

Representative Jordan D. Teuscher proposes the following substitute bill:

BLENDED PLEA AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

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;
- ▶ limits the type of conviction that may be vacated;
- ▶ 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



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **77-40a-402**, as last amended by Laws of Utah 2023, Chapter 265

29 ENACTS:

30 **80-6-508**, Utah Code Annotated 1953

31

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

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

34 **77-40a-402. Distribution for order for vacatur.**

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

38 (2) To complete delivery of the order for vacatur to the bureau, the individual shall
39 complete and attach to the order for vacatur an application for a certificate of eligibility for
40 expungement, including identifying information and fingerprints, in accordance with Section
41 **77-40a-301**.

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

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

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

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

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

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

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

59 (8) The bureau may not count vacated convictions against any future expungement
60 eligibility.

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

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

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

65 (1) As used in this section:

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

69 (b) "Single criminal episode" means the same as that term is defined in Section
70 [76-1-401](#).

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

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

75 (3) (a) Subject to Subsection (5), the district court may, in the interest of justice, vacate
76 the criminal conviction and sentence of an individual if:

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

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

81 (iii) the individual is:

82 (A) currently housed within a secure juvenile facility operated by the Division of
83 Juvenile Justice and Youth Services; and

84 (B) scheduled to be discharged within six months or less.

85 (b) (i) The Division of Juvenile Justice Services shall provide a recommendation to the
86 district court as to whether or not it favorably recommends that the district court vacate the
87 conviction and sentence. As part of its recommendation, the division shall ensure that a victim

88 of a criminal conviction being considered for vacation has had reasonable notice to participate
89 in the recommendation process or to provide input for consideration.

90 (ii) As part of its evaluation the district court shall review and consider the
91 recommendation of the Division of Juvenile Justice Services.

92 (c) The district court may:

93 (i) conduct a hearing to receive arguments or information in relation to the petition
94 before rendering a decision; or

95 (ii) render a decision without conducting a hearing.

96 (4) A petition filed under this section shall:

97 (a) identify each criminal conviction and sentence that the individual is requesting the
98 district court to vacate;

99 (b) demonstrate that the requirements of Subsections (3)(a)(ii) and (3)(a)(iii) are met;
100 and

101 (c) be sent, concurrently at the time of filing, to the Division of Juvenile Justice
102 Services with a request that the division provide a recommendation to the district court as to
103 whether the criminal conviction and sentence should be vacated.

104 (5) A conviction for murder, as described in Section [76-5-203](#), or for aggravated
105 murder, as described in Section [76-5-202](#), is not eligible for vacation of the adult sentence
106 under this section.

107 (6) If a district court vacates a conviction and sentence under this section, the district
108 court shall order expungement of all records pertaining to each conviction and sentence that is
109 vacated by the district court.

110 **Section 3. Effective date.**

111 This bill takes effect on May 1, 2024.