

JUVENILE JUSTICE REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Michael S. Kennedy

Cosponsors: Karen M. Peterson
Cheryl K. Acton Ryan D. Wilcox
Dan N. Johnson

LONG TITLE

General Description:

This bill amends provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to provide a report on certain law enforcement and disciplinary actions on school grounds to the State Commission on Criminal and Juvenile Justice;
- ▶ creates a juvenile gang and other violent crime prevention and intervention program to be administered by the State Board of Education;
- ▶ modifies requirements related to referrals for offenses committed by minors on school property;
- ▶ requires a school to develop a reintegration plan for a minor alleged to have committed a violent felony offense or a weapons offense;
- ▶ amends the requirements for the criminal justice database;
- ▶ removes a repeal date relating to referrals for offenses committed by minors on school property;

- 27 ▶ modifies the duties of the State Commission on Criminal and Juvenile Justice in
- 28 regards to juvenile justice;
- 29 ▶ makes it a crime for a minor to possess a machinegun firearm attachment;
- 30 ▶ modifies the notification requirements to schools regarding a minor who committed,
- 31 or is alleged to have committed, a violent felony offense or a weapons offense;
- 32 ▶ enacts data collection and reporting requirements for the State Commission on
- 33 Criminal and Juvenile Justice and the Administrative Office of the Courts in regards
- 34 to offenses committed, or allegedly committed, by minors;
- 35 ▶ clarifies provisions relating to a nonjudicial adjustment;
- 36 ▶ modifies the eligibility requirements for a nonjudicial adjustment; and
- 37 ▶ makes technical and conforming changes.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **53E-3-516**, as last amended by Laws of Utah 2022, Chapter 399

45 **53E-9-305**, as last amended by Laws of Utah 2021, Chapter 262

46 **53F-2-208**, as last amended by Laws of Utah 2022, Chapter 1

47 **53G-6-203**, as last amended by Laws of Utah 2021, Chapter 359

48 **53G-8-211**, as last amended by Laws of Utah 2021, Chapters 262, 359 and further

49 amended by Revisor Instructions, Laws of Utah 2021, Chapter 359

50 **53G-8-402**, as last amended by Laws of Utah 2021, Chapter 262

51 **53G-8-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3

52 **63A-16-1001**, as enacted by Laws of Utah 2022, Chapter 390

53 **63A-16-1002**, as enacted by Laws of Utah 2022, Chapter 390 and last amended by

54 Coordination Clause, Laws of Utah 2022, Chapter 390
55 **63I-1-253**, as last amended by Laws of Utah 2022, Chapters 10, 30, 31, 172, 173, 194,
56 218, 224, 229, 236, 254, 274, and 414
57 **63M-7-208**, as last amended by Laws of Utah 2021, Chapter 262
58 **63M-7-218**, as enacted by Laws of Utah 2022, Chapter 390 and last amended by
59 Coordination Clause, Laws of Utah 2022, Chapter 390
60 **76-5-401.3**, as last amended by Laws of Utah 2022, Chapter 181
61 **76-10-501**, as last amended by Laws of Utah 2015, Chapters 212, 406
62 **76-10-509.4**, as last amended by Laws of Utah 2013, Chapter 301
63 **78A-5-102.5**, as enacted by Laws of Utah 2022, Chapter 155
64 **78A-6-103**, as last amended by Laws of Utah 2022, Chapters 155, 335
65 **78A-6-210**, as last amended by Laws of Utah 2021, Chapter 261
66 **80-6-103**, as enacted by Laws of Utah 2021, Chapter 261
67 **80-6-302**, as last amended by Laws of Utah 2022, Chapter 155
68 **80-6-303**, as last amended by Laws of Utah 2022, Chapter 155
69 **80-6-304**, as last amended by Laws of Utah 2022, Chapter 430
70 **80-6-305**, as renumbered and amended by Laws of Utah 2021, Chapter 261

71 ENACTS:

72 **53G-8-213**, Utah Code Annotated 1953
73 **80-6-104**, Utah Code Annotated 1953
74 **80-6-303.5**, Utah Code Annotated 1953
75 **80-6-304.5**, Utah Code Annotated 1953

76 REPEALS AND REENACTS:

77 **53F-2-410**, as repealed and reenacted by Laws of Utah 2021, Chapter 319



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

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

81 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
82 **authority.**

83 (1) As used in this section:

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

86 (b) "Law enforcement agency" means the same as that term is defined in Section
87 [77-7a-103](#).

88 (c) "Minor" means the same as that term is defined in Section [53G-6-201](#).

89 (d) "Other law enforcement activity" means a significant law enforcement interaction
90 with a minor that does not result in an arrest, including:

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

96 (e) "School is in session" means the hours of a day during which a public school
97 conducts instruction for which student attendance is counted toward calculating average daily
98 membership.

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

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

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

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

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

110 (g) [~~Student~~] "School resource officer" or "SRO" means the same as that term is
111 defined in Section [53G-8-701](#).

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

- 115 (a) arrests of a minor;
- 116 (b) other law enforcement activities; and
- 117 (c) disciplinary actions.

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

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

- 123 (a) the number of arrests of a minor, including the reason why the minor was arrested;
- 124 (b) the number of other law enforcement activities, including the following information
125 for each incident:

- 126 (i) the reason for the other law enforcement activity; and
- 127 (ii) the type of other law enforcement activity used;
- 128 (c) the number of disciplinary actions imposed, including:

- 129 (i) the reason for the disciplinary action; and
- 130 (ii) the type of disciplinary action;
- 131 (d) the number of SROs employed; and

132 (e) if applicable, the demographics of an individual who is subject to, as the following
133 are defined in Section [53G-9-601](#), bullying, hazing, cyber-bullying, or retaliation.

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 **53E-9-305** is amended to read:

154 **53E-9-305. Collecting student data -- Prohibition -- Student data collection notice**
155 **-- Written consent.**

156 (1) An education entity may not collect a student's:

157 (a) social security number; or

158 (b) except as required in Section 80-6-103, criminal record.

159 (2) Except as provided in Subsection (3), an education entity that collects student data
160 shall, in accordance with this section, prepare and distribute to parents and students a student
161 data collection notice statement that:

- 162 (a) is a prominent, stand-alone document;
- 163 (b) is annually updated and published on the education entity's website;
- 164 (c) states the student data that the education entity collects;
- 165 (d) states that the education entity will not collect the student data described in
- 166 Subsection (1);
- 167 (e) states the student data described in Section 53E-9-308 that the education entity may
- 168 not share without written consent;
- 169 (f) includes the following statement:
- 170 "The collection, use, and sharing of student data has both benefits and risks. Parents
- 171 and students should learn about these benefits and risks and make choices regarding student
- 172 data accordingly.";
- 173 (g) describes in general terms how the education entity stores and protects student data;
- 174 and
- 175 (h) states a student's rights under this part.
- 176 (3) The state board may publicly post the state board's collection notice described in
- 177 Subsection (2).
- 178 (4) An education entity may collect the necessary student data of a student if the
- 179 education entity provides a student data collection notice to:
- 180 (a) the student, if the student is an adult student; or
- 181 (b) the student's parent, if the student is not an adult student.
- 182 (5) An education entity may collect optional student data if the education entity:
- 183 (a) provides, to an individual described in Subsection (4), a student data collection
- 184 notice that includes a description of:
- 185 (i) the optional student data to be collected; and
- 186 (ii) how the education entity will use the optional student data; and
- 187 (b) obtains written consent to collect the optional student data from an individual
- 188 described in Subsection (4).

189 (6) An education entity may collect a student's biometric identifier or biometric
190 information if the education entity:

191 (a) provides, to an individual described in Subsection (4), a biometric information
192 collection notice that is separate from a student data collection notice, which states:

- 193 (i) the biometric identifier or biometric information to be collected;
- 194 (ii) the purpose of collecting the biometric identifier or biometric information; and
- 195 (iii) how the education entity will use and store the biometric identifier or biometric
196 information; and

197 (b) obtains written consent to collect the biometric identifier or biometric information
198 from an individual described in Subsection (4).

199 (7) Except under the circumstances described in Subsection [53G-8-211\(2\)](#), an
200 education entity may not refer a student to an evidence-based alternative intervention described
201 in [~~Subsection [53G-8-211\(3\)](#)] [Section 53G-8-211](#) without written consent.~~

202 (8) Nothing in this section prohibits an education entity from including additional
203 information related to student and parent privacy in the notice described in Subsection (2).

204 Section 3. Section **53F-2-208** is amended to read:

205 **53F-2-208. Cost of adjustments for growth and inflation.**

206 (1) In accordance with Subsection (2), the Legislature shall annually determine:

207 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
208 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations
209 to the following programs:

- 210 (i) education for youth in custody, described in Section [53E-3-503](#);
- 211 (ii) the Basic Program, described in Title 53F, Chapter 2, Part 3, Basic Program
212 (Weighted Pupil Units);
- 213 (iii) the Adult Education Program, described in Section [53F-2-401](#);
- 214 (iv) state support of pupil transportation, described in Section [53F-2-402](#);
- 215 (v) the Enhancement for Accelerated Students Program, described in Section

216 53F-2-408;

217 (vi) the Concurrent Enrollment Program, described in Section 53F-2-409; and

218 (vii) the ~~[gang prevention and intervention]~~ juvenile gang and other violent crime

219 prevention and intervention program, described in Section 53F-2-410; and

220 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,
221 the current fiscal year's ongoing state tax fund appropriations to the following programs:

222 (i) a program described in Subsection (1)(a);

223 (ii) educator salary adjustments, described in Section 53F-2-405;

224 (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;

225 (iv) the Voted and Board Local Levy Guarantee programs, described in Section

226 53F-2-601; and

227 (v) charter school local replacement funding, described in Section 53F-2-702.

228 (2) (a) In or before December each year, the Executive Appropriations Committee shall
229 determine:

230 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

231 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

232 (b) The Executive Appropriations Committee shall make the determinations described
233 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
234 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and
235 Budget.

236 Section 4. Section 53F-2-410 is repealed and reenacted to read:

237 **53F-2-410. Juvenile gang and other violent crime prevention and intervention**
238 **program -- Funding.**

239 (1) Subject to appropriations by the Legislature, the state board shall:

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

242 (b) distribute money under the program to school districts and charter schools through

243 the distribution formula described in Subsection (2).

244 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
245 state board shall make rules that:

246 (a) establish a formula to distribute program funding to schools in school districts and
247 charter schools that:

248 (i) uses the data reported to the state board under Section [80-6-104](#); and

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

252 (b) annually adjust the distribution of program funding using the data reported to the
253 state board under Section [80-6-104](#); and

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

256 (3) (a) A school district or a charter school seeking program funding shall submit a
257 proposal to the state board that:

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

259 (ii) provides data related to Subsection (2)(a)(ii).

260 (b) The state board shall allocate funding on a per student basis to prioritized school
261 districts and charter schools that submit a successful proposal under Subsection (3)(a).

262 (4) The state board may not distribute funds to a school district or a charter school that
263 fails to meet performance standards described in Subsection (2)(c).

264 (5) A school district or a charter school that is awarded funds under this section shall
265 submit a report to the state board that includes details on:

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

267 (b) the school district's, or the charter school's, compliance with the performance
268 standards described in Subsection (2)(c).

269 Section 5. Section **53G-6-203** is amended to read:

270 **53G-6-203. Truancy -- Notice of truancy -- Failure to cooperate with school**
271 **authorities.**

272 (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is
273 enrolled in a public school shall attend the public school in which the school-age child is
274 enrolled.

