

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;
- ▶ provides the requirements for referring a minor who is alleged of being a habitual truant;
- ▶ 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 a felony offense;



- 26 ▶ clarifies the crime of criminal solicitation in regard to adults;
- 27 ▶ modifies the crime for the possession of a dangerous weapon on or about school
- 28 grounds;
- 29 ▶ modifies the crime for the possession of a dangerous weapon by a minor;
- 30 ▶ amends the jurisdiction of the juvenile court;
- 31 ▶ addresses the referral of a minor who is a habitual truant to the juvenile court;
- 32 ▶ modifies the requirements for the notification by a juvenile court to a school;
- 33 ▶ repeals statutes related to criminal solicitation, possession of a dangerous weapon
- 34 by a minor, and contributing to the delinquency of a minor; and
- 35 ▶ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 This bill provides a coordination clause.

40 **Utah Code Sections Affected:**

41 AMENDS:

- 42 **53E-3-516**, as last amended by Laws of Utah 2023, Chapters 115, 161
- 43 **53F-2-410**, as repealed and reenacted by Laws of Utah 2023, Chapter 161 and last
- 44 amended by Coordination Clause, Laws of Utah 2023, Chapter 98
- 45 **53G-8-211**, as last amended by Laws of Utah 2023, Chapter 161
- 46 **53G-8-213**, as enacted by Laws of Utah 2023, Chapter 161
- 47 **53G-8-510**, as last amended by Laws of Utah 2023, Chapter 115
- 48 **76-4-203**, as last amended by Laws of Utah 2013, Chapter 278
- 49 **76-10-505.5**, as last amended by Laws of Utah 2021, Chapter 141
- 50 **76-10-509.4**, as last amended by Laws of Utah 2023, Chapter 161
- 51 **76-10-509.7**, as last amended by Laws of Utah 2014, Chapter 428
- 52 **76-10-512**, as last amended by Laws of Utah 2014, Chapter 428
- 53 **77-23a-8**, as last amended by Laws of Utah 2023, Chapter 111
- 54 **78A-6-103**, as last amended by Laws of Utah 2023, Chapters 115, 161, 264, and 330
- 55 **80-6-102**, as last amended by Laws of Utah 2022, Chapter 155
- 56 **80-6-103**, as last amended by Laws of Utah 2023, Chapter 161

- 57 **80-6-201**, as last amended by Laws of Utah 2022, Chapter 335
- 58 **80-6-202**, as last amended by Laws of Utah 2022, Chapter 335
- 59 **80-6-301**, as enacted by Laws of Utah 2021, Chapter 261
- 60 **80-6-303.5**, as enacted by Laws of Utah 2023, Chapter 161
- 61 **80-6-304.5**, as enacted by Laws of Utah 2023, Chapter 161
- 62 **80-6-1004.5**, as enacted by Laws of Utah 2023, Chapter 115

63 ENACTS:

- 64 **76-4-205**, Utah Code Annotated 1953

65 REPEALS:

- 66 **76-4-204**, as last amended by Laws of Utah 2008, Chapter 179
- 67 **76-10-509**, as last amended by Laws of Utah 1993, Second Special Session, Chapter 10
- 68 **76-10-2301**, as last amended by Laws of Utah 2000, Chapter 105

69 **Utah Code Sections Affected by Coordination Clause:**

- 70 **53G-8-201**, as enacted by Laws of Utah 2018, Chapter 3
- 71 **53G-8-213**, as enacted by Laws of Utah 2023, Chapter 161



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

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

75 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
76 **authority.**

77 (1) As used in this section:

78 (a) "Dangerous weapon" means ~~[the same as that term is defined in Section~~
79 **53G-8-510]** a firearm or an object that in the manner of the object's use or intended use is
80 capable of causing death or serious bodily injury to an individual.

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

83 (c) "Law enforcement agency" means the same as that term is defined in Section
84 **77-7a-103.**

85 (d) "Minor" means the same as that term is defined in Section **80-1-102.**

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

- 88 (i) a search and seizure by an SRO;
- 89 (ii) issuance of a criminal citation;
- 90 (iii) issuance of a ticket or summons;
- 91 (iv) filing a delinquency petition; or
- 92 (v) referral to a probation officer.

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

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

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

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

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

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

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

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

- 112 (a) arrests of a minor;
- 113 (b) other law enforcement activities;
- 114 (c) disciplinary actions; and
- 115 (d) minors found in possession of a dangerous weapon.

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

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

- 121 (a) the number of arrests of a minor, including the reason why the minor was arrested;
- 122 (b) the number of other law enforcement activities, including the following information
123 for each incident:
 - 124 (i) the reason for the other law enforcement activity; and
 - 125 (ii) the type of other law enforcement activity used;
- 126 (c) the number of disciplinary actions imposed, including:
 - 127 (i) the reason for the disciplinary action; and
 - 128 (ii) the type of disciplinary action;
- 129 (d) the number of SROs employed;
- 130 (e) if applicable, the demographics of an individual who is subject to, as the following
131 are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation; and
- 132 (f) the number of minors found in possession of a dangerous weapon on school
133 grounds while school is in session or during a school-sponsored activity.

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

- 136 (a) age;
- 137 (b) grade level;
- 138 (c) race;
- 139 (d) sex; and
- 140 (e) disability status.

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

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

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

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

- 149 (a) in accordance with Section 53E-1-203 for incidents that occurred during the

150 previous school year; and

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

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

154 **53F-2-410. Juvenile gang and other violent crime prevention and intervention**
155 **program -- Funding.**

156 (1) As used in this section:

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

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

162 [~~(1)~~] (2) Subject to appropriations by the Legislature, the state board shall:

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

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

167 [~~(2)~~] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
168 Act, the state board shall coordinate with state agencies to make rules that:

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

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

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

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

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

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

183 ~~[(3)]~~ (4) (a) A school district or a charter school seeking program funding shall submit
184 a proposal to the state board that:

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

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

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

190 ~~[(4)]~~ (5) The state board may not distribute funds to a school district or a charter school
191 that fails to meet performance standards described in Subsection ~~[(2)(c)]~~ (3)(c).

192 ~~[(5)]~~ (6) A school district or a charter school that is awarded funds under this section
193 shall submit a report to the state board that includes details on:

194 (a) how the school district or the charter school used the funds; and

195 (b) the school district's, or the charter school's, compliance with the performance
196 standards described in Subsection ~~[(2)(c)]~~ (3)(c).

