

JUVENILE JUSTICE CHANGES

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to teen substance abuse programs;
- ▶ amends and clarifies the jurisdiction of the district court, juvenile court, and justice court over certain offenses;
- ▶ amends definitions related to juvenile justice;
- ▶ amends the responsibilities of the Division of Juvenile Justice Services to address an initial medical screening or assessment of a child in detention;
- ▶ requires a minor to be advised of the minor's rights in detention;
- ▶ clarifies bail in relation to minors;
- ▶ requires a minor to be advised of the minor's rights in a delinquency proceeding;
- ▶ address the placement of a child or the appointment of a guardian for a child if a delinquency petition is filed;
- ▶ amends provisions related to restitution ordered by the juvenile court for minors;
- ▶ clarifies the suspension of a disposition for a minor committed to the Division of Juvenile Justice Services;
- ▶ amends provisions relating to the juvenile court's continuing jurisdiction over an adjudicated minor;



- 28 ▶ clarifies the extension of supervision over a minor who has not completed
- 29 compensatory or community service hours;
- 30 ▶ addresses the continuing jurisdiction of the juvenile court over a minor's case when
- 31 a minor has not paid restitution in full;
- 32 ▶ requires an individual in a secure care facility to be advised of certain rights; and
- 33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **62A-15-202**, as last amended by Laws of Utah 2008, Chapter 3
- 41 **62A-15-204**, as last amended by Laws of Utah 2021, Chapter 262
- 42 **78A-5-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 43 **78A-5-102**, as last amended by Laws of Utah 2021, Chapter 262
- 44 **78A-6-103**, as last amended by Laws of Utah 2021, Chapter 261
- 45 **78A-6-103.5**, as enacted by Laws of Utah 2021, Chapter 261
- 46 **78A-6-120**, as last amended by Laws of Utah 2021, Chapter 261
- 47 **78A-7-106**, as last amended by Laws of Utah 2021, Chapter 262
- 48 **80-1-102**, as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 49 **80-5-201**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 50 **80-5-302**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 51 **80-6-102**, as enacted by Laws of Utah 2021, Chapter 261
- 52 **80-6-205**, as enacted by Laws of Utah 2021, Chapter 261
- 53 **80-6-206**, as enacted by Laws of Utah 2021, Chapter 261 and last amended by
- 54 Coordination Clause, Laws of Utah 2021, Chapter 261
- 55 **80-6-207**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 56 **80-6-302**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 57 **80-6-303**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 58 **80-6-501**, as last amended by Laws of Utah 2021, First Special Session, Chapter 2

- 59 [80-6-502](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 60 [80-6-504](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 61 [80-6-505](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 62 [80-6-603](#), as enacted by Laws of Utah 2021, Chapter 261
- 63 [80-6-606](#), as enacted by Laws of Utah 2021, Chapter 261
- 64 [80-6-709](#), as enacted by Laws of Utah 2021, Chapter 261
- 65 [80-6-710](#), as enacted by Laws of Utah 2021, Chapter 261
- 66 [80-6-711](#), as enacted by Laws of Utah 2021, Chapter 261
- 67 [80-6-712](#), as enacted by Laws of Utah 2021, Chapter 261
- 68 [80-6-802](#), as renumbered and amended by Laws of Utah 2021, Chapter 261
- 69 [80-6-804](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2

70 ENACTS:

71 [78A-5-102.5](#), Utah Code Annotated 1953



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

74 Section 1. Section **62A-15-202** is amended to read:

75 **62A-15-202. Definitions.**

76 As used in this part:

77 (1) "Juvenile substance abuse offender" means any ~~juvenile found to come within the~~
78 ~~provisions of Section [78A-6-103](#) for a drug or alcohol related offense, as designated by the~~
79 ~~Board of Juvenile Court Judges]~~ minor who has committed a drug or alcohol related offense
80 under the jurisdiction of the juvenile court in accordance with Section [78A-6-103](#).

81 (2) "Local substance abuse authority" means a county legislative body designated to
82 provide substance abuse services in accordance with Section [17-43-201](#).

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

84 [(3)] (4) "Teen substance abuse school" means any school established by the local
85 substance abuse authority, in cooperation with the Board of Juvenile Court Judges, that
86 provides an educational, interpersonal, skill-building experience for juvenile substance abuse
87 offenders and their parents or legal guardians.

88 Section 2. Section **62A-15-204** is amended to read:

89 **62A-15-204. Court order to attend substance abuse school -- Assessments.**

90 (1) In addition to any other disposition ordered by the juvenile court under Section
 91 ~~[80-3-405 or]~~ 80-6-701, the court may order ~~[a juvenile and his parents or legal guardians]:~~

92 (a) a minor and the minor's parent or legal guardian to attend a teen substance abuse
 93 school~~[, and order]; and~~

94 (b) payment of an assessment in addition to any other fine imposed.

95 (2) All assessments collected shall be forwarded to the county treasurer of the county
 96 where the ~~[juvenile]~~ minor resides, to be used exclusively for the operation of a teen substance
 97 abuse program.

98 Section 3. Section **78A-5-101** is amended to read:

99 **78A-5-101. State District Court Administrative System -- Definitions.**

100 (1) As used in this chapter:

101 (a) "Court system" means the State District Court Administrative System.

102 (b) "Single criminal episode" means the same as that term is defined in Section
 103 76-1-401.

104 ~~[(+)]~~ (2) (a) The district court is a trial court of general jurisdiction.

105 (b) A district court shall be located in the county seat of each county.

106 ~~[(2)]~~ (3) (a) There is established a State District Court Administrative System.

107 (b) The Judicial Council shall administer the operation of the court system.

108 ~~[(3) In this chapter, "court system" means the State District Court Administrative~~
 109 ~~System.]~~

110 ~~[(4) A district court shall be located in the county seat of each county.]~~

111 Section 4. Section **78A-5-102** is amended to read:

112 **78A-5-102. Jurisdiction of the district court -- Appeals.**

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

114 ~~[(a) "Qualifying offense" means an offense described in Subsection 80-6-502(1)(b).]~~

115 ~~[(b) "Separate offense" means any offense that is not a qualifying offense.]~~

116 ~~[(c) "Single criminal episode" means the same as that term is defined in Section~~
 117 ~~76-1-401.]~~

118 ~~[(2)]~~ (1) Except as otherwise provided by the Utah Constitution or by statute, the
 119 district court has original jurisdiction in all matters civil and criminal.

120 ~~[(3)]~~ (2) A district court judge may issue all extraordinary writs and other writs

121 necessary to carry into effect the district court judge's orders, judgments, and decrees.

122 ~~[(4)]~~ (3) The district court has jurisdiction over matters of lawyer discipline consistent
123 with the rules of the Supreme Court.

124 ~~[(5)]~~ (4) The district court has jurisdiction over all matters properly filed in the circuit
125 court prior to July 1, 1996.

126 ~~[(6)]~~ (5) The district court has appellate jurisdiction over judgments and orders of the
127 justice court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
128 with Section 78A-8-106.

129 ~~[(7)]~~ (6) Jurisdiction over appeals from the final orders, judgments, and decrees of the
130 district court is described in Sections 78A-3-102 and 78A-4-103.

131 ~~[(8)]~~ (7) The district court has jurisdiction to review:

132 (a) agency adjudicative proceedings as set forth in Title 63G, Chapter 4,
133 Administrative Procedures Act, and shall comply with the requirements of that chapter in ~~[its]~~
134 the district court's review of agency adjudicative proceedings; and

135 (b) municipal administrative proceedings in accordance with Section 10-3-703.7.

136 ~~[(9)]~~ (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction
137 over~~[-(a)]~~ a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
138 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:

139 ~~[(i)]~~ (a) there is no justice court with territorial jurisdiction;

140 ~~[(ii)]~~ (b) the offense occurred within the boundaries of the municipality in which the
141 district courthouse is located and that municipality has not formed, or has not formed and then
142 dissolved, a justice court; or

143 ~~[(iii)]~~ (c) the offense is included in an indictment or information covering a single
144 criminal episode alleging the commission of a felony or a class A misdemeanor by an
145 individual who is 18 years old or older~~[-or].~~

146 ~~[(b) a qualifying offense committed by an individual who is 16 or 17 years old.]~~

147 ~~[(10) (a) Notwithstanding Subsection 78A-7-106(2), the district court has exclusive~~
148 ~~jurisdiction over any separate offense:]~~

149 ~~[(i) committed by an individual who is 16 or 17 years old; and]~~

150 ~~[(ii) arising from a single criminal episode containing a qualifying offense for which~~
151 ~~the district court has original jurisdiction under Subsection (9)(b).]~~

152 ~~[(b) If an individual who is charged with a qualifying offense enters a plea to, or is~~
153 ~~found guilty of, a separate offense other than the qualifying offense, the district court shall have~~
154 ~~jurisdiction over the separate offense.]~~

155 ~~[(c) If an individual who is 16 or 17 years old is charged with a qualifying offense and~~
156 ~~the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal, the~~
157 ~~exclusive jurisdiction of the district court over any separate offense is terminated.]~~

158 ~~[(11)]~~ (9) If a district court has jurisdiction in accordance with Subsection ~~[(6);~~
159 ~~(9)(a)(i), or (9)(a)(ii)]~~ (5), (8)(a), or (8)(b), the district court has jurisdiction over an offense
160 listed in Subsection 78A-7-106(2) even if the offense is committed by an individual who is 16
161 or 17 years old.

162 ~~[(12) The district court has subject matter jurisdiction over an offense for which the~~
163 ~~juvenile court has original jurisdiction if the juvenile court transfers jurisdiction over the~~
164 ~~offense to the district court in accordance with Section 80-6-504.]~~

165 ~~[(13)]~~ (10) The district court has subject matter jurisdiction over an action under Title
166 78B, Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the
167 district court.

168 Section 5. Section 78A-5-102.5 is enacted to read:

169 **78A-5-102.5. Jurisdiction of the district court over an offense committed by a**
170 **minor -- Exclusive jurisdiction of the district court -- Transfer to juvenile court.**

171 (1) As used in this section:

172 (a) "Minor" means:

173 (i) an individual who is under 18 years old;

174 (ii) an individual who was under 18 years old at the time of the offense and is under 21
175 years old at the time of all court proceedings; or

176 (iii) an individual:

177 (A) who was 18 years old and enrolled in high school at the time of the offense;

178 (B) who is under 21 years old at the time of all court proceedings; and

179 (C) who committed the felony offense and any separate offense on school property
180 where the individual was enrolled when school was in session or during a school-sponsored
181 activity, as defined in Subsection 53G-8-211(1)(k).

182 (b) "Qualifying offense" means:

- 183 (i) an offense described in Section 80-6-502 or 80-6-503; or
184 (ii) a felony offense if the felony offense is committed:
185 (A) by an individual who was 18 years old at the time of the offense and enrolled in
186 high school; and
187 (B) on school property where the individual was enrolled when school was in session
188 or during a school-sponsored activity, as defined in Subsection 53G-8-211(1)(k).
189 (c) "Separate offense" means any offense that is not a qualifying offense.
190 (2) The district court has original jurisdiction over an offense of aggravated murder, as
191 described in Section 76-5-202, or murder, as described in Section 76-5-203, that is committed
192 by an individual who is 16 or 17 years old at the time of the offense.
193 (3) The district court has subject matter jurisdiction over any offense for which the
194 juvenile court has original jurisdiction if the juvenile court transfers jurisdiction over the
195 offense to the district court in accordance with Section 80-6-504.
196 (4) Notwithstanding Sections 78A-6-103, 78A-6-103.5, and 78A-7-106, the district
197 court has exclusive jurisdiction over any separate offense:
198 (a) committed by a minor; and
199 (b) arising from a single criminal episode containing a qualifying offense for which the
200 district court has original jurisdiction.
201 (5) The district court is not divested of jurisdiction over a qualifying offense or a
202 separate offense listed in the criminal information when the minor is allowed to enter a plea to,
203 or is found guilty of, a separate offense other than the qualifying offense in the same criminal
204 information.
205 (6) If a minor is charged with a qualifying offense and the qualifying offense results in
206 an acquittal, a finding of not guilty, or a dismissal after a trial:
207 (a) the jurisdiction of the district court over any separate offense is terminated; and
208 (b) the district court shall transfer the separate offense to the juvenile court for
209 disposition in accordance with Title 80, Chapter 6, Part 7, Adjudication and Disposition.
210 (7) If a minor is charged with a qualifying offense and the qualifying offense results in
211 a dismissal before a trial:
212 (a) the jurisdiction of the district court over any separate offense is terminated; and
213 (b) the district court shall transfer the separate offense to the juvenile court for

214 adjudication and disposition in accordance with Title 80, Chapter 6, Part 7, Adjudication and
215 Disposition.

216 Section 6. Section **78A-6-103** is amended to read:

217 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**
218 **Findings -- Transfer of a case from another court.**

219 (1) Except as otherwise provided by [~~Subsections 78A-5-102(9), 78A-5-102(10), and~~
220 ~~78A-7-106(2)] Sections 78A-5-102.5 and 78A-7-106, the juvenile court has original
221 jurisdiction over:~~

222 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
223 state, or federal law, that was committed by a child; [~~and~~]

224 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
225 state, or federal law, that was committed by an individual:

226 (i) who is under 21 years old at the time of all court proceedings; and

227 (ii) who was under 18 years old at the time the offense was committed[-]; and

228 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state
229 law, that was committed:

230 (i) by an individual:

231 (A) who was 18 years old and enrolled in high school at the time of the offense; and

232 (B) who is under 21 years old at the time of all court proceedings; and

233 (ii) on school property where the individual was enrolled:

234 (A) when school was in session; or

235 (B) during a school-sponsored activity, as defined in Subsection 53G-8-211(1)(k).

