

SB0246S01 compared with SB0246

{deleted text} shows text that was in SB0246 but was deleted in SB0246S01.

inserted text shows text that was not in SB0246 but was inserted into SB0246S01.

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Senator Luz Escamilla proposes the following substitute bill:

JUVENILE JUSTICE MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {}Luz Escamilla

House Sponsor: {}_____

LONG TITLE

General Description:

This bill addresses a notification to a school from a juvenile court. {}

Highlighted Provisions:

This bill:

- ▶ requires a local education agency (LEA) to transfer a notification from a juvenile court regarding a student to another LEA for one year; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

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Utah Code Sections Affected:

AMENDS:

53G-8-403, as last amended by Laws of Utah 2023, Chapter 161

80-6-103, as last amended by Laws of Utah 2023, Chapter 161

Utah Code Sections Affected By Coordination Clause:

53G-8-403, as last amended by Laws of Utah 2023, Chapter 161

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

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

Section 1. Section **53G-8-403** is amended to read:

53G-8-403. Superintendent required to notify school.

(1) "LEA head" means the superintendent of a school district or the director of a charter school.

(2) Within three days of receiving a notification from the juvenile court or a law enforcement agency under Section 80-6-103, the [~~district superintendent~~] LEA head ~~or LEA head's designee~~ shall notify the principal of the school the juvenile attends or last attended.

~~[(2)]~~ (3) Upon receipt of the information, the principal shall:

- (a) make a notation in a secure file other than the student's permanent file; and
- (b) if the student is still enrolled in the school, notify staff members who, in his

opinion, should know of the adjudication.

~~[(3)]~~ (4) A person receiving information pursuant to this part may only disclose the information to other persons having both a right and a current need to know.

~~[(4)]~~ (5) Access to secure files shall be limited to persons authorized to receive information under this part.

(6) ~~[(5)]~~ Beginning no later than July 1, 2025, an LEA shall ~~digitally~~ maintain the secure file described in Subsection (3) ~~or, if available, the students related reintegration plan described in 53G-8-213~~, for one year from the day the notice is received and ensure the secure file follows the student if the student transfers to a different school or LEA.

Section 2. Section **80-6-103** is amended to read:

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

(1) As used in this section:

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

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

(c) "School official" means the superintendent of a school district or the director of a charter school or designee in which the minor resides or attends school.

(d) "Transferee school official" means the superintendent of a school district or the director of a charter school or designee in which the minor resides or attends school if the minor is admitted to home detention.

~~[(c) "School official" means:]~~

~~[(i) the school superintendent of the district in which the minor resides or attends school; or]~~

~~[(ii) if there is no school superintendent for the school, the principal of the school where the minor attends.]~~

~~[(d) "Transferee school official" means:]~~

~~[(i) the school superintendent of the district in which the minor resides or attends school if the minor is admitted to home detention; or]~~

~~[(ii) if there is no school superintendent for the school, the principal of the school where the minor attends if the minor is admitted to home detention.]~~

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

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

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

(i) the name of the minor;

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

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

(4) After a detention hearing for a minor who is alleged to have committed a violent

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felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile court shall order a juvenile probation officer to notify a school official, or a transferee school official, and the appropriate local law enforcement agency of the juvenile court's decision, including any disposition, order, or no-contact order.

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

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

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

(c) A notification under this section shall include:

- (i) the name of the minor;
- (ii) the offense for which the minor was adjudicated; and
- (iii) if available, the name of the victim if the victim:
 - (A) resides in the same school district as the minor; or
 - (B) attends the same school as the minor.

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

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

- (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as provided in Section 63G-7-202; and
- (ii) civilly or criminally liable except when the disclosure constitutes a knowing violation of Section 63G-2-801.

(b) An employee of a governmental agency is immune from any criminal liability for failing to provide the information required by this section, unless the employee fails to act due

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to malice, gross negligence, or deliberate indifference to the consequences.

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

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

Section 3. Effective date.

This bill takes effect on July 1, 2024.

Section 4. Coordinating S.B. 246 with H.B. 331.

If S.B. 246, Juvenile Justice Modifications, and H.B. 331, School and Classroom Amendments, both pass and become law, the Legislature intends that, on July 1, 2024, changes to Section 53G-8-403 in S.B. 246 supersede amendments to Section 53G-8-403 in H.B. 331.