

JUVENILE JUSTICE MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill addresses treatment of minors who commit offenses or truancy.

Highlighted Provisions:

This bill:

- ▶ expands the uses of appropriations for the Enhancement for At-Risk Students Program;
- ▶ modifies provisions related to responses to school-based behavior;
- ▶ clarifies when a prosecutor may file a petition or review a referral;
- ▶ addresses adjudication of jurisdiction by juvenile court, including addressing suspended custody orders;
- ▶ addresses the inquiry a prosecutor shall conduct before filing a petition;
- ▶ addresses victim related issues;
- ▶ creates a sunset review for certain provisions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53F-2-410, as renumbered and amended by Laws of Utah 2018, Chapter 2

- 29 **53G-8-211**, as renumbered and amended by Laws of Utah 2018, Chapter 3
 - 30 **53G-8-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
 - 31 **63I-1-253**, as last amended by Laws of Utah 2017, Chapters 166 and 181
 - 32 **78A-6-117 (Effective 07/01/18)**, as last amended by Laws of Utah 2017, Chapter 330
 - 33 **78A-6-210**, as last amended by Laws of Utah 2017, Chapter 186
 - 34 **78A-6-602**, as last amended by Laws of Utah 2017, Chapter 330
 - 35 **78A-6-603**, as last amended by Laws of Utah 2017, Chapter 330
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37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **53F-2-410** is amended to read:

39 **53F-2-410. Enhancement for At-Risk Students Program.**

40 (1) (a) Subject to [~~the requirements of~~] Subsection (1)(b), the State Board of Education
41 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
42 school districts and charter schools according to a formula adopted by the State Board of
43 Education, after consultation with local education boards.

44 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the
45 appropriation for Enhancement for At-Risk Students Program for a gang prevention and
46 intervention program designed to help students [~~at-risk~~] at risk for gang involvement stay in
47 school.

48 (ii) Money for the gang prevention and intervention program shall be distributed to
49 school districts and charter schools through a request for proposals process.

50 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of
51 Education shall use the following criteria:

- 52 (a) low performance on statewide assessments described in Section **53E-4-301**;
- 53 (b) poverty;
- 54 (c) mobility; and
- 55 (d) limited English proficiency.

56 (3) A local education board shall use money distributed under this section to improve
57 the academic achievement of students who are at risk of academic failure including addressing
58 truancy.

59 (4) The State Board of Education shall develop performance criteria to measure the
60 effectiveness of the Enhancement for At-Risk Students Program.

61 (5) If a school district or charter school receives an allocation of less than \$10,000
62 under this section, the school district or charter school may use the allocation as described in
63 Section [53F-2-206](#).

64 Section 2. Section [53G-8-211](#) is amended to read:

65 **[53G-8-211](#). Responses to school-based behavior.**

66 (1) As used in this section:

67 [~~(a) "Class A misdemeanor person offense" means a class A misdemeanor described in~~
68 ~~Title 76, Chapter 5, Offenses Against the Person, or Title 76, Chapter 5b, Sexual Exploitation~~
69 ~~Act.]~~

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

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

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

74 (iii) been approved by the State Board of Education.

75 (b) "Mobile crisis outreach team" means the same as that term is defined in Section
76 [78A-6-105](#).

77 [~~(c) "Nonperson class A misdemeanor" means a class A misdemeanor that is not a~~
78 ~~class A misdemeanor person offense.]~~

79 [(~~d~~) (c) "Restorative justice program" means a school-based program or a program
80 used or adopted by a local education agency that is designed to enhance school safety, reduce
81 school suspensions, and limit referrals to court, and is designed to help minors take
82 responsibility for and repair the harm of behavior that occurs in school.

83 (d) "School administrator" means a principal of a school.

84 (e) "School is in session" means a day during which the school conducts instruction for
85 which student attendance is counted toward calculating average daily membership.

86 (f) "School resource officer" means a law enforcement officer, as defined in Section
87 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts
88 with a local education agency to provide law enforcement services for the local education
89 agency.

90 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
91 clinic, or other event or activity that is authorized by a specific local education agency or public
92 school, according to local board policy, and satisfies at least one of the following conditions:

93 (A) the activity is managed or supervised by a local education agency or public school,
94 or local education agency or public school employee;

95 (B) the activity uses the local education agency or public school's facilities, equipment,
96 or other school resources; or

97 (C) the activity is supported or subsidized, more than inconsequentially, by public
98 funds, including the public school's activity funds or minimum school program dollars.

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

101 (h) (i) "Status offense" means a violation of the law that would not be a violation but
102 for the age of the offender.

103 (ii) Notwithstanding Subsection (1)(h)(i), a status offense does not include a violation
104 that by statute is made a misdemeanor or felony.

105 (2) This section applies to a minor enrolled in school who is alleged to have committed
106 an offense at the school where the student is enrolled:

107 (a) on school property~~;~~ where the student is enrolled:

108 (i) when school is in session; or

109 (ii) during a school-sponsored activity; or

110 (b) that is truancy.

111 (3) (a) If the alleged offense is a class C misdemeanor, an infraction, a status offense
112 on school property, or truancy, the minor may not be referred to law enforcement or court but
113 may be referred to evidence-based alternative [~~school-related~~] interventions, including:

114 [~~(a)~~] (i) a mobile crisis outreach team, as defined in Section 78A-6-105;
115 [~~(b)~~] (ii) a receiving center operated by the Division of Juvenile Justice Services in
116 accordance with Section 62A-7-104; [~~and~~]

117 [~~(c)~~] (iii) a youth court or comparable restorative justice program[.];
118 (iv) evidence-based interventions created and developed by the school or school
119 district; and

120 (v) other evidence-based interventions that may be jointly created and developed by a
121 local education agency, the State Board of Education, the juvenile court, local counties and
122 municipalities, the Department of Health, or the Department of Human Services.

123 (b) Notwithstanding Subsection (3)(a), a school resource officer may:

124 (i) investigate possible criminal offenses and conduct, including conducting probable
125 cause searches;

126 (ii) consult with school administration about the conduct of a minor enrolled in a
127 school;

128 (iii) transport a minor enrolled in a school to a location if the location is permitted by
129 law;

130 (iv) take temporary custody of a minor pursuant to Subsection 78A-6-112(1); or
131 (v) protect the safety of students and the school community, including the use of
132 reasonable and necessary physical force when appropriate based on the totality of the
133 circumstances.