236 (2) The juvenile court has original jurisdiction over any proceeding concerning:

237 (a) a child who is an abused child, neglected child, or dependent child;

238 (b) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
239 Protective Orders;

240 (c) the appointment of a guardian of the individual or other guardian of a minor who
241 comes within the court's jurisdiction under other provisions of this section;

242 (d) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;

243 (e) the termination of parental rights in accordance with Title 80, Chapter 4,

244 Termination and Restoration of Parental Rights, including termination of residual parental

245 rights and duties;

246 (f) the treatment or commitment of a minor who has an intellectual disability;

247 (g) the judicial consent to the marriage of a minor who is 16 or 17 years old in

248 accordance with Section 30-1-9;

249 (h) an order for a parent or a guardian of a child under Subsection 80-6-705(3);

250 (i) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;

251 (j) the treatment or commitment of a child with a mental illness;

252 (k) the commitment of a child to a secure drug or alcohol facility in accordance with

253 Section 62A-15-301;

254 (l) a minor found not competent to proceed in accordance with Title 80, Chapter 6, Part

255 4, Competency;

256 (m) de novo review of final agency actions resulting from an informal adjudicative

257 proceeding as provided in Section 63G-4-402;

258 (n) adoptions conducted in accordance with the procedures described in Title 78B,

259 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order

260 terminating the rights of a parent and finds that adoption is in the best interest of the child;

261 (o) an ungovernable or runaway child who is referred to the juvenile court by the

262 Division of Juvenile Justice Services if, despite earnest and persistent efforts by the Division of

263 Juvenile Justice Services, the child has demonstrated that the child:

264 (i) is beyond the control of the child's parent, guardian, or custodian to the extent that

265 the child's behavior or condition endangers the child's own welfare or the welfare of others; or

266 (ii) has run away from home; and

267 (p) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult

268 alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply

269 with a promise to appear and bring a child to the juvenile court.

270 (3) It is not necessary for a minor to be adjudicated for an offense or violation of the

271 law under Section 80-6-701, for the juvenile court to exercise jurisdiction under Subsection

272 (2)(p).

273 (4) This section does not restrict the right of access to the juvenile court by private

274 agencies or other persons.

275 (5) The juvenile court has jurisdiction of all magistrate functions relative to cases

276 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

277 (6) The juvenile court has jurisdiction to make a finding of substantiated,
278 unsubstantiated, or without merit, in accordance with Section 80-3-404.

279 (7) The juvenile court has jurisdiction over matters transferred to the juvenile court by
280 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

281 Section 7. Section 78A-6-103.5 is amended to read:

282 **78A-6-103.5. Exclusive jurisdiction of the juvenile court -- Transfer from district**
283 **court.**

284 (1) Except as provided in Subsection (3), the juvenile court has exclusive jurisdiction
285 over:

286 (a) a felony, misdemeanor, infraction, or violation of an ordinance:

287 [(a)] (i) committed by a child and that arises from a single criminal episode containing
288 an offense for which:

289 [(i)] (A) a citation, petition, indictment, or criminal information is filed; and

290 [(ii)] (B) the court has original jurisdiction; and

291 [(b)] (ii) committed by an individual who is under 21 years old at the time of all court
292 proceedings, but committed before the individual was 18 years old, and that arises from a
293 single criminal episode containing an offense for which:

294 [(i)] (A) a citation, petition, indictment, or criminal information is filed; and

295 [(ii)] (B) the court has original jurisdiction[-]; and

296 (b) a misdemeanor, an infraction, or a violation of an ordinance for which a justice
297 court has original jurisdiction under Subsection 78A-7-106(1)(b) if the misdemeanor,
298 infraction, or violation arises from a single criminal episode containing an offense for which:

299 (i) a citation or petition is filed; and

300 (ii) the juvenile court has original jurisdiction under Subsection 78A-6-103(1)(c).

301 (2) For purposes of this section, the juvenile court has jurisdiction over the following
302 offenses committed by an individual who is under 21 years old at the time of all court
303 proceedings, but was under 18 years old at the time the offense was committed:

304 (a) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
305 Reckless Driving; and

306 (b) an offense for operation in willful or wanton disregard for safety, as described in

307 Section [73-18-12](#).

308 (3) If a juvenile court transfers jurisdiction of an offense to the district court under
309 Section [80-6-504](#), the exclusive jurisdiction of the juvenile court over that offense is
310 terminated.

311 [~~(4) (a) As used in this Subsection (4):~~]

312 [~~(i) "Qualifying offense" means an offense described in Sections [80-6-502](#) and
313 [80-6-503](#).~~]

314 [~~(ii) "Separate offense" means any offense that is not a qualifying offense.~~]

315 [~~(b) The juvenile court:~~]

316 [~~(i) regains exclusive jurisdiction over any separate offense described in Subsection (1)
317 if:~~]

318 [~~(A) the individual who is alleged to have committed the separate offense is bound
319 over to the district court for a qualifying offense under Section [80-6-504](#); and]~~

320 [~~(B) the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal;
321 and]~~

322 [~~(ii) gains exclusive jurisdiction over any separate offense described in Subsection (1)
323 if:~~]

324 [~~(A) the individual who is alleged to have committed the separate offense is charged
325 for a qualifying offense under Section [80-6-502](#) in the district court; and]~~

326 [~~(B) the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal
327 in the district court.~~]

328 (4) Upon entry of an order transferring an offense to the juvenile court in accordance
329 with Subsection [78A-5-102.5](#)(6) or (7), the juvenile court gains or regains jurisdiction over any
330 offense for which the juvenile court has original or exclusive jurisdiction.

331 (5) After a district court transfers an offense to the juvenile court under Subsection
332 [78A-5-102.5](#)(6) or (7), the juvenile court shall:

333 (a) proceed upon the criminal information as if the criminal information were a petition
334 under Section [80-6-305](#); and

335 (b) if the minor was convicted of the transferred offense, enter the conviction as an
336 adjudication and proceed with disposition in accordance with Title 80, Chapter 6, Part 7,
337 Adjudication and Disposition.

338 (6) For purposes of this section and Section 78A-5-102.5, an offense transferred to the
339 juvenile court from the district court under Subsection 78A-5-102.5(6) or (7) is an adjudication
340 and not a conviction.

341 Section 8. Section **78A-6-120** is amended to read:

342 **78A-6-120. Continuing jurisdiction of juvenile court -- Period of and termination**
343 **of jurisdiction.**

344 (1) Except as provided in Subsection (2), if the juvenile court obtains jurisdiction [~~of~~]
345 over a minor's case, the juvenile court's jurisdiction over the minor's case continues until:

346 (a) the minor is 21 years old; or

347 (b) if the juvenile court extends jurisdiction over the minor's case under Section
348 **80-6-605**, the minor is 25 years old.

349 (2) (a) [~~The~~] Except as provided in Subsection (2)(c), the juvenile court's continuing
350 jurisdiction under Subsection (1) terminates:

351 (i) upon order of the court;

352 (ii) upon an order for secure care under Section **80-6-705**; or

353 (iii) in accordance with Section **80-6-712**.

354 (b) The continuing jurisdiction of the juvenile court over a minor's case is not
355 terminated:

356 (i) by marriage; or

357 (ii) when a minor commits an offense under municipal, state, or federal law that is
358 under the jurisdiction of another court.

359 (c) [~~Notwithstanding Subsection (2)(a)(ii);~~] If a minor is ordered to secure care under
360 Section **80-6-705**, the juvenile court retains jurisdiction to make and enforce orders related to
361 restitution until the Youth Parole Authority discharges the minor under Section **80-6-807**.

362 Section 9. Section **78A-7-106** is amended to read:

363 **78A-7-106. Jurisdiction.**

364 (1) (a) [~~Except as otherwise provided by Subsection 78A-5-102(8)~~] Except for an
365 offense for which the district court has original jurisdiction under Subsection 78A-5-102(8) or
366 an offense for which the juvenile court has original or exclusive jurisdiction under Subsection
367 78A-6-103(1)(c) or 78A-6-103.5(1)(b), a justice court has original jurisdiction over class B and
368 C misdemeanors, violation of ordinances, and infractions committed within the justice court's

369 territorial jurisdiction by an individual who is 18 years old or older.

370 (b) Notwithstanding Subsection 78A-6-103(1)(c), a justice court has original
371 jurisdiction over the following offenses committed within the justice court's territorial
372 jurisdiction by an individual who is 18 years old or older:

373 (i) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
374 Licensing Act; and

375 (ii) class B and C misdemeanor and infraction violations of:

376 (A) Title 23, Wildlife Resources Code of Utah;

377 (B) Title 41, Chapter 1a, Motor Vehicle Act;

378 (C) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
379 Under the Influence and Reckless Driving;

380 (D) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
381 Operators Act;

382 (E) Title 41, Chapter 22, Off-Highway Vehicles;

383 (F) Title 73, Chapter 18, State Boating Act, except Section 73-18-12;

384 (G) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

385 (H) Title 73, Chapter 18b, Water Safety; and

386 (I) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators
387 Act.

388 (2) Except for an offense for which the juvenile court or the district court has exclusive
389 jurisdiction under [~~Subsection 78A-5-102(10) or~~] Section 78A-5-102.5 or 78A-6-103.5, a
390 justice court has original jurisdiction over the following offenses committed within the justice
391 court's territorial jurisdiction by an individual who is 16 or 17 years old:

392 (a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
393 Licensing Act; and

394 (b) class B and C misdemeanor and infraction violations of:

395 (i) Title 23, Wildlife Resources Code of Utah;

396 (ii) Title 41, Chapter 1a, Motor Vehicle Act;

397 (iii) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
398 Under the Influence and Reckless Driving;

399 (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and

400 Operators Act;

401 (v) Title 41, Chapter 22, Off-Highway Vehicles;

402 (vi) Title 73, Chapter 18, State Boating Act, except for an offense under Section
403 73-18-12;

404 (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

405 (viii) Title 73, Chapter 18b, Water Safety; and

406 (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and
407 Operators Act.

408 (3) (a) As used in this Subsection (3), "body of water" includes any stream, river, lake,
409 or reservoir, whether natural or man-made.

410 ~~[(3)]~~ (b) An offense is committed within the territorial jurisdiction of a justice court if:
411 ~~[(a)]~~ (i) conduct constituting an element of the offense or a result constituting an
412 element of the offense occurs within the court's jurisdiction, regardless of whether the conduct
413 or result is itself unlawful;

414 ~~[(b)]~~ (ii) either an individual committing an offense or a victim of an offense is located
415 within the court's jurisdiction at the time the offense is committed;

416 ~~[(c)]~~ (iii) either a cause of injury occurs within the court's jurisdiction or the injury
417 occurs within the court's jurisdiction;

418 ~~[(d)]~~ (iv) an individual commits any act constituting an element of an inchoate offense
419 within the court's jurisdiction, including an agreement in a conspiracy;

420 ~~[(e)]~~ (v) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another
421 individual in the planning or commission of an offense within the court's jurisdiction;

422 ~~[(f)]~~ (vi) the investigation of the offense does not readily indicate in which court's
423 jurisdiction the offense occurred, and:

424 ~~[(i)]~~ (A) the offense is committed upon or in any railroad car, vehicle, watercraft, or
425 aircraft passing within the court's jurisdiction;

426 ~~[(ii)]~~ ~~(A)]~~ (B) the offense is committed on or in any body of water bordering on or
427 within this state if the territorial limits of the justice court are adjacent to the body of water;

428 [~~and~~]

429 ~~[(B) as used in Subsection (3)(f)(ii)(A), "body of water" includes any stream, river,~~
430 ~~lake, or reservoir, whether natural or man-made;]~~

431 [(iii)] (C) an individual who commits theft exercises control over the affected property
432 within the court's jurisdiction; or

433 [(iv)] (D) the offense is committed on or near the boundary of the court's jurisdiction;

434 [(g)] (vii) the offense consists of an unlawful communication that was initiated or
435 received within the court's jurisdiction; or

436 [(h)] (viii) jurisdiction is otherwise specifically provided by law.

437 (4) If in a criminal case the defendant is 16 or 17 years old, a justice court judge may
438 transfer the case to the juvenile court for further proceedings if the justice court judge
439 determines and the juvenile court concurs that the best interests of the defendant would be
440 served by the continuing jurisdiction of the juvenile court.

441 (5) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter 8,
442 Small Claims Courts, if a defendant resides in or the debt arose within the territorial
443 jurisdiction of the justice court.

444 Section 10. Section **80-1-102** is amended to read:

445 **80-1-102. Juvenile code definitions.**

446 As used in this title:

447 (1) (a) "Abuse" means:

448 (i) (A) nonaccidental harm of a child;

449 (B) threatened harm of a child;

450 (C) sexual exploitation;

451 (D) sexual abuse; or

452 (E) human trafficking of a child in violation of Section [76-5-308.5](#); or

453 (ii) that a child's natural parent:

454 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
455 child;

456 (B) is identified by a law enforcement agency as the primary suspect in an investigation
457 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or

458 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
459 recklessly causing the death of another parent of the child.

460 (b) "Abuse" does not include:

461 (i) reasonable discipline or management of a child, including withholding privileges;

- 462 (ii) conduct described in Section 76-2-401; or
- 463 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 464 (A) in self-defense;
- 465 (B) in defense of others;
- 466 (C) to protect the child; or
- 467 (D) to remove a weapon in the possession of a child for any of the reasons described in
- 468 Subsections (1)(b)(iii)(A) through (C).
- 469 (2) "Abused child" means a child who has been subjected to abuse.
- 470 (3) (a) "Adjudication" means a finding by the court, incorporated in a decree, that the
- 471 facts alleged in the petition have been proved.
- 472 (b) "Adjudication" does not mean a finding of not competent to proceed in accordance
- 473 with Section 80-6-402.
- 474 (4) (a) "Adult" means an individual who is 18 years old or older.
- 475 (b) "Adult" does not include an individual:
- 476 (i) who is 18 years old or older; and
- 477 (ii) who is a minor.
- 478 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 479 78A-2-801.
- 480 (6) "Board" means the Board of Juvenile Court Judges.
- 481 (7) "Child" means an individual who is under 18 years old.
- 482 (8) "Child and family plan" means a written agreement between a child's parents or
- 483 guardian and the Division of Child and Family Services as described in Section 62A-4a-205.
- 484 (9) "Child placement agency" means:
- 485 (a) a private agency licensed to receive a child for placement or adoption under this
- 486 code; or
- 487 (b) a private agency that receives a child for placement or adoption in another state,
- 488 which is licensed or approved where such license or approval is required by law.
- 489 (10) "Clandestine laboratory operation" means the same as that term is defined in
- 490 Section 58-37d-3.
- 491 (11) "Commit" or "committed" means, unless specified otherwise:
- 492 (a) with respect to a child, to transfer legal custody; and

- 493 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 494 (12) "Community-based program" means a nonsecure residential or nonresidential
495 program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
496 restrictive setting, consistent with public safety, and operated by or under contract with the
497 Division of Juvenile Justice Services.
- 498 (13) "Community placement" means placement of a minor in a community-based
499 program described in Section [80-5-402](#).
- 500 (14) "Correctional facility" means:
501 (a) a county jail; or
502 (b) a secure correctional facility as defined in Section [64-13-1](#).
- 503 (15) "Criminogenic risk factors" means evidence-based factors that are associated with
504 a minor's likelihood of reoffending.
- 505 (16) "Department" means the Department of Human Services created in Section
506 [62A-1-102](#).
- 507 (17) "Dependent child" or "dependency" means a child who is without proper care
508 through no fault of the child's parent, guardian, or custodian.
- 509 (18) "Deprivation of custody" means transfer of legal custody by the juvenile court
510 from a parent or a previous custodian to another person, agency, or institution.
- 511 (19) "Detention" means home detention or secure detention.
- 512 (20) "Detention risk assessment tool" means an evidence-based tool established under
513 Section [80-5-203](#) that:
514 (a) assesses a minor's risk of failing to appear in court or reoffending before
515 adjudication; and
516 (b) is designed to assist in making a determination of whether a minor shall be held in
517 detention.
- 518 (21) "Developmental immaturity" means incomplete development in one or more
519 domains that manifests as a functional limitation in the minor's present ability to:
520 (a) consult with counsel with a reasonable degree of rational understanding; and
521 (b) have a rational as well as factual understanding of the proceedings.
- 522 (22) "Disposition" means an order by a juvenile court, after the adjudication of a
523 minor, under Section [80-3-405](#) or [80-4-305](#) or Chapter 6, Part 7, Adjudication and Disposition.