275 (2) [~~Except during the period between the effective date of this bill and June 1, 2022,~~]
276 In accordance with Section 53G-8-211, a local school board, charter school governing board, or
277 school district may impose administrative penalties on a school-age child who is:

- 278 (a) in grade 7 or above, unless the school-age child is less than 12 years old; and
- 279 (b) truant.

280 (3) A local school board or charter school governing board:

- 281 (a) may authorize a school administrator, a designee of a school administrator, a law
282 enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice
283 of truancy in accordance with Subsection (4); and

284 (b) shall establish a procedure for a school-age child, or the school-age child's parents,
285 to contest a notice of truancy.

286 (4) A notice of truancy described in Subsection (3):

287 (a) may not be issued until a school-age child has been truant at least five times during
288 the school year;

289 (b) may not be issued to a school-age child who is less than 12 years old or in a grade
290 below grade 7;

291 (c) may not be issued to a school-age child exempt from school attendance as provided
292 in Section 53G-6-204 or 53G-6-702;

293 (d) shall direct the school-age child who receives the notice of truancy and the parent
294 of the school-age child to:

- 295 (i) meet with school authorities to discuss the school-age child's trancies; and
- 296 (ii) cooperate with the local school board, charter school governing board, or school

297 district in securing regular attendance by the school-age child; and

298 (e) shall be mailed to, or served on, the school-age child's parent.

299 (5) (a) Except as provided in Subsection (5)(b), nothing in this part prohibits a local
300 school board, charter school governing board, or school district from taking action to resolve a
301 truancy problem with a school-age child who has been truant fewer than five times, provided
302 that the action does not conflict with the requirements of this part.

303 (b) A local school board, charter school governing board, or school district may not
304 take punitive action to resolve a truancy problem with a school-age child during the period
305 described in Subsection (2).

306 (6) Notwithstanding this section, during the period described in Subsection (2), a
307 school administrator, designee of a school administrator, law enforcement officer acting as a
308 school resource officer, or truancy specialist may not issue or otherwise enforce a notice of
309 truancy.

310 Section 6. Section **53G-8-211** is amended to read:

311 **53G-8-211. Responses to school-based behavior.**

312 (1) As used in this section:

313 (a) "Evidence-based" means a program or practice that has:

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

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

317 (iii) been approved by the state board.

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

319 (i) is in grade 7 or above, unless the school-age child is [~~less than~~] under 12 years old;

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

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

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

- 324 (c) "Minor" means the same as that term is defined in Section 80-1-102.
- 325 (d) "Mobile crisis outreach team" means the same as that term is defined in Section
- 326 62A-15-102.
- 327 (e) "Prosecuting attorney" means the same as that term is defined in Subsections
- 328 80-1-102(58)(b) and (c).
- 329 (f) "Restorative justice program" means a school-based program or a program used or
- 330 adopted by a local education agency that is designed:
- 331 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
- 332 enforcement agencies and courts; and
- 333 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
- 334 school.
- 335 (g) "School administrator" means a principal of a school.
- 336 (h) "School is in session" means a day during which the school conducts instruction for
- 337 which student attendance is counted toward calculating average daily membership.
- 338 (i) "School resource officer" means a law enforcement officer, as defined in Section
- 339 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts
- 340 with a local education agency to provide law enforcement services for the local education
- 341 agency.
- 342 (j) "School-age child" means the same as that term is defined in Section 53G-6-201.
- 343 (k) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
- 344 clinic, or other event or activity that is authorized by a specific local education agency or public
- 345 school, according to LEA governing board policy, and satisfies at least one of the following
- 346 conditions:
- 347 (A) the activity is managed or supervised by a local education agency or public school,
- 348 or local education agency or public school employee;
- 349 (B) the activity uses the local education agency's or public school's facilities,
- 350 equipment, or other school resources; or

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

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

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

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

359 (2) This section applies to a minor enrolled in school who is alleged to have committed
360 an offense ~~[at the school where the student is enrolled: (a)]~~ on school property where the
361 student is enrolled:

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

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

364 ~~[(b) except during the period between March 17, 2021 and June 1, 2022, that is~~
365 ~~truancy.]~~

366 (3) If a minor is alleged to have committed an offense on school property that is a class
367 C misdemeanor, an infraction, or a status offense, the school administrator, the school
368 administrator's designee, or a school resource officer may refer the minor:

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

370 (i) a mobile crisis outreach team;

371 (ii) a youth services center, as defined in Section [80-5-102](#);

372 (iii) a youth court or comparable restorative justice program;

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

375 (v) an evidence-based alternative intervention that is jointly created and developed by a
376 local education agency, the state board, the juvenile court, local counties and municipalities,
377 the Department of Health and Human Services; or

378 (vi) a tobacco cessation or education program if the offense is a violation of Section
379 76-10-105; or

380 (b) for prevention and early intervention youth services, as described in Section
381 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an
382 evidence-based alternative intervention described in Subsection (3)(a).

383 (4) Except as provided in Subsection (5), if a minor is alleged to have committed an
384 offense on school property that is a class C misdemeanor, an infraction, or a status offense, a
385 school administrator, the school administrator's designee, or a school resource officer may refer
386 a minor to a law enforcement officer or agency or a court only if:

387 (a) the minor allegedly committed the same offense on school property on two previous
388 occasions; and

389 (b) the minor was referred to an evidence-based alternative intervention, or to
390 prevention or early intervention youth services, as described in Subsection (3) for both of the
391 two previous offenses.

392 (5) If a minor is alleged to have committed a traffic offense that is an infraction, a
393 school administrator, the school administrator's designee, or a school resource officer may refer
394 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the
395 traffic offense.

396 ~~[(3)(a) Except as provided in Subsections (3)(c) and (5), if a minor is alleged to have~~
397 ~~committed an offense that is a class C misdemeanor, an infraction, a status offense on school~~
398 ~~property, or an offense that is truancy:]~~

399 ~~[(i) a school district or school may not refer the minor to a law enforcement officer or~~
400 ~~agency or a court; and]~~

401 ~~[(ii) a law enforcement officer or agency may not refer the minor to a prosecuting~~
402 ~~attorney or a court.]~~

403 ~~[(b) Except as provided in Subsection (3)(c), if a minor is alleged to have committed an~~
404 ~~offense that is a class C misdemeanor, an infraction, a status offense on school property, or an~~

405 offense that is truancy, a school district, school, or law enforcement officer or agency may refer
406 the minor to evidence-based alternative interventions, including:]

407 ~~[(i) a mobile crisis outreach team;]~~

408 ~~[(ii) a youth services center as defined in Section 80-5-102;]~~

409 ~~[(iii) a youth court or comparable restorative justice program;]~~

410 ~~[(iv) evidence-based interventions created and developed by the school or school
411 district; and]~~

412 ~~[(v) other evidence-based interventions that may be jointly created and developed by a
413 local education agency, the state board, the juvenile court, local counties and municipalities,
414 the Department of Health, or the Department of Human Services.]~~

415 ~~[(e)]~~ (b) Notwithstanding Subsection ~~[(3)(a)]~~ (4), a school resource officer may:

416 ~~[(i)]~~ (a) investigate possible criminal offenses and conduct, including conducting
417 probable cause searches;

418 ~~[(ii)]~~ (b) consult with school administration about the conduct of a minor enrolled in a
419 school;

420 ~~[(iii)]~~ (c) transport a minor enrolled in a school to a location if the location is permitted
421 by law;

422 ~~[(iv)]~~ (d) take temporary custody of a minor in accordance with Section 80-6-201; or

423 ~~[(v)]~~ (e) protect the safety of students and the school community, including the use of
424 reasonable and necessary physical force when appropriate based on the totality of the
425 circumstances.

426 ~~[(d) Notwithstanding other provisions of this section, if a law enforcement officer has
427 cause to believe a minor has committed an offense on school property when school is not in
428 session and not during a school-sponsored activity, the law enforcement officer may refer the
429 minor to:]~~

430 ~~[(i) a prosecuting attorney or a court; or]~~

431 ~~[(ii) evidence-based alternative interventions at the discretion of the law enforcement~~

432 officer.]

433 ~~[(e) If a minor is alleged to have committed a traffic offense that is an infraction, a~~
434 ~~school district, a school, or a law enforcement officer or agency may refer the minor to a~~
435 ~~prosecuting attorney or a court for the traffic offense.]~~

436 ~~[(4) A school district or school shall refer a minor for prevention and early intervention~~
437 ~~youth services, as described in Section 80-5-201, by the Division of Juvenile Justice Services~~
438 ~~for a class C misdemeanor committed on school property or for being a habitual truant if the~~
439 ~~minor refuses to participate in an evidence-based alternative intervention described in~~
440 ~~Subsection (3)(b).]~~

441 ~~[(5) A school district or school may refer a minor to a court or a law enforcement~~
442 ~~officer or agency for an alleged class C misdemeanor committed on school property or for~~
443 ~~allegedly being a habitual truant if the minor:]~~

444 ~~[(a) refuses to participate in an evidence-based alternative intervention under~~
445 ~~Subsection (3)(b); and]~~

446 ~~[(b) fails to participate in prevention and early intervention youth services provided by~~
447 ~~the Division of Juvenile Justice Services under Subsection (4).]~~

448 ~~[(6)]~~ (7) (a) If a minor is referred to a court or a law enforcement officer or agency
449 under Subsection ~~[(5)]~~ (4), the school or the school district shall appoint a school representative
450 to continue to engage with the minor and the minor's family through the court process.

451 (b) A school representative appointed under Subsection ~~[(6)(a)]~~ (7)(a) may not be a
452 school resource officer.

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

455 (i) attendance records for the minor;

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

458 (iii) the name and contact information of the school representative assigned to actively

459 participate in the court process with the minor and the minor's family;

460 (iv) if the minor was referred to prevention or early intervention youth services under
461 Subsection (3)(b), a report from the Division of Juvenile Justice Services that demonstrates the
462 minor's failure to complete or participate in prevention and early intervention youth services
463 under Subsection ~~[(4)]~~ (3)(b); and

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

465 (d) A minor referred to a court under Subsection ~~[(5)]~~ (4) may not be ordered to or
466 placed in secure detention, including for a contempt charge or violation of a valid court order
467 under Section [78A-6-353](#), when the underlying offense is ~~[a class C misdemeanor occurring on~~
468 ~~school property or habitual truancy]~~ a status offense or infraction.

469 (e) If a minor is referred to a court under Subsection ~~[(5)]~~ (4), the court may use, when
470 available, the resources of the Division of Juvenile Justice Services or the Division of
471 Substance Abuse and Mental Health to address the minor.

472 ~~[(7)]~~ (8) ~~[If the alleged offense is a class B misdemeanor or a class A misdemeanor]~~ If
473 a minor is alleged to have committed an offense on school property that is a class B
474 misdemeanor or a class A misdemeanor, the school administrator, the school administrator's
475 designee, or a school resource officer may refer the minor directly to a ~~[juvenile]~~ court or to the
476 evidence-based alternative interventions in Subsection ~~[(3)(b)]~~ (3)(a).

477 Section 7. Section **53G-8-213** is enacted to read:

478 **53G-8-213. Reintegration plan for student alleged to have committed violent**
479 **felony or weapon offense.**

480 (1) As used in this section:

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

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

485 (2) If a school district receives a notification from the juvenile court or a law

486 enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile
487 court for a violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons,
488 the school shall develop a reintegration plan for the student with a multidisciplinary team, the
489 student, and the student's parent or guardian, within five days after the day on which the school
490 receives a notification.

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

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

494 (a) a behavioral intervention for the student;

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

496 (c) an academic intervention for the student.

