

Nicholeen P. Peck proposes the following substitute bill:

Juvenile Justice Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor:

LONG TITLE

General Description:

This bill amends statutory provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- defines terms;
- amends the notification requirements for an offense committed by a student on school grounds;
- recodifies and amends requirements related to the notification of an offense committed by a student on school grounds, including statutory provisions addressing investigations, searches, and immunity;
- addresses a minor's eligibility for a nonjudicial adjustment when a referral to a juvenile court involves certain offenses;
- provides that a court may not grant a petition for expungement of a juvenile record if the petitioner has been adjudicated or convicted of certain drug offenses within two years before the petition for expungement is filed;
- repeals statutes regarding notification and reporting of prohibited acts by students; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-7-224, as enacted by Laws of Utah 2024, Chapter 20

53G-8-510, as last amended by Laws of Utah 2024, Chapter 301

29 **80-6-303.5**, as last amended by Laws of Utah 2024, Chapter 301

30 **80-6-1004.1**, as enacted by Laws of Utah 2023, Chapter 115

31 ENACTS:

32 **53G-8-509.1**, Utah Code Annotated 1953

33 **53G-8-511**, Utah Code Annotated 1953

34 **53G-8-512**, Utah Code Annotated 1953

35 RENUMBERS AND AMENDS:

36 **53G-8-513**, (Renumbered from 53G-8-509, as last amended by Laws of Utah 2019,
37 Chapter 293)

38 REPEALS:

39 **53G-8-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3

40 **53G-8-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3

41 **53G-8-503**, as last amended by Laws of Utah 2019, Chapter 293

42 **53G-8-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3

43 **53G-8-505**, as last amended by Laws of Utah 2020, Chapter 161

44 **53G-8-506**, as last amended by Laws of Utah 2018, Chapter 117 and renumbered and
45 amended by Laws of Utah 2018, Chapter 3

46 **53G-8-507**, as renumbered and amended by Laws of Utah 2018, Chapter 3

47 **53G-8-508**, as last amended by Laws of Utah 2020, Chapter 161

48

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

50 Section 1. Section **53G-7-224** is amended to read:

51 **53G-7-224 . Local education agency communication requirements -- Protection.**

52 (1) As used in this section, "school employee" means the same as that term is defined in
53 Section [53G-8-510] 53G-8-509.1.

54 (2) On or before October 1 of each year, an LEA shall provide the state board with the work
55 email address of each school employee.

56 (3) The state board may email school employees for official communication:

57 (a) if the state board provides 48 hours notice to the local superintendent; and

58 (b) no more than three times per calendar year.

59 (4) The state board:

60 (a) may use an employee's email address provided under Subsection (2) for official
61 communication between the state board and the school employee; and

62 (b) may not disclose an email address provided under Subsection (2) to a third party.

- (5)(a) Upon request, the state board shall provide the email addresses in Subsection (2) to the president of the Senate and the speaker of the House of Representatives.
- (b) The president of the Senate and the speaker of the House of Representatives, by mutual agreement, may jointly email school employees for official communication on behalf of the Legislature relating to the teaching profession or education policy in the state:
- (i) if the president of the Senate and the speaker of the House of Representatives provide 48 hours notice to the local superintendent; and
 - (ii) no more than three times per calendar year.
- (c) The president of the Senate and the speaker of the House of Representatives may not:
- (i) use or allow another individual to use a school employee's email address for political activity or for any purpose other than as described in Subsection (5)(b); and
 - (ii) disclose and email address provided under Subsection (2) to another legislator or a third party.

Section 2. Section 53G-8-509.1 is enacted to read:

Part 5. Notification Requirements for Offenses Committed by Students

53G-8-509.1 . Definitions for part.

As used in this part:

- (1) "School" means a public or private elementary or secondary school.
- (2) "School employee" means an individual working in the individual's capacity as:
 - (a) a school teacher;
 - (b) a school staff member;
 - (c) a school administrator; or
 - (d) an individual:
 - (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; and
 - (ii) who works on a school campus.
- (3) "School is in session" means the same as that term is defined in Section 53E-3-516.
- (4) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.

Section 3. Section 53G-8-510 is amended to read:

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

~~[(1) As used in this section:]~~

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

98 [(b) "School employee" means an individual working in the individual's capacity as:]

99 [(i) a school teacher;]

100 [(ii) a school staff member;]

101 [(iii) a school administrator; or]

102 [(iv) an individual:]

103 [(A) who is employed, directly or indirectly, by a school, an LEA governing
104 board, or a school district; and]

105 [(B) who works on a school campus.]