524 (23) "Educational neglect" means that, after receiving a notice of compulsory education
525 violation under Section 53G-6-202, the parent or guardian fails to make a good faith effort to
526 ensure that the child receives an appropriate education.

527 (24) "Educational series" means an evidence-based instructional series:

528 (a) obtained at a substance abuse program that is approved by the Division of
529 Substance Abuse and Mental Health in accordance with Section 62A-15-105; and

530 (b) designed to prevent substance use or the onset of a mental health disorder.

531 (25) "Emancipated" means the same as that term is defined in Section 80-7-102.

532 (26) "Evidence-based" means a program or practice that has had multiple randomized
533 control studies or a meta-analysis demonstrating that the program or practice is effective for a
534 specific population or has been rated as effective by a standardized program evaluation tool.

535 (27) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.

536 (28) "Formal probation" means a minor is:

537 (a) supervised in the community by, and reports to, a juvenile probation officer or an
538 agency designated by the juvenile court; and

539 (b) subject to return to the juvenile court in accordance with Section 80-6-607.

540 (29) "Group rehabilitation therapy" means psychological and social counseling of one
541 or more individuals in the group, depending upon the recommendation of the therapist.

542 (30) "Guardian" means a person appointed by a court to make decisions regarding a
543 minor, including the authority to consent to:

544 (a) marriage;

545 (b) enlistment in the armed forces;

546 (c) major medical, surgical, or psychiatric treatment; or

547 (d) legal custody, if legal custody is not vested in another individual, agency, or
548 institution.

549 (31) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.

550 (32) "Harm" means:

551 (a) physical or developmental injury or damage;

552 (b) emotional damage that results in a serious impairment in the child's growth,
553 development, behavior, or psychological functioning;

554 (c) sexual abuse; or

555 (d) sexual exploitation.

556 (33) "Home detention" means placement of a minor:

557 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the
558 consent of the minor's parent, guardian, or custodian, under terms and conditions established by
559 the Division of Juvenile Justice Services or the juvenile court; or

560 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
561 minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or
562 custodian, under terms and conditions established by the Division of Juvenile Justice Services
563 or the juvenile court.

564 (34) (a) "Incest" means engaging in sexual intercourse with an individual whom the
565 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt,
566 nephew, niece, or first cousin.

567 (b) "Incest" includes:

568 (i) blood relationships of the whole or half blood, without regard to legitimacy;

569 (ii) relationships of parent and child by adoption; and

570 (iii) relationships of stepparent and stepchild while the marriage creating the
571 relationship of a stepparent and stepchild exists.

572 (35) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

573 (36) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

574 (37) "Indigent defense service provider" means the same as that term is defined in
575 Section 78B-22-102.

576 (38) "Indigent defense services" means the same as that term is defined in Section
577 78B-22-102.

578 (39) "Indigent individual" means the same as that term is defined in Section
579 78B-22-102.

580 (40) (a) "Intake probation" means a minor is:

581 (i) monitored by a juvenile probation officer; and

582 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.

583 (b) "Intake probation" does not include formal probation.

584 (41) "Intellectual disability" means a significant subaverage general intellectual
585 functioning existing concurrently with deficits in adaptive behavior that constitutes a

586 substantial limitation to the individual's ability to function in society.

587 (42) "Juvenile offender" means:

588 (a) a serious youth offender; or

589 (b) a youth offender.

590 (43) "Juvenile probation officer" means a probation officer appointed under Section

591 [78A-6-205](#).

592 (44) "Juvenile receiving center" means a nonsecure, nonresidential program established

593 by the Division of Juvenile Justice Services, or under contract with the Division of Juvenile

594 Justice Services, that is responsible for minors taken into temporary custody under Section

595 [80-6-201](#).

596 (45) "Legal custody" means a relationship embodying:

597 (a) the right to physical custody of the minor;

598 (b) the right and duty to protect, train, and discipline the minor;

599 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
600 medical care;

601 (d) the right to determine where and with whom the minor shall live; and

602 (e) the right, in an emergency, to authorize surgery or other extraordinary care.

603 (46) "Mental illness" means:

604 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
605 behavioral, or related functioning; or

606 (b) the same as that term is defined in:

607 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
608 published by the American Psychiatric Association; or

609 (ii) the current edition of the International Statistical Classification of Diseases and
610 Related Health Problems.

611 (47) "Minor" means, except as provided in Sections [80-6-501](#), [80-6-901](#), and [80-7-102](#):

612 (a) a child; or

613 (b) an individual:

614 (i) (A) who is at least 18 years old and younger than 21 years old; and

615 (B) for whom the Division of Child and Family Services has been specifically ordered
616 by the juvenile court to provide services because the individual was an abused, neglected, or

617 dependent child or because the individual was adjudicated for an offense; [or]
618 (ii) (A) who is at least 18 years old and younger than 25 years old; and
619 (B) whose case is under the [~~continuing jurisdiction of the juvenile court under Chapter~~
620 ~~6, Juvenile Justice:~~] jurisdiction of the juvenile court in accordance with Subsection
621 78A-6-103(1)(b); or
622 (iii) (A) who is at least 18 years old and younger than 21 years old; and
623 (B) whose case is under the jurisdiction of the juvenile court in accordance with
624 Subsection 78A-6-103(1)(c).
625 (48) "Mobile crisis outreach team" means the same as that term is defined in Section
626 62A-15-102.
627 (49) "Molestation" means that an individual, with the intent to arouse or gratify the
628 sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
629 or the breast of a female child, or takes indecent liberties with a child as defined in Section
630 76-5-416.
631 (50) (a) "Natural parent" means a minor's biological or adoptive parent.
632 (b) "Natural parent" includes the minor's noncustodial parent.
633 (51) (a) "Neglect" means action or inaction causing:
634 (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe
635 Relinquishment of a Newborn Child;
636 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,
637 guardian, or custodian;
638 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary
639 subsistence or medical care, or any other care necessary for the child's health, safety, morals, or
640 well-being;
641 (iv) a child to be at risk of being neglected or abused because another child in the same
642 home is neglected or abused;
643 (v) abandonment of a child through an unregulated custody transfer; or
644 (vi) educational neglect.
645 (b) "Neglect" does not include:
646 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
647 reason, does not provide specified medical treatment for a child;

648 (ii) a health care decision made for a child by the child's parent or guardian, unless the
649 state or other party to a proceeding shows, by clear and convincing evidence, that the health
650 care decision is not reasonable and informed;

651 (iii) a parent or guardian exercising the right described in Section 80-3-304; or

652 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
653 maturity to avoid harm or unreasonable risk of harm, to engage in independent activities,
654 including:

655 (A) traveling to and from school, including by walking, running, or bicycling;

656 (B) traveling to and from nearby commercial or recreational facilities;

657 (C) engaging in outdoor play;

658 (D) remaining in a vehicle unattended, except under the conditions described in
659 Subsection 76-10-2202(2);

660 (E) remaining at home unattended; or

661 (F) engaging in a similar independent activity.

662 (52) "Neglected child" means a child who has been subjected to neglect.

663 (53) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
664 probation officer, without an adjudication of the minor's case under Section 80-6-701, upon the
665 consent in writing of:

666 (a) the assigned juvenile probation officer; and

667 (b) (i) the minor; or

668 (ii) the minor and the minor's parent, legal guardian, or custodian.

669 (54) "Not competent to proceed" means that a minor, due to a mental illness,
670 intellectual disability or related condition, or developmental immaturity, lacks the ability to:

671 (a) understand the nature of the proceedings against the minor or of the potential
672 disposition for the offense charged; or

673 (b) consult with counsel and participate in the proceedings against the minor with a
674 reasonable degree of rational understanding.

675 (55) "Parole" means a conditional release of a juvenile offender from residency in
676 secure care to live outside of secure care under the supervision of the Division of Juvenile
677 Justice Services, or another person designated by the Division of Juvenile Justice Services.

678 (56) "Physical abuse" means abuse that results in physical injury or damage to a child.

679 (57) (a) "Probation" means a legal status created by court order, following an
680 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the minor's
681 home under prescribed conditions.

682 (b) "Probation" includes intake probation or formal probation.

683 (58) "Prosecuting attorney" means:

684 (a) the attorney general and any assistant attorney general;

685 (b) any district attorney or deputy district attorney;

686 (c) any county attorney or assistant county attorney; and

687 (d) any other attorney authorized to commence an action on behalf of the state.

688 (59) "Protective custody" means the shelter of a child by the Division of Child and
689 Family Services from the time the child is removed from the home until the earlier of:

690 (a) the day on which the shelter hearing is held under Section 80-3-301; or

691 (b) the day on which the child is returned home.

692 (60) "Protective supervision" means a legal status created by court order, following an
693 adjudication on the ground of abuse, neglect, or dependency, whereby:

694 (a) the minor is permitted to remain in the minor's home; and

695 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
696 by an agency designated by the juvenile court.

697 (61) (a) "Related condition" means a condition that:

698 (i) is found to be closely related to intellectual disability;

699 (ii) results in impairment of general intellectual functioning or adaptive behavior
700 similar to that of an intellectually disabled individual;

701 (iii) is likely to continue indefinitely; and

702 (iv) constitutes a substantial limitation to the individual's ability to function in society.

703 (b) "Related condition" does not include mental illness, psychiatric impairment, or
704 serious emotional or behavioral disturbance.

705 (62) (a) "Residual parental rights and duties" means the rights and duties remaining
706 with a parent after legal custody or guardianship, or both, have been vested in another person or
707 agency, including:

708 (i) the responsibility for support;

709 (ii) the right to consent to adoption;

710 (iii) the right to determine the child's religious affiliation; and
711 (iv) the right to reasonable parent-time unless restricted by the court.
712 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
713 right to consent to:
714 (i) marriage;
715 (ii) enlistment; and
716 (iii) major medical, surgical, or psychiatric treatment.
717 (63) "Runaway" means a child, other than an emancipated child, who willfully leaves
718 the home of the child's parent or guardian, or the lawfully prescribed residence of the child,
719 without permission.
720 (64) "Secure care" means placement of a minor, who is committed to the Division of
721 Juvenile Justice Services for rehabilitation, in a facility operated by, or under contract with, the
722 Division of Juvenile Justice Services, that provides 24-hour supervision and confinement of the
723 minor.
724 (65) "Secure care facility" means a facility, established in accordance with Section
725 [80-5-503](#), for juvenile offenders in secure care.
726 (66) "Secure detention" means temporary care of a minor who requires secure custody
727 in a physically restricting facility operated by, or under contract with, the Division of Juvenile
728 Justice Services:
729 (a) before disposition of an offense that is alleged to have been committed by the
730 minor; or
731 (b) under Section [80-6-704](#).
732 (67) "Serious youth offender" means an individual who:
733 (a) is at least 14 years old, but under 25 years old;
734 (b) committed a felony listed in Subsection [80-6-503](#)(1) and the continuing jurisdiction
735 of the juvenile court was extended over the individual's case until the individual was 25 years
736 old in accordance with Section [80-6-605](#); and
737 (c) is committed by the juvenile court to the Division of Juvenile Justice Services for
738 secure care under Sections [80-6-703](#) and [80-6-705](#).
739 (68) "Severe abuse" means abuse that causes or threatens to cause serious harm to a
740 child.

741 (69) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
742 child.

743 (70) "Sexual abuse" means:

744 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
745 adult directed towards a child;

746 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
747 committed by a child towards another child if:

748 (i) there is an indication of force or coercion;

749 (ii) the children are related, as described in Subsection (34), including siblings by
750 marriage while the marriage exists or by adoption;

751 (iii) there have been repeated incidents of sexual contact between the two children,
752 unless the children are 14 years old or older; or

753 (iv) there is a disparity in chronological age of four or more years between the two
754 children;

755 (c) engaging in any conduct with a child that would constitute an offense under any of
756 the following, regardless of whether the individual who engages in the conduct is actually
757 charged with, or convicted of, the offense:

758 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
759 alleged perpetrator of an offense described in Section 76-5-401 is a minor;

760 (ii) child bigamy, Section 76-7-101.5;

761 (iii) incest, Section 76-7-102;

762 (iv) lewdness, Section 76-9-702;

763 (v) sexual battery, Section 76-9-702.1;

764 (vi) lewdness involving a child, Section 76-9-702.5; or

765 (vii) voyeurism, Section 76-9-702.7; or

766 (d) subjecting a child to participate in or threatening to subject a child to participate in
767 a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural
768 marriage.

769 (71) "Sexual exploitation" means knowingly:

770 (a) employing, using, persuading, inducing, enticing, or coercing any child to:

771 (i) pose in the nude for the purpose of sexual arousal of any individual; or

772 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing,
773 filming, recording, or displaying in any way the sexual or simulated sexual conduct;

774 (b) displaying, distributing, possessing for the purpose of distribution, or selling
775 material depicting a child:

776 (i) in the nude, for the purpose of sexual arousal of any individual; or

777 (ii) engaging in sexual or simulated sexual conduct; or

778 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,
779 sexual exploitation of a minor, regardless of whether the individual who engages in the conduct
780 is actually charged with, or convicted of, the offense.

781 (72) "Shelter" means the temporary care of a child in a physically unrestricted facility
782 pending a disposition or transfer to another jurisdiction.

783 (73) "Shelter facility" means the same as that term is defined in Section 62A-4a-101.

