

**BLENDED PLEA AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies procedures relating certain convictions of a minor that involve both juvenile dispositions and adult criminal sentences.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies part headings;
- ▶ prohibits a court from accepting a plea that is blended between a juvenile adjudication and disposition and an adult criminal conviction and sentence;
- ▶ provides a procedure for vacating or modifying the adult portion of a blended plea where the juvenile portion has been completed and other circumstances are met; and
- ▶ provides for procedures for vacating and expunging the adult portion of a blended plea.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**77-40a-402**, as last amended by Laws of Utah 2023, Chapter 265



28 ENACTS:

29 [80-6-508](#), Utah Code Annotated 1953



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

32 Section 1. Section **77-40a-402** is amended to read:

33 **77-40a-402. Distribution for order for vacatur.**

34 (1) An individual who receives an order for vacatur under Subsection [78B-9-108\(2\)](#) or  
35 Section [80-6-508](#) shall be responsible for delivering a copy of the order for vacatur to all  
36 affected criminal justice agencies and officials.

37 (2) To complete delivery of the order for vacatur to the bureau, the individual shall  
38 complete and attach to the order for vacatur an application for a certificate of eligibility for  
39 expungement, including identifying information and fingerprints, in accordance with Section  
40 [77-40a-301](#).

41 (3) Except as otherwise provided in this section, the bureau shall treat the order for  
42 vacatur and attached certificate of eligibility for expungement the same as a valid order for  
43 expungement under Section [77-40a-401](#).

44 (4) Unless otherwise provided by law or ordered by a court to respond differently, an  
45 individual who has received a vacatur of conviction under Subsection [78B-9-108\(2\)](#) may  
46 respond to any inquiry as though the conviction did not occur.

47 (5) The bureau shall forward a copy of the order for vacatur to the Federal Bureau of  
48 Investigation.

49 (6) An agency receiving an order for vacatur shall expunge the individual's identifying  
50 information contained in records in the agency's possession relating to the incident for which  
51 vacatur is ordered.

52 (7) A government agency or official may not divulge information contained in a record  
53 of arrest, investigation, detention, or conviction after receiving an order for vacatur to any  
54 person or agency, except for:

55 (a) the individual for whom vacatur was ordered; or

56 (b) Peace Officer Standards and Training, in accordance with Section [53-6-203](#) and  
57 Subsection [77-40a-403\(4\)\(b\)](#).

58 (8) The bureau may not count vacated convictions against any future expungement

59 eligibility.

60 Section 2. Section **80-6-508** is enacted to read:

61 **Part 5. Minor Tried as an Adult**

62 **80-6-508. Blended plea -- Not permitted -- Petition procedures -- Vacation of adult**  
63 **sentence -- Expungement order.**

64 (1) As used in this section:

65 (a) "Blended plea" means a plea bargain entered into by a minor that results in a  
66 combination of a juvenile adjudication and disposition and a criminal conviction and sentence  
67 for a criminal offense that arises from a single criminal episode.

68 (b) "Single criminal episode" means the same as that term is defined in Section  
69 76-1-401.

70 (2) (a) Beginning May 1, 2024, a district court, juvenile court, or a justice court may  
71 not accept a plea bargain that is a blended plea.

72 (b) Any criminal conviction or sentence resulting from a blended plea that is entered  
73 into on or after May 1, 2024 is void.

74 (3) (a) The district court shall vacate the criminal conviction and sentence of an  
75 individual if:

76 (i) the individual files a petition with the district court to vacate the individual's  
77 conviction and sentence;

78 (ii) the conviction and sentence was part of a blended plea that was entered into before  
79 May 1, 2024;

80 (iii) (A) the juvenile court's continuing jurisdiction is terminated as described in  
81 Section 78A-6-120 or is scheduled to be terminated within six months or less; or

82 (B) the individual was committed to secure care, as defined in Section 80-1-102, as a  
83 result of the blended plea and the individual is discharged from the jurisdiction of the Division  
84 of Juvenile Justice Services or is scheduled to be discharged within six months or less; and

85 (iv) the Division of Juvenile Justice Services favorably recommends that the district  
86 court vacate the conviction and sentence.

87 (b) If the Division of Juvenile Justice Services does not favorably recommend that the  
88 district court vacate a conviction and sentence, the district court may:

89 (i) in the interest of justice, vacate or modify the conviction and sentence despite the

90 lack of recommendation;  
91 (ii) conduct a hearing to receive arguments or information in relation to the petition  
92 before rendering a decision; and  
93 (iii) grant or deny the petition in whole or in part.  
94 (4) A petition filed under this section shall:  
95 (a) identify each criminal conviction and sentence that the individual is requesting the  
96 district court to vacate;  
97 (b) demonstrate that the requirements of Subsections (3)(a)(ii) and (3)(a)(iii) are met;  
98 and  
99 (c) be sent, concurrently at the time of filing, to the Division of Juvenile Justice  
100 Services with a request that the division provide a recommendation to the district court as to  
101 whether the criminal conviction and sentence should be vacated.  
102 (5) If a district court vacates a conviction and sentence under this section, the district  
103 court shall order expungement of all records pertaining to each conviction and sentence that is  
104 vacated by the district court.

105 Section 3. **Effective date.**

106 This bill takes effect on May 1, 2024.