497 Section 8. Section **53G-8-402** is amended to read:

498 **53G-8-402. Notification by juvenile court and law enforcement agencies.**

499 ~~[(1) Notifications received from the juvenile court or law enforcement agencies by the~~
500 ~~school district]~~

501 (1) A notification received by a school district from the juvenile court or a law
502 enforcement agency under Section 80-6-103 [are] is governed by this part.

503 ~~[(2) School districts may enter into agreements with law enforcement agencies for]~~

504 (2) A school district may enter into an agreement with a law enforcement agency
505 regarding a notification under Subsection (1).

506 Section 9. Section **53G-8-403** is amended to read:

507 **53G-8-403. Superintendent required to notify school.**

508 (1) Within three days of receiving ~~[the information]~~ a notification from the juvenile
509 court or a law enforcement agency under Section 80-6-103, the district superintendent shall
510 notify the principal of the school the juvenile attends or last attended.

511 (2) Upon receipt of the information, the principal shall:

512 (a) make a notation in a secure file other than the student's permanent file; and

513 (b) if the student is still enrolled in the school, notify staff members who, in his
514 opinion, should know of the adjudication.

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

517 (4) Access to secure files shall be limited to persons authorized to receive information
518 under this part.

519 Section 10. Section **63A-16-1001** is amended to read:

520 **Part 10. Criminal and Juvenile Justice Database**

521 **63A-16-1001. Definitions.**

522 As used in this part:

523 (1) "Commission" means the State Commission on Criminal and Juvenile Justice
524 created in Section [63M-7-201](#).

525 (2) "Criminal justice agency" means an agency or institution directly involved in the
526 apprehension, prosecution, and incarceration of an individual involved in criminal activity,
527 including law enforcement, correctional facilities, jails, courts, probation, and parole.

528 (3) "Database" means the [~~Criminal Justice Database~~] criminal and juvenile justice
529 database created in this part.

530 (4) "Division" means the Division of Technology Services created in Section
531 [63A-16-103](#).

532 Section 11. Section **63A-16-1002** is amended to read:

533 **63A-16-1002. Criminal and juvenile justice database.**

534 (1) The commission shall oversee the creation and management of a [~~Criminal Justice~~
535 ~~Database~~] criminal and juvenile justice database for information and data required to be
536 reported to the commission, organized by county, and accessible to all criminal justice agencies
537 in the state.

538 (2) The division shall assist with the development and management of the database.

539 (3) The division, in collaboration with the commission, shall create:

- 540 (a) master standards and formats for information submitted to the database;
- 541 (b) a portal, bridge, website, or other method for reporting entities to provide the
542 information;
- 543 (c) a master data management index or system to assist in the retrieval of information
544 in the database;
- 545 (d) a protocol for accessing information in the database that complies with state
546 privacy regulations; and
- 547 (e) a protocol for real-time audit capability of all data accessed through the portal by
548 participating data source, data use entities, and regulators.
- 549 (4) Each criminal justice agency charged with reporting information to the commission
550 shall provide the data or information to the database in a form prescribed by the commission.
- 551 (5) The database shall be the repository for the statutorily required data described in:
- 552 (a) Section 13-53-111, recidivism reporting requirements;
- 553 (b) Section 17-22-32, county jail reporting requirements;
- 554 (c) Section 17-55-201, Criminal Justice Coordinating Councils reporting;
- 555 (d) Section 24-4-118, forfeiture reporting requirements;
- 556 (e) Section 41-6a-511, courts to collect and maintain data;
- 557 (f) Section 63M-7-214, law enforcement agency grant reporting;
- 558 (g) Section 63M-7-216, prosecutorial data collection;
- 559 (h) Section 64-13-21, supervision of sentenced offenders placed in community;
- 560 (i) Section 64-13-25, standards for programs;
- 561 (j) Section 64-13-45, department reporting requirements;
- 562 (k) Section 64-13e-104, housing of state probationary inmates or state parole inmates;
- 563 (l) Section 77-7-8.5, use of tactical groups;
- 564 (m) Section 77-20-103, release data requirements;
- 565 (n) Section 77-22-2.5, court orders for criminal investigations;
- 566 (o) Section 78A-2-109.5, court demographics reporting;

567 (p) Section 80-6-104, data collection on offenses committed by minors; and
568 ~~[(p)]~~ (q) any other statutes which require the collection of specific data and the
569 reporting of that data to the commission.

570 (6) The commission shall report:

571 (a) progress on the database, including creation, configuration, and data entered, to the
572 Law Enforcement and Criminal Justice Interim Committee not later than November 2022; and

573 (b) all data collected as of December 31, 2022, to the Law Enforcement and Criminal
574 Justice Interim Committee, the House Law Enforcement and Criminal Justice Standing
575 Committee, and the Senate Judiciary, Law Enforcement and Criminal Justice Standing
576 Committee not later than January 16, 2023.

577 Section 12. Section **63I-1-253** is amended to read:

578 **63I-1-253. Repeal dates: Titles 53 through 53G.**

579 (1) Section **53-2a-105**, which creates the Emergency Management Administration
580 Council, is repealed July 1, 2027.

581 (2) Sections **53-2a-1103** and **53-2a-1104**, which create the Search and Rescue Advisory
582 Board, are repealed July 1, 2027.

583 (3) Section **53-5-703**, which creates the Concealed Firearm Review Board, is repealed
584 July 1, 2023.

585 (4) Section **53B-6-105.5**, which creates the Technology Initiative Advisory Board, is
586 repealed July 1, 2024.

587 (5) Section **53B-7-709**, regarding five-year performance goals for the Utah System of
588 Higher Education is repealed July 1, 2027.

589 (6) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

590 (7) Section **53B-17-1203**, which creates the SafeUT and School Safety Commission, is
591 repealed January 1, 2025.

592 (8) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

593 (9) Subsection **53C-3-203(4)(b)(vii)**, which provides for the distribution of money

594 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
595 hydrologic studies in the West Desert, is repealed July 1, 2030.

596 (10) [~~Subsection~~] Subsections 53E-3-503(5) and (6), which create coordinating
597 councils for youth in custody, are repealed July 1, 2027.

598 (11) In relation to a standards review committee, on January 1, 2028:

599 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
600 recommendations of a standards review committee established under Section 53E-4-203" is
601 repealed; and

602 (b) Section 53E-4-203 is repealed.

603 (12) Section 53E-4-402, which creates the State Instructional Materials Commission, is
604 repealed July 1, 2027.

605 (13) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
606 repealed July 1, 2023.

607 (14) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
608 Program, is repealed July 1, 2024.

609 (15) Section 53F-5-203 is repealed July 1, 2024.

610 (16) Section 53F-5-213 is repealed July 1, 2023.

611 (17) Section 53F-5-214, in relation to a grant for professional learning, is repealed July
612 1, 2025.

613 (18) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
614 repealed July 1, 2025.

615 (19) Section 53F-5-219, which creates the Local [~~Innovations~~] Innovations Civics
616 Education Pilot Program, is repealed on July 1, 2025.

617 (20) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
618 Committee, is repealed July 1, 2024.

619 (21) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
620 Commission, are repealed January 1, 2025.

621 [~~(22)~~ Subsection ~~53G-8-211(5)~~, regarding referrals of a minor to court for a class C
622 misdemeanor, is repealed July 1, 2027.]

623 [~~(23)~~ (22) Section ~~53G-9-212~~, Drinking water quality in schools, is repealed July 1,
624 2027.

625 [~~(24)~~ (23) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
626 July 1, 2027.

627 Section 13. Section **63M-7-208** is amended to read:

628 **63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.**

629 (1) The State Commission on Criminal and Juvenile Justice shall:

630 (a) support implementation and expansion of evidence-based juvenile justice programs
631 and practices, including assistance regarding implementation fidelity, quality assurance, and
632 ongoing evaluation;

633 (b) examine and make recommendations on the use of third-party entities or an
634 intermediary organization to assist with implementation and to support the performance-based
635 contracting system authorized in Subsection (1)(m);

636 (c) oversee the development of performance measures to track juvenile justice reforms,
637 and ensure early and ongoing stakeholder engagement in identifying the relevant performance
638 measures;

639 (d) evaluate currently collected data elements throughout the juvenile justice system
640 and contract reporting requirements to streamline reporting, reduce redundancies, eliminate
641 inefficiencies, and ensure a focus on recidivism reduction;

642 (e) review averted costs from reductions in out-of-home placements for juvenile justice
643 youth placed with the Division of Juvenile Justice Services and the Division of Child and
644 Family Services, and make recommendations to prioritize the reinvestment and realignment of
645 resources into community-based programs for youth living at home, including the following:

646 (i) statewide expansion of:

647 (A) juvenile receiving centers, as defined in Section ~~80-1-102~~;

- 648 (B) mobile crisis outreach teams, as defined in Section [62A-15-102](#);
- 649 (C) youth courts; and
- 650 (D) victim-offender mediation;
- 651 (ii) statewide implementation of nonresidential diagnostic assessment;
- 652 (iii) statewide availability of evidence-based programs and practices including
- 653 cognitive behavioral and family therapy programs for minors assessed by a validated risk and
- 654 needs assessment as moderate or high risk;
- 655 (iv) implementation and infrastructure to support the sustainability and fidelity of
- 656 evidence-based juvenile justice programs, including resources for staffing, transportation, and
- 657 flexible funds; and
- 658 (v) early intervention programs such as family strengthening programs, family
- 659 wraparound services, and proven truancy interventions;
- 660 (f) assist the Administrative Office of the Courts in the development of a statewide
- 661 sliding scale for the assessment of fines, fees, and restitution, based on the ability of the minor's
- 662 family to pay;
- 663 (g) analyze the alignment of resources and the roles and responsibilities of agencies,
- 664 such as the operation of early intervention services, receiving centers, and diversion, and make
- 665 recommendations to reallocate functions as appropriate, in accordance with Section [80-5-401](#);
- 666 (h) comply with the data collection and reporting requirements under Section
- 667 [80-6-104](#);
- 668 ~~[(h) ensure that data reporting is expanded and routinely review data in additional~~
- 669 ~~areas, including:]~~
- 670 ~~[(i) referral and disposition data by judicial district;]~~
- 671 ~~[(ii) data on the length of time minors spend in the juvenile justice system, including~~
- 672 ~~the total time spent under court jurisdiction, on community supervision, and in each~~
- 673 ~~out-of-home placement;]~~
- 674 ~~[(iii) recidivism data for minors who are diverted to a nonjudicial adjustment under~~

675 Section ~~80-6-304~~ and minors for whom dispositions are ordered under Section ~~80-6-701~~,
676 including tracking minors into the adult corrections system;]

677 [~~(iv) change in aggregate risk levels from the time minors receive services, are under~~
678 ~~supervision, and are in out-of-home placement; and]~~

679 [~~(v) dosage of programming;~~]

680 (i) develop a reasonable timeline within which all programming delivered to minors in
681 the juvenile justice system must be evidence-based or consist of practices that are rated as
682 effective for reducing recidivism by a standardized program evaluation tool;

683 (j) provide guidelines to be considered by the Administrative Office of the Courts and
684 the Division of Juvenile Justice Services in developing tools considered by the Administrative
685 Office of the Courts and the Division of Juvenile Justice Services in developing or selecting
686 tools to be used for the evaluation of juvenile justice programs;

687 (k) develop a timeline to support improvements to juvenile justice programs to achieve
688 reductions in recidivism and review reports from relevant state agencies on progress toward
689 reaching that timeline;

690 (l) subject to Subsection (2), assist in the development of training for juvenile justice
691 stakeholders, including educators, law enforcement officers, probation staff, judges, Division
692 of Juvenile Justice Services staff, Division of Child and Family Services staff, and program
693 providers;

694 (m) subject to Subsection (3), assist in the development of a performance-based
695 contracting system, which shall be developed by the Administrative Office of the Courts and
696 the Division of Juvenile Justice Services for contracted services in the community and
697 contracted out-of-home placement providers;

698 (n) assist in the development of a validated detention risk assessment tool that [~~shall~~
699 ~~be~~] is developed or adopted and validated by the Administrative Office of the Courts and the
700 Division of Juvenile Justice Services as provided in Section ~~80-5-203~~ [~~on and after July 1,~~
701 ~~2018~~]; and

702 (o) annually issue and make public a report to the governor, president of the Senate,
703 speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the
704 progress of the reforms and any additional areas in need of review.