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

198 **53G-8-211. Responses to school-based behavior.**

199 (1) As used in this section:

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

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

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

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

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

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

208 (ii) is subject to the requirements of Section **53G-6-202**; and

209 (iii) (A) is truant at least ~~[10 times]~~ 20 days during one school year; or

210 (B) fails to cooperate with efforts on the part of school authorities to resolve the
211 school-age child's attendance problem as required under Section **53G-6-206**.

- 212 (c) "Minor" means the same as that term is defined in Section [80-1-102](#).
- 213 (d) "Mobile crisis outreach team" means the same as that term is defined in Section
214 [62A-15-102](#).
- 215 (e) "Prosecuting attorney" means the same as that term is defined in Subsections
216 [80-1-102\(65\)\(b\)](#) and (c).
- 217 (f) "Restorative justice program" means a school-based program or a program used or
218 adopted by a local education agency that is designed:
- 219 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
220 enforcement agencies and courts; and
- 221 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
222 school.
- 223 (g) "School administrator" means a principal of a school.
- 224 (h) "School is in session" means a day during which the school conducts instruction for
225 which student attendance is counted toward calculating average daily membership.
- 226 (i) "School resource officer" means a law enforcement officer, as defined in Section
227 [53-13-103](#), who contracts with, is employed by, or whose law enforcement agency contracts
228 with a local education agency to provide law enforcement services for the local education
229 agency.
- 230 (j) "School-age child" means the same as that term is defined in Section [53G-6-201](#).
- 231 (k) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
232 clinic, or other event or activity that is authorized by a specific local education agency or public
233 school, according to LEA governing board policy, and satisfies at least one of the following
234 conditions:
- 235 (A) the activity is managed or supervised by a local education agency or public school,
236 or local education agency or public school employee;
- 237 (B) the activity uses the local education agency's or public school's facilities,
238 equipment, or other school resources; or
- 239 (C) the activity is supported or subsidized, more than inconsequentially, by public
240 funds, including the public school's activity funds or Minimum School Program dollars.
- 241 (ii) "School-sponsored activity" includes preparation for and involvement in a public
242 performance, contest, athletic competition, demonstration, display, or club activity.

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

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

247 (2) This section applies to:

248 (a) a minor who is alleged to be a habitual truant; and

249 (b) a minor enrolled in school who is alleged to have committed an offense on school
250 property where the student is enrolled:

251 ~~[(a)]~~ (i) when school is in session; or

252 ~~[(b)]~~ (ii) during a school-sponsored activity.

253 (3) If a minor is alleged to have committed an offense on school property that is a class
254 C misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual truant,
255 the school administrator, the school administrator's designee, or a school resource officer [~~may~~]
256 shall refer the minor:

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

258 (i) a mobile crisis outreach team;

259 (ii) a youth services center, as defined in Section 80-5-102;

260 (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative
261 justice program;

262 (iv) an evidence-based alternative intervention created and developed by the school or
263 school district;

264 (v) an evidence-based alternative intervention that is jointly created and developed by a
265 local education agency, the state board, the juvenile court, local counties and municipalities,
266 the Department of Health and Human Services; [~~or~~]

267 (vi) a tobacco cessation or education program if the offense is a violation of Section
268 76-10-105; or

269 (vii) truancy mediation; or

270 (b) for prevention and early intervention youth services, as described in Section
271 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an
272 evidence-based alternative intervention described in Subsection (3)(a).

273 (4) Except as provided in Subsection [~~(5)~~] (6), if a minor is alleged to have committed

274 an offense on school property that is a class C misdemeanor, an infraction, or a status offense, a
275 school administrator, the school administrator's designee, or a school resource officer may refer
276 a minor to a law enforcement officer or agency or a court only if:

277 (a) the minor allegedly committed ~~[the same offense]~~ an offense on school property on
278 ~~[two previous occasions]~~ a previous occasion; and

279 (b) the minor was referred to an evidence-based alternative intervention, or to
280 prevention or early intervention youth services, as described in Subsection (3) for ~~[both of the~~
281 ~~two previous offenses]~~ the previous offense.

282 (5) If a minor is alleged to be a habitual truant, a school administrator, the school
283 administrator's designee, or a school resource officer may only refer the minor to a law
284 enforcement officer or agency or a court if:

285 (a) the minor was previously alleged of being a habitual truant at least twice during the
286 same school year; and

287 (b) the minor was referred to an evidence-based alternative intervention, or for
288 prevention and early intervention youth services, as described in Subsection (3) for at least two
289 of the previous habitual truancies.

290 ~~[(5)]~~ (6) If a minor is alleged to have committed a traffic offense that is an infraction, a
291 school administrator, the school administrator's designee, or a school resource officer may refer
292 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the
293 traffic offense.

294 ~~[(6)]~~ (7) Notwithstanding ~~[Subsection (4)]~~ Subsections (4) and (5), a school resource
295 officer may:

296 (a) investigate possible criminal offenses and conduct, including conducting probable
297 cause searches;

298 (b) consult with school administration about the conduct of a minor enrolled in a
299 school;

300 (c) transport a minor enrolled in a school to a location if the location is permitted by
301 law;

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

303 (e) protect the safety of students and the school community, including the use of
304 reasonable and necessary physical force when appropriate based on the totality of the

305 circumstances.

306 ~~[(7)]~~ (8) (a) If a minor is referred to a court or a law enforcement officer or agency
307 under Subsection (4) or (5), the school or the school district shall appoint a school
308 representative to continue to engage with the minor and the minor's family through the court
309 process.

310 (b) A school representative appointed under Subsection ~~[(7)(a)]~~ (8)(a) may not be a
311 school resource officer.

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

314 (i) attendance records for the minor;

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

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

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

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

324 (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or
325 placed in secure detention, including for a contempt charge or violation of a valid court order
326 under Section [78A-6-353](#)[~~7~~]:

327 (i) when the underlying offense is a status offense or infraction[~~7~~]; or

328 (ii) for being a habitual truant.

329 (e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when
330 available, the resources of the Division of Juvenile Justice Services or the Division of
331 Substance Abuse and Mental Health to address the minor.

332 ~~[(8)]~~ (9) If a minor is alleged to have committed an offense on school property that is a
333 class B misdemeanor or a class A misdemeanor, the school administrator, the school
334 administrator's designee, or a school resource officer may refer the minor directly to a court or
335 to the evidence-based alternative interventions in Subsection (3)(a).

336 *The following section is affected by a coordination clause at the end of this bill.*

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

338 **53G-8-213. Reintegration plan for student alleged to have committed a serious**
339 **offense.**

340 (1) As used in this section:

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

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

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

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

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

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

355 (a) a behavioral intervention for the student;

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

357 (c) an academic intervention for the student.