134 (c) Notwithstanding other provisions of this section, a law enforcement officer who has
135 cause to believe a minor has committed an offense on school property when school is not in
136 session nor during a school-sponsored activity, the law enforcement officer may refer the minor

137 to court or may refer the minor to evidence-based alternative interventions at the discretion of
138 the law enforcement officer.

139 (4) (a) Notwithstanding Subsection (3)(a) and subject to the requirements of this
140 Subsection (4), a school district or school may refer a minor to court for a class C misdemeanor
141 committed on school property or for being a habitual truant, as defined in Section [53G-6-201](#),
142 if the minor refuses to participate in an evidence-based alternative intervention described in
143 Subsection (3)(a).

144 (b) (i) When a minor is referred to court under Subsection (4)(a), the school shall
145 appoint a school representative to continue to engage with the minor and the minor's family
146 through the court process.

147 (ii) A school representative appointed under this Subsection (4)(b) may not be a school
148 resource officer.

149 (c) A school district or school shall include the following in its referral to the court:

150 (i) attendance records for the minor;

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

153 (iii) the name and contact information of the school representative assigned to actively
154 participate in the court process with the minor and the minor's family; and

155 (iv) any other information the school district or school considers relevant.

156 (d) A minor referred to court under this Subsection (4), may not be ordered to or placed
157 in secure detention, including for a contempt charge or violation of a valid court order under
158 Section [78A-6-1101](#) when the underlying offense is a class C misdemeanor occurring on
159 school property or habitual truancy.

160 (e) If a minor is referred to court under this Subsection (4), the court may use, when
161 available, the resources of the Division of Juvenile Justice Services or the Division of
162 Substance Abuse and Mental Health to address the minor.

163 [~~(4)~~] (5) If the alleged offense is a class B misdemeanor or a [~~nonperson~~] class A

164 misdemeanor, the minor may be referred directly to the juvenile court by the school
165 administrator [or], the school administrator's designee, or a school resource officer, or the
166 minor may be referred to the evidence-based alternative interventions in Subsection (3)(a).

167 Section 3. Section **53G-8-506** is amended to read:

168 **53G-8-506. Reporting of prohibited acts affecting a school -- Confidentiality.**

169 (1) A person who has reasonable cause to believe that an individual has committed a
170 prohibited act shall, in accordance with Section **53G-8-211**, immediately notify:

- 171 (a) the principal;
- 172 (b) an administrator of the affected school;
- 173 (c) the superintendent of the affected school district; or
- 174 (d) an administrator of the affected school district.

175 (2) If notice is given to a school official, the official may authorize an investigation
176 into allegations involving school property, students, or school district employees.

177 (3) A school official may only refer a complaint of an alleged prohibited act reported as
178 occurring on school [~~grounds~~] property or in connection with school-sponsored activities to an
179 appropriate law enforcement agency in accordance with Section **53G-8-211**.

180 (4) The identity of persons making reports pursuant to this section shall be kept
181 confidential.

182 Section 4. Section **63I-1-253** is amended to read:

183 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

184 The following provisions are repealed on the following dates:

- 185 (1) Subsection **53-10-202(18)** is repealed July 1, 2018.
- 186 (2) Section **53-10-202.1** is repealed July 1, 2018.
- 187 (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program, is
188 repealed July 1, 2020.
- 189 (4) Section **53A-13-106.5** is repealed July 1, 2019.
- 190 (5) Section **53A-15-106** is repealed July 1, 2019.

191 (6) Sections 53A-15-206 and 53A-15-207 are repealed January 1, 2023.

192 (7) Title 53A, Chapter 31, Part 4, American Indian and Alaskan Native Education State
193 Plan Pilot Program, is repealed July 1, 2022.

194 (8) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.

195 (9) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
196 from the Land Exchange Distribution Account to the Geological Survey for test wells, other
197 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.

198 (10) Subsection 53G-8-211(4) is repealed July 1, 2020.

199 Section 5. Section 78A-6-117 (Effective 07/01/18) is amended to read:

200 **78A-6-117 (Effective 07/01/18). Adjudication of jurisdiction of juvenile court --**

201 **Disposition of cases -- Enumeration of possible court orders -- Considerations of court.**

202 (1) (a) When a minor is found to come within Section 78A-6-103, the court shall so
203 adjudicate. The court shall make a finding of the facts upon which it bases its jurisdiction over
204 the minor. However, in cases within Subsection 78A-6-103(1), findings of fact are not
205 necessary.

206 (b) If the court adjudicates a minor for a crime of violence or an offense in violation of
207 Title 76, Chapter 10, Part 5, Weapons, it shall order that notice of the adjudication be provided
208 to the school superintendent of the district in which the minor resides or attends school. Notice
209 shall be made to the district superintendent within three days of the adjudication and shall
210 include:

211 (i) the specific offenses for which the minor was adjudicated; and

212 (ii) if available, if the victim:

213 (A) resides in the same school district as the minor; or

214 (B) attends the same school as the minor.

215 (c) An adjudicated minor shall undergo a risk screening or, if indicated, a validated risk
216 and needs assessment. Results of the screening or assessment shall be used to inform
217 disposition decisions and case planning. Assessment results, if available, may not be shared

218 with the court before adjudication.

219 (2) Upon adjudication the court may make the following dispositions by court order:

220 (a) (i) the court may place the minor on probation or under protective supervision in
221 the minor's own home and upon conditions determined by the court, including community or
222 compensatory service;

223 (ii) a condition ordered by the court under Subsection (2)(a)(i):

224 (A) shall be individualized and address a specific risk or need;

225 (B) shall be based on information provided to the court, including the results of a
226 validated risk and needs assessment conducted under Subsection (1)(c); and

227 (C) if the court orders treatment, be based on a validated risk and needs assessment
228 conducted under Subsection (1)(c);

229 (iii) a court may not issue a standard order that contains control-oriented conditions;

230 (iv) prohibitions on weapon possession, where appropriate, shall be specific to the
231 minor and not the minor's family;

232 (v) if the court orders probation, the court may direct that notice of the court's order be
233 provided to designated persons in the local law enforcement agency and the school or
234 transferee school, if applicable, that the minor attends. The designated persons may receive the
235 information for purposes of the minor's supervision and student safety; and

236 (vi) an employee of the local law enforcement agency and the school that the minor
237 attends who discloses the court's order of probation is not:

238 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
239 provided in Section 63G-7-202; and

240 (B) civilly or criminally liable except when the disclosure constitutes a knowing
241 violation of Section 63G-2-801.

