days after the day on which the minor is adjudicated.

721 (c) A notification under this section shall include:

722 (i) the name of the minor;

723 (ii) the offense for which the minor was adjudicated; and

724 (iii) if available, the name of the victim if the victim:

725 (A) resides in the same school district as the minor; or

726 (B) attends the same school as the minor.

727 (7) If the juvenile court orders formal probation under Section 80-6-702, the juvenile
728 court shall order a juvenile probation officer to notify the appropriate local law enforcement
729 agency and the school official of the juvenile court's order for formal probation.

730 (8) (a) An employee of the local law enforcement agency, or the school the minor
731 attends, who discloses a notification under this section is not:

732 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as
733 provided in Section 63G-7-202; and

734 (ii) civilly or criminally liable except when the disclosure constitutes a knowing
735 violation of Section 63G-2-801.

736 (b) An employee of a governmental agency is immune from any criminal liability for
737 failing to provide the information required by this section, unless the employee fails to act due
738 to malice, gross negligence, or deliberate indifference to the consequences.

739 (9) (a) A notification under this section shall be classified as a protected record under
740 Section 63G-2-305.

741 (b) All other records of disclosures under this section are governed by Title 63G,
742 Chapter 2, Government Records Access and Management Act, and the Family Educational
743 Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

744 Section 14. Section 80-6-303.5 is amended to read:

745 **80-6-303.5. Preliminary inquiry by juvenile probation officer -- Eligibility for**
746 **nonjudicial adjustment.**

747 (1) If the juvenile court receives a referral for an offense committed by a minor that is,
748 or appears to be, within the juvenile court's jurisdiction, a juvenile probation officer shall make
749 a preliminary inquiry in accordance with this section to determine whether the minor is eligible
750 to enter into a nonjudicial adjustment.

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

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

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

757 (ii) request that a prosecuting attorney review a referral in accordance with Section
758 80-6-304.5 if:

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

761 (B) the results of the validated risk and needs assessment indicate the minor is
762 moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5,
763 Offenses Against the Individual, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.

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

766 (i) undergo a drug and alcohol screening;

767 (ii) if found appropriate by the screening, participate in an assessment; and

768 (iii) if warranted by the screening and assessment, follow the recommendations of the
769 assessment.

770 (4) Except for an offense that is not eligible under Subsection (8), the juvenile
771 probation officer shall offer a nonjudicial adjustment to a minor if:
772 (a) the minor:
773 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
774 (ii) has no more than two prior adjudications; and
775 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts; or
776 (b) the minor is referred for an offense that is alleged to have occurred before the minor
777 was 12 years old.

778 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
779 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
780 criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial adjustment.

781 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
782 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
783 criminal episode that resulted in one or more prior adjudications as a single adjudication.

784 (7) Except for a referral that involves an offense described in Subsection (8), the
785 juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the
786 criteria described in Subsection (4)(a).

787 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the
788 referral involves:
789 (a) an offense alleged to have occurred when the minor was 12 years old or older that
790 is:
791 (i) a felony offense; or
792 (ii) a misdemeanor violation of:
793 (A) Section 41-6a-502, driving under the influence;
794 (B) Section 76-5-107, threat of violence;
795 (C) Section 76-5-107.1, threats against schools;
796 (D) Section 76-5-112, reckless endangerment creating a substantial risk of death or
797 serious bodily injury;
798 (E) Section 76-5-206, negligent homicide;
799 (F) Section 76-9-702.1, sexual battery;
800 (G) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled

801 shotgun on or about school premises;

802 (H) Section 76-10-506, threatening with or using a dangerous weapon in fight or
803 quarrel;

804 (I) Section 76-10-507, possession of a deadly weapon with criminal intent; or

805 (J) Section 76-10-509.4, possession of a dangerous weapon by a minor; or

806 [~~(J) Section 76-10-509, possession of a dangerous weapon by a minor; or]~~

807 [~~(K) Section 76-10-509.4, prohibition of possession of certain weapons by minors; or]~~

808 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony
809 violation of:

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

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

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

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

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

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

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

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

818 (ix) Section 76-10-508.1, felony discharge of a firearm.

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

821 (a) the referral involves an offense described in Subsection (8); or

822 (b) the minor has a current suspended order for custody under Section 80-6-711.

823 Section 15. Section 80-6-1004.5 is amended to read:

824 **80-6-1004.5. Automatic expungement of successful nonjudicial adjustment --**

825 **Effect of successful nonjudicial adjustment.**

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

828 (a) the individual has reached 18 years old;

829 (b) the individual's juvenile record consists solely of nonjudicial adjustments;

830 (c) the individual has successfully completed each nonjudicial adjustment; and

831 (d) all nonjudicial adjustments were completed on or after October 1, 2023.

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

834 (a) Section [41-6a-502](#), driving under the influence;

835 (b) Section [76-5-112](#), reckless endangerment creating a substantial risk of death or
836 serious bodily injury;

837 (c) Section [76-5-206](#), negligent homicide;

838 (d) Section [76-9-702.1](#), sexual battery;

839 (e) Section [76-10-505.5](#), possession of a dangerous weapon, firearm, or short barreled
840 shotgun on or about school premises; or

841 (f) Section [~~76-10-509~~] [76-10-509.4](#), possession of a dangerous weapon by a minor.

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

844 (a) any nonjudicial adjustment in the individual's juvenile record is considered to never
845 have occurred if:

846 (i) the individual has reached 18 years old;

847 (ii) the individual has satisfied restitution that was a condition of any nonjudicial
848 adjustment in the individual's juvenile record; and

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

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

853 Section 16. **Repealer.**

854 This bill repeals:

855 Section [76-4-204](#), **Criminal solicitation -- Penalties.**

856 Section [76-10-509](#), **Possession of dangerous weapon by minor.**

857 Section [76-10-2301](#), **Contributing to the delinquency of a minor -- Definitions --**

858 **Penalties.**

859 Section 17. **Effective date.**

860 This bill takes effect on May 1, 2024.