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

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

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

364 **53G-8-510. Notification of an offense committed by a minor on school grounds --**
365 **Immunity from civil and criminal liability.**

366 (1) As used in this section:

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

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

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

373 (i) a school teacher;

374 (ii) a school staff member;

375 (iii) a school administrator; or

376 (iv) an individual:

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

379 (B) who works on a school campus.

380 ~~[(d)]~~ (c) "School is in session" means the same as that term is defined in Section
381 53E-3-516.

382 ~~[(e)]~~ (d) "School-sponsored activity" means the same as that term is defined in Section
383 53E-3-516.

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

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

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

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

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

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

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

398 **76-4-203. Criminal solicitation of an adult.**

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

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

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

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

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

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

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

410 and

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

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

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

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

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

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

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

423 (iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter
424 5, Part 4, Sexual Offenses, that is a first degree felony;

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

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

- 429 (ii) object rape of a child, Section 76-5-402.3; or
 430 (iii) sodomy on a child, Section 76-5-403.1;
 431 (e) a second degree felony is a third degree felony; and
 432 (f) a third degree felony is a class A misdemeanor.

433 (4) If a court finds that a lesser term than the term described in Subsection (3)(d) is in
 434 the interests of justice and states the reasons for this finding on the record, the court may
 435 impose a term of imprisonment of not less than:

- 436 (a) 10 years and which may be for life;
 437 (b) six years and which may be for life; or
 438 (c) three years and which may be for life.

439 ~~[(2)]~~ (5) An actor may be convicted under this section only if the solicitation is made
 440 under circumstances strongly corroborative of the actor's intent that the felony offense be
 441 committed.

442 ~~[(3)]~~ (6) It is not a defense ~~[under this section that the person]~~ to a violation of this
 443 section that:

- 444 (a) the adult solicited by the actor:
 445 ~~[(a)]~~ (i) does not agree to act upon the solicitation;
 446 ~~[(b)]~~ (ii) does not commit an overt act;
 447 ~~[(c)]~~ (iii) does not engage in conduct constituting a substantial step toward the
 448 commission of any offense;
 449 ~~[(d)]~~ (iv) is not criminally responsible for the felony solicited;
 450 ~~[(e)]~~ (v) was acquitted, was not prosecuted or convicted, or was convicted of a different
 451 offense or of a different type or degree of offense; or
 452 ~~[(f)]~~ (vi) is immune from prosecution~~[-]; or~~

453 ~~[(4)]~~ (b) ~~[It is not a defense under this section that]~~ the actor:

- 454 ~~[(a)]~~ (i) belongs to a class of persons that by definition is legally incapable of
 455 committing the offense in an individual capacity; or
 456 ~~[(b)]~~ (ii) fails to communicate with the ~~[person he]~~ adult that the actor solicits to
 457 commit an offense[-]; if the intent of the actor's conduct was to effect the communication.

458 ~~[(5) Nothing in this section prevents an actor who otherwise solicits, requests,~~
 459 ~~commands, encourages, or intentionally aids another person to engage in conduct which~~

460 constitutes an offense from being prosecuted and convicted as a party to the offense under
461 Section ~~76-2-202~~ if the person solicited actually commits the offense.]

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

463 **76-4-205. Criminal solicitation of a minor.**

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

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

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

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

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

470 (a) the actor intentionally solicits a minor to engage in conduct that is a felony offense;

471 and

472 (b) the actor believes, under the circumstances, that the conduct would be a felony
473 offense or would cause the minor to be a party to the commission of a felony offense.

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

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

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

477 or

478 (c) a third degree felony if the actor solicits conduct that is a third degree felony.

479 (4) An actor may be convicted under this section only if the solicitation is made under

480 circumstances strongly corroborative of the actor's intent that the offense be committed.

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

482 (a) the minor:

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

484 (ii) does not commit an overt act;

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

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

488 (v) was acquitted or the allegations about the minor's in a delinquency petition were
489 found to not be true;

490 (vi) was not prosecuted, adjudicated, or convicted, or was convicted or adjudicated of a

491 different offense or of a different type or degree of offense; or

492 (vii) is immune from prosecution; or

493 (b) the actor:

494 (i) belongs to a class of persons that by definition is legally incapable of committing

495 the offense in an individual capacity; or

496 (ii) fails to communicate with the minor that the actor solicits to commit an offense if

497 the intent of the actor's conduct was to effect the communication.

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

499 **76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled**
 500 **shotgun on or about school premises -- Penalties.**

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

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

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

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

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

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

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

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

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

516 (b) Possession of a firearm or short barreled shotgun on or about school premises is a
 517 class A misdemeanor.

518 (4) This section does not apply if:

519 (a) the ~~[person]~~ actor is authorized to possess a firearm as provided under Section
 520 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law;

521 (b) the ~~[person]~~ actor is authorized to possess a firearm as provided under Section

522 [53-5-704.5](#), unless the [person] actor is in a location where the [person] actor is prohibited
523 from carrying a firearm under Subsection [53-5-710\(2\)](#);

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

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

528 (e) the possession is:

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

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

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

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

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

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

537 **[76-10-509.4. Possession of a dangerous weapon by a minor -- Penalties.](#)**

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

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

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

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

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

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

545 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:

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

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

548 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:

549 (i) a handgun;

550 ~~(a)~~ (ii) a short barreled rifle;

551 ~~(b)~~ (iii) a short barreled shotgun;

552 ~~(c)~~ (iv) a fully automatic weapon; or

553 ~~[(d)]~~ (v) a machinegun firearm attachment.
554 ~~[(3) An individual who violates Subsection (1) is guilty of:]~~
555 ~~[(a) a class B misdemeanor upon the first offense; and]~~
556 ~~[(b) a class A misdemeanor for each subsequent offense.]~~
557 ~~[(4) An individual who violates Subsection (2) is guilty of a third degree felony.]~~
558 (4) For an actor who is younger than 14 years old, this section does not apply if the
559 actor:
560 (a) possesses a dangerous weapon;
561 (b) has permission from the actor's parent or guardian to possess the dangerous
562 weapon;
563 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the
564 actor has the dangerous weapon in the actor's possession; and
565 (d) does not use the firearm in the commission of a crime.
566 (5) For an actor who is 14 years old or older but younger than 18 years old, this section
567 does not apply if the actor:
568 (a) possesses a dangerous weapon;
569 (b) has permission from the actor's parent or guardian to possess the dangerous
570 weapon; and
571 (c) does not use the firearm in the commission of a crime.