784 (74) "Single criminal episode" means the same as that term is defined in Section
785 76-1-401.

786 (75) "Status offense" means an offense that would not be an offense but for the age of
787 the offender.

788 (76) "Substance abuse" means the misuse or excessive use of alcohol or other drugs or
789 substances.

790 (77) "Substantiated" means the same as that term is defined in Section 62A-4a-101.

791 (78) "Supported" means the same as that term is defined in Section 62A-4a-101.

792 (79) "Termination of parental rights" means the permanent elimination of all parental
793 rights and duties, including residual parental rights and duties, by court order.

794 (80) "Therapist" means:

795 (a) an individual employed by a state division or agency for the purpose of conducting
796 psychological treatment and counseling of a minor in the division's or agency's custody; or

797 (b) any other individual licensed or approved by the state for the purpose of conducting
798 psychological treatment and counseling.

799 (81) "Threatened harm" means actions, inactions, or credible verbal threats, indicating
800 that the child is at an unreasonable risk of harm or neglect.

801 (82) "Ungovernable" means a child in conflict with a parent or guardian, and the
802 conflict:

803 (a) results in behavior that is beyond the control or ability of the child, or the parent or
804 guardian, to manage effectively;

805 (b) poses a threat to the safety or well-being of the child, the child's family, or others;

806 or

807 (c) results in the situations described in Subsections (82)(a) and (b).

808 (83) "Unregulated custody transfer" means the placement of a child:

809 (a) with an individual who is not the child's parent, step-parent, grandparent, adult
810 sibling, adult uncle or aunt, or legal guardian, or a friend of the family who is an adult and with
811 whom the child is familiar, or a member of the child's federally recognized tribe;

812 (b) with the intent of severing the child's existing parent-child or guardian-child
813 relationship; and

814 (c) without taking:

815 (i) reasonable steps to ensure the safety of the child and permanency of the placement;

816 and

817 (ii) the necessary steps to transfer the legal rights and responsibilities of parenthood or
818 guardianship to the individual taking custody of the child.

819 (84) "Unsupported" means the same as that term is defined in Section [62A-4a-101](#).

820 (85) "Unsubstantiated" means the same as that term is defined in Section [62A-4a-101](#).

821 (86) "Validated risk and needs assessment" means an evidence-based tool that assesses
822 a minor's risk of reoffending and a minor's criminogenic needs.

823 (87) "Without merit" means the same as that term is defined in Section [62A-4a-101](#).

824 (88) "Youth offender" means an individual who is:

825 (a) at least 12 years old, but under 21 years old; and

826 (b) committed by the juvenile court to the Division of Juvenile Justice Services for
827 secure care under Sections [80-6-703](#) and [80-6-705](#).

828 Section 11. Section **80-5-201** is amended to read:

829 **80-5-201. Division responsibilities.**

830 (1) The division is responsible for all minors committed to the division by juvenile
831 courts under Sections [80-6-703](#) and [80-6-705](#).

832 (2) The division shall:

833 (a) establish and administer a continuum of community, secure, and nonsecure

- 834 programs for all minors committed to the division;
- 835 (b) establish and maintain all detention and secure care facilities and set minimum
836 standards for all detention and secure care facilities;
- 837 (c) establish and operate prevention and early intervention youth services programs for
838 nonadjudicated minors placed with the division;
- 839 (d) establish observation and assessment programs necessary to serve minors in a
840 nonresidential setting under Subsection 80-6-706(1);
- 841 (e) place minors committed to the division under Section 80-6-703 in the most
842 appropriate program for supervision and treatment;
- 843 (f) employ staff necessary to:
- 844 (i) supervise and control minors committed to the division for secure care or placement
845 in the community;
- 846 (ii) supervise and coordinate treatment of minors committed to the division for
847 placement in community-based programs; and
- 848 (iii) control and supervise adjudicated and nonadjudicated minors placed with the
849 division for temporary services in juvenile receiving centers, youth services, and other
850 programs established by the division;
- 851 (g) control or detain a minor committed to the division, or in the temporary custody of
852 the division, in a manner that is consistent with public safety and rules made by the division;
- 853 (h) establish and operate work programs for minors committed to the division by the
854 juvenile court that:
- 855 (i) are not residential;
- 856 (ii) provide labor to help in the operation, repair, and maintenance of public facilities,
857 parks, highways, and other programs designated by the division;
- 858 (iii) provide educational and prevocational programs in cooperation with the State
859 Board of Education for minors placed in the program; and
- 860 (iv) provide counseling to minors;
- 861 (i) establish minimum standards for the operation of all private residential and
862 nonresidential rehabilitation facilities that provide services to minors who have committed an
863 offense in this state or in any other state;
- 864 (j) provide regular training for secure care staff, detention staff, case management staff,

865 and staff of the community-based programs;

866 (k) designate employees to obtain the saliva DNA specimens required under Section
867 53-10-403;

868 (l) ensure that the designated employees receive appropriate training and that the
869 specimens are obtained in accordance with accepted protocol;

870 (m) register an individual with the Department of Corrections who:

871 (i) is adjudicated for an offense listed in Subsection 77-41-102(17)(a) or 77-43-102(2);

872 (ii) is committed to the division for secure care; and

873 (iii) (A) if the individual is a youth offender, remains in the division's custody 30 days
874 before the individual's 21st birthday; or

875 (B) if the individual is a serious youth offender, remains in the division's custody 30
876 days before the individual's 25th birthday; and

877 (n) ensure that a program delivered to a minor under this section is an evidence-based
878 program in accordance with Section 63M-7-208.

879 (3) (a) The division is authorized to employ special function officers, as defined in
880 Section 53-13-105, to:

881 (i) locate and apprehend minors who have absconded from division custody;

882 (ii) transport minors taken into custody in accordance with division policy;

883 (iii) investigate cases; and

884 (iv) carry out other duties as assigned by the division.

885 (b) A special function officer may be:

886 (i) employed through a contract with the Department of Public Safety, or any law
887 enforcement agency certified by the Peace Officer Standards and Training Division; or

888 (ii) directly hired by the division.

889 (4) In the event of an unauthorized leave from secure care, detention, a
890 community-based program, a juvenile receiving center, a home, or any other designated
891 placement of a minor, a division employee has the authority and duty to locate and apprehend
892 the minor, or to initiate action with a local law enforcement agency for assistance.

893 (5) The division may proceed with an initial medical screening or assessment of a child
894 admitted to a detention facility to ensure the safety of the child and others in the detention
895 facility if the division makes a good faith effort to obtain consent for the screening or

896 assessment from the child's parent or guardian.

897 Section 12. Section **80-5-302** is amended to read:

898 **80-5-302. Juvenile Justice Reinvestment Restricted Account.**

899 (1) There is created in the General Fund a restricted account known as the "Juvenile
900 Justice Reinvestment Restricted Account."

901 (2) The account shall be funded by savings calculated from General Fund
902 appropriations by the Division of Finance as described in Subsection (3).

903 (3) At the end of the fiscal year, the Division of Finance shall:

904 (a) use the formula established in Subsection **80-5-202(1)(c)** to calculate the savings
905 from General Fund appropriations; and

906 (b) lapse the calculated savings into the account.

907 (4) Upon appropriation by the Legislature, the department may expend funds from the
908 account:

909 (a) for the statewide expansion of nonresidential community-based programs,
910 including:

911 (i) receiving centers;

912 (ii) mobile crisis outreach teams;

913 (iii) youth courts under Title 80, Chapter 6, Part 9, Youth Court; and

914 (iv) victim-offender mediation under Section **80-6-304** and Subsection
915 **80-6-710[(7)](6)**;

916 (b) for nonresidential evidence-based programs and practices in cognitive, behavioral,
917 and family therapy;

918 (c) to implement:

919 (i) nonresidential diagnostic assessment; and

920 (ii) nonresidential early intervention programs, including family strengthening
921 programs, family wraparound services, and truancy interventions; or

922 (d) for infrastructure in nonresidential evidence-based juvenile justice programs,
923 including staffing and transportation.

924 Section 13. Section **80-6-102** is amended to read:

925 **80-6-102. Definitions.**

926 As used in this chapter:

927 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
928 1351.1.

929 (2) "Authority" means the Youth Parole Authority created in Section 80-5-701.

930 (3) "Commission" means the State Commission on Criminal and Juvenile Justice
931 created in Section 63M-7-201.

932 (4) "Compensatory service" means service or unpaid work performed by a minor in
933 lieu of the payment of a fine, fee, or restitution.

934 (5) "Control" means the same as that term is defined in Section 80-5-102.

935 (6) "Detention hearing" means a proceeding under Section 80-6-207 to determine
936 whether a minor should remain in detention.

937 (7) "Detention guidelines" means standards, established by the division in accordance
938 with Subsection 80-5-202(1)(a), for the admission of a minor to detention.

939 (8) "Discharge" means a written order of the authority that removes a juvenile offender
940 from the authority's jurisdiction.

941 (9) "Division" means the Division of Juvenile Justice Services created in Section
942 80-5-103.

943 (10) "Family-based setting" means a home that is licensed to allow a minor to reside at
944 the home, including a foster home, proctor care, or residential care by a professional parent.

945 ~~[(10)]~~ (11) "Formal referral" means a written report from a peace officer, or other
946 person, informing the juvenile court that:

947 (a) an offense committed by a minor is, or appears to be, within the juvenile court's
948 jurisdiction; and

949 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting
950 attorney.

951 ~~[(11)]~~ (12) "Material loss" means an uninsured:

952 (a) property loss;

953 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;

954 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the
955 police or prosecution; or

956 (d) medical expense.

957 ~~[(12)]~~ (13) "Referral" means a formal referral, a referral to the juvenile court under

958 Section [53G-8-211](#), or a citation issued to a minor for which the juvenile court receives notice
959 under Section [80-6-302](#).

960 ~~[(13)]~~ [\(14\)](#) "Rescission" means a written order of the authority that rescinds a date for
961 parole.

962 ~~[(14)]~~ [\(15\)](#) "Restitution" means money or services that the juvenile court, or a juvenile
963 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or
964 render to a victim for the minor's wrongful act or conduct.

965 ~~[(15)]~~ [\(16\)](#) "Revocation" means a written order of the authority that, after a hearing and
966 determination under Section [80-6-806](#):

967 (a) terminates supervision of a juvenile offender's parole; and

968 (b) directs a juvenile offender to return to secure care.

969 ~~[(16)]~~ [\(17\)](#) "Temporary custody" means the control and responsibility of a minor,
970 before an adjudication under Section [80-6-701](#), until the minor is released to a parent, guardian,
971 responsible adult, or to an appropriate agency.

972 ~~[(17)]~~ [\(18\)](#) "Termination" means a written order of the authority that terminates a
973 juvenile offender from parole.

974 ~~[(18)]~~ [\(19\)](#) (a) "Victim" means a person that the juvenile court determines suffered a
975 material loss as a result of a minor's wrongful act or conduct.

976 (b) "Victim" includes:

977 (i) any person directly harmed by the minor's wrongful act or conduct in the course of
978 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an offense that
979 involves an element of a scheme, a conspiracy, or a pattern of criminal activity; and

980 (ii) the Utah Office for Victims of Crime.

981 ~~[(19)]~~ [\(20\)](#) "Violent felony" means the same as that term is defined in Section
982 [76-3-203.5](#).

983 ~~[(20)]~~ [\(21\)](#) "Work program" means the same as that term is defined in Section
984 [80-5-102](#).

985 ~~[(21)]~~ [\(22\)](#) "Youth services" means the same as that term is defined in Section
986 [80-5-102](#).

987 Section 14. Section [80-6-205](#) is amended to read:

988 **[80-6-205](#). Admission to detention -- Alternative to detention -- Rights of a minor**

989 **in detention.**

990 (1) If a minor is taken to a detention facility under Section 80-6-203, a designated staff
991 member of the detention facility shall immediately review the form and determine, based on
992 the results of the detention risk assessment tool and Subsection (2), whether to:

993 (a) admit the minor to secure detention;

994 (b) admit the minor to home detention;

995 (c) place the minor in another alternative to detention; or

996 (d) if the minor is a child, return the minor home upon a written promise by the minor's
997 parent, guardian, or custodian to bring the minor to the juvenile court at a time set or without
998 restriction.

999 (2) A minor may not be admitted to detention unless:

1000 (a) the minor is detainable based on the detention guidelines; or

1001 (b) the minor has been brought to detention in accordance with:

1002 (i) a court order;

1003 (ii) a warrant in accordance with Section 80-6-202; or

1004 (iii) a division warrant in accordance with Section 80-6-806.

1005 (3) If the designated staff member determines to admit a minor to home detention, the
1006 staff member shall notify the juvenile court of that determination.

1007 (4) Even if a minor is eligible for secure detention, a peace officer or other person who
1008 takes a minor to a detention facility, or the designated staff member of the detention facility,
1009 may release a minor to a less restrictive alternative than secure detention.

1010 (5) (a) If a minor taken to a detention facility does not qualify for admission under
1011 detention guidelines or this section, a designated staff member of the detention facility shall
1012 arrange an appropriate alternative, including admitting a minor to a juvenile receiving center or
1013 a shelter facility.

1014 (b) (i) Except as otherwise provided by this section, a minor may not be placed or kept
1015 in secure detention while court proceedings are pending.

1016 (ii) A child may not be placed or kept in a shelter facility while court proceedings are
1017 pending, unless the child is in protective custody in accordance with Chapter 3, Abuse,
1018 Neglect, and Dependency Proceedings.

1019 (6) If a minor is taken into temporary custody and admitted to a secure detention, or

1020 another alternative to detention, a designated staff member of the detention facility shall:

1021 (a) immediately notify the minor's parent, guardian, or custodian; and

1022 (b) promptly notify the juvenile court of the placement.

1023 (7) If a minor is admitted to secure detention, or another alternative to detention,
1024 outside the county of the minor's residence and a juvenile court determines, in a detention
1025 hearing, that secure detention, or an alternative to detention, of the minor shall continue, the
1026 juvenile court shall direct the sheriff of the county of the minor's residence to transport the
1027 minor to secure detention or another alternative to detention in that county.

1028 (8) (a) Subject to Subsection (8)(b), a minor admitted to detention has a right to:

1029 (i) phone the minor's parent, guardian, or attorney immediately after the minor is
1030 admitted to detention; and

1031 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or
1032 custodian.

