

What's happening in Juvenile Justice this Session?

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Written by: Martín C. Muñoz



HB 188 Juvenile Justice Amendments: Trading Treatment for Punishment

[HB188](#) Juvenile Justice Amendments is sponsored by Representative Peck and has passed out of the Utah House of Representatives this week. It is now headed to the Senate for its consideration.

HB 188 has gone through several iterations this legislative session. When the bill was first introduced, it undermined two critical safeguards designed to help keep youth out of the legal system. The first was to limit the availability of [Nonjudicial Adjustments](#) (NJA), and the second was to limit youth's eligibility for [expungement](#), making it much more difficult to clear their record. The bill would have made youth ineligible for a Nonjudicial Adjustment (NJA) for misdemeanor drug possession or use if they had previously received an NJA for the same offense, limiting access to a key diversion option that keeps low-level cases out of formal court. It also proposed preventing expungement for youth with a drug adjudication or conviction within the previous two years, creating a mandatory waiting period that could delay or block record clearance and make it harder for young people to move forward with jobs, school, and stable opportunities.

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If the original bill were to proceed as is, HB 188 potentially risked pushing youth deeper into the juvenile justice system, exposing them to more formal processing, higher adjudication rates, and lasting records. This is especially concerning for substance-related offenses, which are more effectively addressed through treatment and support rather than punitive approaches that can deepen system involvement.

Thanks to the efforts of several juvenile justice professionals, community partners, and advocates, the provisions for Nonjudicial Adjustments and the proposed changes to expungement were removed from the bill in the third substitute.

While the third substitute eliminated the proposed changes to NJAs and expungement, significant concerns remain.

Three Strikes, You're Out?

Rather than relying on proven approaches like treatment and rehabilitation, HB 188's third substitute continues a punitive turn by imposing a rigid "three-strikes" rule that pushes students directly into the court system. In doing so, we ignore proven strategies that could support student growth and rehabilitation, potentially leading to a cycle of punitive measures that fail to address the underlying causes of problematic behavior. [1]

Under the third substitute of the bill dictates that if a minor is alleged to have committed a "drug possession offense" on school property and has done so on "at least two previous occasions," the school administrator or resource officer shall refer the minor directly to a court. The mandate removes administrators' discretion to handle recurring substance issues internally and eliminates their ability to use evidence-based alternative interventions after a third drug possession offense.

For a student's first or second offense, the bill permits schools to use mobile crisis teams, youth courts, or restorative justice programs, but it abruptly cuts off these diversion options after a third offense, pushing students directly into court. Mandating court referral risks creating a school-to-court pipeline for students struggling with substance use.

We believe rehabilitation offers better outcomes for youth than disciplinary action alone.

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Treatment programs address the underlying causes of behavior and create opportunities for accountability, education, and long-term stability. As we explained in our [blog](#) on juvenile justice reform, early, non-punitive intervention helps avoid deeper system involvement by asking “what is going on with these kids?” rather than “what is wrong with them?”, a perspective rooted in research and proven practice.

Research shows that youth who participate in rehabilitation programs outside correctional facilities are 38% less likely to become involved in criminal activity and 38% less likely to reoffend. [2]

Decades of research also show rehabilitative programs reduce recidivism more effectively than punitive approaches. [3] Meanwhile, evidence indicates juvenile drug courts have significantly smaller impacts than adult drug courts [4], meaning court involvement alone is not a proven solution for youth substance use.

Removing educators' discretion and mandating court referrals does not strengthen a supportive juvenile justice system. Accountability and healing come from targeted, evidence-based interventions, not automatic court involvement. By prioritizing a rigid, punitive "three-strikes" policy that formally labels youth instead of fostering evidence-based restorative justice, HB 188 threatens to undermine the [long-term](#) success of vulnerable young people in Utah.

We urge you to contact your Utah senator to carefully reflect on the potential consequences of HB 188's changes to Utah's [nationally](#) recognized juvenile justice system and vote NO on this bill.

[1,3] Pappas, L. N., & Dent, A. L. (2023). The 40-year debate: a meta-review on what works for juvenile offenders. *Journal of Experimental Criminology*, 1-30.

[2] College, W. (2024, January 3). Wilson College Online Blog: Juvenile Justice: Rehabilitation vs. Disciplinary Action. Retrieved from Wilson College: <https://online.wilson.edu/resources/juvenile-justice-rehabilitation-vs-disciplinary-action/>


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[4] Mitchell, O., Wilson, D. B., Eggers, A., & Mackenzie, D. L. (2012). Drug Courts' Effects on Criminal Offending for Juveniles and Adults. Oslo: The Campbell Collaboration.

Other

- [Reshaping Juvenile Justice in Utah](#)
- [Why We Advocate for Juvenile Justice Reform in Utah](#)
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- [Utah's Non-Judicial Adjustments Process](#)