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

573 **76-10-509.7. Parent or guardian knowing of minor's possession of dangerous**
574 **weapon.**

575 Any parent or guardian of a minor who knows that the minor is in possession of a
576 dangerous weapon in violation of Section [~~76-10-509~~ or a firearm in violation of Section]
577 ~~76-10-509.4~~ and fails to make reasonable efforts to remove the dangerous weapon [~~or firearm~~]
578 from the minor's possession is guilty of a class B misdemeanor.

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

580 **76-10-512. Target concessions, shooting ranges, competitions, and hunting**
581 **excepted from prohibitions.**

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

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

587 (b) any person in attendance at a hunter's safety course or a firearms safety course;

588 (c) any person engaging in practice or any other lawful use of a firearm at an
589 established range or any other area where the discharge of a firearm is not prohibited by state or
590 local law;

591 (d) any person engaging in an organized competition involving the use of a firearm, or
592 participating in or practicing for such competition;

593 (e) any minor under 18 years [~~of age~~] old who is on real property with the permission
594 of the owner, licensee, or lessee of the property and who has the permission of a parent or legal
595 guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of law;

596 (f) any resident or nonresident hunters with a valid hunting license or other persons
597 who are lawfully engaged in hunting; or

598 (g) any person traveling to or from any activity described in Subsection (1)(b), (c), (d),
599 (e), or (f) with an unloaded firearm in the person's possession.

600 (2) It is not a violation of Subsection 76-10-503(2) or (3) for a restricted person defined
601 in Subsection 76-10-503(1) to own, possess, or have under the person's custody or control,
602 archery equipment, including crossbows, for the purpose of lawful hunting and lawful target
603 shooting.

604 (3) Notwithstanding Subsection (2), the possession of archery equipment, including
605 crossbows, by a restricted person defined in Subsection 76-10-503(1) may be prohibited by:

606 (a) a court, as a condition of pre-trial release or probation; or

607 (b) the Board of Pardons and Parole, as a condition of parole.

608 Section 12. Section 77-23a-8 is amended to read:

609 **77-23a-8. Court order to authorize or approve interception -- Procedure.**

610 (1) The attorney general of the state, any assistant attorney general specially designated
611 by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy
612 district attorney specially designated by the county attorney or by the district attorney, may
613 authorize an application to a judge of competent jurisdiction for an order for an interception of
614 wire, electronic, or oral communications by any law enforcement agency of the state, the

615 federal government or of any political subdivision of the state that is responsible for
616 investigating the type of offense for which the application is made.

617 (2) The judge may grant the order in conformity with the required procedures when the
618 interception sought may provide or has provided evidence of the commission of:

619 (a) any act:

620 (i) prohibited by the criminal provisions of:

621 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

622 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

623 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and

624 (ii) punishable by a term of imprisonment of more than one year;

625 (b) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
626 Securities Act, and punishable by a term of imprisonment of more than one year;

627 (c) an offense:

628 (i) of:

629 (A) attempt, Section [76-4-101](#);

630 (B) conspiracy, Section [76-4-201](#);

631 (C) [~~solicitation, Section [76-4-203](#)]~~ criminal solicitation of an adult, Section [76-4-203](#);

632 or

633 (D) criminal solicitation of a minor, Section [76-4-205](#); and

634 (ii) punishable by a term of imprisonment of more than one year;

635 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
636 more than one year, Section [76-5-107.3](#);

637 (e) (i) aggravated murder, Section [76-5-202](#);

638 (ii) murder, Section [76-5-203](#); or

639 (iii) manslaughter, Section [76-5-205](#);

640 (f) (i) kidnapping, Section [76-5-301](#);

641 (ii) child kidnapping, Section [76-5-301.1](#);

642 (iii) aggravated kidnapping, Section [76-5-302](#);

643 (iv) human trafficking, Section [76-5-308](#), [76-5-308.1](#), or [76-5-308.5](#), or human
644 smuggling, Section [76-5-308.3](#); or

645 (v) aggravated human trafficking, Section [76-5-310](#), or aggravated human smuggling,

646 Section 76-5-310.1;

647 (g) (i) arson, Section 76-6-102; or

648 (ii) aggravated arson, Section 76-6-103;

649 (h) (i) burglary, Section 76-6-202; or

650 (ii) aggravated burglary, Section 76-6-203;

651 (i) (i) robbery, Section 76-6-301; or

652 (ii) aggravated robbery, Section 76-6-302;

653 (j) an offense:

654 (i) of:

655 (A) theft, Section 76-6-404;

656 (B) theft by deception, Section 76-6-405; or

657 (C) theft by extortion, Section 76-6-406; and

658 (ii) punishable by a maximum term of imprisonment of more than one year;

659 (k) an offense of receiving stolen property that is punishable by a maximum term of

660 imprisonment of more than one year, Section 76-6-408;

661 (l) a financial card transaction offense punishable by a maximum term of imprisonment

662 of more than one year, Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;

663 (m) bribery of a labor official, Section 76-6-509;

664 (n) bribery or threat to influence a publicly exhibited contest, Section 76-6-514;

665 (o) a criminal simulation offense punishable by a maximum term of imprisonment of

666 more than one year, Section 76-6-518;

667 (p) criminal usury, Section 76-6-520;

668 (q) insurance fraud punishable by a maximum term of imprisonment of more than one

669 year, Section 76-6-521;

670 (r) a violation of Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by

671 a maximum term of imprisonment of more than one year, Section 76-6-703;

672 (s) bribery to influence official or political actions, Section 76-8-103;

673 (t) misusing public money or public property, Section 76-8-402;

674 (u) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;

675 (v) retaliation against a witness, victim, or informant, Section 76-8-508.3;

676 (w) tampering with a juror, retaliation against a juror, Section 76-8-508.5;

