

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) Before a principal notifies a law enforcement officer or agency of an offense under
129 Section 53G-8-510, the principal may investigate, or authorize an investigation, into
130 allegations involving school property, students, or school district employees, including a

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

(2)(a) A search on school property must be based on at least a reasonable belief that the search will turn up evidence of an 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 assessment.
- (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation officer shall offer a nonjudicial adjustment to a minor if:
- (a) the minor:
 - (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
 - (ii) has no more than two prior adjudications; and
 - (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;
 - (b) the minor is referred for an offense that is alleged to have occurred before the minor was 12 years old; or
 - (c) the minor is referred for being a habitual truant.

- (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial adjustment.
- (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under Subsection (4), the juvenile probation officer shall treat all offenses arising out of a single criminal episode that resulted in one or more prior adjudications as a single adjudication.
- (7) Except for a referral that involves an offense described in Subsection (8), the juvenile probation officer may offer a nonjudicial adjustment to a minor who does not meet the criteria described in Subsection (4)(a).
- (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if ~~the referral involves~~:
- (a) the referral involves an offense alleged to have occurred when the minor was 12 years old or older that is:
 - (i) a felony offense; or
 - (ii) a misdemeanor violation of:
 - (A) Section 41-6a-502, driving under the influence;
 - (B) Subsection 58-37-8(1)(a)(ii), distributing a controlled or counterfeit substance, or agreeing, consenting, offering, or arranging to distribute a controlled substance;
 - (C) Subsection 58-37-8(1)(a)(iii), possessing a controlled or counterfeit substance with intent to distribute;
 - ~~[(B)]~~ (D) Section 76-5-107, threat of violence;
 - ~~[(C)]~~ (E) Section 76-5-107.1, threats against schools;
 - ~~[(D)]~~ (F) Section 76-5-112, reckless endangerment creating a substantial risk of death or serious bodily injury;
 - ~~[(E)]~~ (G) Section 76-5-206, negligent homicide;
 - (H) Section 76-5-401.3, unlawful adolescent sexual activity;
 - ~~[(F)]~~ (I) Section 76-9-702.1, sexual battery;
 - ~~[(G)]~~ (J) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises;
 - ~~[(H)]~~ (K) Section 76-10-506, threatening with or using a dangerous weapon in 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.

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

258 **80-6-1004.1 . Petition to expunge adjudication -- Hearing and notice -- Waiver --**
259 **Order.**

260 (1) An individual may petition the juvenile court for an order to expunge the individual's
261 juvenile record if:

- 262 (a) the individual was adjudicated for an offense in the juvenile court;
263 (b) the individual has reached 18 years old; and
264 (c) at least one year has passed from the day on which:
265 (i) the juvenile court's continuing jurisdiction was terminated; or
266 (ii) if the individual was committed to secure care, the individual was unconditionally

- 267 released from the custody of the division.
- 268 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection (1),
269 the petition shall include a criminal history report obtained from the Bureau of Criminal
270 Identification in accordance with Section 53-10-108.
- 271 (3) If the juvenile court finds and states on the record the reason why the waiver is
272 appropriate, the juvenile court may waive:
- 273 (a) the age requirement under Subsection (1)(b) for a petition; or
274 (b) the one-year requirement under Subsection (1)(c) for a petition.
- 275 (4)(a) Upon the filing of a petition described in Subsection (1)(a), the juvenile court
276 shall:
- 277 (i) set a date for a hearing; and
278 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,
279 notify the prosecuting attorney and any affected agency identified in the
280 petitioner's juvenile record:
- 281 (A) that the petition has been filed; and
282 (B) of the date of the hearing.
- 283 (b)(i) The juvenile court shall provide a victim with the opportunity to request notice
284 of a petition described in Subsection (1).
- 285 (ii) Upon the victim's request under Subsection (4)(b)(i), the victim shall receive
286 notice of the petition at least 30 days before the day on which the hearing is
287 scheduled if, before the day on which an expungement order is made, the victim,
288 or the victim's next of kin or authorized representative if the victim is a child or an
289 individual who is incapacitated or deceased, submits a written and signed request
290 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

described in Subsection (1) and order expungement of the petitioner's juvenile record if the juvenile court finds that the petitioner is rehabilitated to the satisfaction of the court in accordance with Subsection (5)(b).

(b) In deciding whether to grant a petition described in Subsection (1), the juvenile court shall consider:

(i) whether expungement of the petitioner's juvenile record is in the best interest of the petitioner;

(ii) the petitioner's response to programs and treatment;

(iii) the nature and seriousness of the conduct for which the petitioner was adjudicated;

(iv) the petitioner's behavior subsequent to adjudication;

(v) the petitioner's reason for seeking expungement of the petitioner's juvenile record; and

(vi) if the petitioner is a restricted person under Subsection 76-10-503(1)(a)(iv) or (b)(iii):

(A) whether the offense for which the petitioner is a restricted person was committed with a weapon;

(B) whether expungement of the petitioner's juvenile record poses an unreasonable risk to public safety; and

(C) the amount of time that has passed since the adjudication of the offense for which the petitioner is a restricted person.

(6) The juvenile court may not grant a petition described in Subsection (1) and order expungement of the petitioner's juvenile record if:

(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:

335 (i) Section 76-5-202, aggravated murder; or
336 (ii) Section 76-5-203, murder.
337 Section 9. **Repealer.**
338 This bill repeals:
339 Section 53G-8-501, **Definitions.**
340 Section 53G-8-502, **Mandatory reporting of prohibited acts.**
341 Section 53G-8-503, **Reporting procedure.**
342 Section 53G-8-504, **Immunity from civil or criminal liability.**
343 Section 53G-8-505, **Definitions.**
344 Section 53G-8-506, **Reporting of prohibited acts affecting a school -- Confidentiality.**
345 Section 53G-8-507, **Immunity from civil or criminal liability.**
346 Section 53G-8-508, **Admissibility of evidence in civil and criminal actions.**
347 Section 10. **Effective Date.**
348 This bill takes effect on May 7, 2025.