

JUSTICE COURT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill removes DUIs from the jurisdiction of justice courts and limits the court's sentencing power.

Highlighted Provisions:

This bill:

- ▶ removes driving under the influence, reckless driving, and impaired driving from the jurisdiction of justice courts; and
- ▶ limits the sentencing power of justice courts.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-106, as last amended by Laws of Utah 2012, Chapter 205

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

Section 1. Section **78A-7-106** is amended to read:

78A-7-106. Jurisdiction.

(1) (a) ~~[Justice]~~ Except as provided in Subsection (1)(b) justice courts have jurisdiction over class B and C misdemeanors, violation of ordinances, and infractions committed within their territorial jurisdiction by a person 18 years of age or older.

(b) Justice courts do not have jurisdiction over violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

(2) Except those offenses over which the juvenile court has exclusive jurisdiction, justice courts have jurisdiction over the following class B and C misdemeanors, violation of ordinances, and infractions committed within their territorial jurisdiction by a person 16 years

33 of age or older:

34 (a) Title 23, Wildlife Resources Code of Utah;

35 (b) Title 41, Chapter 1a, Motor Vehicle Act;

36 (c) Title 41, Chapter 6a, Traffic Code;

37 (d) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and

38 Operators Act;

39 (e) Title 41, Chapter 22, Off-Highway Vehicles;

40 (f) Title 73, Chapter 18, State Boating Act;

41 (g) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

42 (h) Title 73, Chapter 18b, Water Safety; and

43 (i) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators

44 Act.

45 (3) Justice Courts have jurisdiction over class C misdemeanor violations of Title 53,

46 Chapter 3, Part 2, Driver Licensing Act.

47 (4) As used in this section, "the court's jurisdiction" means the territorial jurisdiction of

48 a justice court.

49 (5) An offense is committed within the territorial jurisdiction of a justice court if:

50 (a) conduct constituting an element of the offense or a result constituting an element of

51 the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is

52 itself unlawful;

53 (b) either a person committing an offense or a victim of an offense is located within the

54 court's jurisdiction at the time the offense is committed;

55 (c) either a cause of injury occurs within the court's jurisdiction or the injury occurs

56 within the court's jurisdiction;

57 (d) a person commits any act constituting an element of an inchoate offense within the

58 court's jurisdiction, including an agreement in a conspiracy;

59 (e) a person solicits, aids, or abets, or attempts to solicit, aid, or abet another person in

60 the planning or commission of an offense within the court's jurisdiction;

61 (f) the investigation of the offense does not readily indicate in which court's

62 jurisdiction the offense occurred, and:

63 (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft

64 passing within the court's jurisdiction;

65 (ii) (A) the offense is committed on or in any body of water bordering on or within this
66 state if the territorial limits of the justice court are adjacent to the body of water; and

67 (B) as used in Subsection (5)(f)(ii)(A), "body of water" includes any stream, river, lake,
68 or reservoir, whether natural or man-made;

69 (iii) a person who commits theft exercises control over the affected property within the
70 court's jurisdiction; or

71 (iv) the offense is committed on or near the boundary of the court's jurisdiction;

72 (g) the offense consists of an unlawful communication that was initiated or received
73 within the court's jurisdiction; or

74 (h) jurisdiction is otherwise specifically provided by law.

75 (6) A justice court judge may transfer a criminal matter in which the defendant is a
76 child to the juvenile court for further proceedings if the justice court judge determines and the
77 juvenile court concurs that the best interests of the minor would be served by the continuing
78 jurisdiction of the juvenile court.

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

82 (8) A justice court may not sentence a person convicted of multiple misdemeanors to
83 consecutive terms of imprisonment.