1033 (b) The division may:

1034 (i) establish a schedule for which a minor in detention may visit or phone a person
1035 described in Subsection (8)(a);

1036 (ii) allow a minor in detention to visit or call persons described in Subsection (8)(a) in
1037 special circumstances;

1038 (iii) limit the number and length of calls and visits for a minor in detention to persons
1039 described in Subsection (8)(a) on account of scheduling, facility, or personnel constraints; or

1040 (iv) limit the minor's rights under Subsection (8)(a) if a compelling reason exists to
1041 limit the minor's rights.

1042 (c) A minor admitted to detention shall be immediately advised of the minor's rights
1043 described in this Subsection (8).

1044 Section 15. Section **80-6-206** is amended to read:

1045 **80-6-206. Interview of a child -- Presence of a parent, legal guardian, or other**
1046 **adult -- Interview of individual in detention or secure care facility.**

1047 (1) As used in this section:

1048 (a) (i) "Friendly adult" means an adult:

1049 (A) that has an established relationship with the child to the extent that the adult can
1050 provide meaningful advice and concerned help to the child should the need arise; and

- 1051 (B) who is not hostile or adverse to the child's interest.
- 1052 (ii) "Friendly adult" does not include a parent or guardian of the child.
- 1053 (b) (i) "Interrogation" means any express questioning or any words or actions that are
- 1054 reasonably likely to elicit an incriminating response.
- 1055 (ii) "Interrogation" does not include words or actions normally attendant to arrest and
- 1056 custody.
- 1057 (2) If a child is in custody and subject to interrogation for an offense, the child has the
- 1058 right:
- 1059 (a) to have the child's parent or guardian present during an interrogation of the child; or
- 1060 (b) to have a friendly adult present during an interrogation of the child if:
- 1061 (i) there is reason to believe that the child's parent or guardian has abused or threatened
- 1062 the child; or
- 1063 (ii) the child's parent's or guardian's interest is adverse to the child's interest, including
- 1064 that the parent or guardian is a victim or a codefendant of the offense alleged to have been
- 1065 committed by the child.
- 1066 (3) If a child is in custody and subject to interrogation of an offense, the child may not
- 1067 be interrogated unless:
- 1068 (a) the child has been advised of the child's constitutional rights and the child's right to
- 1069 have a parent or guardian, or a friendly adult if applicable under Subsection (2)(b), present
- 1070 during the interrogation;
- 1071 (b) the child has waived the child's constitutional rights;
- 1072 (c) except as provided in Subsection (4), the child's parent or guardian, or the friendly
- 1073 adult if applicable under Subsection (2)(b), was present during the child's waiver under
- 1074 Subsection (3)(b) and has given permission for the child to be interrogated; and
- 1075 (d) if the child is in the custody of the Division of Child and Family Services and a
- 1076 guardian ad litem has been appointed for the child, the child's guardian ad litem has given
- 1077 consent to an interview of the child as described in Section [62A-4a-415](#).
- 1078 (4) A child's parent or guardian, or a friendly adult if applicable under Subsection
- 1079 (2)(b), is not required to be present during the child's waiver under Subsection (3) or to give
- 1080 permission to the interrogation of the child if:
- 1081 (a) the child is emancipated as described in Section [80-7-105](#);

1082 (b) the child has misrepresented the child's age as being 18 years old or older and a
1083 peace officer has relied on that misrepresentation in good faith; or

1084 (c) a peace officer or a law enforcement agency:

1085 (i) has made reasonable efforts to contact the child's parent or legal guardian, or a
1086 friendly adult if applicable under Subsection (2)(b); and

1087 (ii) has been unable to make contact within one hour after the time in which the child is
1088 in custody.

1089 ~~[(5) (a) If a minor is admitted to a detention facility under Section 80-6-205, or the
1090 minor is committed to secure care or a correctional facility, and is subject to interrogation for
1091 an offense, the minor may not be interrogated unless:]~~

1092 (5) (a) If an individual is admitted to a detention facility under Section 80-6-205,
1093 committed to a secure care facility under Section 80-6-705, or housed in a secure care facility
1094 under Section 80-6-507, and the individual is subject to interrogation for an offense, the
1095 individual may not be interrogated unless:

1096 (i) the [minor] individual has had a meaningful opportunity to consult with the
1097 [minor's] individual's appointed or retained attorney;

1098 (ii) the [minor] individual waives the minor's constitutional rights after consultation
1099 with the [minor's] individual's appointed or retained attorney; and

1100 (iii) the [minor's] individual's appointed or retained attorney is present for the
1101 interrogation.

1102 (b) Subsection (5)(a) does not apply to a juvenile probation officer, or a staff member
1103 of a detention facility, unless the juvenile probation officer or the staff member is interrogating
1104 the [minor] individual on behalf of a peace officer or a law enforcement agency.

1105 (6) A minor may only waive the minor's right to be represented by counsel at all stages
1106 of court proceedings as described in Section 78B-22-204.

1107 Section 16. Section 80-6-207 is amended to read:

1108 **80-6-207. Detention hearings -- Period of detention -- Bail.**

1109 (1) (a) After admission of a child to a detention facility under Section 80-6-205 and
1110 immediate investigation by a juvenile probation officer, the juvenile court or the juvenile
1111 probation officer shall order the release of the child to the child's parent, guardian, or custodian
1112 if the juvenile court or the juvenile probation officer finds that the child can be safely returned

1113 to the parent's, the guardian's, or the custodian's care, upon written promise to bring the child to
1114 the juvenile court at a time set or without restriction.

1115 (b) If a child's parent, guardian, or custodian fails to retrieve the child from a detention
1116 facility within 24 hours after notification of release, the parent, guardian, or custodian is
1117 responsible for the cost of care for the time the child remains in the detention facility in
1118 accordance with Section [78A-6-356](#).

1119 (c) The detention facility shall determine the cost of care.

1120 (d) Any money collected under this Subsection (1) shall be retained by the division to
1121 recover the cost of care for the time the child remains in the facility.

1122 (2) (a) When a child is admitted to a detention facility, the child's parent, guardian, or
1123 custodian shall be informed by the individual in charge of the detention facility that the
1124 parent's, the guardian's, or the custodian's child has the right to a prompt hearing in a juvenile
1125 court to determine whether the child is to be further detained or released.

1126 (b) If a minor is admitted to a detention facility, the minor shall be informed by the
1127 person in charge of the facility that the minor has the right to a prompt hearing in a juvenile
1128 court to determine whether the minor is to be further detained or released.

1129 (3) (a) The juvenile court may, at any time, order the release of the minor, from
1130 detention, regardless of whether a detention hearing is held or not.

1131 (b) If a child is released, and the child remains in the detention facility, because the
1132 child's parents, guardian, or custodian fails to retrieve the child, the parent, guardian, or
1133 custodian shall be responsible for the cost of care as provided in Subsections (1)(b), (c), and (d)
1134 in accordance with Section [78A-6-356](#).

1135 (4) (a) As used in this Subsection (4), "arrest" means being apprehended, detained,
1136 taken into temporary custody under Section [80-6-201](#) or [80-6-202](#), held for investigation, or
1137 restrained by a peace officer or other person due to an accusation or suspicion that the minor
1138 committed an offense.

1139 (b) A minor may not be held in a detention facility longer than 24 hours, unless a
1140 juvenile court determines that there is probable cause for the minor's arrest.

1141 (5) (a) A detention hearing under this section shall be held by a juvenile court judge or
1142 commissioner.

1143 (b) A juvenile court shall hold a detention hearing within 48 hours of the minor's

1144 admission to a detention facility, excluding weekends and holidays, to determine whether the
1145 minor should:

1146 (i) remain in detention in accordance with Subsection (8);

1147 (ii) be released to a parent or guardian; or

1148 (iii) be placed in any other party's custody as authorized by statute.

1149 (6) The probable cause determination under Subsection (4) and the detention hearing
1150 under Subsection (5) may occur at the same time if the probable cause determination and the
1151 detention hearing occur within the time frame under Subsection (4).

1152 (7) (a) A detention hearing may not be waived.

1153 (b) Staff at the detention facility shall provide the juvenile court with all information
1154 received from the individual who brought the minor to the detention facility.

1155 (8) (a) The juvenile court may only order a minor to be held in the detention facility or
1156 be placed in another appropriate facility, subject to further order of the court, if the court finds
1157 at a detention hearing that:

1158 (i) releasing the minor to the minor's parent, guardian, or custodian presents an
1159 unreasonable risk to public safety;

1160 (ii) less restrictive nonresidential alternatives to detention have been considered and,
1161 where appropriate, attempted; and

1162 (iii) the minor is eligible for detention under the detention guidelines and Section
1163 80-6-205.

1164 (b) The juvenile court may not vest custody of a minor admitted to detention in the
1165 Division of Child and Family Services, except as provided in Chapter 3, Abuse, Neglect, and
1166 Dependency Proceedings.

1167 (9) (a) After a detention hearing has been held, only the juvenile court may release a
1168 minor from detention.

1169 (b) If a minor remains in a detention facility, periodic reviews shall be held in
1170 accordance with the Utah Rules of Juvenile Procedure to ensure that continued detention of the
1171 minor is necessary.

1172 (10) This section does not apply to a minor who is brought to a correctional facility in
1173 accordance with Section 80-6-502, 80-6-504, or 80-6-505.

1174 ~~[(11) Notwithstanding Title 77, Chapter 20, Bail, a minor in a detention facility does~~

1175 ~~not have a right to bail, except that bail is allowed if:]~~
 1176 ~~[(a) a minor is cited under Section 80-6-302;]~~
 1177 (11) Title 77, Chapter 20, Bail, does not apply to a minor, except for:
 1178 ~~[(b)]~~ (a) a minor ~~[is]~~ charged in accordance with Section 80-6-502;
 1179 ~~[(c)]~~ (b) a minor ~~[is]~~ bound over to the district court in accordance with Section
 1180 80-6-504; and
 1181 ~~[(d)]~~ (c) a minor~~;~~ who need not be detained~~;~~ and lives outside this state~~;~~ ~~and~~.
 1182 ~~[(e) a minor, who need not be detained, is held in contempt under Section 78A-6-353.]~~
 1183 Section 17. Section **80-6-302** is amended to read:
 1184 **80-6-302. Citation -- Procedure -- Time limits -- Failure to appear.**
 1185 (1) A petition is not required to commence a proceeding against a minor for an
 1186 adjudication of an alleged offense if a citation is issued for an offense for which the juvenile
 1187 court has jurisdiction over and the offense listed in the citation is for:
 1188 (a) a violation of a wildlife law;
 1189 (b) a violation of a boating law;
 1190 (c) a class B or C misdemeanor or an infraction other than a misdemeanor or
 1191 infraction:
 1192 (i) for a traffic violation; or
 1193 (ii) designated as a citable offense by general order of the Board of Juvenile Court
 1194 Judges;
 1195 (d) a class B misdemeanor or infraction for a traffic violation where the individual is
 1196 15 years old or younger at the time the offense was alleged to have occurred;
 1197 (e) an infraction or misdemeanor designated as a citable offense by a general order of
 1198 the Board of Juvenile Court Judges; or
 1199 (f) a violation of Subsection 76-10-105(2).
 1200 (2) Except as provided in Subsection (6) and Section 80-6-301, a citation for an offense
 1201 listed in Subsection (1) shall be submitted to the juvenile court within five days of issuance to a
 1202 minor.
 1203 (3) A copy of the citation shall contain:
 1204 (a) the name and address of the juvenile court before which the minor may be required
 1205 to appear;

- 1206 (b) the name of the minor cited;
- 1207 (c) the statute or local ordinance that the minor is alleged to have violated;
- 1208 (d) a brief description of the offense charged;
- 1209 (e) the date, time, and location at which the offense is alleged to have occurred;
- 1210 (f) the date the citation was issued;
- 1211 (g) the name and badge or identification number of the peace officer or public official
- 1212 who issued the citation;
- 1213 (h) the name of the arresting person if an arrest was made by a private party and the
- 1214 citation was issued in lieu of taking the minor into temporary custody as provided in Section
- 1215 [80-6-201](#);
- 1216 (i) a statement that the minor and the minor's parent or guardian are to appear when
- 1217 notified by the juvenile court; and
- 1218 (j) the signature of the minor and the minor's parent or guardian, if present, agreeing to
- 1219 appear at the juvenile court when notified by the court.
- 1220 (4) A copy of the citation shall contain space for the following information to be
- 1221 entered if known:
- 1222 (a) the minor's address;
- 1223 (b) the minor's date of birth;
- 1224 (c) the name and address of the child's custodial parent or guardian, if different from
- 1225 the child; and
- 1226 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that
- 1227 this information shall be removed from the documents the minor receives.
- 1228 (5) A citation received by the juvenile court beyond the time designated in Subsection
- 1229 (2) shall include a written explanation for the delay.
- 1230 (6) A minor offense, as defined in Section [80-6-901](#), alleged to have been committed
- 1231 by an enrolled child on school property or related to school attendance, may only be referred to
- 1232 the prosecuting attorney or the juvenile court in accordance with Section [53G-8-211](#).
- 1233 (7) If a juvenile court receives a citation described in Subsection (1), a juvenile
- 1234 probation officer shall make a preliminary inquiry as to whether the minor is eligible for a
- 1235 nonjudicial adjustment in accordance with Subsection [80-6-304\(5\)](#).
- 1236 (8) (a) Except as provided in Subsection (8)(b), if a citation is issued to a minor, a

1237 prosecuting attorney may commence a proceeding against a minor, without filing a petition, for
1238 an adjudication of the offense in the citation only if:

1239 (i) the minor is not eligible for, or does not complete, a nonjudicial adjustment in
1240 accordance with Section 80-6-304; and

1241 (ii) the prosecuting attorney conducts an inquiry under Subsection (9).

1242 (b) Except as provided in Subsection 80-6-305(2), a prosecuting attorney may not
1243 commence a proceeding against an individual for any offense listed in a citation alleged to have
1244 occurred before the individual was 12 years old.

1245 (9) The prosecuting attorney shall conduct an inquiry to determine, upon reasonable
1246 belief, that:

1247 (a) the charge listed in the citation is supported by probable cause;

1248 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable
1249 doubt; and

1250 (c) the decision to charge is in the interests of justice.

1251 (10) If a proceeding is commenced against a minor under Subsection (8)(a), the minor
1252 shall appear at the juvenile court at a date and time established by the juvenile court.

1253 (11) If a minor willfully fails to appear before the juvenile court for a proceeding under
1254 Subsection (8)(a), the juvenile court may:

1255 (a) find the minor in contempt of court; and

1256 (b) proceed against the minor as provided in Section 78A-6-353.