705 (2) Training described in Subsection (1)(l) should include instruction on
706 evidence-based programs and principles of juvenile justice, such as risk, needs, responsiveness,
707 and fidelity, and shall be supplemented by the following topics:

708 (a) adolescent development;

709 (b) identifying and using local behavioral health resources;

710 (c) cross-cultural awareness;

711 [~~(e) implicit bias~~];

712 [~~(d) cultural competency~~];

713 [~~(e)~~ (d) graduated responses;

714 [~~(f)~~ (e) Utah juvenile justice system data and outcomes; and

715 [~~(g)~~ (f) gangs.

716 (3) The system described in Subsection (1)(m) shall provide incentives for:

717 (a) the use of evidence-based juvenile justice programs and practices rated as effective
718 by the tools selected in accordance with Subsection (1)(j);

719 (b) the use of three-month timelines for program completion; and

720 (c) evidence-based programs and practices for minors living at home in rural areas.

721 (4) The State Commission on Criminal and Juvenile Justice may delegate the duties
722 imposed under this section to a subcommittee or board established by the State Commission on
723 Criminal and Juvenile Justice in accordance with Subsection [63M-7-204\(2\)](#).

724 [~~(5) Subsections (1)(a) through (c) take effect August 1, 2017. The remainder of this~~
725 ~~section takes effect July 1, 2018.~~]

726 Section 14. Section **63M-7-218** is amended to read:

727 **63M-7-218. State grant requirements.**

728 Beginning July 1, 2023, the commission may not award any grant of state funds to any

729 entity subject to, and not in compliance with, the reporting requirements in Subsections
730 [63A-16-1002\(5\)\(a\)](#) through ~~[(t)]~~ (p).

731 Section 15. Section ~~76-5-401.3~~ is amended to read:

732 **76-5-401.3. Unlawful adolescent sexual activity -- Penalties -- Limitations.**

733 (1) (a) As used in this section, "adolescent" means an individual in the transitional
734 phase of human physical and psychological growth and development between childhood and
735 adulthood who is 12 years old or older, but younger than 18 years old.

736 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

737 (2) Under circumstances not amounting to an offense listed in Subsection (4), an actor
738 commits unlawful sexual activity if the actor:

739 (a) is an adolescent; and

740 (b) has sexual activity with another adolescent.

741 (3) A violation of Subsection (2) is a:

742 (a) third degree felony if an actor who is 17 years old engages in unlawful adolescent
743 sexual activity with an adolescent who is 12 or 13 years old;

744 (b) third degree felony if an actor who is 16 years old engages in unlawful adolescent
745 sexual activity with an adolescent who is 12 years old;

746 (c) class A misdemeanor if an actor who is 16 years old engages in unlawful adolescent
747 sexual activity with an adolescent who is 13 years old;

748 (d) class A misdemeanor if an actor who is 14 or 15 years old engages in unlawful
749 adolescent sexual activity with an adolescent who is 12 years old;

750 (e) class B misdemeanor if an actor who is 17 years old engages in unlawful adolescent
751 sexual activity with an adolescent who is 14 years old;

752 (f) class B misdemeanor if an actor who is 15 years old engages in unlawful adolescent
753 sexual activity with an adolescent who is 13 years old;

754 (g) class C misdemeanor if an actor who is 12 or 13 years old engages in unlawful
755 adolescent sexual activity with an adolescent who is 12 or 13 years old; and

756 (h) class C misdemeanor if an actor who is 14 years old engages in unlawful adolescent
757 sexual activity with an adolescent who is 13 years old.

758 (4) The offenses referred to in Subsection (2) are:

759 (a) rape, in violation of Section 76-5-402;

760 (b) rape of a child, in violation of Section 76-5-402.1;

761 (c) object rape, in violation of Section 76-5-402.2;

762 (d) object rape of a child, in violation of Section 76-5-402.3;

763 (e) forcible sodomy, in violation of Section 76-5-403;

764 (f) sodomy on a child, in violation of Section 76-5-403.1;

765 (g) sexual abuse of a child, in violation of Section 76-5-404;

766 (h) aggravated sexual assault, in violation of Section 76-5-405;

767 (i) incest, in violation of Section 76-7-102; or

768 (j) an attempt to commit any offense listed in Subsections (4)(a) through (4)(i).

769 (5) An offense under this section is not eligible for a nonjudicial adjustment under
770 Section [~~80-6-304~~] 80-6-303.5 or a referral to a youth court under Section 80-6-902.

771 (6) Except for an offense that is transferred to a district court by the juvenile court in
772 accordance with Section 80-6-504, the district court may enter any sentence or combination of
773 sentences that would have been available in juvenile court but for the delayed reporting or
774 delayed filing of the information in the district court.

775 (7) An offense under this section is not subject to registration under Subsection
776 77-41-102(17).

777 Section 16. Section 76-10-501 is amended to read:

778 **76-10-501. Definitions.**

779 As used in this part:

780 (1) (a) "Antique firearm" means:

781 (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or
782 similar type of ignition system, manufactured in or before 1898; or

783 (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the
784 replica:

785 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed
786 ammunition; or

787 (B) uses rimfire or centerfire fixed ammunition which is:

788 (I) no longer manufactured in the United States; and

789 (II) is not readily available in ordinary channels of commercial trade; or

790 (iii) (A) that is a muzzle loading rifle, shotgun, or pistol; and

791 (B) is designed to use black powder, or a black powder substitute, and cannot use fixed
792 ammunition.

793 (b) "Antique firearm" does not include:

794 (i) a weapon that incorporates a firearm frame or receiver;

795 (ii) a firearm that is converted into a muzzle loading weapon; or

796 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by
797 replacing the:

798 (A) barrel;

799 (B) bolt;

800 (C) breechblock; or

801 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

802 (2) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#)
803 within the Department of Public Safety.

804 (3) (a) "Concealed firearm" means a firearm that is:

805 (i) covered, hidden, or secreted in a manner that the public would not be aware of its
806 presence; and

807 (ii) readily accessible for immediate use.

808 (b) A firearm that is unloaded and securely encased is not a concealed firearm for the
809 purposes of this part.

810 (4) "Criminal history background check" means a criminal background check
811 conducted by a licensed firearms dealer on every purchaser of a handgun, except a Federal
812 Firearms Licensee, through the bureau or the local law enforcement agency where the firearms
813 dealer conducts business.

814 (5) "Curio or relic firearm" means a firearm that:

815 (a) is of special interest to a collector because of a quality that is not associated with
816 firearms intended for:

817 (i) sporting use;

818 (ii) use as an offensive weapon; or

819 (iii) use as a defensive weapon;

820 (b) (i) was manufactured at least 50 years before the current date; and

821 (ii) is not a replica of a firearm described in Subsection (5)(b)(i);

822 (c) is certified by the curator of a municipal, state, or federal museum that exhibits
823 firearms to be a curio or relic of museum interest;

824 (d) derives a substantial part of its monetary value:

825 (i) from the fact that the firearm is:

826 (A) novel;

827 (B) rare; or

828 (C) bizarre; or

829 (ii) because of the firearm's association with an historical:

830 (A) figure;

831 (B) period; or

832 (C) event; and

833 (e) has been designated as a curio or relic firearm by the director of the United States
834 Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R. Sec. 478.11.

835 (6) (a) "Dangerous weapon" means:

836 (i) a firearm; or

837 (ii) an object that in the manner of its use or intended use is capable of causing death or
838 serious bodily injury.

839 (b) The following factors are used in determining whether any object, other than a
840 firearm, is a dangerous weapon:

841 (i) the location and circumstances in which the object was used or possessed;

842 (ii) the primary purpose for which the object was made;

843 (iii) the character of the wound, if any, produced by the object's unlawful use;

844 (iv) the manner in which the object was unlawfully used;

845 (v) whether the manner in which the object is used or possessed constitutes a potential
846 imminent threat to public safety; and

847 (vi) the lawful purposes for which the object may be used.

848 (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device
849 as defined by Section 76-10-306.

850 (7) "Dealer" means a person who is:

851 (a) licensed under 18 U.S.C. Sec. 923; and

852 (b) engaged in the business of selling, leasing, or otherwise transferring a handgun,
853 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

854 (8) "Enter" means intrusion of the entire body.

855 (9) "Federal Firearms Licensee" means a person who:

856 (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and

857 (b) is engaged in the activities authorized by the specific category of license held.

858 (10) (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or
859 short barreled rifle, or a device that could be used as a dangerous weapon from which is
860 expelled a projectile by action of an explosive.

861 (b) As used in Sections 76-10-526 and 76-10-527, "firearm" does not include an
862 antique firearm.

863 (11) "Firearms transaction record form" means a form created by the bureau to be

864 completed by a person purchasing, selling, or transferring a handgun from a dealer in the state.

865 (12) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can
866 be readily restored to fire, automatically more than one shot without manual reloading by a
867 single function of the trigger.

868 (13) (a) "Handgun" means a pistol, revolver, or other firearm of any description, loaded
869 or unloaded, from which a shot, bullet, or other missile can be discharged, the length of which,
870 not including any revolving, detachable, or magazine breech, does not exceed 12 inches.

871 (b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol
872 or revolver" do not include an antique firearm.

873 (14) "House of worship" means a church, temple, synagogue, mosque, or other
874 building set apart primarily for the purpose of worship in which religious services are held and
875 the main body of which is kept for that use and not put to any other use inconsistent with its
876 primary purpose.

877 (15) "Machinegun firearm attachment" means any part or combination of parts added
878 to a semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.

879 [~~(15)~~] (16) "Prohibited area" means a place where it is unlawful to discharge a firearm.

880 [~~(16)~~] (17) "Readily accessible for immediate use" means that a firearm or other
881 dangerous weapon is carried on the person or within such close proximity and in such a manner
882 that it can be retrieved and used as readily as if carried on the person.

883 [~~(17)~~] (18) "Residence" means an improvement to real property used or occupied as a
884 primary or secondary residence.

885 [~~(18)~~] (19) "Securely encased" means not readily accessible for immediate use, such as
886 held in a gun rack, or in a closed case or container, whether or not locked, or in a trunk or other
887 storage area of a motor vehicle, not including a glove box or console box.

888 [~~(19)~~] (20) "Short barreled shotgun" or "short barreled rifle" means a shotgun having a
889 barrel or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or
890 barrels of fewer than 16 inches in length, or a dangerous weapon made from a rifle or shotgun

891 by alteration, modification, or otherwise, if the weapon as modified has an overall length of
892 fewer than 26 inches.

893 ~~[(20)]~~ (21) "Shotgun" means a smooth bore firearm designed to fire cartridges
894 containing pellets or a single slug.

895 ~~[(21)]~~ (22) "Shoulder arm" means a firearm that is designed to be fired while braced
896 against the shoulder.