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

107 [(d) "School-sponsored activity" means the same as that term is defined in Section
108 53E-3-516.]

109 [(2)] (1) If a [minor] student allegedly commits an offense on school grounds when school is
110 in session or at a school-sponsored activity and that information is reported to, or known
111 by, a school employee, the school employee shall notify the principal.

112 [(3)] (2) After receiving a notification under Subsection [(2)] (1), the principal shall notify:

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

115 (b) school or district personnel if the principal determines that school or district
116 personnel should be informed[-] ; and

117 (c) the student's legal parent or guardian.

118 (3) The principal may not disclose to the student, or the student's legal parent or guardian,
119 the identity of the school employee who made the initial notification under Subsection
120 (1).

121 (4) The identity of a school employee who notifies a principal under Subsection (1) shall be
122 kept confidential.

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

126 Section 4. Section 53G-8-511 is enacted to read:

127 **53G-8-511 . Investigations into allegations -- Searches -- Evidence.**

128 (1) ~~Ĥ~~→ (a) ←~~Ĥ~~ Before a principal notifies a law enforcement officer or agency of ~~Ĥ~~→ [
128a an offense under] ←~~Ĥ~~

129 ~~Ĥ~~→ [Section 53G-8-510, the principal may investigate, or authorize an investigation,

into-] ←H

H→ [allegations involving school property, students, or school district employees,] a drug offense

described in Section 58-37-8 the involves school property, students, or school district employees, the principal may investigate, or authorize an investigation, into the drug offense, ←H including a

search on school property in accordance with Subsection (2).

H→ (b) The principal shall report any evidence discovered in an investigation described in Subsection (1)(a) to a law enforcement officer or agency when the principal notifies the law enforcement officer or agency of the drug offense. ←H

(2)(a) A search H→ under Subsection (1) ←H on school property must be based on at least a reasonable belief that the

search will turn up evidence of H→ [an] the drug ←H offense.

(b) The measures adopted for the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the circumstances, including the age and sex of the person involved and the nature of the infraction.

(3) If an offense involving an electronic cigarette product may not be referred, or is not referred, to a law enforcement officer or agency under Section 53G-8-211, an LEA shall dispose of or destroy the seized electronic cigarette product in accordance with the LEA's policies adopted under Subsection 53G-8-203(3).

(4) Evidence of an offense on school property is admissible in civil and criminal actions if the evidence is seized by school authorities acting alone, on their own authority, and not in conjunction with or at the behest of a law enforcement officer or agency.

Section 5. Section 53G-8-512 is enacted to read:

53G-8-512 . Immunity from civil or criminal liability.

(1) A school employee or principal who in good faith reports information under Subsection 53G-8-510 (1) or (2) is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

(2) A school employee, a principal, a school official, a school, or an LEA making a notification or conducting an investigation, in good faith, under the direction of school or law enforcement authorities under this part, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

Section 6. Section 53G-8-513, which is renumbered from Section 53G-8-509 is renumbered and amended to read:

[53G-8-509] 53G-8-513 . State board rules to ensure protection of individual rights.

- (1) The state board and LEA governing boards shall adopt rules ~~[or policies to implement Sections 53G-8-505 through 53G-8-508]~~ to address the standards and procedures for students searches under this part.
- (2) The rules or policies shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Section 7. Section **80-6-303.5** is amended to read:

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

- (1) If the juvenile court receives a referral for an offense committed by a minor that is, or appears to be, within the juvenile court's jurisdiction, or for the minor being a habitual truant, a juvenile probation officer shall make a preliminary inquiry in accordance with this section to determine whether the minor is eligible to enter into a nonjudicial adjustment.
- (2) If a minor is referred to the juvenile court for multiple offenses arising from a single criminal episode, and the minor is eligible under this section for a nonjudicial adjustment, the juvenile probation officer shall offer the minor one nonjudicial adjustment for all offenses arising from the single criminal episode.
- (3)(a) The juvenile probation officer may:
- (i) conduct a validated risk and needs assessment; and
 - (ii) request that a prosecuting attorney review a referral in accordance with Section 80-6-304.5 if:
 - (A) the results of the validated risk and needs assessment indicate the minor is high risk; or
 - (B) the results of the validated risk and needs assessment indicate the minor is moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5, Offenses Against the Individual, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.
- (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor shall:
- (i) undergo a drug and alcohol screening;
 - (ii) if found appropriate by the screening, participate in an assessment; and
 - (iii) if warranted by the screening and assessment, follow the recommendations of the