1257 (12) If a proceeding is commenced under this section, [~~bail may be posted and forfeited~~
1258 ~~under Section 80-6-207~~] the minor may remit a fine without a personal appearance before the
1259 juvenile court with the consent of:

1260 (a) the juvenile court; and

1261 (b) if the minor is a child, the parent or guardian of the child cited.

1262 Section 18. Section 80-6-303 is amended to read:

1263 **80-6-303. Criminal proceedings involving minors -- Transfer to juvenile court --**
1264 **Exception.**

1265 (1) (a) If while a criminal or quasi-criminal proceeding is pending, a district court or
1266 justice court determines that an individual being charged is under 21 years old and was younger
1267 than 18 years old at the time of committing the alleged offense, the district court or justice

1268 court shall transfer the case to the juvenile court with all the papers, documents, and transcripts
1269 of any testimony.

1270 (b) (i) Notwithstanding Subsection (1)(a), a district court may not transfer an offense
1271 that is:

1272 (A) filed in the district court in accordance with Section 80-6-502; or

1273 (B) transferred to the district court in accordance with Section 80-6-504.

1274 (ii) Notwithstanding Subsection (1)(a), a justice court may decline to transfer an
1275 offense for which the justice court has original jurisdiction under Subsection 78A-7-106(2).

1276 (2) (a) Except as provided in Subsection (2)(b), the district court or justice court
1277 making the transfer shall:

1278 (i) order the individual to be taken immediately to the juvenile court or to a place of
1279 detention designated by the juvenile court; or

1280 (ii) release the individual to the custody of the individual's parent or guardian or other
1281 person legally responsible for the individual, to be brought before the juvenile court at a time
1282 designated by the juvenile court.

1283 (b) If the alleged offense under Subsection (1) occurred before the individual was 12
1284 years old:

1285 (i) the district court or justice court making the transfer shall release the individual to
1286 the custody of the individual's parent or guardian, or other person legally responsible for the
1287 individual;

1288 (ii) the juvenile court shall treat the transfer as a referral under Section 80-6-301; and

1289 (iii) a juvenile probation officer shall make a preliminary inquiry to determine whether
1290 the individual is eligible for a nonjudicial adjustment in accordance with Section 80-6-304.

1291 (c) If the case is transferred to the juvenile court under this section, the juvenile court
1292 shall then proceed in accordance with this chapter.

1293 (3) A district court or justice court does not have to transfer a case under Subsection
1294 (1) if the district court or justice court would have had jurisdiction over the case at the time the
1295 individual committed the offense in accordance with [~~Subsections 78A-5-102(9) and~~
1296 ~~78A-7-106(2)] Sections 78A-5-102 and 78A-7-106.~~

1297 Section 19. Section 80-6-501 is amended to read:

1298 **80-6-501. Definitions.**

1299 As used in this part:

1300 (1) "Minor" means:

1301 (a) an individual:

1302 (i) who is at least 18 years old and younger than 25 years old; and

1303 (ii) whose case is under the ~~continuing~~ jurisdiction of the juvenile court; or

1304 (b) an individual:

1305 (i) who is younger than 21 years old;

1306 (ii) who is charged with, or convicted of, an offense under Section [80-6-502](#) or

1307 [80-6-503](#); and

1308 (iii) whose case is under the jurisdiction of the district court.

1309 (2) "Qualifying offense" means an offense described in ~~Subsection 80-6-503(1) or~~

1310 ~~(2)(b)~~ Section [80-6-503](#).

1311 (3) "Separate offense" means any offense that is not a qualifying offense.

1312 Section 20. Section **80-6-502** is amended to read:

1313 **80-6-502. Criminal information for a minor in district court.**

1314 (1) If a prosecuting attorney charges a minor with aggravated murder under Section

1315 [76-5-202](#) or murder under Section [76-5-203](#), the prosecuting attorney shall file a criminal

1316 information in the district court if the minor was ~~the~~ a principal actor in an offense and the

1317 criminal information alleges:

1318 (a) the minor was 16 or 17 years old at the time of the offense; and

1319 (b) the offense for which the minor is being charged is:

1320 (i) ~~[Section [76-5-202](#);~~ aggravated murder, as described in Section [76-5-202](#); or

1321 (ii) ~~[Section [76-5-203](#);~~ murder, as described in Section [76-5-203](#).

1322 (2) If the prosecuting attorney files a criminal information in the district court in

1323 accordance with Subsection (1), the district court shall try the minor as an adult, except:

1324 (a) the minor is not subject to a sentence of death in accordance with Subsection

1325 [76-3-206\(2\)\(b\)](#); and

1326 (b) the minor is not subject to a sentence of life without parole in accordance with

1327 Subsection [76-3-206\(2\)\(b\)](#) or [76-3-207.5\(3\)](#) or Section [76-3-209](#).

1328 (3) (a) Except for a minor who is subject to the authority of the Board of Pardons and

1329 Parole, a minor shall be held in a detention facility.

1330 (b) A minor held in a detention facility under Subsection (3)(a) shall remain in the
1331 facility:

1332 (i) until released by the district court; or

1333 (ii) if convicted, until sentencing.

1334 (4) (a) If a minor is held in a detention facility under Subsection (3)(a), the district
1335 court shall:

1336 [~~(a)~~] (i) advise the minor of the right to bail; and

1337 [~~(b)~~] set initial bail in accordance with Title 77, Chapter 20, Bail.]

1338 (ii) issue a pretrial status order, as defined in Section 77-20-102, for the minor in
1339 accordance with Section 77-20-205.

1340 (b) Except for Sections 77-20-202, 77-20-203, and 77-20-204, the provisions of Title
1341 77, Chapter 20, Bail, shall apply to the release or detention of a minor being tried as an adult
1342 under this section.

1343 (5) If a minor held in a detention facility under Subsection (3)(a) attains the age of 21
1344 years old, the minor shall be transferred within 30 days to an adult jail until:

1345 (a) released by the district court; or

1346 (b) if convicted, sentencing.

1347 (6) If a minor is held in a detention facility under Subsection (3)(a) and the minor's
1348 conduct or condition endangers the safety or welfare of others in the detention facility, the
1349 district court may find that the minor shall be detained in another place of confinement
1350 considered appropriate by the district court, including a jail or an adult facility for pretrial
1351 confinement.

1352 [~~(7) If a minor is charged for aggravated murder or murder in the district court under
1353 this section, and all charges for aggravated murder or murder result in an acquittal, a finding of
1354 not guilty, or a dismissal:]~~

1355 [~~(a) the juvenile court gains jurisdiction over all other offenses committed by the
1356 minor; and]~~

1357 [~~(b) the division gains jurisdiction over the minor.]~~

1358 Section 21. Section 80-6-504 is amended to read:

1359 **80-6-504. Preliminary hearing -- Grounds for transfer -- Detention of a minor**
1360 **bound over to the district court.**

1361 (1) If a prosecuting attorney files a criminal information in accordance with Section
1362 80-6-503, the juvenile court shall conduct a preliminary hearing to determine whether a minor
1363 should be bound over to the district court for a qualifying offense.

1364 (2) At the preliminary hearing under Subsection (1), the prosecuting attorney shall have
1365 the burden of establishing:

1366 (a) probable cause to believe that a qualifying offense was committed and the minor
1367 committed that offense; and

1368 (b) by a preponderance of the evidence, that it is contrary to the best interests of the
1369 minor and the public for the juvenile court to retain jurisdiction over the offense.

1370 (3) In making a determination under Subsection (2)(b), the juvenile court shall consider
1371 and make findings on:

1372 (a) the seriousness of the qualifying offense and whether the protection of the
1373 community requires that the minor is detained beyond the amount of time allowed under
1374 Subsection 80-6-802(1), or beyond the age of continuing jurisdiction that the juvenile court
1375 may exercise under Section 80-6-605;

1376 (b) the extent to which the minor's actions in the qualifying offense were committed in
1377 an aggressive, violent, premeditated, or willful manner;

1378 (c) the minor's mental, physical, educational, trauma, and social history;

1379 (d) the criminal record or history of the minor; and

1380 (e) the likelihood of the minor's rehabilitation by the use of services and facilities that
1381 are available to the juvenile court.

1382 (4) The amount of weight that each factor in Subsection (3) is given is in the juvenile
1383 court's discretion.

1384 (5) (a) The juvenile court may consider any written report or other material that relates
1385 to the minor's mental, physical, educational, trauma, and social history.

1386 (b) Upon request by the minor, the minor's parent, guardian, or other interested party,
1387 the juvenile court shall require the person preparing the report, or other material, under
1388 Subsection (5)(a) to appear and be subject to direct and cross-examination.

1389 (6) At the preliminary hearing under Subsection (1), a minor may testify under oath,
1390 call witnesses, cross-examine witnesses, and present evidence on the factors described in
1391 Subsection (3).

1392 (7) (a) A proceeding before the juvenile court related to a charge filed under this part
1393 shall be conducted in conformity with the Utah Rules of Juvenile Procedure.

1394 (b) Sections 80-6-602, 80-6-603, and 80-6-604 are applicable to the preliminary
1395 hearing under this section.

1396 (8) If the juvenile court finds that the prosecuting attorney has met the burden of proof
1397 under Subsection (2), the juvenile court shall bind the minor over to the district court to be held
1398 for trial.

1399 (9) (a) If the juvenile court finds that a qualifying offense has been committed by a
1400 minor, but the prosecuting attorney has not met the burden of proof under Subsection (2)(b),
1401 the juvenile court shall:

1402 (i) proceed upon the criminal information as if the information were a petition under
1403 Section 80-6-305;

1404 (ii) release or detain the minor in accordance with Section 80-6-207; and

1405 (iii) proceed with an adjudication for the minor in accordance with this chapter.

1406 (b) If the juvenile court finds that the prosecuting attorney has not met the burden
1407 under Subsection (2) to bind a minor over to the district court, the prosecuting attorney may file
1408 a motion to extend the juvenile court's continuing jurisdiction over the minor's case until the
1409 minor is 25 years old in accordance with Section 80-6-605.

1410 (10) (a) A prosecuting attorney may charge a minor with a separate offense in the same
1411 criminal information as the qualifying offense if the qualifying offense and separate offense
1412 arise from a single criminal episode.

1413 (b) If the prosecuting attorney charges a minor with a separate offense as described in
1414 Subsection (10)(a):

1415 (i) the prosecuting attorney shall have the burden of establishing probable cause to
1416 believe that the separate offense was committed and the minor committed the separate offense;
1417 and

1418 (ii) if the prosecuting attorney establishes probable cause for the separate offense under
1419 Subsection (10)(b)(i) and the juvenile court binds the minor over to the district court for the
1420 qualifying offense, the juvenile court shall also bind the minor over for the separate offense to
1421 the district court.

1422 (11) If a grand jury indicts a minor for a qualifying offense:

1423 (a) the prosecuting attorney does not need to establish probable cause under Subsection
1424 (2)(a) for the qualifying offense and any separate offense included in the indictment; and

1425 (b) the juvenile court shall proceed with determining whether the minor should be
1426 bound over to the district court for the qualifying offense and any separate offense included in
1427 the indictment in accordance with Subsections (2)(b) and (3).

1428 (12) (a) If a minor is bound over to the district court, the juvenile court shall:

1429 ~~[(a)]~~ (i) issue a criminal warrant of arrest for the minor to be held in a detention
1430 facility;

1431 ~~[(b)]~~ (ii) advise the minor of the right to bail; and

1432 ~~[(c) set initial bail in accordance with Title 77, Chapter 20, Bail.]~~

1433 (iii) issue a pretrial status order, as defined in Section 77-20-102, for the minor in
1434 accordance with Section 77-20-205.

1435 (b) Except for Sections 77-20-202, 77-20-203, and 77-20-204, the provisions of Title
1436 77, Chapter 20, Bail, shall apply to the release or detention of a minor bound over to the district
1437 court by the juvenile court.

1438 (13) If the juvenile court orders the minor to be detained until the time of trial:

1439 (a) the minor shall be held in a detention facility, except that a minor who is subject to
1440 the authority of the Board of Pardons and Parole may not be held in a detention facility; and

1441 (b) the minor shall remain in the detention facility:

1442 (i) until released by a district court; or

1443 (ii) if convicted, until sentencing.

1444 (14) If a minor is held in a detention facility under Subsection (13) and the minor
1445 attains the age of 21 years old while detained at the detention facility, the minor shall be
1446 transferred within 30 days to an adult jail to remain:

1447 (a) until released by the district court; or

1448 (b) if convicted, until sentencing.

1449 ~~[(15) Except as provided in Subsection (16) and Section 80-6-507, if a minor is bound~~
1450 ~~over to the district court under this section, the jurisdiction of the division and the juvenile~~
1451 ~~court over the minor is terminated for the qualifying offense and any other separate offense for~~
1452 ~~which the minor is bound over.]~~

1453 ~~[(16) If a minor is bound over to the district court for a qualifying offense and the~~

1454 ~~qualifying offense results in an acquittal, a finding of not guilty, or a dismissal:]~~

1455 ~~[(a) the juvenile court regains jurisdiction over any separate offense committed by the~~
1456 ~~minor; and]~~

1457 ~~[(b) the division regains jurisdiction over the minor.]~~

1458 Section 22. Section **80-6-505** is amended to read:

1459 **80-6-505. Criminal proceedings for a minor bound over to district court.**

1460 (1) If the juvenile court binds a minor over to the district court in accordance with
1461 Section [80-6-504](#), the prosecuting attorney shall try the minor as if the minor is an adult in the
1462 district court except:

1463 (a) the minor is not subject to a sentence of death in accordance with Subsection
1464 [76-3-206\(2\)\(b\)](#); and

1465 (b) the minor is not subject to a sentence of life without parole in accordance with
1466 Subsection [76-3-206\(2\)\(b\)](#) or [76-3-207.5\(3\)](#) or Section [76-3-209](#).

1467 (2) A minor who is bound over to the district court to answer as an adult is not entitled
1468 to a preliminary hearing in the district court.

1469 (3) If a minor is bound over to the district court and detained in a detention facility, the
1470 district court may order the minor be detained in another place of confinement that is
1471 considered appropriate by the district court, including a jail or other place of pretrial
1472 confinement for adults if the minor's conduct or condition endangers the safety and welfare of
1473 others in the detention facility.