897 ~~[(22)]~~ (23) "Slug" means a single projectile discharged from a shotgun shell.

898 ~~[(23)]~~ (24) "State entity" means a department, commission, board, council, agency,
899 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
900 unit, bureau, panel, or other administrative unit of the state.

901 ~~[(24)]~~ (25) "Violent felony" means the same as that term is defined in Section
902 [76-3-203.5](#).

903 Section 17. Section **76-10-509.4** is amended to read:

904 **76-10-509.4. Prohibition of possession of certain weapons by minors.**

905 (1) ~~[A minor under 18 years of age]~~ An individual who is under 18 years old may not
906 possess a handgun.

907 (2) Except as provided by federal law, ~~[a minor under 18 years of age]~~ an individual
908 who is under 18 years old may not possess the following:

- 909 (a) a short barreled rifle ~~[or]~~;
- 910 (b) a short barreled shotgun; ~~[or]~~
- 911 ~~[(b)]~~ (c) a fully automatic weapon; or
- 912 (d) a machinegun firearm attachment.

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

- 914 (a) a class B misdemeanor upon the first offense; and
- 915 (b) a class A misdemeanor for each subsequent offense.

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

918 Section 18. Section **78A-5-102.5** is amended to read:
919 **78A-5-102.5. Jurisdiction of the district court over an offense committed by a**
920 **minor -- Exclusive jurisdiction of the district court -- Transfer to juvenile court.**
921 (1) As used in this section:
922 (a) "Minor" means:
923 (i) an individual who is under 18 years old;
924 (ii) an individual who was under 18 years old at the time of the offense and is under 21
925 years old at the time of all court proceedings; or
926 (iii) an individual:
927 (A) who was 18 years old and enrolled in high school at the time of the offense;
928 (B) who is under 21 years old at the time of all court proceedings; and
929 (C) who committed the felony offense and any separate offense on school property
930 where the individual was enrolled when school was in session or during a school-sponsored
931 activity, as defined in [~~Subsection 53G-8-211(1)(k)~~] Section 53G-8-211.
932 (b) "Qualifying offense" means:
933 (i) an offense described in Section [80-6-502](#) or [80-6-503](#); or
934 (ii) a felony offense if the felony offense is committed:
935 (A) by an individual who was 18 years old at the time of the offense and enrolled in
936 high school; and
937 (B) on school property where the individual was enrolled when school was in session
938 or during a school-sponsored activity, as defined in [~~Subsection 53G-8-211(1)(k)~~] Section
939 53G-8-211.
940 (c) "Separate offense" means any offense that is not a qualifying offense.
941 (2) The district court has original jurisdiction over an offense of aggravated murder, as
942 described in Section [76-5-202](#), or murder, as described in Section [76-5-203](#), that is committed
943 by an individual who is 16 or 17 years old at the time of the offense.
944 (3) The district court has subject matter jurisdiction over any offense for which the

945 juvenile court has original jurisdiction if the juvenile court transfers jurisdiction over the
946 offense to the district court in accordance with Section 80-6-504.

947 (4) Notwithstanding Sections 78A-6-103, 78A-6-103.5, and 78A-7-106, the district
948 court has exclusive jurisdiction over any separate offense:

949 (a) committed by a minor; and

950 (b) arising from a single criminal episode containing a qualifying offense for which the
951 district court has original jurisdiction.

952 (5) Except as provided in Subsections (6) and (7), if the district court has jurisdiction
953 over a qualifying offense or a separate offense committed by a minor, the district court is not
954 divested of jurisdiction over the offense when the minor is allowed to enter a plea to, or is
955 found guilty of, a separate offense that is not the qualifying offense or separate offense listed in
956 the criminal information.

957 (6) If a minor is charged with a qualifying offense and the qualifying offense results in
958 an acquittal, a finding of not guilty, or a dismissal after a trial:

959 (a) the jurisdiction of the district court over any separate offense is terminated; and

960 (b) the district court shall transfer the separate offense to the juvenile court for
961 disposition in accordance with Title 80, Chapter 6, Part 7, Adjudication and Disposition.

962 (7) If a minor is charged with a qualifying offense and the qualifying offense results in
963 a dismissal before a trial:

964 (a) the jurisdiction of the district court over any separate offense is terminated; and

965 (b) the district court shall transfer the separate offense to the juvenile court for
966 adjudication and disposition in accordance with Title 80, Chapter 6, Part 7, Adjudication and
967 Disposition.

968 Section 19. Section 78A-6-103 is amended to read:

969 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**

970 **Findings -- Transfer of a case from another court.**

971 (1) Except as otherwise provided by Sections 78A-5-102.5 and 78A-7-106, the juvenile

972 court has original jurisdiction over:

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

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

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

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

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

981 (i) by an individual:

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

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

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

985 (A) when school was in session; or

986 (B) during a school-sponsored activity, as defined in [~~Subsection 53G-8-211(1)(k)~~]

987 Section 53G-8-211.

988 (2) The juvenile court has original jurisdiction over any proceeding concerning:

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

990 (b) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
991 Protective Orders;

992 (c) the appointment of a guardian of the individual or other guardian of a minor who
993 comes within the court's jurisdiction under other provisions of this section;

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

995 (e) the termination of parental rights in accordance with Title 80, Chapter 4,

996 Termination and Restoration of Parental Rights, including termination of residual parental
997 rights and duties;

998 (f) the treatment or commitment of a minor who has an intellectual disability;

- 999 (g) the judicial consent to the marriage of a minor who is 16 or 17 years old in
1000 accordance with Section 30-1-9;
- 1001 (h) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 1002 (i) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- 1003 (j) the treatment or commitment of a child with a mental illness;
- 1004 (k) the commitment of a child to a secure drug or alcohol facility in accordance with
1005 Section 62A-15-301;
- 1006 (l) a minor found not competent to proceed in accordance with Title 80, Chapter 6, Part
1007 4, Competency;
- 1008 (m) de novo review of final agency actions resulting from an informal adjudicative
1009 proceeding as provided in Section 63G-4-402;
- 1010 (n) adoptions conducted in accordance with the procedures described in Title 78B,
1011 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order
1012 terminating the rights of a parent and finds that adoption is in the best interest of the child;
- 1013 (o) an ungovernable or runaway child who is referred to the juvenile court by the
1014 Division of Juvenile Justice Services if, despite earnest and persistent efforts by the Division of
1015 Juvenile Justice Services, the child has demonstrated that the child:
- 1016 (i) is beyond the control of the child's parent, guardian, or custodian to the extent that
1017 the child's behavior or condition endangers the child's own welfare or the welfare of others; or
- 1018 (ii) has run away from home; and
- 1019 (p) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult
1020 alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply
1021 with a promise to appear and bring a child to the juvenile court.
- 1022 (3) It is not necessary for a minor to be adjudicated for an offense or violation of the
1023 law under Section 80-6-701, for the juvenile court to exercise jurisdiction under Subsection
1024 (2)(p).
- 1025 (4) This section does not restrict the right of access to the juvenile court by private

1026 agencies or other persons.

1027 (5) The juvenile court has jurisdiction of all magistrate functions relative to cases
1028 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

1029 (6) The juvenile court has jurisdiction to make a finding of substantiated,
1030 unsubstantiated, or without merit, in accordance with Section 80-3-404.

1031 (7) The juvenile court has jurisdiction over matters transferred to the juvenile court by
1032 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

1033 Section 20. Section 78A-6-210 is amended to read:

1034 **78A-6-210. Fines -- Fees -- Deposit with state treasurer -- Restricted account.**

1035 (1) There is created a restricted account in the General Fund known as the "Nonjudicial
1036 Adjustment Account."

1037 (2) (a) The account shall be funded from the financial penalty established under
1038 [~~Subsection 80-6-304(6)(a)~~] Section 80-6-304.

1039 (b) The court shall deposit all money collected as a result of penalties assessed as part
1040 of the nonjudicial adjustment of a case into the account.

1041 (c) The account shall be used to pay the expenses of juvenile compensatory service,
1042 victim restitution, and diversion programs.

1043 (3) (a) Except under Subsection (3)(b) or (4) and as otherwise provided by law, the
1044 juvenile court shall pay all fines, fees, penalties, and forfeitures imposed and collected by the
1045 juvenile court to the state treasurer for deposit into the General Fund.

1046 (b) No more than 50% of any fine or forfeiture collected may be paid to a state
1047 rehabilitative employment program for a minor adjudicated under Section 80-6-701 that
1048 provides for employment of the minor in the county of the minor's residence if:

1049 (i) reimbursement for the minor's labor is paid to the victim of the offense or wrongful
1050 act committed by the minor;

1051 (ii) the amount earned and paid is set by court order;

1052 (iii) the minor is not paid more than the hourly minimum wage; and

1053 (iv) no payments to victims are made without the minor's involvement in a
1054 rehabilitative work program.

1055 (c) Fines withheld under Subsection (3)(b) and any private contributions to the
1056 rehabilitative employment program are accounted for separately and are subject to audit at any
1057 time by the state auditor.

1058 (d) (i) Funds withheld under Subsection (3)(b) and private contributions are
1059 nonlapsing.

1060 (ii) The board shall establish policies for the use of the funds described in this
1061 Subsection (3)(d).

1062 (4) For fines and forfeitures collected by the court for a violation of Section
1063 [41-6a-1302](#) in instances where evidence of the violation was obtained by an automated traffic
1064 enforcement safety device as described in Section [41-6a-1310](#), the court shall allocate 20% to
1065 the school district or private school that owns or contracts for the use of the bus, and the state
1066 treasurer shall allocate 80% to the General Fund.

1067 (5) A state or local public officer may not charge a fee for the service of process in any
1068 proceedings initiated by a public agency.

1069 Section 21. Section **80-6-103** is amended to read:

1070 **80-6-103. Notification to a school -- Civil and criminal liability.**

1071 (1) As used in this section:

1072 (a) "School" means a school in a local education agency.

1073 (b) "Local education agency" means a school district, a charter school, or the Utah
1074 Schools for the Deaf and the Blind.

1075 [~~(a)~~] (c) "School official" means:

1076 (i) the school superintendent of the district in which the minor resides or attends
1077 school; or

1078 (ii) if there is no school superintendent for the school, the principal of the school where
1079 the minor attends.

1080 ~~[(b)]~~ (d) "Transferee school official" means:

1081 (i) the school superintendent of the district in which the minor resides or attends school

1082 if the minor is admitted to home detention; or

1083 (ii) if there is no school superintendent for the school, the principal of the school where

1084 the minor attends if the minor is admitted to home detention.

1085 (2) A notification under this section is provided for a minor's supervision and student

1086 safety.

1087 (3) (a) ~~[(†)]~~ If a minor is taken into temporary custody under Section 80-6-201~~[-or~~

1088 ~~admitted to a detention facility under Section 80-6-205,]~~ for a violent felony~~[-]~~ or an offense in

1089 violation of Title 76, Chapter 10, Part 5, Weapons, the peace officer, or other person who has

1090 taken the minor into temporary custody, shall notify a school official ~~[as soon as practicable or~~

1091 ~~as established under Subsection 53G-8-402(2)]~~ within five days after the day on which the

1092 minor is taken into temporary custody.

1093 ~~[(†)]~~ (b) A notification under this ~~[section]~~ Subsection (3) shall only disclose:

1094 ~~[(A)]~~ (i) the name of the minor;

1095 ~~[(B)]~~ (ii) the offense for which the minor was taken into temporary custody or admitted

1096 to detention; and

1097 ~~[(C)]~~ (iii) if available, the name of the victim if the victim resides in the same school

1098 district as the minor or attends the same school as the minor.