242 (b) The court may place the minor in the legal custody of a relative or other suitable
243 person, with or without probation or protective supervision, but the juvenile court may not
244 assume the function of developing foster home services.

245 (c) (i) The court shall only vest legal custody of the minor in the Division of Juvenile
246 Justice Services and order the Division of Juvenile Justice Services to provide dispositional
247 recommendations and services if:

248 (A) nonresidential treatment options have been exhausted or nonresidential treatment
249 options are not appropriate; and

250 (B) the minor is adjudicated under this section for a felony offense, a misdemeanor
251 when the minor has five prior misdemeanors or felony adjudications arising from separate
252 criminal episodes, or a misdemeanor involving the use of a dangerous weapon as defined in
253 Section 76-1-601.

254 (ii) The court may not vest legal custody of a minor in the Division of Juvenile Justice
255 Services for:

256 (A) contempt of court except to the extent permitted under Section 78A-6-1101;

257 (B) a violation of probation;

258 (C) failure to pay a fine, fee, restitution, or other financial obligation;

259 (D) unfinished compensatory or community service hours;

260 (E) an infraction; or

261 (F) a status offense.

262 (iii) (A) A minor who is 18 years old or older, but younger than 21 years old, may
263 petition the court to express the minor's desire to be removed from the jurisdiction of the
264 juvenile court and from the custody of the Division of Child and Family Services if the minor
265 is in the division's custody on grounds of abuse, neglect, or dependency.

266 (B) If the minor's parent's rights have not been terminated in accordance with Part 5,
267 Termination of Parental Rights Act, the minor's petition shall contain a statement from the
268 minor's parent or guardian agreeing that the minor should be removed from the custody of the
269 Division of Child and Family Services.

270 (C) The minor and the minor's parent or guardian shall sign the petition.

271 (D) The court shall review the petition within 14 days.

272 (E) The court shall remove the minor from the custody of the Division of Child and
273 Family Services if the minor and the minor's parent or guardian have met the requirements
274 described in Subsections (2)(c)(iv)(B) and (C) and if the court finds, based on input from the
275 Division of Child and Family Services, the minor's guardian ad litem, and the Office of the
276 Attorney General, that the minor does not pose an imminent threat to self or others.

277 (F) A minor removed from custody under Subsection (2)(c)(iv)(E) may, within 90 days
278 of the date of removal, petition the court to re-enter custody of the Division of Child and
279 Family Services.

280 (G) Upon receiving a petition under Subsection (2)(c)(iv)(F), the court shall order the
281 Division of Child and Family Services to take custody of the minor based on the findings the
282 court entered when the court originally vested custody in the Division of Child and Family
283 Services.

284 (d) (i) The court shall only commit a minor to the Division of Juvenile Justice Services
285 for secure confinement if the court finds that the minor poses a risk of harm to others and is
286 adjudicated under this section for:

287 (A) a felony offense;

288 (B) a misdemeanor if the minor has five prior misdemeanor or felony adjudications
289 arising from separate criminal episodes; or

290 (C) a misdemeanor involving use of a dangerous weapon as defined in Section
291 76-1-601.

292 (ii) A minor under the jurisdiction of the court solely on the ground of abuse, neglect,
293 or dependency under Subsection 78A-6-103(1)(b) may not be committed to the Division of
294 Juvenile Justice Services.

295 (iii) The court may not commit a minor to the Division of Juvenile Justice Services for
296 secure confinement for:

297 (A) contempt of court;

298 (B) a violation of probation;

- 299 (C) failure to pay a fine, fee, restitution, or other financial obligation;
300 (D) unfinished compensatory or community service hours;
301 (E) an infraction; or
302 (F) a status offense.
- 303 (e) The court may order nonresidential, diagnostic assessment, including substance use
304 disorder, mental health, psychological, or sexual behavior risk assessment.
- 305 (f) (i) The court may commit a minor to a place of detention or an alternative to
306 detention for a period not to exceed 30 cumulative days per adjudication subject to the court
307 retaining continuing jurisdiction over the minor. This commitment may not be suspended upon
308 conditions ordered by the court.
- 309 (ii) This Subsection (2)(f) applies only to a minor adjudicated for:
310 (A) an act which if committed by an adult would be a criminal offense; or
311 (B) contempt of court under Section [78A-6-1101](#).
- 312 (iii) The court may not commit a minor to a place of detention for:
313 (A) contempt of court except to the extent allowed under Section [78A-6-1101](#);
314 (B) a violation of probation;
315 (C) failure to pay a fine, fee, restitution, or other financial obligation;
316 (D) unfinished compensatory or community service hours;
317 (E) an infraction; or
318 (F) a status offense.
- 319 (iv) (A) Time spent in detention pre-adjudication shall be credited toward the 30
320 cumulative days eligible as a disposition under Subsection (2)(f)(i). If the minor spent more
321 than 30 days in a place of detention before disposition, the court may not commit a minor to
322 detention under this section.
- 323 (B) Notwithstanding Subsection (2)(f)(iv)(A), the court may commit a minor for a
324 maximum of seven days while a minor is awaiting placement under Subsection (2)(c)(i). Only
325 the seven days under this Subsection (2)(f)(iv)(B) may be combined with a nonsecure

326 placement.

327 (v) Notwithstanding Subsection (2)(t), no more than seven days of detention may be
328 ordered in combination with an order under Subsection (2)(c)(i).

329 (g) The court may vest legal custody of an abused, neglected, or dependent minor in
330 the Division of Child and Family Services or any other appropriate person in accordance with
331 the requirements and procedures of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and
332 Dependency Proceedings.

333 (h) (i) The court may order a minor to repair, replace, or otherwise make restitution for
334 material loss caused by the minor's wrongful act or for conduct for which the minor agrees to
335 make restitution.

336 (ii) A victim has the meaning defined under Subsection [77-38a-102](#)(14). A victim of an
337 offense that involves as an element a scheme, a conspiracy, or a pattern of criminal activity,
338 includes any person directly harmed by the minor's delinquency conduct in the course of the
339 scheme, conspiracy, or pattern.

340 (iii) If the victim and the minor agree to participate, the court may refer the case to a
341 restorative justice program such as victim offender mediation to address how loss resulting
342 from the adjudicated act may be addressed.