- 677 (x) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 678 (y) obstruction of justice, Section 76-8-306;
- 679 (z) destruction of property to interfere with preparation for defense or war, Section
680 76-8-802;
- 681 (aa) an attempt to commit crimes of sabotage, Section 76-8-804;
- 682 (bb) conspiracy to commit crimes of sabotage, Section 76-8-805;
- 683 (cc) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 684 (dd) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 685 (ee) riot punishable by a maximum term of imprisonment of more than one year,
686 Section 76-9-101;
- 687 (ff) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a
688 maximum term of imprisonment of more than one year, Section 76-9-301.1;
- 689 (gg) possession, use, or removal of an explosive, chemical, or incendiary device and
690 parts, Section 76-10-306;
- 691 (hh) delivery to a common carrier or mailing of an explosive, chemical, or incendiary
692 device, Section 76-10-307;
- 693 (ii) exploiting prostitution, Section 76-10-1305;
- 694 (jj) aggravated exploitation of prostitution, Section 76-10-1306;
- 695 (kk) bus hijacking or assault with intent to commit hijacking, Section 76-10-1504;
- 696 (ll) discharging firearms and hurling missiles, Section 76-10-1505;
- 697 (mm) violations of Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act, and
698 the offenses listed under the definition of unlawful activity in the act, including the offenses not
699 punishable by a maximum term of imprisonment of more than one year when those offenses
700 are investigated as predicates for the offenses prohibited by the act, Section 76-10-1602;
- 701 (nn) communications fraud, Section 76-10-1801;
- 702 (oo) money laundering, Sections 76-10-1903 and 76-10-1904; or
- 703 (pp) reporting by a person engaged in a trade or business when the offense is
704 punishable by a maximum term of imprisonment of more than one year, Section 76-10-1906.
- 705 Section 13. Section 78A-6-103 is amended to read:
- 706 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**
707 **Findings -- Transfer of a case from another court.**

708 (1) Except as otherwise provided by Sections 78A-5-102.5 and 78A-7-106, the juvenile
709 court has original jurisdiction over:

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

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

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

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

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

718 (i) by an individual:

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

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

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

722 (A) when school was in session; or

723 (B) during a school-sponsored activity, as defined in ~~[Subsection]~~ Section 53G-8-211.

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

725 (a) any proceeding concerning:

726 (i) a child who is an abused child, neglected child, or dependent child;

727 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
728 Protective Orders;

729 (iii) the appointment of a guardian of the individual or other guardian of a minor who
730 comes within the court's jurisdiction under other provisions of this section;

731 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;

732 (v) the termination of parental rights in accordance with Title 80, Chapter 4,

733 Termination and Restoration of Parental Rights, including termination of residual parental
734 rights and duties;

735 (vi) the treatment or commitment of a minor who has an intellectual disability;

736 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
737 accordance with Section 30-1-9;

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

- 739 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 740 (x) the treatment or commitment of a child with a mental illness;
- 741 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
- 742 Section [26B-5-204](#);
- 743 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
- 744 Part 4, Competency;
- 745 (xiii) de novo review of final agency actions resulting from an informal adjudicative
- 746 proceeding as provided in Section [63G-4-402](#);
- 747 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,
- 748 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order
- 749 terminating the rights of a parent and finds that adoption is in the best interest of the child;
- 750 (xv) an ungovernable or runaway child who is referred to the juvenile court by the
- 751 Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the
- 752 Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:
- 753 (A) is beyond the control of the child's parent, guardian, or custodian to the extent that
- 754 the child's behavior or condition endangers the child's own welfare or the welfare of others; or
- 755 (B) has run away from home; and
- 756 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
- 757 adult alleged to have committed an offense under Subsection [78A-6-352\(4\)\(b\)](#) for failure to
- 758 comply with a promise to appear and bring a child to the juvenile court;
- 759 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
- 760 Expungement; [~~and~~]
- 761 (c) the extension of a nonjudicial adjustment under Section [80-6-304](#)[~~;~~]; and
- 762 (d) a referral of a minor for being a habitual truant as defined in Section [53G-8-211](#).
- 763 (3) The juvenile court has original jurisdiction over a petition for special findings under
- 764 Section [80-3-505](#).
- 765 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the
- 766 law under Section [80-6-701](#) for the juvenile court to exercise jurisdiction under Subsection
- 767 (2)(a)(xvi), (b), or (c).
- 768 (5) This section does not restrict the right of access to the juvenile court by private
- 769 agencies or other persons.

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

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

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

776 Section 14. Section 80-6-102 is amended to read:

777 **80-6-102. Definitions.**

778 As used in this chapter:

779 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
780 1351.1.

781 (2) "Authority" means the Youth Parole Authority created in Section 80-5-701.

782 (3) "Commission" means the State Commission on Criminal and Juvenile Justice
783 created in Section 63M-7-201.

784 (4) "Compensatory service" means service or unpaid work performed by a minor in
785 lieu of the payment of a fine, fee, or restitution.

786 (5) "Control" means the same as that term is defined in Section 80-5-102.

787 (6) "Detention hearing" means a proceeding under Section 80-6-207 to determine
788 whether a minor should remain in detention.

789 (7) "Detention guidelines" means standards, established by the division in accordance
790 with Subsection 80-5-202(1)(a), for the admission of a minor to detention.

791 (8) "Discharge" means a written order of the authority that removes a juvenile offender
792 from the authority's jurisdiction.

793 (9) "Division" means the Division of Juvenile Justice Services created in Section
794 80-5-103.

795 (10) "Family-based setting" means a home that is licensed to allow a minor to reside at
796 the home, including a foster home, proctor care, or residential care by a professional parent.

797 (11) "Formal referral" means a written report from a peace officer, or other person,
798 informing the juvenile court that:

799 (a) an offense committed by a minor is, or appears to be, within the juvenile court's
800 jurisdiction; and

801 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting
802 attorney.

803 (12) "Habitual truant" means the same as that term is defined in Section [53G-8-211](#).

804 [~~(12)~~] (13) "Material loss" means an uninsured:

805 (a) property loss;

806 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;

807 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the
808 police or prosecution; or

809 (d) medical expense.

810 [~~(13)~~] (14) "Referral" means a formal referral, a referral to the juvenile court under
811 Section [53G-8-211](#), or a citation issued to a minor for which the juvenile court receives notice
812 under Section [80-6-302](#).

813 [~~(14)~~] (15) "Rescission" means a written order of the authority that rescinds a date for
814 parole.

815 [~~(15)~~] (16) "Restitution" means money or services that the juvenile court, or a juvenile
816 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or
817 render to a victim for the minor's wrongful act or conduct.

818 [~~(16)~~] (17) "Revocation" means a written order of the authority that, after a hearing and
819 determination under Section [80-6-806](#):

820 (a) terminates supervision of a juvenile offender's parole; and

821 (b) directs a juvenile offender to return to secure care.

822 [~~(17)~~] (18) "Temporary custody" means the control and responsibility of a minor,
823 before an adjudication under Section [80-6-701](#), until the minor is released to a parent, guardian,
824 responsible adult, or to an appropriate agency.

825 [~~(18)~~] (19) "Termination" means a written order of the authority that terminates a
826 juvenile offender from parole.

827 [~~(19)~~] (20) (a) "Victim" means a person that the juvenile court determines suffered a
828 material loss as a result of a minor's wrongful act or conduct.

