

SCHOOL OFFENSE REFERRAL GUIDE

August 2023

Introduction

The following school offense referral guide indicates whether law enforcement or school personnel can charge or refer youth to court if the offense occurs on school property and was committed by an enrolled student. The guide provides examples of offenses that could happen on school property but it is not a comprehensive list.

If a minor is alleged to have committed an offense on school property that is a class A or class B misdemeanor, the school administrator, the school administrator's designee, or a school resource officer may refer the minor directly to a court or to the evidence-based alternative interventions.

School and law enforcement personnel should follow their respective school's established policies and procedures when making a determination whether to charge or refer allowable offenses. Just because an offense is eligible to be referred, does not always mean it should. Alternative available resources are provided at the end of this document.

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SCHOOL OFFENSE REFERRAL EXAMPLES 1

	Statute	Offense	Referable to Court?
Alcohol	32B-4-411	Use of false identification to purchase or attempt to purchase alcohol (Misdemeanor B)	Yes
	32B-4-409	Alcohol possession, attempted possession, consumption, and/or having a measurable amount of alcohol in the minor's body (Misdemeanor B)	
	32B-4-410	Attempt to enter an age-restricted establishment serving alcohol (Misdemeanor C)	No. Exception: Can refer if 1) the youth allegedly committed the same offense on school property twice AND 2) the youth was referred to an evidence-based alternative intervention, or to JJYS Prevention and Early Intervention Services for both of the two previous offenses.
	76-9-701	While under the influence of alcohol or a controlled substance in a public place, endangering and/or disturbing others (Misdemeanor C)	
Attendance	53G-8-211	Habitual Truancy (Truant at least 10 times during one school year or fails to cooperate with efforts on the part of school authorities to resolve attendance issues as required under 53G-6-206, Status)	No

SCHOOL OFFENSE REFERRAL EXAMPLES 2

	Statute	Offense	Referable to Court?
Behavior	76-6-106	Criminal mischief resulting in reckless endangerment of human life (Misdemeanor A)	Yes
	76-8-1402	Disruption of school activities and failure to leave premises: 1st and 2nd offense (Misdemeanor B); 3rd and subsequent (Misdemeanor A)	
	76-9-106	Disrupting operation of a school (Misdemeanor B)	
	76-9-903	Failure to disperse (Misdemeanor B)	
	76-10-1102	Gambling (Misdemeanor B)	
	76-9-105	Making a false alarm (Misdemeanor B)	
	53A-3-503	Criminal trespass (Misdemeanor B)	

SCHOOL OFFENSE REFERRAL EXAMPLES 3

	Statute	Offense	Referable to Court?
Behavior	76-9-102	Disorderly conduct: continued after request to stop (Misdemeanor C); without request to stop (Infraction)	<p>No. Exception: Can refer if</p> <ol style="list-style-type: none"> 1) the youth allegedly committed the same offense on school property twice AND 2) the youth was referred to an evidence-based alternative intervention, or to JJYS Prevention and Early Intervention Services for both of the two previous offenses.
	76-9-702.3	Public urination or defecation (Infraction)	
	62A-7-101	Runaway youth (Status)	
Curfew	N/A	Minor in any public or semipublic place between the hours of 12am and 6am (Status)	
Druving	41-6a-503	Driving under the influence under any circumstance (Any offense)	Yes
	41-6a-518.1	Tampering with ignition interlock device (Misdemeanor B)	

SCHOOL OFFENSE REFERRAL EXAMPLES 4

Driving	Statute	Offense	Referable to Court?
	41-6a-1716	Using handheld device to text/email while operating vehicle, second or subsequent offense (Misdemeanor B)	Yes
	41-6a-528	Reckless driving (Misdemeanor B)	
	41-6a-606	Engaging in a speed contest on a highway (Misdemeanor B)	
	41-6a-1716	Using handheld device to text/email while operating vehicle, first offense (Misdemeanor C)	No. Exception: Can refer if 1) the youth allegedly committed the same offense on school property twice AND 2) the youth was referred to an evidence-based alternative intervention, or to JJYS Prevention and Early Intervention Services for both of the two previous offenses.
	41-6a-604	Speeding, including in a school zone (Misdemeanor C)	
	41-6a-526	Open container of alcohol in vehicle (Misdemeanor C)	
	41-12a-603	Driving without license/registration (Misdemeanor C)	

SCHOOL OFFENSE REFERRAL EXAMPLES 5

	Statute	Offense	Referable to Court?
Drug	58-37-8	Sale, manufacture, or possession of any controlled substance (Any Offense Type)	Yes
	58-37a-5	Possession of drug paraphernalia (Misdemeanor B)	
	76-10-107	Use or possession of psychotoxic chemicals (Misdemeanor B)	
Person	76-5-102	Assault of any kind (Any Offense Type)	
	76-5-203	Murder (Felony)	
	76-5-402	Rape (Felony)	
Property	76-6-106	Criminal mischief resulting in damage to critical infrastructure (Felony)	