343 (iv) For the purpose of determining whether and how much restitution is appropriate,
344 the court shall consider the following:

345 (A) restitution shall only be ordered for the victim's material loss;

346 (B) restitution may not be ordered if the court finds that the minor is unable to pay or
347 acquire the means to pay; and

348 (C) any amount paid by the minor to the victim in civil penalty shall be credited against
349 restitution owed.

350 (v) Any amount paid to the victim in restitution shall be credited against liability in a
351 civil suit.

352 (vi) The court may also require a minor to reimburse an individual, entity, or

353 governmental agency who offered and paid a reward to a person or persons for providing
354 information resulting in a court adjudication that the minor is within the jurisdiction of the
355 juvenile court due to the commission of a criminal offense.

356 (vii) If a minor is returned to this state under the Interstate Compact on Juveniles, the
357 court may order the minor to make restitution for costs expended by any governmental entity
358 for the return.

359 (viii) The prosecutor shall submit a request for restitution to the court at the time of
360 disposition, if feasible, otherwise within three months after disposition.

361 (ix) A financial disposition ordered shall prioritize the payment of restitution.

362 (i) The court may issue orders necessary for the collection of restitution and fines
363 ordered by the court, including garnishments, wage withholdings, and executions, except for an
364 order that changes the custody of the minor, including detention or other secure or nonsecure
365 residential placements.

366 (j) (i) The court may through its probation department encourage the development of
367 nonresidential employment or work programs to enable minors to fulfill their obligations under
368 Subsection (2)(h) and for other purposes considered desirable by the court.

369 (ii) Consistent with the order of the court, the probation officer may permit a minor
370 found to be within the jurisdiction of the court to participate in a program of work restitution or
371 compensatory service in lieu of paying part or all of the fine imposed by the court.

372 (iii) The court may order the minor to:

373 (A) pay a fine, fee, restitution, or other cost; or

374 (B) complete service hours.

375 (iv) If the court orders a minor to pay a fine, fee, restitution, or other cost, or to
376 complete service hours, those dispositions shall be considered collectively to ensure that the
377 order is reasonable and prioritizes restitution.

378 (v) If the court orders a minor to pay a fine, fee, or other cost, or complete service
379 hours, the cumulative order shall be limited per criminal episode as follows:

380 (A) for children under age 16 at adjudication, the court may impose up to \$180 or up to
381 24 hours of service; and

382 (B) for minors 16 and older at adjudication, the court may impose up to \$270 or up to
383 36 hours of service.

384 (vi) The cumulative order under Subsection (2)(j)(v) does not include restitution.

385 (vii) If the court converts a fine, fee, or restitution amount to service hours, the rate of
386 conversion shall be no less than the minimum wage.

387 (k) (i) In violations of traffic laws within the court's jurisdiction, when the court finds
388 that as part of the commission of the violation the minor was in actual physical control of a
389 motor vehicle, the court may, in addition to any other disposition authorized by this section:

390 (A) restrain the minor from driving for periods of time the court considers necessary;
391 and

392 (B) take possession of the minor's driver license.

393 (ii) The court may enter any other eligible disposition under Subsection (2)(k)(i) except
394 for a disposition under Subsection (2)(c), (d), or (f). However, the suspension of driving
395 privileges for an offense under Section 78A-6-606 is governed only by Section 78A-6-606.

396 (l) (i) The court may order a minor to complete community or compensatory service
397 hours in accordance with Subsections (2)(j)(iv) and (v).

398 (ii) When community service is ordered, the presumptive service order shall include
399 between five and 10 hours of service.

400 (iii) Satisfactory completion of an approved substance use disorder prevention or
401 treatment program or other court-ordered condition may be credited by the court as
402 compensatory service hours.

403 (iv) When a minor is found within the jurisdiction of the juvenile court under Section
404 78A-6-103 because of a violation of Section 76-6-106 or 76-6-206 using graffiti, the court may
405 order the minor to clean up graffiti created by the minor or any other person at a time and place
406 within the jurisdiction of the court. Compensatory service ordered under this section may be

407 performed in the presence and under the direct supervision of the minor's parent or legal
408 guardian. The parent or legal guardian shall report completion of the order to the court. The
409 court may also require the minor to perform other alternative forms of restitution or repair to
410 the damaged property pursuant to Subsection (2)(h).

411 (m) (i) Subject to Subsection (2)(m)(iii), the court may order that a minor:

412 (A) be examined or treated by a physician, surgeon, psychiatrist, or psychologist; or

413 (B) receive other special care.

414 (ii) For purposes of receiving the examination, treatment, or care described in
415 Subsection (2)(m)(i), the court may place the minor in a hospital or other suitable facility that is
416 not a secure facility or secure detention.

417 (iii) In determining whether to order the examination, treatment, or care described in
418 Subsection (2)(m)(i), the court shall consider:

419 (A) the desires of the minor;

420 (B) if the minor is under the age of 18, the desires of the parents or guardian of the
421 minor; and

422 (C) whether the potential benefits of the examination, treatment, or care outweigh the
423 potential risks and side-effects, including behavioral disturbances, suicidal ideation, brain
424 function impairment, or emotional or physical harm resulting from the compulsory nature of
425 the examination, treatment, or care.

426 (iv) The Division of Child and Family Services shall take reasonable measures to
427 notify a parent or guardian of any non-emergency health treatment or care scheduled for a
428 child, shall include the parent or guardian as fully as possible in making health care decisions
429 for the child, and shall defer to the parent's or guardian's reasonable and informed decisions
430 regarding the child's health care to the extent that the child's health and well being are not
431 unreasonably compromised by the parent's or guardian's decision.

432 (v) The Division of Child and Family Services shall notify the parent or guardian of a
433 child within five business days after a child in the custody of the Division of Child and Family

434 Services receives emergency health care or treatment.

435 (vi) The Division of Child and Family Services shall use the least restrictive means to
436 accomplish a compelling interest in the care and treatment of a child described in this
437 Subsection (2)(m).

438 (n) (i) The court may appoint a guardian for the minor if it appears necessary in the
439 interest of the minor, and may appoint as guardian a public or private institution or agency, but
440 not a nonsecure residential placement provider, in which legal custody of the minor is vested.

441 (ii) In placing a minor under the guardianship or legal custody of an individual or of a
442 private agency or institution, the court shall give primary consideration to the welfare of the
443 minor. When practicable, the court may take into consideration the religious preferences of the
444 minor and of a child's parents.