1099 ~~[(b)]~~ (4) After a detention hearing for a minor who is alleged to have committed a

1100 violent felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile

1101 court shall order ~~[that]~~ a juvenile probation officer to notify a school official, or a transferee

1102 school official, and the appropriate local law enforcement agency ~~[are notified]~~ of the juvenile

1103 court's decision, including any disposition, order, or no-contact order.

1104 ~~[(4)]~~ (5) If a designated staff member of a detention facility admits a minor to home

1105 detention under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile

1106 court shall order ~~[that]~~ a juvenile probation officer to notify a school official, or a transferee

1107 school official, and the appropriate local law enforcement agency [~~are notified~~] that the minor
1108 has been admitted to home detention.

1109 ~~[(5)]~~ (6) (a) If the juvenile court adjudicates a minor for an offense of violence or an
1110 offense in violation of Title 76, Chapter 10, Part 5, Weapons, the [~~court shall order that~~]
1111 juvenile court shall order a juvenile probation officer to notify a school official, or a transferee
1112 school official, [~~is notified~~] of the adjudication.

1113 (b) A notification under [~~Subsection (5)(a)]~~ this Subsection (6) shall be given to a
1114 school official, or a transferee school official, within three days after the day on which the
1115 minor is adjudicated.

1116 (c) A notification under this section shall include:

- 1117 (i) the name of the minor;
- 1118 (ii) the offense for which the minor was adjudicated; and
- 1119 (iii) if available, the name of the victim if the victim:
 - 1120 (A) resides in the same school district as the minor; or
 - 1121 (B) attends the same school as the minor.

1122 ~~[(6)]~~ (7) If the juvenile court orders probation under Section 80-6-702, the juvenile
1123 court [~~may order that~~] shall order a juvenile probation officer to notify the appropriate local law
1124 enforcement agency and the school official [~~are notified~~] of the juvenile court's order for
1125 probation.

1126 ~~[(7)]~~ (8) (a) An employee of the local law enforcement agency, or the school the minor
1127 attends, who discloses a notification under this section is not:

- 1128 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as
1129 provided in Section 63G-7-202; and
- 1130 (ii) civilly or criminally liable except when the disclosure constitutes a knowing
1131 violation of Section 63G-2-801.

1132 (b) An employee of a governmental agency is immune from any criminal liability for
1133 failing to provide the information required by this section, unless the employee fails to act due

1134 to malice, gross negligence, or deliberate indifference to the consequences.

1135 ~~[(8)]~~ (9) (a) A notification under this section shall be classified as a protected record
1136 under Section [63G-2-305](#).

1137 (b) All other records of disclosures under this section are governed by Title 63G,
1138 Chapter 2, Government Records Access and Management Act, and the Family Educational
1139 Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

1140 Section 22. Section **80-6-104** is enacted to read:

1141 **80-6-104. Data collection on offenses committed by minors -- Reporting**
1142 **requirement.**

1143 (1) As used in this section:

1144 (a) "Firearm" means the same as that term is defined in Section [76-10-501](#).

1145 (b) "Firearm-related offense" means a criminal offense involving a firearm.

1146 (c) "School is in session" means the same as that term is defined in Section [53E-3-516](#).

1147 (d) "School-sponsored activity" means the same as that term is defined in Section
1148 [53E-3-516](#).

1149 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
1150 following data to the State Commission on Criminal and Juvenile Justice, broken down by
1151 judicial district, for the preceding calendar year:

1152 (a) the number of referrals to the juvenile court;

1153 (b) the number of minors diverted to a nonjudicial adjustment;

1154 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;

1155 (d) the number of minors for whom a petition for an offense is filed in the juvenile
1156 court;

1157 (e) the number of minors for whom an information is filed in the juvenile court;

1158 (f) the number of minors bound over to the district court by the juvenile court;

1159 (g) the number of petitions for offenses committed by minors that were dismissed by
1160 the juvenile court;

- 1161 (h) the number of adjudications in the juvenile court for offenses committed by minors;
1162 (i) the number of guilty pleas entered into by minors in the juvenile court;
1163 (j) the number of dispositions resulting in secure care, community-based placement,
1164 formal probation, and intake probation; and
1165 (k) for each minor charged in the juvenile court with a firearm-related offense:
1166 (i) the minor's age at the time the offense was committed or allegedly committed;
1167 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
1168 (iii) whether the minor is a restricted person under Subsection [76-10-503\(1\)\(a\)\(iv\)](#) or
1169 (1)(b)(ii);
1170 (iv) the type of offense for which the minor is charged;
1171 (v) the outcome of the minor's case in juvenile court, including whether the minor was
1172 bound over to the district court or adjudicated by the juvenile court; and
1173 (vi) if a disposition was entered by the juvenile court, whether the disposition resulted
1174 in secure care, community-based placement, formal probation, or intake probation.
1175 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition
1176 of a case resulting from a firearm-related offense committed, or allegedly committed, by a
1177 minor when the minor is found in possession of a firearm while school is in session or during a
1178 school-sponsored activity.
1179 (4) In collaboration with the Administrative Office of the Courts, the division, and
1180 other agencies, the State Commission on Criminal and Juvenile Justice shall collect data for the
1181 preceding calendar year on:
1182 (a) the length of time that minors spend in the juvenile justice system, including the
1183 total amount of time minors spend under juvenile court jurisdiction, on community
1184 supervision, and in each out-of-home placement;
1185 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
1186 whom dispositions are ordered by the juvenile court, including tracking minors into the adult
1187 corrections system;

1188 (c) changes in aggregate risk levels from the time minors receive services, are under
1189 supervision, and are in out-of-home placement; and

1190 (d) dosages of programming.

1191 (5) On and before October 1 of each year, the State Commission on Criminal and
1192 Juvenile Justice shall prepare and submit a written report to the Judiciary Interim Committee
1193 and the Law Enforcement and Criminal Justice Interim Committee that includes:

1194 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
1195 section;

1196 (b) data collected by the State Board of Education under Section [53E-3-516](#); and

1197 (c) recommendations for legislative action with respect to the data described in this
1198 Subsection (5).

1199 (6) Nothing in this section shall be construed to require the disclosure of information or
1200 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
1201 Government Records Access and Management Act.

1202 Section 23. Section **80-6-302** is amended to read:

1203 **80-6-302. Citation -- Procedure -- Time limits -- Failure to appear.**

1204 (1) A petition is not required to commence a proceeding against a minor for an
1205 adjudication of an alleged offense if a citation is issued for an offense for which the juvenile
1206 court has jurisdiction over and the offense listed in the citation is for:

1207 (a) a violation of a wildlife law;

1208 (b) a violation of a boating law;

1209 (c) a class B or C misdemeanor or an infraction other than a misdemeanor or
1210 infraction:

1211 (i) for a traffic violation; or

1212 (ii) designated as a citable offense by general order of the Board of Juvenile Court
1213 Judges;

1214 (d) a class B misdemeanor or infraction for a traffic violation where the individual is

- 1215 15 years old or younger at the time the offense was alleged to have occurred;
- 1216 (e) an infraction or misdemeanor designated as a citable offense by a general order of
- 1217 the Board of Juvenile Court Judges; or
- 1218 (f) a violation of Subsection 76-10-105(2).
- 1219 (2) Except as provided in Subsection (6) and Section 80-6-301, a citation for an offense
- 1220 listed in Subsection (1) shall be submitted to the juvenile court within five days of issuance to a
- 1221 minor.
- 1222 (3) A copy of the citation shall contain:
- 1223 (a) the name and address of the juvenile court before which the minor may be required
- 1224 to appear;
- 1225 (b) the name of the minor cited;
- 1226 (c) the statute or local ordinance that the minor is alleged to have violated;
- 1227 (d) a brief description of the offense charged;
- 1228 (e) the date, time, and location at which the offense is alleged to have occurred;
- 1229 (f) the date the citation was issued;
- 1230 (g) the name and badge or identification number of the peace officer or public official
- 1231 who issued the citation;
- 1232 (h) the name of the arresting person if an arrest was made by a private party and the
- 1233 citation was issued in lieu of taking the minor into temporary custody as provided in Section
- 1234 80-6-201;
- 1235 (i) a statement that the minor and the minor's parent or guardian are to appear when
- 1236 notified by the juvenile court; and
- 1237 (j) the signature of the minor and the minor's parent or guardian, if present, agreeing to
- 1238 appear at the juvenile court when notified by the court.
- 1239 (4) A copy of the citation shall contain space for the following information to be
- 1240 entered if known:
- 1241 (a) the minor's address;

- 1242 (b) the minor's date of birth;
- 1243 (c) the name and address of the child's custodial parent or guardian, if different from
1244 the child; and
- 1245 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that
1246 this information shall be removed from the documents the minor receives.
- 1247 (5) A citation received by the juvenile court beyond the time designated in Subsection
1248 (2) shall include a written explanation for the delay.
- 1249 (6) [~~A minor offense, as defined in Section 80-6-901;~~] An offense alleged to have been
1250 committed by an enrolled child on school property, or related to school attendance, may only
1251 be referred to the prosecuting attorney or the juvenile court in accordance with Section
1252 53G-8-211.
- 1253 (7) If a juvenile court receives a citation described in Subsection (1), a juvenile
1254 probation officer shall make a preliminary inquiry as to whether the minor is eligible for a
1255 nonjudicial adjustment in accordance with Subsection [~~80-6-304(5)~~] 80-6-303.5(4).
- 1256 (8) (a) Except as provided in Subsection (8)(b), if a citation is issued to a minor, a
1257 prosecuting attorney may commence a proceeding against a minor, without filing a petition, for
1258 an adjudication of the offense in the citation only if:
- 1259 (i) the minor is not eligible for, or does not complete, a nonjudicial adjustment [~~in~~
1260 ~~accordance with Section 80-6-304~~]; and
- 1261 (ii) the prosecuting attorney conducts an inquiry under Subsection (9).
- 1262 (b) Except as provided in Subsection 80-6-305(2), a prosecuting attorney may not
1263 commence a proceeding against an individual for any offense listed in a citation alleged to have
1264 occurred before the individual was 12 years old.
- 1265 (9) The prosecuting attorney shall conduct an inquiry to determine, upon reasonable
1266 belief, that:
- 1267 (a) the charge listed in the citation is supported by probable cause;
- 1268 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable

1269 doubt; and

1270 (c) the decision to charge is in the interests of justice.

1271 (10) If a proceeding is commenced against a minor under Subsection (8)(a), the minor
1272 shall appear at the juvenile court at a date and time established by the juvenile court.

1273 (11) If a minor willfully fails to appear before the juvenile court for a proceeding under
1274 Subsection (8)(a), the juvenile court may:

1275 (a) find the minor in contempt of court; and

1276 (b) proceed against the minor as provided in Section 78A-6-353.

1277 (12) If a proceeding is commenced under this section, the minor may remit a fine
1278 without a personal appearance before the juvenile court with the consent of:

1279 (a) the juvenile court; and

1280 (b) if the minor is a child, the parent or guardian of the child cited.

1281 Section 24. Section **80-6-303** is amended to read:

1282 **80-6-303. Criminal proceedings involving minors -- Transfer to juvenile court --**
1283 **Exception.**

1284 (1) (a) If while a criminal or quasi-criminal proceeding is pending, a district court or
1285 justice court determines that an individual being charged is under 21 years old and was younger
1286 than 18 years old at the time of committing the alleged offense, the district court or justice
1287 court shall transfer the case to the juvenile court with all the papers, documents, and transcripts
1288 of any testimony.