- 189 assessment.
- 190 (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation
191 officer shall offer a nonjudicial adjustment to a minor if:
- 192 (a) the minor:
- 193 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
- 194 (ii) has no more than two prior adjudications; and
- 195 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;
- 196 (b) the minor is referred for an offense that is alleged to have occurred before the minor
197 was 12 years old; or
- 198 (c) the minor is referred for being a habitual truant.
- 199 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
200 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
201 single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial
202 adjustment.
- 203 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
204 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
205 single criminal episode that resulted in one or more prior adjudications as a single
206 adjudication.
- 207 (7) Except for a referral that involves an offense described in Subsection (8), the juvenile
208 probation officer may offer a nonjudicial adjustment to a minor who does not meet the
209 criteria described in Subsection (4)(a).
- 210 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if ~~the~~
211 ~~referral involves~~:
- 212 (a) ~~the referral involves~~ an offense alleged to have occurred when the minor was 12
213 years old or older that is:
- 214 (i) a felony offense; or
- 215 (ii) a misdemeanor violation of:
- 216 (A) Section 41-6a-502, driving under the influence;
- 217 (B) Subsection 58-37-8(1)(a)(ii), distributing a controlled or counterfeit substance,
218 or agreeing, consenting, offering, or arranging to distribute a controlled
219 substance;
- 220 (C) Subsection 58-37-8(1)(a)(iii), possessing a controlled or counterfeit substance
221 with intent to distribute;
- 222 ~~[(B)]~~ (D) Section 76-5-107, threat of violence;

- 223 ~~[(C)]~~ (E) Section 76-5-107.1, threats against schools;
- 224 ~~[(D)]~~ (F) Section 76-5-112, reckless endangerment creating a substantial risk of
- 225 death or serious bodily injury;
- 226 ~~[(E)]~~ (G) Section 76-5-206, negligent homicide;
- 227 ~~(H)~~ Section 76-5-401.3, unlawful adolescent sexual activity;
- 228 ~~[(F)]~~ (I) Section 76-9-702.1, sexual battery;
- 229 ~~[(G)]~~ (J) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short
- 230 barreled shotgun on or about school premises;
- 231 ~~[(H)]~~ (K) Section 76-10-506, threatening with or using a dangerous weapon in
- 232 fight or quarrel;
- 233 ~~[(H)]~~ (L) Section 76-10-507, possession of a deadly weapon with criminal intent; or
- 234 ~~[(J)]~~ (M) Section 76-10-509.4, possession of a dangerous weapon by a minor; ~~[or]~~
- 235 (b)(i) the referral involves an offense alleged to have occurred when the minor was
- 236 12 years old or older that is a misdemeanor violation of Subsection
- 237 58-37-8(2)(a)(i), possession or using a controlled substance analog or controlled
- 238 substance; and
- 239 (ii) the minor has a prior nonjudicial adjustment involving a referral for an offense
- 240 that is a misdemeanor violation of Subsection 58-37-8(2)(a)(i), possession or
- 241 using a controlled substance analog or controlled substance; or
- 242 ~~[(b)]~~ (c) the referral involves an offense alleged to have occurred before the minor is 12
- 243 years old that is a felony violation of:
- 244 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 245 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 246 (iii) Section 76-5-203, murder or attempted murder;
- 247 (iv) Section 76-5-302, aggravated kidnapping;
- 248 (v) Section 76-5-405, aggravated sexual assault;
- 249 (vi) Section 76-6-103, aggravated arson;
- 250 (vii) Section 76-6-203, aggravated burglary;
- 251 (viii) Section 76-6-302, aggravated robbery; or
- 252 (ix) Section 76-10-508.1, felony discharge of a firearm.
- 253 (9) The juvenile probation officer shall request that a prosecuting attorney review a referral
- 254 if:
- 255 (a) the referral involves an offense described in Subsection (8); or
- 256 (b) the minor has a current suspended order for custody under Section 80-6-711.

Section 8. Section **80-6-1004.1** is amended to read:

80-6-1004.1 . Petition to expunge adjudication -- Hearing and notice -- Waiver -- Order.