445 (o) (i) In support of a decree under Section 78A-6-103, the court may order reasonable
446 conditions to be complied with by a minor's parents or guardian, a minor's custodian, or any
447 other person who has been made a party to the proceedings. Conditions may include:

448 (A) parent-time by the parents or one parent;

449 (B) restrictions on the minor's associates;

450 (C) restrictions on the minor's occupation and other activities; and

451 (D) requirements to be observed by the parents or custodian.

452 (ii) A minor whose parents or guardians successfully complete a family or other
453 counseling program may be credited by the court for detention, confinement, or probation time.

454 (p) The court may order the child to be committed to the physical custody of a local
455 mental health authority, in accordance with the procedures and requirements of Title 62A,
456 Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and
457 Mental Health.

458 (q) (i) The court may make an order committing a minor within the court's jurisdiction
459 to the Utah State Developmental Center if the minor has an intellectual disability in accordance
460 with Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility for People with

461 an Intellectual Disability.

462 (ii) The court shall follow the procedure applicable in the district courts with respect to
463 judicial commitments to the Utah State Developmental Center when ordering a commitment
464 under Subsection (2)(q)(i).

465 (r) The court may terminate all parental rights upon a finding of compliance with Title
466 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

467 (s) The court may make other reasonable orders for the best interest of the minor and as
468 required for the protection of the public, except that a child may not be committed to jail,
469 prison, secure detention, or the custody of the Division of Juvenile Justice Services under
470 Subsections (2)(c) and (d).

471 (t) The court may combine the dispositions listed in this section if it is permissible and
472 they are compatible.

473 (u) Before depriving any parent of custody, the court shall give due consideration to the
474 rights of parents concerning their child. The court may transfer custody of a minor to another
475 person, agency, or institution in accordance with the requirements and procedures of Title 78A,
476 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

477 (v) Except as provided in Subsection (2)(x)(i), an order under this section for probation
478 or placement of a minor with an individual or an agency shall include a date certain for a
479 review and presumptive termination of the case by the court in accordance with Subsection (6)
480 and Section [62A-7-404](#). A new date shall be set upon each review.

481 (w) In reviewing foster home placements, special attention shall be given to making
482 adoptable children available for adoption without delay.

483 (x) (i) The juvenile court may enter an order of permanent custody and guardianship
484 with an individual or relative of a child where the court has previously acquired jurisdiction as
485 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an
486 order for child support on behalf of the child against the natural or adoptive parents of the
487 child.

488 (ii) Orders under Subsection (2)(x)(i):
489 (A) shall remain in effect until the child reaches majority;
490 (B) are not subject to review under Section 78A-6-118; and
491 (C) may be modified by petition or motion as provided in Section 78A-6-1103.
492 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and
493 permanent orders of custody and guardianship do not expire with a termination of jurisdiction
494 of the juvenile court.

495 (3) In addition to the dispositions described in Subsection (2), when a minor comes
496 within the court's jurisdiction, the minor may be given a choice by the court to serve in the
497 National Guard in lieu of other sanctions, provided:

498 (a) the minor meets the current entrance qualifications for service in the National
499 Guard as determined by a recruiter, whose determination is final;

500 (b) the minor is not under the jurisdiction of the court for any act that:

501 (i) would be a felony if committed by an adult;

502 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or

503 (iii) was committed with a weapon; and

504 (c) the court retains jurisdiction over the minor under conditions set by the court and
505 agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

506 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
507 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
508 designated employees of the court or, if the minor is in the legal custody of the Division of
509 Juvenile Justice Services, then by designated employees of the division under Subsection
510 53-10-404(5)(b).

511 (b) The responsible agency shall ensure that employees designated to collect the saliva
512 DNA specimens receive appropriate training and that the specimens are obtained in accordance
513 with accepted protocol.

514 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA

515 Specimen Restricted Account created in Section 53-10-407.

516 (d) Payment of the reimbursement is second in priority to payments the minor is
517 ordered to make for restitution under this section and treatment under Section 78A-6-321.

518 (5) (a) A disposition made by the court pursuant to this section may not be suspended,
519 except for the following:

520 (i) If a minor qualifies for commitment to the Division of Juvenile Justice Services
521 under Subsection (2)(c) or (d), the court may suspend a custody order pursuant to Subsection
522 (2)(c) or (d) in lieu of immediate commitment, upon the condition that the minor commit no
523 new misdemeanor or felony offense during the three months following the day of disposition.

524 (ii) The duration of a suspended custody order made under Subsection (5)(a)(i) may not
525 exceed three months post-disposition and may not be extended under any circumstance.

526 (iii) The court may only impose a custody order suspended under Subsection (5)(a)(i)
527 following adjudication of a new misdemeanor or felony offense committed by the minor during
528 the period of suspension set out under Subsection (5)(a)(ii) or if a new assessment or
529 evaluation has been completed and recommends that a higher level of care is needed and
530 nonresidential treatment options have been exhausted or nonresidential treatment options are
531 not appropriate.

532 (iv) A suspended custody order may not be imposed without notice to the minor, notice
533 to counsel, and a hearing.

534 (b) The court pursuant to Subsection (5)(a) shall terminate jurisdiction over the minor
535 at the end of the presumptive time frame unless at least one the following circumstances exists:

536 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a
537 program determined to be necessary by the results of a validated risk and needs assessment
538 with completion found by the court after considering the recommendation of a licensed service
539 provider on the basis of the minor completing the goals of the necessary treatment program;

540 (ii) the minor commits a new misdemeanor or felony offense;

541 (iii) service hours have not been completed; or

542 (iv) there is an outstanding fine.

543 (6) When the court places a minor on probation under Subsection (2)(a) or vests legal
544 custody of the minor in the Division of Juvenile Justice Services under Subsection (2)(c), the
545 court shall do so for a defined period of time pursuant to this section.

546 (a) For the purposes of placing a minor on probation under Subsection (2)(a), the court
547 shall establish a presumptive term of probation as specified in this Subsection (6):

548 (i) the presumptive maximum length of intake probation may not exceed three months;
549 and

550 (ii) the presumptive maximum length of formal probation may not exceed four to six
551 months.

552 (b) For the purposes of vesting legal custody of the minor in the Division of Juvenile
553 Justice Services under Subsection (2)(c), the court shall establish a maximum term of custody
554 and a maximum term of aftercare as specified in this Subsection (6):

555 (i) the presumptive maximum length of out-of-home placement may not exceed three
556 to six months; and

557 (ii) the presumptive maximum length of aftercare supervision, for those previously
558 placed out-of-home, may not exceed three to four months, and minors may serve the term of
559 aftercare in the home of a qualifying relative or guardian or at an independent living program
560 contracted or operated by the Division of Juvenile Justice Services.