829 (b) "Victim" includes:

830 (i) any person directly harmed by the minor's wrongful act or conduct in the course of
831 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an offense that

832 involves an element of a scheme, a conspiracy, or a pattern of criminal activity; and

833 (ii) the Utah Office for Victims of Crime.

834 [~~(20)~~] (21) "Violent felony" means the same as that term is defined in Section
835 76-3-203.5.

836 [~~(21)~~] (22) "Work program" means the same as that term is defined in Section
837 80-5-102.

838 [~~(22)~~] (23) "Youth services" means the same as that term is defined in Section
839 80-5-102.

840 Section 15. Section **80-6-103** is amended to read:

841 **80-6-103. Notification to a school -- Civil and criminal liability.**

842 (1) As used in this section:

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

844 (b) "Local education agency" means a school district, a charter school, or the Utah
845 Schools for the Deaf and the Blind.

846 (c) "School official" means:

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

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

851 (d) "Serious offense" means:

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

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

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

856 [~~(4)~~] (e) "Transferee school official" means:

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

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

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

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

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

869 (i) the name of the minor;

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

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

874 (4) After a detention hearing for a minor who is alleged to have committed [~~a violent~~
875 ~~felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons~~] a serious offense,
876 the juvenile court shall order a juvenile probation officer to notify a school official, or a
877 transferee school official, and the appropriate local law enforcement agency of the juvenile
878 court's decision, including any disposition, order, or no-contact order.

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

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

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

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

891 (i) the name of the minor;

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

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

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

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

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

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

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

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

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

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

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

913 Section 16. Section 80-6-201 is amended to read:

914 **80-6-201. Minor taken into temporary custody by peace officer, private citizen,
915 or probation officer -- Grounds -- Protective custody.**

916 (1) A minor may be taken into temporary custody by a peace officer without a court
917 order, or a warrant under Section 80-6-202, if the peace officer has probable cause to believe
918 that:

919 (a) the minor has committed an offense under municipal, state, or federal law;

920 (b) the minor seriously endangers the minor's own welfare or the welfare of others and
921 taking the minor into temporary custody appears to be necessary for the protection of the minor
922 or others;

923 (c) the minor has run away or escaped from the minor's parents, guardian, or custodian;

924 or

925 (d) the minor is:

926 (i) subject to the state's compulsory education law; and

927 (ii) subject to [Section] Sections [53G-6-208](#) and [53G-8-211](#), absent from school
928 without legitimate or valid excuse.

929 (2) A private citizen may take a minor into temporary custody if under the
930 circumstances the private citizen could make a citizen's arrest under Section [77-7-3](#) if the
931 minor was an adult.

932 (3) A juvenile probation officer may take a minor into temporary custody:

933 (a) under the same circumstances as a peace officer in Subsection (1); or

934 (b) if the juvenile probation officer has a reasonable suspicion that the minor has
935 violated the conditions of the minor's probation.

936 (4) (a) Nothing in this part shall be construed to prevent a peace officer or the Division
937 of Child and Family Services from taking a minor into protective custody under Section
938 [80-2a-202](#) or [80-3-204](#).

939 (b) If a peace officer or the Division of Child and Family Services takes a minor into
940 protective custody, the provisions of Chapter 2, Child Welfare Services, Chapter 2a, Removal
941 and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency
942 Proceedings shall govern.

943 Section 17. Section **80-6-202** is amended to read:

944 **80-6-202. Warrants for minors.**

945 (1) (a) Except as otherwise provided in this section, after a petition is filed under
946 Section [80-6-305](#), or a criminal information under Section [80-6-503](#), a juvenile court may issue
947 a warrant for a minor to be taken into temporary custody if:

948 (i) there is probable cause to believe that:

949 (A) the minor has committed an offense that would be a felony if committed by an
950 adult;

951 (B) the minor has failed to appear after the minor or the minor's parent, guardian, or
952 custodian has been legally served with a summons in accordance with Section [78A-6-351](#) and
953 the Utah Rules of Juvenile Procedure;

954 (C) there is a substantial likelihood the minor will not respond to a summons;

955 (D) a summons cannot be served and the minor's present whereabouts are unknown;

956 (E) serving a summons for the minor will be ineffectual;
957 (F) the minor seriously endangers others or the public and temporary custody appears
958 to be necessary for the protection of others or the public; or
959 (G) the minor is a runaway or has escaped from the minor's parent, guardian, or
960 custodian; or
961 (ii) the minor is under the continuing jurisdiction of the juvenile court and there is
962 probable cause to believe that the minor:
963 (A) has left the custody of the person or agency vested by a court with legal custody, or
964 guardianship of the minor, without permission; or
965 (B) has violated a court order.
966 (b) A warrant issued under this Subsection (1) shall be:
967 (i) filed in accordance with Utah Rules of Juvenile Procedure, Rule 7; and
968 (ii) executed in accordance with Title 77, Chapter 7, Arrest, by Whom, and How Made.
969 (2) A juvenile court may not issue a warrant for a minor to be taken into temporary
970 custody for:
971 (a) a status offense; [~~or~~]
972 (b) an infraction[~~;~~]; or
973 (c) being a habitual truant.
974 (3) (a) For a minor not eligible for a warrant under Subsection (2), a juvenile court may
975 issue a warrant that directs a minor to be returned home, to the juvenile court, or to a shelter or
976 other nonsecure facility.
977 (b) A warrant under Subsection (3)(a) may not direct a minor to secure care or secure
978 detention.
979 (4) Subsection (2) does not apply to a minor who is under Chapter 6, Part 11, Interstate
980 Compact for Juveniles.
981 Section 18. Section **80-6-301** is amended to read:
982 **80-6-301. Referral to juvenile court.**
983 (1) Except as provided in Subsections (2) and (3), a peace officer, or a public official of
984 the state, a county, a city, or a town charged with the enforcement of the laws of the state or
985 local jurisdiction, shall file a formal referral with the juvenile court within 10 days after the day
986 on which a minor is taken into temporary custody under Section [80-6-201](#).

987 (2) If a minor is taken to a detention facility, a peace officer or a public official of the
988 state, a county, a city, or a town charged with the enforcement of laws of the state or local
989 jurisdiction shall file the formal referral with the juvenile court within 24 hours after the time
990 in which the minor is taken into temporary custody under Section 80-6-201.

991 (3) A peace officer, public official, school district, or school may only refer a minor to
992 the juvenile court under Section 53G-8-211 for an offense [~~that is~~], or for being a habitual
993 truant, if the offense or habitual truancy is subject to referral [~~under~~] as described in Section
994 53G-8-211.