- (1) An individual may petition the juvenile court for an order to expunge the individual's juvenile record if:
 - (a) the individual was adjudicated for an offense in the juvenile court;
 - (b) the individual has reached 18 years old; and
 - (c) at least one year has passed from the day on which:
 - (i) the juvenile court's continuing jurisdiction was terminated; or
 - (ii) if the individual was committed to secure care, the individual was unconditionally released from the custody of the division.
- (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection (1), the petition shall include a criminal history report obtained from the Bureau of Criminal Identification in accordance with Section 53-10-108.
- (3) If the juvenile court finds and states on the record the reason why the waiver is appropriate, the juvenile court may waive:
 - (a) the age requirement under Subsection (1)(b) for a petition; or
 - (b) the one-year requirement under Subsection (1)(c) for a petition.
- (4)(a) Upon the filing of a petition described in Subsection (1)(a), the juvenile court shall:
 - (i) set a date for a hearing; and
 - (ii) at least 30 days before the day on which the hearing on the petition is scheduled, notify the prosecuting attorney and any affected agency identified in the petitioner's juvenile record:
 - (A) that the petition has been filed; and
 - (B) of the date of the hearing.
- (b)(i) The juvenile court shall provide a victim with the opportunity to request notice of a petition described in Subsection (1).
- (ii) Upon the victim's request under Subsection (4)(b)(i), the victim shall receive notice of the petition at least 30 days before the day on which the hearing is scheduled if, before the day on which an expungement order is made, the victim, or the victim's next of kin or authorized representative if the victim is a child or an individual who is incapacitated or deceased, submits a written and signed request for notice to the juvenile court in the judicial district in which the offense occurred

- 291 or judgment is entered.
- 292 (iii) The notice described in Subsection (4)(b)(ii) shall include a copy of the petition
- 293 and any statutes and rules applicable to the petition.
- 294 (c) At the hearing, the prosecuting attorney, a victim, and any other individual who may
- 295 have relevant information about the petitioner may testify.
- 296 (d) The juvenile court may waive the hearing for the petition if:
- 297 (i)(A) there is no victim; or
- 298 (B) if there is a victim, the victim agrees to the waiver; and
- 299 (ii) the prosecuting attorney agrees to the waiver.
- 300 (5)(a) Except as provided in Subsection (6), the juvenile court may grant a petition
- 301 described in Subsection (1) and order expungement of the petitioner's juvenile record
- 302 if the juvenile court finds that the petitioner is rehabilitated to the satisfaction of the
- 303 court in accordance with Subsection (5)(b).
- 304 (b) In deciding whether to grant a petition described in Subsection (1), the juvenile court
- 305 shall consider:
- 306 (i) whether expungement of the petitioner's juvenile record is in the best interest of
- 307 the petitioner;
- 308 (ii) the petitioner's response to programs and treatment;
- 309 (iii) the nature and seriousness of the conduct for which the petitioner was
- 310 adjudicated;
- 311 (iv) the petitioner's behavior subsequent to adjudication;
- 312 (v) the petitioner's reason for seeking expungement of the petitioner's juvenile record;
- 313 and
- 314 (vi) if the petitioner is a restricted person under Subsection 76-10-503(1)(a)(iv) or
- 315 (b)(iii):
- 316 (A) whether the offense for which the petitioner is a restricted person was
- 317 committed with a weapon;
- 318 (B) whether expungement of the petitioner's juvenile record poses an unreasonable
- 319 risk to public safety; and
- 320 (C) the amount of time that has passed since the adjudication of the offense for
- 321 which the petitioner is a restricted person.
- 322 (6) The juvenile court may not grant a petition described in Subsection (1) and order
- 323 expungement of the petitioner's juvenile record if:
- 324 (a) the petitioner has been convicted of a violent felony within five years before the day

on which the petition for expungement is filed;

(b) the petitioner has been adjudicated or convicted of an offense described in Section 58-37-8 within two years before the day on which the petition for expungement is filed;

~~[(b)]~~ (c) there are delinquency or criminal proceedings pending against the petitioner;

~~[(c)]~~ (d) the petitioner has not satisfied a judgment of restitution entered by the juvenile court for an adjudication in the petitioner's juvenile record;

~~[(d)]~~ (e) the petitioner has not satisfied restitution that was a condition of a nonjudicial adjustment in the petitioner's juvenile record; or

~~[(e)]~~ (f) the petitioner's juvenile record contains an adjudication for a violation of:

(i) Section 76-5-202, aggravated murder; or

(ii) Section 76-5-203, murder.

Section 9. **Repealer.**

This bill repeals:

Section 53G-8-501, **Definitions.**

Section 53G-8-502, **Mandatory reporting of prohibited acts.**

Section 53G-8-503, **Reporting procedure.**

Section 53G-8-504, **Immunity from civil or criminal liability.**

Section 53G-8-505, **Definitions.**

Section 53G-8-506, **Reporting of prohibited acts affecting a school -- Confidentiality.**

Section 53G-8-507, **Immunity from civil or criminal liability.**

Section 53G-8-508, **Admissibility of evidence in civil and criminal actions.**

Section 10. **Effective Date.**

This bill takes effect on May 7, 2025.