561 (c) The court pursuant to Subsections (6)(a) and (b), and the Youth Parole Authority
562 pursuant to Subsection (6)(b), shall terminate jurisdiction over the minor at the end of the
563 presumptive time frame unless at least one of the following circumstances exists:

564 (i) termination pursuant to Subsection (6)(a)(ii) would interrupt the completion of a
565 court ordered program determined to be necessary by the results of a validated assessment, with
566 completion found by the court after considering the recommendations of a licensed service
567 provider or facilitator of court ordered treatment or intervention program on the basis of the
568 minor completing the goals of the necessary treatment program;

569 (ii) termination pursuant to Subsection (6)(a)(i) or (6)(b) would interrupt the
570 completion of a program determined to be necessary by the results of a validated assessment,
571 with completion determined on the basis of whether the minor has regularly and consistently
572 attended the treatment program and completed the goals of the necessary treatment program as
573 determined by the court or Youth Parole Authority after considering the recommendation of a
574 licensed service provider or facilitator of court ordered treatment or intervention program;

575 (iii) the minor commits a new misdemeanor or felony offense;

576 (iv) service hours have not been completed; or

577 (v) there is an outstanding fine.

578 (d) (i) Subject to Subsection (6)(g), if one of the circumstances under Subsection
579 (6)(c)(i), (ii), (iii), or (iv) exists, the court may extend jurisdiction for the time needed to
580 address the specific circumstance.

581 (ii) Subject to Subsection (6)(g), if one of the circumstances under Subsection (6)(c)(i),
582 (ii), (iii), or (iv) exists, and the Youth Parole Authority has jurisdiction, the Youth Parole
583 Authority may extend jurisdiction for the time needed to address the specific circumstance.

584 (e) If the circumstance under Subsection (6)(c)(iv) exists, the court, or the Youth
585 Parole Authority if the Youth Parole Authority has jurisdiction, may extend jurisdiction one
586 time for up to three months.

587 (f) Grounds for extension of the presumptive length of supervision or placement and
588 the length of any extension shall be recorded in the court record or records of the Youth Parole
589 Authority if the Youth Parole Authority has jurisdiction, and tracked in the data system used by
590 the Administrative Office of the Courts and the Division of Juvenile Justice Services.

591 (g) (i) For a minor who is under the supervision of the juvenile court and whose
592 supervision is extended to complete service hours under Subsection (6)(c)(iv), jurisdiction may
593 only be continued under the supervision of intake probation.

594 (ii) For a minor who is under the jurisdiction of the Youth Parole Authority whose
595 supervision is extended to complete service hours under Subsection (6)(c)(iv), jurisdiction may

596 only be continued on parole and not in secure confinement.

597 (h) In the event of an unauthorized leave lasting more than 24 hours, the supervision
598 period shall toll until the minor returns.

599 (7) Subsection (6) does not apply to any minor adjudicated under this section for:

600 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

601 (b) Section 76-5-202, attempted aggravated murder;

602 (c) Section 76-5-203, murder or attempted murder;

603 (d) Section 76-5-302, aggravated kidnapping;

604 (e) Section 76-5-405, aggravated sexual assault;

605 (f) a felony violation of Section 76-6-103, aggravated arson;

606 (g) Section 76-6-203, aggravated burglary;

607 (h) Section 76-6-302, aggravated robbery;

608 (i) Section 76-10-508.1, felony discharge of a firearm; or

609 (j) an offense other than those listed in Subsections (7)(a) through (i) involving the use
610 of a dangerous weapon, as defined in Section 76-1-601, that is a felony, and the minor has been
611 previously adjudicated or convicted of an offense involving the use of a dangerous weapon.

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

613 **78A-6-210. Fines -- Fees -- Deposit with state treasurer -- Restricted account.**

614 (1) There is created within the General Fund a restricted account known as the
615 "Nonjudicial Adjustment Account."

616 (2) (a) The account shall be funded from the financial penalty established under
617 Subsection 78A-6-602(2)~~(d)~~(e)(i).

618 (b) The court shall deposit all money collected as a result of penalties assessed as part
619 of the nonjudicial adjustment of a case in the account.

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

622 (3) (a) Except under Subsections (3)(b), (4), and as otherwise provided by law, all

623 fines, fees, penalties, and forfeitures imposed and collected by the juvenile court shall be paid
624 to the state treasurer for deposit in the General Fund.

625 (b) Not more than 50% of any fine or forfeiture collected may be paid to a state
626 rehabilitative employment program for delinquent minors that provides for employment of the
627 minor in the county of the minor's residence if:

628 (i) reimbursement for the minor's labor is paid to the victim of the minor's delinquent
629 behavior;

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

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

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

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

637 (d) Funds withheld under Subsection (3)(b) and private contributions are nonlapsing.
638 The Board of Juvenile Court Judges shall establish policies for the use of the funds described
639 in this subsection.

640 (4) For fines and forfeitures collected by the court for a violation of Section
641 [41-6a-1302](#) in instances where evidence of the violation was obtained by an automated traffic
642 enforcement safety device as described in Section [41-6a-1310](#), the court shall allocate 20% to
643 the school district or private school that owns or contracts for the use of the bus, and the state
644 treasurer shall allocate 80% to the General Fund.

645 (5) No fee may be charged by any state or local public officer for the service of process
646 in any proceedings initiated by a public agency.

647 Section 7. Section **78A-6-602** is amended to read:

648 **78A-6-602. Petition -- Preliminary inquiry -- Nonjudicial adjustments -- Formal**
649 **referral -- Citation -- Failure to appear.**

650 (1) A proceeding in a minor's case is commenced by petition, except as provided in
651 Sections [78A-6-701](#), [78A-6-702](#), and [78A-6-703](#).

652 (2) (a) A peace officer or a public official of the state, a county, city, or town charged
653 with the enforcement of the laws of the state or local jurisdiction shall file a formal referral
654 with the juvenile court within 10 days of a minor's arrest. If the arrested minor is taken to a
655 detention facility, the formal referral shall be filed with the juvenile court within 72 hours,
656 excluding weekends and holidays. A formal referral under Section ~~[53A-11-911]~~ [53G-8-211](#)
657 may not be filed with the juvenile court on an offense unless the offense is subject to referral
658 under Section ~~[53A-11-911]~~ [53G-8-211](#).