1289 (b) (i) Notwithstanding Subsection (1)(a), a district court may not transfer an offense
1290 that is:

1291 (A) filed in the district court in accordance with Section 80-6-502; or

1292 (B) transferred to the district court in accordance with Section 80-6-504.

1293 (ii) Notwithstanding Subsection (1)(a), a justice court may decline to transfer an
1294 offense for which the justice court has original jurisdiction under Subsection 78A-7-106(2).

1295 (2) (a) Except as provided in Subsection (2)(b), the district court or justice court

1296 making the transfer shall:

1297 (i) order the individual to be taken immediately to the juvenile court or to a place of
1298 detention designated by the juvenile court; or

1299 (ii) release the individual to the custody of the individual's parent or guardian or other
1300 person legally responsible for the individual, to be brought before the juvenile court at a time
1301 designated by the juvenile court.

1302 (b) If the alleged offense under Subsection (1) occurred before the individual was 12
1303 years old:

1304 (i) the district court or justice court making the transfer shall release the individual to
1305 the custody of the individual's parent or guardian, or other person legally responsible for the
1306 individual;

1307 (ii) the juvenile court shall treat the transfer as a referral under Section 80-6-301; and

1308 (iii) a juvenile probation officer shall make a preliminary inquiry to determine whether
1309 the individual is eligible for a nonjudicial adjustment in accordance with Section [80-6-304]
1310 80-6-303.5.

1311 (c) If the case is transferred to the juvenile court under this section, the juvenile court
1312 shall then proceed in accordance with this chapter.

1313 (3) A district court or justice court does not have to transfer a case under Subsection
1314 (1) if the district court or justice court would have had jurisdiction over the case at the time the
1315 individual committed the offense in accordance with Sections 78A-5-102 and 78A-7-106.

1316 Section 25. Section 80-6-303.5 is enacted to read:

1317 **80-6-303.5. Preliminary inquiry by juvenile probation officer -- Eligibility for**
1318 **nonjudicial adjustment.**

1319 (1) If the juvenile court receives a referral for an offense committed by a minor that is,
1320 or appears to be, within the juvenile court's jurisdiction, a juvenile probation officer shall make
1321 a preliminary inquiry in accordance with this section to determine whether the minor is eligible
1322 to enter into a nonjudicial adjustment.

1323 (2) If a minor is referred to the juvenile court for multiple offenses arising from a
1324 single criminal episode, and the minor is eligible under this section for a nonjudicial
1325 adjustment, the juvenile probation officer shall offer the minor one nonjudicial adjustment for
1326 all offenses arising from the single criminal episode.

1327 (3) (a) The juvenile probation officer may:

1328 (i) conduct a validated risk and needs assessment; and

1329 (ii) request that a prosecuting attorney review a referral in accordance with Section

1330 [80-6-304.5](#) if:

1331 (A) the results of the validated risk and needs assessment indicate the minor is high
1332 risk; or

1333 (B) the results of the validated risk and needs assessment indicate the minor is
1334 moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5,
1335 Offenses Against the Individual, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.

1336 (b) If the referral involves an offense that is a violation of Section [41-6a-502](#), the minor
1337 shall:

1338 (i) undergo a drug and alcohol screening;

1339 (ii) if found appropriate by the screening, participate in an assessment; and

1340 (iii) if warranted by the screening and assessment, follow the recommendations of the
1341 assessment.

1342 (4) Except for an offense that is not eligible under Subsection (8), the juvenile
1343 probation officer shall offer a nonjudicial adjustment to a minor if:

1344 (a) the minor:

1345 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;

1346 (ii) has no more than two prior adjudications; and

1347 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts; or

1348 (b) the minor is referred for an offense that is alleged to have occurred before the minor
1349 was 12 years old.

1350 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
1351 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
1352 criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial adjustment.

1353 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
1354 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single
1355 criminal episode that resulted in one or more prior adjudications as a single adjudication.

1356 (7) Except for a referral that involves an offense described in Subsection (8), the
1357 juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the
1358 criteria described in Subsection (4)(a).

1359 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the
1360 referral involves:

1361 (a) an offense alleged to have occurred when the minor was 12 years old or older that
1362 is:

1363 (i) a felony offense; or

1364 (ii) a misdemeanor violation of:

1365 (A) Section [41-6a-502](#), driving under the influence;

1366 (B) Section [76-5-107](#), threat of violence;

1367 (C) Section [76-5-107.1](#), threats against schools;

1368 (D) Section [76-5-112](#), reckless endangerment creating a substantial risk of death or
1369 serious bodily injury;

1370 (E) Section [76-5-206](#), negligent homicide;

1371 (F) Section [76-9-702.1](#), sexual battery;

1372 (G) Section [76-10-505.5](#), possession of a dangerous weapon, firearm, or short barreled
1373 shotgun on or about school premises;

1374 (H) Section [76-10-506](#), threatening with or using a dangerous weapon in fight or
1375 quarrel;

1376 (I) Section [76-10-507](#), possession of a deadly weapon with criminal intent;

- 1377 (J) Section 76-10-509, possession of a dangerous weapon by a minor; or
- 1378 (K) Section 76-10-509.4, prohibition of possession of certain weapons by minors; or
- 1379 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony
- 1380 violation of:
- 1381 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 1382 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 1383 (iii) Section 76-5-203, murder or attempted murder;
- 1384 (iv) Section 76-5-302, aggravated kidnapping;
- 1385 (v) Section 76-5-405, aggravated sexual assault;
- 1386 (vi) Section 76-6-103, aggravated arson;
- 1387 (vii) Section 76-6-203, aggravated burglary;
- 1388 (viii) Section 76-6-302, aggravated robbery; or
- 1389 (ix) Section 76-10-508.1, felony discharge of a firearm.

1390 (9) The juvenile probation officer shall request that a prosecuting attorney review a
1391 referral if:

- 1392 (a) the referral involves an offense described in Subsection (8); or
 - 1393 (b) the minor has a current suspended order for custody under Section 80-6-711.
- 1394 Section 26. Section **80-6-304** is amended to read:

1395 **80-6-304. Nonjudicial adjustments.**

1396 ~~[(1) If the juvenile court receives a referral for an offense committed by a minor that is,~~
1397 ~~or appears to be, within the juvenile court's jurisdiction, a juvenile probation officer shall make~~
1398 ~~a preliminary inquiry in accordance with Subsections (3), (4), and (5) to determine whether the~~
1399 ~~minor is eligible to enter into a nonjudicial adjustment.]~~

1400 ~~[(2) If a minor is referred to the juvenile court for multiple offenses arising from a~~
1401 ~~single criminal episode, and the minor is eligible under this section for a nonjudicial~~
1402 ~~adjustment, the juvenile probation officer shall offer the minor one nonjudicial adjustment for~~
1403 ~~all offenses arising from the single criminal episode.]~~

1404 ~~[(3) (a) The juvenile probation officer may:]~~
1405 ~~[(i) conduct a validated risk and needs assessment; and]~~
1406 ~~[(ii) request that a prosecuting attorney review a referral in accordance with Subsection~~
1407 ~~(9) if:]~~
1408 ~~[(A) the results of the validated risk and needs assessment indicate the minor is high~~
1409 ~~risk; or]~~
1410 ~~[(B) the results of the validated risk and needs assessment indicate the minor is~~
1411 ~~moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5,~~
1412 ~~Offenses Against the Individual, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.]]~~
1413 ~~[(b) If a minor violates Section 41-6a-502, the minor shall:]~~
1414 ~~[(i) undergo a drug and alcohol screening;]~~
1415 ~~[(ii) if found appropriate by the screening, participate in an assessment; and]~~
1416 ~~[(iii) if warranted by the screening and assessment, follow the recommendations of the~~
1417 ~~assessment.]]~~
1418 ~~[(4) Except as provided in Subsection (5)(b), the juvenile probation officer shall~~
1419 ~~request that a prosecuting attorney review a referral in accordance with Subsection (9) if:]~~
1420 ~~[(a) the referral involves:]~~
1421 ~~[(i) a felony offense; or]~~
1422 ~~[(ii) a violation of:]~~
1423 ~~[(A) Section 41-6a-502, driving under the influence;]~~
1424 ~~[(B) Section 76-5-112, reckless endangerment creating a substantial risk of death or~~
1425 ~~serious bodily injury;]~~
1426 ~~[(C) Section 76-5-206, negligent homicide;]~~
1427 ~~[(D) Section 76-9-702.1, sexual battery;]~~
1428 ~~[(E) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled~~
1429 ~~shotgun on or about school premises; or]~~
1430 ~~[(F) Section 76-10-509, possession of a dangerous weapon by minor, but only if the~~

1431 ~~dangerous weapon is a firearm;]~~
1432 ~~[(b) the minor has a current suspended order for custody under Section 80-6-711; or]~~
1433 ~~[(c) the referral involves an offense alleged to have occurred before an individual was~~
1434 ~~12 years old and the offense is a felony violation of:]~~
1435 ~~[(i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;]~~
1436 ~~[(ii) Section 76-5-202, aggravated murder or attempted aggravated murder;]~~
1437 ~~[(iii) Section 76-5-203, murder or attempted murder;]~~
1438 ~~[(iv) Section 76-5-302, aggravated kidnapping;]~~
1439 ~~[(v) Section 76-5-405, aggravated sexual assault;]~~
1440 ~~[(vi) Section 76-6-103, aggravated arson;]~~
1441 ~~[(vii) Section 76-6-203, aggravated burglary;]~~
1442 ~~[(viii) Section 76-6-302, aggravated robbery; or]~~
1443 ~~[(ix) Section 76-10-508.1, felony discharge of a firearm.]~~
1444 ~~[(5) (a) Except as provided in Subsections (3) and (4), the juvenile probation officer~~
1445 ~~shall offer a nonjudicial adjustment to a minor if the minor:]~~
1446 ~~[(i) is referred for an offense that is a misdemeanor, infraction, or status offense;]~~
1447 ~~[(ii) has no more than two prior adjudications; and]~~
1448 ~~[(iii) has no more than three prior unsuccessful nonjudicial adjustment attempts.]~~
1449 ~~[(b) If the juvenile court receives a referral for an offense that is alleged to have~~
1450 ~~occurred before an individual was 12 years old, the juvenile probation officer shall offer a~~
1451 ~~nonjudicial adjustment to the individual, unless the referral includes an offense described in~~
1452 ~~Subsection (4)(c).]~~
1453 ~~[(c) (i) For purposes of determining a minor's eligibility for a nonjudicial adjustment~~
1454 ~~under this Subsection (5), the juvenile probation officer shall treat all offenses arising out of a~~
1455 ~~single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial~~
1456 ~~adjustment.]~~
1457 ~~[(ii) For purposes of determining a minor's eligibility for a nonjudicial adjustment~~

1458 under this Subsection (5), the juvenile probation officer shall treat all offenses arising out of a
1459 single criminal episode that resulted in one or more prior adjudications as a single
1460 adjudication.]

1461 [(d) Except as provided in Subsection (4), the juvenile probation officer may offer a
1462 nonjudicial adjustment to a minor who does not meet the criteria provided in Subsection
1463 (5)(a).]

1464 [(6)] (1) For a nonjudicial adjustment, the juvenile probation officer may require a
1465 minor to:

1466 (a) pay a financial penalty of no more than \$250 to the juvenile court, subject to the
1467 terms established under Subsection [(8)(c)] (4);

1468 (b) pay restitution to any victim;

1469 (c) complete community or compensatory service;

1470 (d) attend counseling or treatment with an appropriate provider;

1471 (e) attend substance abuse treatment or counseling;

1472 (f) comply with specified restrictions on activities or associations;

1473 (g) attend victim-offender mediation if requested by the victim; and

1474 (h) comply with any other reasonable action that is in the interest of the minor, the
1475 community, or the victim.