1474 ~~[(4) If the district court obtains jurisdiction over a minor under Section [80-6-504](#), the~~
1475 ~~district court is not divested of jurisdiction for a qualifying offense or a separate offense listed~~
1476 ~~in the criminal information when the minor is allowed to enter a plea to, or is found guilty of,~~
1477 ~~another offense in the same criminal information.]~~

1478 Section 23. Section **80-6-603** is amended to read:

1479 **80-6-603. Rights of minors facing delinquency proceedings.**

1480 (1) If a minor is facing a delinquency proceeding under this chapter, the minor has the
1481 right to:

1482 ~~[(1)]~~ (a) appear in person in the proceeding for the petition or the criminal information;

1483 ~~[(2)]~~ (b) defend, in person or by counsel, against the allegations in the petition or the
1484 criminal information;

1485 ~~[(3)]~~ (c) receive a copy of the petition or the criminal information;
 1486 ~~[(4)]~~ (d) testify on the minor's own behalf;
 1487 ~~[(5)]~~ (e) confront the witnesses against the minor;
 1488 ~~[(6)]~~ (f) secure the attendance of witnesses on the minor's behalf under Section
 1489 78A-6-351;
 1490 ~~[(7)]~~ (g) be represented by counsel at all stages of the proceedings;
 1491 ~~[(8)]~~ (h) be appointed an indigent defense service provider and be provided indigent
 1492 defense services in accordance with Title 78B, Chapter 22, Part 2, Appointment of Counsel;
 1493 ~~[(9)]~~ (i) remain silent and be advised that anything the minor says can and will be used
 1494 against the minor in any court proceedings; and
 1495 ~~[(10)]~~ (j) appeal any adjudication under this chapter.

1496 (2) A minor facing a delinquency proceeding shall be advised of the minor's rights
 1497 described in Subsection (1).

1498 Section 24. Section **80-6-606** is amended to read:

1499 **80-6-606. Validated risk and needs assessment -- Examination of minor or**
 1500 **minor's parent or guardian -- Temporary custody or appointment of guardian.**

1501 (1) (a) If a minor is adjudicated for an offense under this chapter, the minor shall
 1502 undergo a risk screening or, if indicated, a validated risk and needs assessment.

1503 (b) If a minor undergoes a risk screening or a validated risk and needs assessment, the
 1504 results of the screening or assessment shall be used to inform the juvenile court's disposition
 1505 and any case planning for the minor.

1506 (c) If a minor undergoes a validated risk and needs assessment, the results of the
 1507 assessment may not be shared with the juvenile court before the adjudication of the minor.

1508 (2) If the juvenile court's continuing jurisdiction over a minor's case is terminated, the
 1509 minor shall undergo a validated risk and needs assessment within seven days of the day on
 1510 which an order terminating the juvenile court's continuing jurisdiction is issued if:

1511 (a) the minor is adjudicated under this chapter; and

1512 (b) the minor underwent a validated risk and needs assessment under Subsection (1).

1513 (3) (a) If a petition under this chapter has been filed for a minor, a juvenile court may:

1514 (i) order that the minor be examined by a physician, surgeon, psychiatrist, or
 1515 psychologist; and

1516 (ii) place the minor in a hospital or other facility for examination.

1517 (b) After notice and a hearing set for the specific purpose, the juvenile court may order
1518 an examination of a minor's parent or guardian whose ability to care for a minor is at issue if
1519 the juvenile court finds from the evidence presented at the hearing that the parent's or
1520 guardian's physical, mental, or emotional condition may be a factor in causing the delinquency
1521 of the minor.

1522 (c) An examination conducted in accordance with this Subsection (3) is not a
1523 privileged communication under Utah Rules of Evidence, Rule 506(d)(3), and is exempt from
1524 the general rule of privilege.

1525 (4) If a petition under this chapter has been filed for a child, a juvenile court may:

1526 (a) place the child in the temporary custody of a relative or other suitable individual if
1527 the child's parent or guardian consents to the placement; or

1528 (b) appoint a guardian for the child if it appears a guardian is in the necessary interests
1529 of the child and the child's parent or guardian consents to the appointment.

1530 Section 25. Section **80-6-709** is amended to read:

1531 **80-6-709. Payment of fines, fees, restitution, or other costs -- Community or**
1532 **compensatory service -- Property damage -- Unpaid balances.**

1533 (1) (a) If a minor is adjudicated for an offense under Section **80-6-701**, the juvenile
1534 court may order a minor to:

1535 (i) pay a fine, fee, or other cost;

1536 (ii) pay restitution in accordance with Section **80-6-710**; or

1537 (iii) complete community or compensatory service hours.

1538 (b) (i) If the juvenile court orders the minor to pay restitution under Subsection (1)(a), a
1539 juvenile probation officer may permit the minor to complete a work program in lieu of paying
1540 part or all of the restitution by the juvenile court.

1541 (ii) If the juvenile court orders the minor to complete community or compensatory
1542 service hours, a juvenile probation officer may permit the minor to complete a work program to
1543 help the minor complete the community or compensatory service hours.

1544 (c) The juvenile court may, through a juvenile probation officer, encourage the
1545 development of nonresidential employment or a work program to enable a minor to fulfill the
1546 minor's obligations under Subsection (1)(a).

1547 (d) Notwithstanding this section, a juvenile court may not place a minor on a ranch,
1548 forestry camp, or other residential work program for care or work.

1549 (2) If the juvenile court orders a minor to pay a fine, fee, restitution, or other cost, or to
1550 complete community or compensatory service hours, the juvenile court shall consider the
1551 dispositions collectively to ensure that an order:

1552 (a) is reasonable;

1553 (b) prioritizes restitution; and

1554 [~~(c) takes into account the minor's ability to satisfy the order within the presumptive~~
1555 ~~period of supervision under Section 80-6-712, or Section 80-6-802 if the minor is ordered to~~
1556 ~~secure care;]~~

1557 (c) except for restitution as provided in Subsection 80-6-710(5)(c), takes into account
1558 the minor's ability to pay the fine, fee, or other cost within the presumptive period under
1559 Section 80-6-712 or Section 80-6-802 if the minor is ordered to secure care.

1560 (3) (a) If the juvenile court orders a minor to pay a fine, fee, or other cost, or complete
1561 community or compensatory service hours, the cumulative order shall be limited per criminal
1562 episode as follows:

1563 (i) for a minor under 16 years old at the time of adjudication, the juvenile court may
1564 impose up to \$190 or up to 24 hours of community or compensatory service; and

1565 (ii) for a minor 16 years old or older at the time of adjudication, the juvenile court may
1566 impose up to \$280 or up to 36 hours of community or compensatory service.

1567 (b) The cumulative order under Subsection (3)(a) does not include restitution.

1568 (4) (a) If the juvenile court converts a fine, fee, or restitution amount to compensatory
1569 service hours, the rate of conversion shall be no less than the minimum wage.

1570 (b) If the juvenile court orders a minor to complete community service, the
1571 presumptive service order shall include between five and 10 hours of service.

1572 (c) If a minor completes an approved substance use disorder prevention or treatment
1573 program or other court-ordered condition, the minor may be credited with compensatory
1574 service hours for the completion of the program or condition by the juvenile court.

1575 (5) (a) If a minor commits an offense involving the use of graffiti under Section
1576 76-6-106 or 76-6-206, the juvenile court may order the minor to clean up graffiti created by the
1577 minor or any other individual at a time and place within the jurisdiction of the juvenile court.

1578 (b) The minor may complete the order of the juvenile court under Subsection (5)(a) in
1579 the presence and under the direct supervision of the minor's parent, guardian, or custodian.

1580 (c) The minor's parent, guardian, or custodian shall report completion of the order to
1581 the juvenile court.

1582 (d) The juvenile court may also require the minor to perform other alternative forms of
1583 restitution or repair to the damaged property in accordance with Section 80-6-710.

1584 (6) (a) Except as provided in Subsection (6)(b), the juvenile court may issue orders
1585 necessary for the collection of restitution and fines ordered under this section, including
1586 garnishments, wage withholdings, and executions.

1587 (b) The juvenile court may not issue an order under Subsection (6)(a) if the juvenile
1588 court orders a disposition that changes custody of a minor, including detention, secure care, or
1589 any other secure or nonsecure residential placement.

1590 (7) Any information necessary to collect unpaid fines, fees, assessments, [~~bait~~] or
1591 restitution may be forwarded to employers, financial institutions, law enforcement, constables,
1592 the Office of Recovery Services, or other agencies for purposes of enforcing an order under this
1593 section.

1594 (8) (a) If, before the entry of any order terminating the juvenile court's continuing
1595 jurisdiction over a minor's case, there remains an unpaid balance for any fine, fee, or restitution
1596 ordered by the juvenile court, the juvenile court shall:

1597 (i) record all pertinent information for the unpaid balance in the minor's file[-]; and

1598 (ii) if there is an unpaid amount of restitution, record the amount of unpaid restitution
1599 as a civil judgment and list the victim, or the estate of the victim, as the judgment creditor in
1600 the civil judgment.

1601 (b) The juvenile court may not transfer responsibility to collect unpaid fines, fees,
1602 surcharges, and restitution for a minor's case to the Office of State Debt Collection created in
1603 Section 63A-3-502.

1604 [~~(c) The juvenile court shall reduce a restitution order to a judgment and list the victim,~~
1605 ~~or the estate of the victim, as the judgment creditor in the judgment.~~]

1606 Section 26. Section 80-6-710 is amended to read:

1607 **80-6-710. Determination of restitution -- Requirements.**

1608 (1) If a minor is adjudicated under Section 80-6-701, the juvenile court may order the

1609 minor to repair, replace, or otherwise make restitution for:

1610 (a) material loss caused by an offense listed in the petition; or

1611 (b) conduct for which the minor agrees to make restitution.

1612 (2) Within seven days after the day on which a petition is filed under this chapter, the
1613 prosecuting attorney or a juvenile probation officer shall provide notification of the restitution
1614 process to all reasonably identifiable and locatable victims of an offense listed in the petition.

1615 (3) A victim that receives notice under Subsection (2) is responsible for providing the
1616 ~~[prosecutor]~~ prosecuting attorney with:

1617 (a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket
1618 loss;

1619 (b) all documentation of any compensation or reimbursement from an insurance
1620 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

1621 (c) if available, the victim's proof of identification, including the victim's date of birth,
1622 social security number, or driver license number; and

1623 (d) the victim's contact information, including the victim's current home and work
1624 address and telephone number.

1625 (4) A prosecuting attorney or victim shall submit a request for restitution to the
1626 juvenile court:

1627 (a) if feasible, at the time of disposition; or

1628 (b) within 90 days after disposition.

1629 ~~[(5) The juvenile court shall order a financial disposition that prioritizes the payment of~~
1630 ~~restitution.]~~

1631 ~~[(6) To determine whether restitution, or the amount of restitution, is appropriate under~~
1632 ~~Subsection (1);]~~

1633 (5) In an order for restitution under Subsection (1), the juvenile court:

1634 (a) shall only order restitution for the victim's material loss;

1635 (b) may not order restitution if the juvenile court finds that the minor is unable to pay
1636 or acquire the means to pay;

1637 (c) shall take into account:

1638 (i) the minor's ability to satisfy the restitution order within six months from the day on
1639 which restitution is ordered; or

1640 (ii) if the minor participates in a restorative justice program under Subsection (6), the
1641 amount or conditions of restitution agreed upon by the minor and the victim of the adjudicated
1642 offense;

1643 ~~[(c)]~~ (d) shall credit any amount paid by the minor to the victim in a civil suit against
1644 restitution owed by the minor; and

1645 ~~[(d) shall take into account the presumptive period of supervision for the minor's case~~
1646 ~~under Section 80-6-712, or the presumptive period of commitment for secure care under~~
1647 ~~Section 80-6-804 if the minor is ordered to secure care, in determining the minor's ability to~~
1648 ~~satisfy the restitution order within that presumptive term; and]~~

1649 (e) shall credit any amount paid to the victim in restitution against liability in a civil
1650 suit.

1651 ~~[(7)]~~ (6) If the minor and the victim of the adjudicated offense agree to participate, the
1652 juvenile court may refer the minor's case to a restorative justice program, such as victim
1653 offender mediation, to address how loss resulting from the adjudicated offense may be
1654 addressed.

1655 ~~[(8)]~~ (7) (a) The juvenile court may require a minor to reimburse an individual, entity,
1656 or governmental agency who offered and paid a reward to a person for providing information
1657 resulting in an adjudication of a minor for the commission of an offense.

1658 ~~[(9)]~~ (b) If a minor is returned to this state in accordance with Title 55, Chapter 12,
1659 Interstate Compact for Juveniles, the juvenile court may order the minor to make restitution for
1660 costs expended by any governmental entity for the return of the minor.

1661 Section 27. Section **80-6-711** is amended to read:

1662 **80-6-711. Suspending a disposition.**

1663 (1) Except as otherwise provided in Subsection (2), a juvenile court may not suspend a
1664 disposition ordered under this part.

1665 (2) (a) If a minor qualifies for ~~[secure care under Section 80-6-705]~~ commitment to the
1666 division under Section 80-6-703, the juvenile court may suspend a disposition for commitment
1667 to the division ~~[under Section 80-6-703]~~ in lieu of immediate commitment, upon the condition
1668 that the minor commit no new misdemeanor or felony offense within 90 days after the day on
1669 which the juvenile court suspends the disposition for commitment.

1670 (b) The duration of a suspended disposition under Subsection (2)(a) may not:

1671 (i) exceed 90 days after the day on which the juvenile court suspends the disposition
1672 for commitment; and

1673 (ii) be extended under any circumstance.

1674 (3) The juvenile court may only lift a suspension of a disposition under Subsection

1675 (2)(a):

1676 (a) following adjudication of a new misdemeanor or felony offense committed by the
1677 minor during the period of suspension set out under Subsection (2)(a);

1678 (b) if a new assessment or evaluation has been completed and the assessment or
1679 evaluation recommends that a higher level of care is needed and nonresidential treatment
1680 options have been exhausted or nonresidential treatment options are not appropriate; or

1681 (c) if, after a notice and a hearing, the juvenile court finds:

1682 (i) a new or previous evaluation recommends a higher level of treatment; and

1683 (ii) the minor willfully failed to comply with a lower level of treatment and has been
1684 unsuccessfully discharged from treatment.

1685 (4) A suspended disposition under Subsection (1) may not be imposed without:

1686 (a) notice to the minor and the minor's counsel; and

1687 (b) a hearing.