659 (b) (i) When the court is informed by a peace officer or other person that a minor is or
660 appears to be within the court's jurisdiction, the probation department shall make a preliminary
661 inquiry to determine whether the minor is eligible to enter into a written consent agreement
662 with the probation department and, if the minor is a child, the minor's parent, guardian, or
663 custodian for the nonjudicial adjustment of the case pursuant to this Subsection (2). ~~[The]~~

664 (ii) Except as provided in Subsection (2)(k), the court's probation department shall
665 offer a nonjudicial adjustment if the minor:

666 ~~[(i)]~~ (A) is referred with a misdemeanor, infraction, or status offense;

667 ~~[(ii)]~~ (B) has ~~[fewer than three]~~ no more than two prior adjudications; and

668 ~~[(iii)]~~ (C) has no more than three prior unsuccessful nonjudicial adjustment attempts.

669 (iii) For purposes of this Subsection (2)(b), an adjudication or nonjudicial adjustment
670 means an action based on a single episode of conduct that is closely related in time and is
671 incident to an attempt or an accomplishment of a single objective.

672 (c) (i) Within seven days of receiving a referral that appears to be eligible for a
673 nonjudicial adjustment pursuant to Subsection (2)(b), the probation department shall provide
674 an initial notice to reasonably identifiable and locatable victims of the offense contained in the
675 referral.

676 (ii) The victim shall be responsible to provide to the division upon request:

677 (A) invoices, bills, receipts, and other evidence of injury, loss of earnings, and
678 out-of-pocket loss;

679 (B) documentation and evidence of compensation or reimbursement from insurance
680 companies or agencies of Utah, any other state, or federal government received as a direct
681 result of the crime for injury, loss of earnings, or out-of-pocket loss; and

682 (C) proof of identification, including home and work address and telephone numbers.

683 (iii) The inability, failure, or refusal of the victim to provide all or part of the requested
684 information shall result in the probation department determining restitution based on the best
685 information available.

686 ~~[(e)]~~ (d) (i) Notwithstanding Subsection (2)(b), the probation department may conduct
687 a validated risk and needs assessment and may request that the prosecutor review the referral
688 pursuant to Subsection (2)~~[(g)]~~(h) to determine whether to dismiss the referral or file a petition
689 instead of offering a nonjudicial adjustment if:

690 (A) the results of the assessment indicate the youth is high risk; or

691 (B) the results of the assessment indicate the youth is moderate risk and the referral is
692 for a class A misdemeanor violation under Title 76, Chapter 5, Offenses Against the Person, or
693 Title 76, Chapter 9, Part 7, Miscellaneous Provisions.

694 (ii) ~~[The]~~ Except as provided in Subsection (2)(k), the court's probation department~~[-]~~
695 may offer a nonjudicial adjustment to any other minor who does not meet the criteria provided
696 in Subsection (2)(b).

697 (iii) Acceptance of an offer of nonjudicial adjustment may not be predicated on an
698 admission of guilt.

699 (iv) A minor may not be denied an offer of nonjudicial adjustment due to an inability to
700 pay a financial penalty under Subsection (2)~~[(f)]~~(e).

701 (v) Efforts to effect a nonjudicial adjustment may not extend for a period of more than
702 90 days without leave of a judge of the court, who may extend the period for an additional 90
703 days.

704 (vi) A prosecutor may not file a petition against a minor unless:
705 (A) the minor does not qualify for nonjudicial adjustment under Subsection (2)(b) or
706 (d)(ii);
707 (B) the minor declines nonjudicial adjustment;
708 (C) the minor fails to substantially comply with the conditions agreed upon as part of
709 the nonjudicial adjustment;
710 (D) the minor fails to respond to the probation department's inquiry regarding
711 eligibility for or an offer of a nonjudicial adjustment after being provided with notice for
712 preliminary inquiry; or
713 (E) the prosecutor is acting under Subsection (2)(k).
714 ~~(d)~~ (e) The nonjudicial adjustment of a case may include the following conditions
715 agreed upon as part of the nonjudicial closure:
716 (i) payment of a financial penalty of not more than \$250 to the juvenile court subject to
717 the terms established under Subsection (2)~~(e)~~(f);
718 (ii) payment of victim restitution;
719 (iii) satisfactory completion of community or compensatory service;
720 (iv) referral to an appropriate provider for counseling or treatment;
721 (v) attendance at substance use disorder programs or counseling programs;
722 (vi) compliance with specified restrictions on activities and associations; ~~and~~
723 (vii) victim-offender mediation, if requested by the victim; and
724 ~~(vii)~~ (viii) other reasonable actions that are in the interest of the child or minor ~~and~~,
725 the community, and the victim.
726 ~~(e)~~ (f) A fee, fine, or restitution included in a nonjudicial closure in accordance with
727 Subsection (2)~~(d)~~(e) shall be based upon the ability of the minor's family to pay as determined
728 by a statewide sliding scale developed as provided in Section 63M-7-208 on and after July 1,
729 2018.
730 ~~(f)~~ (g) If a prosecutor learns of a referral involving an offense identified in Subsection

731 (2)(k), if a minor fails to substantially comply with the conditions agreed upon as part of the
732 nonjudicial closure, or if a minor is not offered or declines a nonjudicial adjustment pursuant to
733 Subsection (2)(b) [~~or (2)(c)(ii)~~], (2)(d)(ii), or (2)(d)(vi), the prosecutor shall review the case
734 and take one of the following actions:

- 735 (i) dismiss the case;
- 736 (ii) refer the case back to the probation department for a new attempt at nonjudicial
737 adjustment; or
- 738 (iii) [~~in accordance with Subsections~~] subject to Subsection (2)(~~h~~)(i), file a petition
739 with the court.

740 [~~(g)~~] (h) Notwithstanding Subsection (2)(~~f~~)(g), a petition may only be filed upon
741 reasonable belief that:

- 742 (i) the charges are supported by probable cause;
- 743 (ii) admissible evidence will be sufficient to support [~~conviction~~] adjudication beyond
744 a reasonable doubt; and
- 745 (iii) the decision to charge is in the interests of justice.

746 [~~(h)~~] (i) Failure to [~~a~~] pay a fine or fee may not serve as a basis for filing of a petition
747 under Subsection (2)(~~f~~)(g)(iii) if the minor has substantially complied with the other
748 conditions agreed upon in accordance with Subsection (2)(~~d~~)(e) or those imposed through any
749 other court diversion program.