SCHOOL OFFENSE REFERRAL EXAMPLES 6

	Statute	Offense	Referable to Court?
Property	76-6-106	Criminal mischief resulting in vandalism (Misdemeanor B)	Yes
	76-6-107	Graffiti, damage of any amount (Misdemeanor B)	
	76-6-104	Reckless burning - endangering human life, or property damage above \$500 (Misdemeanor A or B)	
	76-6-104	Reckless burning - property damage below \$500 (Misdemeanor C or Infraction)	No. Exception: Can refer if 1) the youth allegedly committed the same offense on school property twice AND 2) the youth was referred to an evidence-based alternative intervention, or to JJYS Prevention and Early Intervention Services for both of the two previous offenses.
Sex	76-10-1235	Accessing pornographic material on school property (Misdemeanor B)	Yes

SCHOOL OFFENSE REFERRAL EXAMPLES 7

	Statute	Offense	Referable to Court?
Sex	76-5-401.3	Voluntary sex between a 17 year old and a 12 or 13 year old (Felony)	
	76-5-401.3	Voluntary sex between a 16 year old and a 12 year old (Felony)	
	76-5-401.3	Voluntary sex between a 16 year old and a 13 year old (Misdemeanor A)	Yes
	76-5-401.3	Voluntary sex between a 14 or 15 year old and a 12 year old (Misdemeanor A)	
	76-5-401.3	Voluntary sex between a 17 year old and a 14 year old (Misdemeanor B)	

SCHOOL OFFENSE REFERRAL EXAMPLES 8

	Statute	Offense	Referable to Court?
Sex	76-5-401.3	Voluntary sex between a 15 year old and a 13 year old (Misdemeanor B)	Yes
	76-5-401.3	Voluntary sex between a 12 or 13 year old and a 12 or 13 year old (Misdemeanor C)	
	76-5-401.3	Voluntary sex between a 14 year old and a 13 year old (Misdemeanor C)	
Theft	76-6-412	Theft of any kind (Any Offense Type)	
	76-6-408	Receiving stolen property (Any Offense Type)	

SCHOOL OFFENSE REFERRAL EXAMPLES 9

	Statute	Offense	Referable to Court?
Tobacco	53-3-229	Minor purchases or attempts to purchase any tobacco product (including electronic cigarette) using false identification (Misdemeanor A)	Yes
	76-10-112	Distribution of tobacco products to others, second or subsequent offense (Misdemeanor B)	
	76-10-105	Minor purchases, attempts to purchase, or possesses any tobacco product (including electronic cigarette) using false identification (Misdemeanor C)	No. Exception: Can refer if 1) the youth allegedly committed the same offense on school property twice AND 2) the youth was referred to an evidence-based alternative intervention, or to JJYS Prevention and Early Intervention Services for both of the two previous offenses.
	76-10-112	Distribution of tobacco products to others, first offense (Misdemeanor C)	
Weapon	76-10-509	Possession of a dangerous weapon by minor: 1st offense (Misdemeanor B); 2nd and subsequent (Misdemeanor A)	Yes

SCHOOL OFFENSE REFERRAL EXAMPLES 10

	Statute	Offense	Referable to Court?
Weapon	76-10-509.4	Possession of a handgun by minor: 1st offense (Misdemeanor B); 2nd and subsequent (Misdemeanor A)	Yes
	76-10-505.5	Possession of a dangerous weapon on school premises: firearm (Misdemeanor A); other dangerous weapon (Misdemeanor B)	
Other	76-4-102	Attempted Misdemeanor A (Misdemeanor B)	
	76-6-504	Tampering with records (Misdemeanor B)	

FREQUENTLY ASKED QUESTIONS

Question	Answer	Explanation
Does the current law restrict the ability to refer class A or B misdemeanors to court?	No	Current law makes no changes whatsoever to current law regarding the ability of schools to refer class A or B misdemeanors to law enforcement or the courts.
Does the current law restrict the ability to refer a class C misdemeanor, infraction, or status offenses to court?	Yes	Current law allows schools to refer class C misdemeanors, infraction, and status offenses to court only if the youth refuses to participate in an evidence based intervention or the youth allegedly committed the same offense on school property on two previous occasions and the youth was referred to an evidence-based alternative intervention, or to JJYS Prevention and Early Intervention Services for both of the two previous offenses. (53G-6-211)
Does the current law impact responses to truancy?	Yes	Current law does not allow schools to refer habitual truancy to the Court.
Are there options for holding parents/guardians accountable for a minor's compulsory education?	Yes	For Grades 1-6 only, Parents may be held accountable for intentionally or without good cause failing to meet with school officials to discuss the minor's attendance issue or failing to prevent the minor from being truant 5 or more times during the remainder of the school year. (53G-6-202)