1688 Section 28. Section **80-6-712** is amended to read:

1689 **80-6-712. Time periods for supervision of probation or placement -- Termination**
1690 **of continuing jurisdiction.**

1691 (1) If the juvenile court places a minor on probation under Section [80-6-702](#), the
1692 juvenile court shall establish a period of time for supervision for the minor that is:

1693 (a) if the minor is placed on intake probation, no more than three months; or

1694 (b) if the minor is placed on formal probation, from four to six months, but may not
1695 exceed six months.

1696 (2) (a) If the juvenile court commits a minor to the division under Section [80-6-703](#),
1697 and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:

1698 (i) for a minor placed out of the home, a period of custody from three to six months,
1699 but may not exceed six months; and

1700 (ii) for aftercare services if the minor was placed out of the home, a period of
1701 supervision from three to four months, but may not exceed four months.

1702 (b) A minor may be supervised for aftercare services under Subsection (2)(a)(ii):
 1703 (i) in the home of a qualifying relative or guardian~~[-or]~~;
 1704 (ii) at an independent living program contracted or operated by the division~~[-]; or~~
 1705 (iii) in a family-based setting with approval by the director or the director's designee if
 1706 the minor does not qualify for an independent living program due to age, disability, or another
 1707 reason or the minor cannot be placed with a qualifying relative or guardian.

1708 (3) If the juvenile court orders a minor to secure care, the authority shall:

1709 (a) have jurisdiction over the minor's case; and

1710 (b) apply the provisions of Part 8, Commitment and Parole.

1711 (4) (a) [~~In accordance with Section 80-6-711 and Subsections (1) and (2), the~~] A
 1712 juvenile court shall terminate continuing jurisdiction over a minor's case at the end of the time
 1713 period described in Subsection (1) for probation~~[-]~~ or Subsection (2) for commitment to the
 1714 division, unless:

1715 (i) termination would interrupt the completion of the treatment program determined to
 1716 be necessary by the results of a validated risk and needs assessment under Section 80-6-606;

1717 (ii) the minor commits a new misdemeanor or felony offense;

1718 (iii) the minor has not completed community or compensatory service hours [~~have not~~
 1719 ~~been completed~~];

1720 (iv) there is an outstanding fine; or

1721 [~~(v) there is a failure to pay restitution in full.~~]

1722 (v) the minor has not paid restitution in full.

1723 (b) The juvenile court shall determine whether a minor has completed a treatment
 1724 program under Subsection (4)(a)(i) by considering:

1725 (i) the recommendations of the licensed service provider for the treatment program;

1726 (ii) the minor's record in the treatment program; and

1727 (iii) the minor's completion of the goals of the treatment program.

1728 (5) Subject to [~~Subsection (8)~~] Subsections (6) and (7), if one of the circumstances
 1729 under Subsection (4) exists the juvenile court may extend supervision for the time needed to
 1730 address the specific circumstance.

1731 [~~(6) If a circumstance under Subsection (4)(a)(iii), (iv), or (v) exists, the juvenile court~~
 1732 ~~may extend supervision for no more than three months.~~]

1733 (6) If the juvenile court extends supervision solely on the ground that the minor has not
1734 yet completed community or compensatory service hours under Subsection (4)(a)(iii), the
1735 juvenile court may only extend supervision:

1736 (a) one time for no more than three months; and

1737 (b) as intake probation.

1738 (7) (a) If the juvenile court extends jurisdiction solely on the ground that the minor has
1739 not paid restitution in full as described in Subsection (4)(a)(v):

1740 (i) the juvenile court may only:

1741 (A) extend jurisdiction up to four times for no more than three months at a time;

1742 (B) consider the efforts of the minor to pay restitution in full when determining

1743 whether to extend jurisdiction under Subsection (7)(a)(i); and

1744 (C) make orders concerning the payment of restitution during the period for which
1745 jurisdiction is extended;

1746 (ii) the juvenile court shall terminate any intake probation or formal probation of the
1747 minor; and

1748 (iii) a designated staff member of the juvenile court shall submit a report to the juvenile
1749 court every three months regarding the minor's efforts to pay restitution.

1750 (b) If the juvenile court finds that a minor is not making an effort to pay restitution, the
1751 juvenile court shall:

1752 (i) terminate jurisdiction over the minor's case; and

1753 (ii) record the amount of unpaid restitution as a civil judgment in accordance with
1754 Subsection [80-6-709](#)(8).

1755 [(7)] (8) If the juvenile court extends supervision or jurisdiction under this section, the
1756 grounds for the extension and the length of any extension shall be recorded in the court records
1757 and tracked in the data system used by the Administrative Office of the Courts and the division.

1758 [(8) For a minor who is under the continuing jurisdiction of the juvenile court and
1759 whose supervision is extended under Subsection (4)(a)(iii), (iv), or (v), supervision may only
1760 be extended as intake probation.]

1761 (9) If a minor leaves supervision without authorization for more than 24 hours, the
1762 supervision period for the minor shall toll until the minor returns.

1763 (10) This section does not apply to any minor adjudicated under this chapter for:

- 1764 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 1765 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 1766 (c) Section 76-5-203, murder or attempted murder;
- 1767 (d) Section 76-5-205, manslaughter;
- 1768 (e) Section 76-5-206, negligent homicide;
- 1769 (f) Section 76-5-207, automobile homicide;
- 1770 (g) Section 76-5-207.5, automobile homicide involving handheld wireless
- 1771 communication device;
- 1772 (h) Section 76-5-208, child abuse homicide;
- 1773 (i) Section 76-5-209, homicide by assault;
- 1774 (j) Section 76-5-302, aggravated kidnapping;
- 1775 (k) Section 76-5-405, aggravated sexual assault;
- 1776 (l) a felony violation of Section 76-6-103, aggravated arson;
- 1777 (m) Section 76-6-203, aggravated burglary;
- 1778 (n) Section 76-6-302, aggravated robbery;
- 1779 (o) Section 76-10-508.1, felony discharge of a firearm;
- 1780 (p) (i) an offense other than an offense listed in Subsections (10)(a) through (o)
- 1781 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
- 1782 (ii) the minor has been previously adjudicated or convicted of an offense involving the
- 1783 use of a dangerous weapon; or
- 1784 (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and
- 1785 the minor has been previously committed to the division for secure care.
- 1786 Section 29. Section 80-6-802 is amended to read:
- 1787 **80-6-802. Commitment to secure care -- Rights of individuals in secure care.**
- 1788 (1) If a youth offender is ordered to secure care under Section 80-6-705, the youth
- 1789 offender shall remain in secure care until the youth offender is:
- 1790 (a) 21 years old;
- 1791 (b) paroled; or
- 1792 (c) discharged.
- 1793 (2) If a serious youth offender is ordered to secure care under Section 80-6-705, the
- 1794 serious youth offender shall remain in secure care until the serious youth offender is:

- 1795 (a) 25 years old;
- 1796 (b) paroled; or
- 1797 (c) discharged.
- 1798 (3) (a) Subject to Subsection (3)(b), a juvenile offender in secure care, or an individual
- 1799 housed in a secure care facility under Section 80-6-507, has the right to:
- 1800 (i) phone the juvenile offender's or individual's parent, guardian, or an attorney [~~while~~
- 1801 ~~the juvenile offender is in secure care~~]; and
- 1802 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or
- 1803 custodian.
- 1804 (b) The division may:
- 1805 (i) establish a schedule for which a juvenile offender, or an individual housed in a
- 1806 secure care facility under Section 80-6-507, may visit or phone a person described in
- 1807 Subsection (3)(a);
- 1808 (ii) allow a juvenile offender, or an individual housed in a secure care facility under
- 1809 Section 80-6-507, to visit or call persons described in Subsection (3)(a) in special
- 1810 circumstances;
- 1811 (iii) limit the number and length of calls and visits for a juvenile offender, or an
- 1812 individual housed in a secure care facility under Section 80-6-507, to persons described in
- 1813 Subsection (3)(a) on account of scheduling, facility, or personnel constraints; or
- 1814 (iv) limit the [~~juvenile's~~] juvenile offender's or individual's rights under Subsection
- 1815 (3)(a) if a compelling reason exists to limit the [~~juvenile's~~] juvenile offender's or individual's
- 1816 rights.
- 1817 (c) A juvenile offender in secure care, or an individual housed in a secure care facility
- 1818 under Section 80-6-507, shall be advised of the rights described in Subsection (3)(a).
- 1819 Section 30. Section **80-6-804** is amended to read:
- 1820 **80-6-804. Review and termination of secure care.**
- 1821 (1) If a juvenile offender is ordered to secure care under Section **80-6-705**, the juvenile
- 1822 offender shall appear before the authority within 45 days after the day on which the juvenile
- 1823 offender is ordered to secure care for review of a treatment plan and to establish parole release
- 1824 guidelines.
- 1825 (2) (a) If a juvenile offender is ordered to secure care under Section **80-6-705**, the

1826 authority shall set a presumptive term of commitment for the juvenile offender from three to
1827 six months, but the presumptive term may not exceed six months.

1828 (b) The authority shall release the juvenile offender on parole at the end of the
1829 presumptive term of commitment unless:

1830 (i) termination would interrupt the completion of a treatment program determined to be
1831 necessary by the results of a validated risk and needs assessment under Section 80-6-606; or

1832 (ii) the juvenile offender commits a new misdemeanor or felony offense.

1833 (c) The authority shall determine whether a juvenile offender has completed a
1834 treatment program under Subsection (2)(b)(i) by considering:

1835 (i) the recommendations of the licensed service provider for the treatment program;

1836 (ii) the juvenile offender's record in the treatment program; and

1837 (iii) the juvenile offender's completion of the goals of the treatment program.

1838 (d) The authority may extend the length of commitment and delay parole release for the
1839 time needed to address the specific circumstance if one of the circumstances under Subsection
1840 (2)(b) exists.

1841 (e) The authority shall:

1842 (i) record the length of the extension and the grounds for the extension; and

1843 (ii) report annually the length and grounds of extension to the commission.

1844 (f) Records under Subsection (2)(e) shall be tracked in the data system used by the
1845 juvenile court and the division.

1846 (3) (a) If a juvenile offender is committed to secure care, the authority shall set a
1847 presumptive term of parole supervision, including aftercare services, from three to four months,
1848 but the presumptive term may not exceed four months.

1849 (b) If the authority determines that a juvenile offender is unable to return home
1850 immediately upon release, the juvenile offender may serve the term of parole:

1851 (i) in the home of a qualifying relative or guardian [~~or~~];

1852 (ii) at an independent living program contracted or operated by the division[-]; or

1853 (iii) in a family-based setting with approval by the director or the director's designee if
1854 the minor does not qualify for an independent living program due to age, disability, or another
1855 reason or the minor cannot be placed with a qualifying relative or guardian.

1856 (c) The authority shall release a juvenile offender from parole and terminate the

1857 authority's jurisdiction at the end of the presumptive term of parole, unless:

1858 (i) termination would interrupt the completion of a treatment program that is

1859 determined to be necessary by the results of a validated risk and needs assessment under

1860 Section 80-6-606;

1861 (ii) the juvenile offender commits a new misdemeanor or felony offense; or

1862 (iii) restitution has not been completed.

1863 (d) The authority shall determine whether a juvenile offender has completed a

1864 treatment program under Subsection (2)(c)(i) by considering:

1865 (i) the recommendations of the licensed service provider;

1866 (ii) the juvenile offender's record in the treatment program; and

1867 (iii) the juvenile offender's completion of the goals of the treatment program.

1868 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay

1869 parole release only for the time needed to address the specific circumstance.

1870 (f) The authority shall:

1871 (i) record the grounds for extension of the presumptive length of parole and the length

1872 of the extension; and

1873 (ii) report annually the extension and the length of the extension to the commission.

1874 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the

1875 juvenile court and the division.

1876 (h) If a juvenile offender leaves parole supervision without authorization for more than

1877 24 hours, the term of parole shall toll until the juvenile offender returns.

1878 (4) Subsections (2) and (3) do not apply to a juvenile offender committed to secure

1879 care for:

1880 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

1881 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

1882 (c) Section 76-5-203, murder or attempted murder;

1883 (d) Section 76-5-205, manslaughter;

1884 (e) Section 76-5-206, negligent homicide;

1885 (f) Section 76-5-207, automobile homicide;

1886 (g) Section 76-5-207.5, automobile homicide involving a handheld wireless

1887 communication device;

- 1888 (h) Section 76-5-208, child abuse homicide;
- 1889 (i) Section 76-5-209, homicide by assault;
- 1890 (j) Section 76-5-302, aggravated kidnapping;
- 1891 (k) Section 76-5-405, aggravated sexual assault;
- 1892 (l) a felony violation of Section 76-6-103, aggravated arson;
- 1893 (m) Section 76-6-203, aggravated burglary;
- 1894 (n) Section 76-6-302, aggravated robbery;
- 1895 (o) Section 76-10-508.1, felony discharge of a firearm;
- 1896 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)
- 1897 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
- 1898 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
- 1899 involving the use of a dangerous weapon, as defined in Section 76-1-601; or
- 1900 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
- 1901 juvenile offender has been previously committed to the division for secure care.
- 1902 (5) (a) The division may continue to have responsibility over a juvenile offender, who
- 1903 is discharged under this section from parole, to participate in a specific educational or
- 1904 rehabilitative program:
- 1905 (i) until the juvenile offender is:
- 1906 (A) if the juvenile offender is a youth offender, 21 years old; or
- 1907 (B) if the juvenile offender is a serious youth offender, 25 years old; and
- 1908 (ii) under an agreement by the division and the juvenile offender that the program has
- 1909 certain conditions.
- 1910 (b) The division and the juvenile offender may terminate participation in a program
- 1911 under Subsection (5)(a) at any time.
- 1912 (c) The division shall offer an educational or rehabilitative program before a juvenile
- 1913 offender's discharge date in accordance with this section.
- 1914 (d) A juvenile offender may request the services described in this Subsection (5), even
- 1915 if the offender has been previously declined services or services were terminated for
- 1916 noncompliance.
- 1917 (e) Notwithstanding Subsection (5)(c), the division:
- 1918 (i) shall consider a request by a juvenile offender under Subsection (5)(d) for the

1919 services described in this Subsection (5) for up to 365 days after the juvenile offender's
1920 effective date of discharge, even if the juvenile offender has previously declined services or
1921 services were terminated for noncompliance; and

1922 (ii) may reach an agreement with the juvenile offender to provide the services
1923 described in this Subsection (5) until the juvenile offender is:

1924 (A) if the juvenile offender is a youth offender, 21 years old; or

1925 (B) if the juvenile offender is a serious youth offender, 25 years old.

1926 (f) The division and the juvenile offender may terminate an agreement for services
1927 under this Subsection (5) at any time.