995 Section 19. Section 80-6-303.5 is amended to read:

996 **80-6-303.5. Preliminary inquiry by juvenile probation officer -- Eligibility for**
997 **nonjudicial adjustment.**

998 (1) If the juvenile court receives a referral for an offense committed by a minor that is,
999 or appears to be, within the juvenile court's jurisdiction, or for the minor being a habitual
1000 truant, a juvenile probation officer shall make a preliminary inquiry in accordance with this
1001 section to determine whether the minor is eligible to enter into a nonjudicial adjustment.

1002 (2) If a minor is referred to the juvenile court for multiple offenses arising from a
1003 single criminal episode, and the minor is eligible under this section for a nonjudicial
1004 adjustment, the juvenile probation officer shall offer the minor one nonjudicial adjustment for
1005 all offenses arising from the single criminal episode.

1006 (3) (a) The juvenile probation officer may:

1007 (i) conduct a validated risk and needs assessment; and

1008 (ii) request that a prosecuting attorney review a referral in accordance with Section
1009 80-6-304.5 if:

1010 (A) the results of the validated risk and needs assessment indicate the minor is high
1011 risk; or

1012 (B) the results of the validated risk and needs assessment indicate the minor is
1013 moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5,
1014 Offenses Against the Individual, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.

1015 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor
1016 shall:

1017 (i) undergo a drug and alcohol screening;

1018 (ii) if found appropriate by the screening, participate in an assessment; and
1019 (iii) if warranted by the screening and assessment, follow the recommendations of the
1020 assessment.

1021 (4) Except for an offense that is not eligible under Subsection (8), the juvenile
1022 probation officer shall offer a nonjudicial adjustment to a minor if:

1023 (a) the minor:

1024 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;

1025 (ii) has no more than two prior adjudications; and

1026 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts; [~~or~~]

1027 (b) the minor is referred for an offense that is alleged to have occurred before the minor
1028 was 12 years old[~~;~~]; or

1029 (c) the minor is referred for being a habitual truant.

1030 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
1031 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
1032 criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial adjustment.

1033 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
1034 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
1035 criminal episode that resulted in one or more prior adjudications as a single adjudication.

1036 (7) Except for a referral that involves an offense described in Subsection (8), the
1037 juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the
1038 criteria described in Subsection (4)(a).

1039 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the
1040 referral involves:

1041 (a) an offense alleged to have occurred when the minor was 12 years old or older that
1042 is:

1043 (i) a felony offense; or

1044 (ii) a misdemeanor violation of:

1045 (A) Section 41-6a-502, driving under the influence;

1046 (B) Section 76-5-107, threat of violence;

1047 (C) Section 76-5-107.1, threats against schools;

1048 (D) Section 76-5-112, reckless endangerment creating a substantial risk of death or

- 1049 serious bodily injury;
- 1050 (E) Section 76-5-206, negligent homicide;
- 1051 (F) Section 76-9-702.1, sexual battery;
- 1052 (G) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled
1053 shotgun on or about school premises;
- 1054 (H) Section 76-10-506, threatening with or using a dangerous weapon in fight or
1055 quarrel;
- 1056 (I) Section 76-10-507, possession of a deadly weapon with criminal intent; or
1057 (J) Section 76-10-509.4, possession of a dangerous weapon by a minor; or
1058 [(J) Section 76-10-509, possession of a dangerous weapon by a minor; or]
1059 [(K) Section 76-10-509.4, prohibition of possession of certain weapons by minors; or]
1060 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony
1061 violation of:
- 1062 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 1063 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 1064 (iii) Section 76-5-203, murder or attempted murder;
- 1065 (iv) Section 76-5-302, aggravated kidnapping;
- 1066 (v) Section 76-5-405, aggravated sexual assault;
- 1067 (vi) Section 76-6-103, aggravated arson;
- 1068 (vii) Section 76-6-203, aggravated burglary;
- 1069 (viii) Section 76-6-302, aggravated robbery; or
- 1070 (ix) Section 76-10-508.1, felony discharge of a firearm.
- 1071 (9) The juvenile probation officer shall request that a prosecuting attorney review a
1072 referral if:
- 1073 (a) the referral involves an offense described in Subsection (8); or
- 1074 (b) the minor has a current suspended order for custody under Section 80-6-711.
- 1075 Section 20. Section 80-6-304.5 is amended to read:
- 1076 **80-6-304.5. Prosecutorial review of referral to juvenile court -- Filing a petition.**
- 1077 (1) A prosecuting attorney shall review a referral to the juvenile court for an offense
1078 committed by a minor if:
- 1079 (a) the prosecuting attorney is requested to review the referral under Section

1080 80-6-303.5;

1081 (b) the minor fails to substantially comply with a condition agreed upon as part of the
1082 nonjudicial adjustment; or

1083 (c) the minor is not offered or declines a nonjudicial adjustment.

1084 (2) (a) Upon review of a referral of an offense under Subsection (1), the prosecuting
1085 attorney shall:

1086 [~~(a)~~] (i) dismiss the referral;

1087 [~~(b)~~] (ii) send the referral back to the juvenile probation officer for a new attempt at a
1088 nonjudicial adjustment if the minor's case is eligible for a nonjudicial adjustment under Section
1089 80-6-303.5; or

1090 [~~(c)~~] (iii) except as provided in Subsection (5), file a petition with the juvenile court.

1091 (b) Upon review of a referral for habitual truancy under Subsection (1), the prosecuting
1092 attorney shall dismiss the referral.

1093 (3) A prosecuting attorney may only file a petition under Subsection [~~(2)(c)~~] (2)(a)(iii)
1094 upon reasonable belief that:

1095 (a) the charges are supported by probable cause;

1096 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable
1097 doubt; and

1098 (c) the decision to charge is in the interests of justice.

1099 (4) If a minor has substantially complied with the other conditions of a nonjudicial
1100 adjustment or conditions imposed through any other court diversion program, the minor's
1101 failure to pay a fine or fee as a condition of the nonjudicial adjustment or program may not
1102 serve as a basis for filing of a petition.

1103 (5) A prosecuting attorney may not file a petition against a minor unless:

1104 (a) the prosecuting attorney has statutory authority to file the petition under Section
1105 80-6-305; and

1106 (b) (i) the minor is not eligible for a nonjudicial adjustment under Section 80-6-303.5;

1107 (ii) the minor declines a nonjudicial adjustment;

1108 (iii) the minor fails to substantially comply with the conditions agreed upon as part of
1109 the nonjudicial adjustment; or

1110 (iv) the minor fails to respond to the juvenile probation officer's inquiry regarding

1111 eligibility for or an offer of a nonjudicial adjustment after being provided with notice for
1112 preliminary inquiry.