FREQUENTLY ASKED QUESTIONS

Question	Answer	Explanation
Do provisions in the current law apply only when school is in session?	No	Provisions in the current law apply to alleged offenses on school property, by minors enrolled in school year-round, both during school hours and outside of school hours.
Are the consequences different for certain offenses committed in a school zone versus those committed outside of a school zone?	Yes	Provisions in the current law apply to alleged offenses committed on school grounds. Law enforcement can charge or refer misdemeanor C, infractions, and status offenses that occur outside school grounds to court.
Can school districts access resources from the juvenile system and community without involving the court?	Yes	Department of Health and Human Services agencies will expand the services offered to youth outside of the judicial system. A list of available resources are provided in the last section of this document.
Are reintegration plans required when schools receive notice that a youth has been placed on probation?	No	Juvenile Court is required to send schools notice when a youth is placed on probation and when a youth is alleged/adjudicated to have committed a violent felony or weapons offense. Reintegration plans are only required when a youth is alleged/adjudicated to have committed a violent felony or weapons offense.

FREQUENTLY ASKED QUESTIONS

Question	Answer	Explanation
Are reintegration plans required when schools receive notice from JJYS detention staff?	No	Detention staff will send an initial email that will notify schools about what they can expect. However, schools are only required to engage in the process of developing a reintegration plan if notice is received from the juvenile court or law enforcement (53G-8-213). Juvenile Court will send a notification when a detention hearing is held for a youth alleged to have committed a violent felony or weapons offense, when a youth is adjudicated for a violent felony or weapons offense, or when a youth is placed on probation.
Are schools responsible for preparing a reintegration plan?	Yes	When a school official receives notice from the Juvenile Court informing the school of a violent felony or weapons offense allegation or adjudication (53G-8-213), within five days the school must develop a reintegration plan for that student with a team that includes JJYS and Juvenile Probation, as well as the student and the student's parents.
Does the reintegration plan need to contain interventions for the student?	Yes	The reintegration plan must address the following three things for the student: (1) a behavioral intervention; (2) short-term mental health or counseling services; (3) an academic intervention.

AVAILABLE RESOURCES

Resource	Description	Contact
Utah Crisis Line	<ul style="list-style-type: none">Available 24/7, certified crisis workers provide suicide prevention, information, and referrals; psycho-education about mental health issues; therapeutic assistance to individuals in emotional distress or psychiatric crisis.; coordination and dispatch response to individuals in the community as needed via the Mobile Crisis Outreach Team (MCOT) and/or first responders in coordination with other local mental health authorities. The Utah Crisis Line collaborates with all 13 local mental health authorities across the state to ensure the best services are provided based on location and needs.	Call 988
SafeUT	<ul style="list-style-type: none">SafeUT is an app and integrated system of care available 24/7 and managed by mental health counselors that coordinate closely with school administrators, and local law enforcement. SafeUT users can start a real-time chat with mental health counselors, report a confidential school safety concern, or start a call that connects to the Utah Crisis Line directly.	SafeUT can be downloaded at no-cost on any app store. Learn more at safeut.org .
JJYS Youth Services	<ul style="list-style-type: none">The Youth Services Model Is A “No Wrong Door” Approach To Early Intervention. Through This Model, Utah Delivers Evidence Based, Individualized Youth And Family Plans With Early Screening, Assessment, Plan Management, And Comprehensive Access To Services--All Driven By The Youth And Family Strengths And Needs.	Website Referral: https://jjys.utah.gov/services/youth-services

Resource	Description	Contact
Center on PBIS: Positive Behavioral Interventions and Support	<ul style="list-style-type: none">■ PBIS is a framework intended to create schools and programs in which children have improved social emotional and behavioral outcomes. The site has a variety of topics covered, including, but not limited to, bullying prevention, family, equity, disabilities, discipline, and individualization. Resources available include games, videos, webinars, fact sheets, assessment tools, and case studies.	Website: https://www.pbis.org/resource-type/materials
Restorative Justice Collaborative of Utah	<ul style="list-style-type: none">■ The Restorative Justice Collaborative of Utah (RJCU) is a coalition of community members and professionals who promote access and understanding of restorative principles and practices in communities, schools, and justice settings. RJCU provide resources and training to support the implementation of restorative practices that keep youth in school, reduce reliance on incarceration, and make communities safer.	Website: https://www.rjutah.org/