750 [~~(i) A~~] (j) Notwithstanding Subsection (2)(i), a violation of Section 76-10-105 that is
751 subject to the jurisdiction of the juvenile court may include a fine or penalty and participation
752 in a court-approved tobacco education program, which may include a participation fee.

753 (k) Notwithstanding the other provisions of this section, the probation department shall
754 request that a prosecutor review a referral in accordance with Subsection (2)(g) if:

- 755 (i) the referral involves a violation of:
 - 756 (A) Section 41-6a-502, driving under the influence;
 - 757 (B) Section 76-5-112, reckless endangerment creating a substantial risk of death or

758 serious bodily injury;

759 (C) Section 76-5-206, negligent homicide;

760 (D) Section 76-9-702.1, sexual battery;

761 (E) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled
762 shotgun on or about school premises; or

763 (F) Section 76-10-509, possession of dangerous weapon by minor, but only if the
764 dangerous weapon is a firearm; or

765 (ii) the minor has a current suspended order for custody under Subsection
766 78A-6-117(5)(a).

767 [(j)] (l) If the prosecutor files a petition in court, the court may refer the case to the
768 probation department for another offer of nonjudicial adjustment.

769 (m) If a minor violates Section 41-6a-502, regardless of whether a prosecutor reviews a
770 referral under Subsection (2)(k)(i)(A), the minor shall be subject to a drug and alcohol
771 screening and participate in an assessment, if found appropriate by the screening, and if
772 warranted, follow the recommendations of the assessment.

773 (3) Except as provided in Sections 78A-6-701 and 78A-6-702, in the case of a minor
774 14 years of age or older, the county attorney, district attorney, or attorney general may
775 commence an action by filing a criminal information and a motion requesting the juvenile court
776 to waive its jurisdiction and certify the minor to the district court.

777 (4) (a) In cases of violations of wildlife laws, boating laws, class B and class C
778 misdemeanors, other infractions or misdemeanors as designated by general order of the Board
779 of Juvenile Court Judges, and violations of Section 76-10-105 subject to the jurisdiction of the
780 juvenile court, a petition is not required and the issuance of a citation as provided in Section
781 78A-6-603 is sufficient to invoke the jurisdiction of the court. A preliminary inquiry in
782 accordance with Subsection (2)(b)(i) is required.

783 (b) Any failure to comply with the time deadline on a formal referral may not be the
784 basis of dismissing the formal referral.

785 Section 8. Section **78A-6-603** is amended to read:

786 **78A-6-603. Citation procedure -- Citation -- Offenses -- Time limits -- Failure to**
787 **appear.**

788 (1) As used in this section, "citation" means an abbreviated referral and is sufficient to
789 invoke the jurisdiction of the court in lieu of a petition.

790 (2) A citation shall be submitted to the court within five days of issuance.

791 (3) A copy of the citation shall contain:

792 (a) the name and address of the juvenile court before which the minor may be required
793 to appear;

794 (b) the name of the minor cited;

795 (c) the statute or local ordinance that is alleged to have been violated;

796 (d) a brief description of the offense charged;

797 (e) the date, time, and location at which the offense is alleged to have occurred;

798 (f) the date the citation was issued;

799 (g) the name and badge or identification number of the peace officer or public official
800 who issued the citation;

801 (h) the name of the arresting person if an arrest was made by a private party and the
802 citation was issued in lieu of taking the arrested minor into custody as provided in Section
803 **78A-6-112**;

804 (i) the date and time when the minor is to appear, or a statement that the minor and
805 parent or legal guardian are to appear when notified by the juvenile court; and

806 (j) the signature of the minor and the parent or legal guardian, if present, agreeing to
807 appear at the juvenile court as designated on the citation.

808 (4) A copy of the citation shall contain space for the following information to be
809 entered if known:

810 (a) the minor's address;

811 (b) the minor's date of birth;

812 (c) the name and address of the child's custodial parent or legal guardian, if different
813 from the child; and

814 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that
815 this information shall be removed from the documents the minor receives.

816 (5) A citation received by the court beyond the time designated in Subsection (2) shall
817 include a written explanation for the delay.

818 (6) In accordance with Section ~~[53A-11-911]~~ 53G-8-211, the following offenses may
819 be sent to the juvenile court as a citation:

820 (a) violations of wildlife laws;

821 (b) violations of boating laws;

822 (c) violations of curfew laws;

823 (d) any class B misdemeanor or less traffic violations where the person is under the age
824 of 16;

825 (e) any class B or class C misdemeanor or infraction;

826 (f) any other infraction or misdemeanor as designated by general order of the Board of
827 Juvenile Court Judges; and

828 (g) violations of Section 76-10-105 subject to the jurisdiction of the juvenile court.

829 (7) A minor offense defined under Section 78A-6-1202, alleged to have been
830 committed by an enrolled child on school property or related to school attendance, may only be
831 sent to the prosecutor or the juvenile court in accordance with Section ~~[53A-11-911]~~
832 53G-8-211.

833 ~~[(8) A preliminary inquiry by the prosecutor, and]~~

834 (8) An inquiry shall be conducted:

835 (a) by the prosecutor to determine upon reasonable belief that:

836 (i) the charges are supported by probable cause;

837 (ii) admissible evidence will be sufficient to support adjudication beyond a reasonable
838 doubt; and

839 (iii) the decision to charge is in the interests of justice; and

840 (b) if appropriate, by the court[;] under Section 78A-6-117 [is required].

841 (9) Subsection (5) may not apply to a runaway child.

842 (10) (a) A minor receiving a citation described in this section shall appear at the
843 juvenile court designated in the citation on the time and date specified in the citation or when
844 notified by the juvenile court.

845 (b) A citation may not require a minor to appear sooner than five days following its
846 issuance.

847 (11) A minor who receives a citation and willfully fails to appear before the juvenile
848 court pursuant to a citation may be found in contempt of court. The court may proceed against
849 the minor as provided in Section 78A-6-1101.

850 (12) When a citation is issued under this section, bail may be posted and forfeited
851 under Section 78A-6-113 with the consent of:

852 (a) the court; and

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

854 Section 9. **Effective date.**

855 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
856 elected to each house, this bill takes effect upon approval by the governor, or the day following
857 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
858 signature, or in the case of a veto, the date of veto override.

859 (2) The amendments to Section 78A-6-117 (Effective 07/01/18) take effect on July 1,
860 2018.