1113 (6) If the prosecuting attorney files a petition in a juvenile court, or a proceeding is
1114 commenced against a minor under Section 80-6-302, the juvenile court may refer the case to
1115 the juvenile probation officer for another offer of nonjudicial adjustment if the minor is eligible
1116 for a nonjudicial adjustment under Section 80-6-303.5.

1117 Section 21. Section 80-6-1004.5 is amended to read:

1118 **80-6-1004.5. Automatic expungement of successful nonjudicial adjustment --**

1119 **Effect of successful nonjudicial adjustment.**

1120 (1) Except as provided in Subsection (2), the juvenile court shall issue, without a
1121 petition, an order to expunge an individual's juvenile record if:

1122 (a) the individual has reached 18 years old;

1123 (b) the individual's juvenile record consists solely of nonjudicial adjustments;

1124 (c) the individual has successfully completed each nonjudicial adjustment; and

1125 (d) all nonjudicial adjustments were completed on or after October 1, 2023.

1126 (2) An individual's juvenile record is not eligible for expungement under Subsection

1127 (1) if the individual's juvenile record contains a nonjudicial adjustment for a violation of:

1128 (a) Section 41-6a-502, driving under the influence;

1129 (b) Section 76-5-112, reckless endangerment creating a substantial risk of death or
1130 serious bodily injury;

1131 (c) Section 76-5-206, negligent homicide;

1132 (d) Section 76-9-702.1, sexual battery;

1133 (e) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled
1134 shotgun on or about school premises; or

1135 (f) Section [~~76-10-509~~] 76-10-509.4, possession of a dangerous weapon by a minor.

1136 (3) If an individual's juvenile record consists solely of nonjudicial adjustments that

1137 were completed before October 1, 2023:

1138 (a) any nonjudicial adjustment in the individual's juvenile record is considered to never
1139 have occurred if:

1140 (i) the individual has reached 18 years old;

1141 (ii) the individual has satisfied restitution that was a condition of any nonjudicial

1142 adjustment in the individual's juvenile record; and

1143 (iii) the nonjudicial adjustment was for an offense that is not an offense described in

1144 Subsection (2); and

1145 (b) the individual may reply to any inquiry about the nonjudicial adjustment as though

1146 there never was a nonjudicial adjustment.

1147 Section 22. **Repealer.**

1148 This bill repeals:

1149 Section **76-4-204, Criminal solicitation -- Penalties.**

1150 Section **76-10-509, Possession of dangerous weapon by minor.**

1151 Section **76-10-2301, Contributing to the delinquency of a minor -- Definitions --**

1152 **Penalties.**

1153 Section 23. **Effective date.**

1154 This bill takes effect on May 1, 2024.

1155 Section 24. **Coordinating H.B. 362 with H.B. 418 -- Technical amendment.**

1156 If H.B. 362, Juvenile Justice Revisions, and H.B. 418, Student Offender Reintegration

1157 Amendments, both pass and become law, the Legislature intends that, on July 1, 2024:

1158 (1) Section 53G-8-201 in H.B. 418 be amended to read:

1159 **"53G-8-201. Definitions.**

1160 [Reserved] As used in this part:

1161 (1) "Sexual crime" or "sexual misconduct" means any conduct described in:

1162 (a) Title 76, Chapter 5, Part 4, Sexual Offenses;

1163 (b) Title 76, Chapter 5b, Sexual Exploitation Act;

1164 (c) Section 76-7-102, incest;

1165 (d) Section 76-9-702, lewdness; and

1166 (e) Section 76-9-702.1, sexual battery.

1167 (2) "Serious offense" means the same as that term is defined in Section 80-6-103.";

1168 (2) Subsection 53G-8-203(4) in H.B. 418 be amended to read:

1169 "(4) (a) Each LEA shall adopt a policy for responding to when a student has committed

1170 a serious offense or sexual crime.

1171 (b) The policy described in Subsection (4)(a) shall:

1172 (i) address a serious offense or sexual misconduct related to hazing;

1173 (ii) distinguish procedures for when the crime occurs on school property and off of
 1174 school property;

1175 (iii) if a student has committed a serious offense or sexual crime, provide a process for
 1176 a school resource officer to provide input for the LEA to consider regarding the safety risks a
 1177 student may pose upon reintegration;

1178 (iv) establish a process to inform a school resource officer of any student who is on
 1179 probation;

1180 (v) create procedures for determining an alternative placement for a student if the
 1181 student attends the same school as:

1182 (A) the victim of the student's crime; and

1183 (B) an individual who has a protective order against the student; and

1184 (vi) be compliant with state and federal law."; and

1185 (3) Section 53G-8-213 be amended to read:

1186 "53G-8-213. Reintegration plan for student alleged to have committed a serious
 1187 offense.

1188 (1) As used in this section[~~:(a) "Multidisciplinary", "multidisciplinary team"~~] means
 1189 the local education agency, the juvenile court, the Division of Juvenile Justice Services, a
 1190 school resource officer if applicable, and any other relevant party that should be involved in a
 1191 reintegration plan.

1192 [~~(b)"Violent felony" means the same as that term is defined in Section 76-3-203.5.]~~

1193 (2) If a school district receives a notification from the juvenile court or a law
 1194 enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile
 1195 court for a [~~violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons,~~]
 1196 serious offense, the school shall develop a reintegration plan for the student with a
 1197 multidisciplinary team, the student, and the student's parent or guardian, within five school
 1198 days after the day on which the school receives a notification.

1199 (3) The school may deny admission to the student until the school completes the
 1200 reintegration plan under Subsection (2).

1201 (4) The reintegration plan under Subsection (2) shall address:

1202 (a) a behavioral intervention for the student;

1203 (b) a short-term mental health or counseling service for the student; [~~and~~]

1204 (c) an academic intervention for the student[-]; and

1205 (d) if the serious offense was directed at a school employee or another student within
1206 the school, notification of the reintegration plan to that school employee or student and the
1207 student's parent.

1208 (5) A school district may not reintegrate a student into a school where:

1209 (a) a student or staff member has a protective order against the student being
1210 reintegrated; or

1211 (b) a student or staff member is the victim of a sexual crime committed by the student
1212 being reintegrated.

1213 (6) A reintegration plan under this section is classified as a protected record under
1214 Section [63G-2-305](#).

1215 (7) All other records of disclosures under this section are governed by Title 63G,
1216 Chapter 2, Government Records Access and Management Act, and the Family Educational
1217 Rights and Privacy Act, 20 U.S.C. Sec. 1232g."