1476 [(7)] (2) (a) Within seven days of receiving a referral that appears to be eligible for a
1477 nonjudicial adjustment in accordance with [Subsection (5)] [Section 80-6-303.5](#), the juvenile
1478 probation officer shall provide an initial notice to reasonably identifiable and locatable victims
1479 of the offense contained in the referral.

1480 (b) The victim shall be responsible to provide to the juvenile probation officer upon
1481 request:

1482 (i) invoices, bills, receipts, and any other evidence of injury, loss of earnings, and
1483 out-of-pocket loss;

1484 (ii) documentation and evidence of compensation or reimbursement from an insurance

1485 company or an agency of the state, any other state, or the federal government received as a
1486 direct result of the crime for injury, loss of earnings, or out-of-pocket loss; and

1487 (iii) proof of identification, including home and work address and telephone numbers.

1488 (c) The inability, failure, or refusal of the victim to provide all or part of the requested
1489 information shall result in the juvenile probation officer determining restitution based on the
1490 best information available.

1491 ~~[(8)(a)]~~ (3) The juvenile probation officer may not predicate acceptance of an offer of
1492 a nonjudicial adjustment on an admission of guilt.

1493 ~~[(b)]~~ (4) (a) The juvenile probation officer may not deny a minor an offer of a
1494 nonjudicial adjustment due to a minor's inability to pay a financial penalty under Subsection
1495 ~~[(6)]~~ (1).

1496 ~~[(c)]~~ (b) The juvenile probation officer shall base a fee, fine, or the restitution for a
1497 nonjudicial adjustment under Subsection ~~[(6)]~~ (1) upon the ability of the minor's family to pay
1498 as determined by a statewide sliding scale developed in accordance with Section 63M-7-208.

1499 ~~[(d)]~~ (5) (a) A nonjudicial adjustment may not extend for more than 90 days, unless a
1500 juvenile court judge extends the nonjudicial adjustment for an additional 90 days.

1501 ~~[(e)(i)]~~ (b) ~~[Notwithstanding Subsection (8)(d), a]~~ A juvenile court judge may extend a
1502 nonjudicial adjustment beyond the 180 days permitted under Subsection ~~[(8)(d)]~~ (5)(a):

1503 (i) for a minor who is;

1504 (A) offered a nonjudicial adjustment ~~[under Subsection (5)(b)]~~ for a sexual offense
1505 under Title 76, Chapter 5, Part 4, Sexual Offenses, ~~[or is]~~ that the minor committed before the
1506 minor was 12 years old; or

1507 (B) referred ~~[under Subsection (9)(b)(ii)]~~ to a prosecuting attorney for a sexual offense
1508 under Title 76, Chapter 5, Part 4, Sexual Offenses, that the minor committed before the minor
1509 was 12 years old~~[, if];~~ and

1510 (ii) the judge determines that:

1511 (A) the nonjudicial adjustment requires specific treatment for the sexual offense;

1512 (B) the treatment cannot be completed within 180 days after the day on which the
1513 minor entered into the nonjudicial adjustment; and

1514 (C) the treatment is necessary based on a clinical assessment that is developmentally
1515 appropriate for the minor.

1516 ~~[(i)]~~ (c) If a juvenile court judge extends a minor's nonjudicial adjustment under
1517 Subsection ~~[(8)(e)(i)]~~ (5)(b), the judge may extend the nonjudicial adjustment until the minor
1518 completes the ~~[treatment under this Subsection (8)(e)]~~ specific treatment, but the judge may
1519 only grant each extension for 90 days at a time.

1520 ~~[(f)]~~ (6) If a minor violates Section 76-10-105, the minor may be required to pay a fine
1521 or penalty and participate in a court-approved tobacco education program with a participation
1522 fee.

1523 ~~[(9) If a prosecuting attorney is requested to review a referral in accordance with
1524 Subsection (3) or (4), a minor fails to substantially comply with a condition agreed upon as part
1525 of the nonjudicial adjustment, or a minor is not offered or declines a nonjudicial adjustment in
1526 accordance with Subsection (5), the prosecuting attorney shall:]~~

1527 ~~[(a) review the case; and]~~

1528 ~~[(b)(i) dismiss the case;]~~

1529 ~~[(ii) refer the case back to the juvenile probation officer for a new attempt at
1530 nonjudicial adjustment; or]~~

1531 ~~[(iii) except as provided in Subsections (10)(b), (11), and 80-6-305(2), file a petition
1532 with the juvenile court.]~~

1533 ~~[(10)(a) A prosecuting attorney may file a petition only upon reasonable belief that:]~~

1534 ~~[(i) the charges are supported by probable cause;]~~

1535 ~~[(ii) admissible evidence will be sufficient to support adjudication beyond a reasonable
1536 doubt; and]~~

1537 ~~[(iii) the decision to charge is in the interests of justice.]~~

1538 ~~[(b) Failure to pay a fine or fee may not serve as a basis for filing of a petition under~~

1539 Subsection (9)(b)(iii) if the minor has substantially complied with the other conditions agreed
1540 upon in accordance with Subsection (6) or conditions imposed through any other court
1541 diversion program.]

1542 [~~(11) A prosecuting attorney may not file a petition against a minor unless:~~]

1543 [~~(a) the prosecuting attorney has statutory authority to file the petition under Section~~
1544 ~~80-6-305; and]~~

1545 [~~(b) (i) the minor does not qualify for a nonjudicial adjustment under Subsection (5);]~~

1546 [~~(ii) the minor declines a nonjudicial adjustment;]~~

1547 [~~(iii) the minor fails to substantially comply with the conditions agreed upon as part of~~
1548 ~~the nonjudicial adjustment;]~~

1549 [~~(iv) the minor fails to respond to the juvenile probation officer's inquiry regarding~~
1550 ~~eligibility for or an offer of a nonjudicial adjustment after being provided with notice for~~
1551 ~~preliminary inquiry; or]~~

1552 [~~(v) the prosecuting attorney is acting under Subsection (9).]~~

1553 [~~(12) If the prosecuting attorney files a petition in a juvenile court, or a proceeding is~~
1554 ~~commenced against a minor under Section 80-6-302, the juvenile court may refer the case to~~
1555 ~~the juvenile probation officer for another offer of nonjudicial adjustment.]~~

1556 Section 27. Section **80-6-304.5** is enacted to read:

1557 **80-6-304.5. Prosecutorial review of referral to juvenile court -- Filing a petition.**

1558 (1) A prosecuting attorney shall review a referral to the juvenile court for an offense
1559 committed by a minor if:

1560 (a) the prosecuting attorney is requested to review the referral under Section
1561 80-6-303.5;

1562 (b) the minor fails to substantially comply with a condition agreed upon as part of the
1563 nonjudicial adjustment; or

1564 (c) the minor is not offered or declines a nonjudicial adjustment.

1565 (2) Upon review of a referral under Subsection (1), the prosecuting attorney shall:

1566 (a) dismiss the referral;
1567 (b) send the referral back to the juvenile probation officer for a new attempt at a
1568 nonjudicial adjustment if the minor's case is eligible for a nonjudicial adjustment under Section
1569 80-6-303.5; or
1570 (c) except as provided in Subsection (5), file a petition with the juvenile court.
1571 (3) A prosecuting attorney may only file a petition under Subsection (2)(c) upon
1572 reasonable belief that:
1573 (a) the charges are supported by probable cause;
1574 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable
1575 doubt; and
1576 (c) the decision to charge is in the interests of justice.
1577 (4) If a minor has substantially complied with the other conditions of a nonjudicial
1578 adjustment or conditions imposed through any other court diversion program, the minor's
1579 failure to pay a fine or fee as a condition of the nonjudicial adjustment or program may not
1580 serve as a basis for filing of a petition.
1581 (5) A prosecuting attorney may not file a petition against a minor unless:
1582 (a) the prosecuting attorney has statutory authority to file the petition under Section
1583 80-6-305; and
1584 (b) (i) the minor is not eligible for a nonjudicial adjustment under Section 80-6-303.5;
1585 (ii) the minor declines a nonjudicial adjustment;
1586 (iii) the minor fails to substantially comply with the conditions agreed upon as part of
1587 the nonjudicial adjustment; or
1588 (iv) the minor fails to respond to the juvenile probation officer's inquiry regarding
1589 eligibility for or an offer of a nonjudicial adjustment after being provided with notice for
1590 preliminary inquiry.
1591 (6) If the prosecuting attorney files a petition in a juvenile court, or a proceeding is
1592 commenced against a minor under Section 80-6-302, the juvenile court may refer the case to

1593 the juvenile probation officer for another offer of nonjudicial adjustment if the minor is eligible
1594 for a nonjudicial adjustment under Section [80-6-303.5](#).

1595 Section 28. Section **80-6-305** is amended to read:

1596 **80-6-305. Petition for a delinquency proceeding -- Amending a petition --**
1597 **Continuance.**

1598 (1) A prosecuting attorney shall file a petition, in accordance with Utah Rules of
1599 Juvenile Procedure, Rule 17, to commence a proceeding against a minor for an adjudication of
1600 an alleged offense, except as provided in:

- 1601 (a) Subsection (2);
- 1602 (b) Section [80-6-302](#);
- 1603 (c) Section [80-6-502](#); and
- 1604 (d) Section [80-6-503](#).

1605 (2) A prosecuting attorney may not file a petition under Subsection (1) against an
1606 individual for an offense alleged to have occurred before the individual was 12 years old,
1607 unless:

- 1608 (a) the individual is alleged to have committed a felony violation of:
 - 1609 (i) Section [76-5-103](#), aggravated assault resulting in serious bodily injury to another;
 - 1610 (ii) Section [76-5-202](#), aggravated murder or attempted aggravated murder;
 - 1611 (iii) Section [76-5-203](#), murder or attempted murder;
 - 1612 (iv) Section [76-5-302](#), aggravated kidnapping;
 - 1613 (v) Section [76-5-405](#), aggravated sexual assault;
 - 1614 (vi) Section [76-6-103](#), aggravated arson;
 - 1615 (vii) Section [76-6-203](#), aggravated burglary;
 - 1616 (viii) Section [76-6-302](#), aggravated robbery; or
 - 1617 (ix) Section [76-10-508.1](#), felony discharge of a firearm; or

1618 (b) an offer for a nonjudicial adjustment is made under Section [~~80-6-304~~] [80-6-303.5](#)
1619 and the minor:

- 1620 (i) declines to accept the offer for the nonjudicial adjustment; or
1621 (ii) fails to substantially comply with the conditions agreed upon as part of the
1622 nonjudicial adjustment.
- 1623 (3) A juvenile court may dismiss a petition under this section at any stage of the
1624 proceedings.
- 1625 (4) (a) When evidence is presented during any proceeding in a minor's case that points
1626 to material facts not alleged in the petition, the juvenile court may consider the additional or
1627 different material facts raised by the evidence if the parties consent.
- 1628 (b) The juvenile court, on a motion from any interested party or on the court's own
1629 motion, shall direct that the petition be amended to conform to the evidence.
- 1630 (c) If an amended petition under Subsection (4)(b) results in a substantial departure
1631 from the material facts originally alleged, the juvenile court shall grant a continuance as justice
1632 may require in accordance with Utah Rules of Juvenile Procedure, Rule 54.