

JOINDER OF MISDEMEANOR AND FELONY OFFENSES

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Steve Barth

AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING FOR JOINDER OF ALL OFFENSES COMMITTED IN A SINGLE CRIMINAL EPISODE WITH FELONIES COMMITTED BY JUVENILES AND TRYABLE IN THE EXCLUSIVE JURISDICTION OF THE DISTRICT COURT; AND PROVIDING THAT REDUCTION OF THE CHARGE DOES NOT DIVEST THE DISTRICT COURT OF ITS JURISDICTION.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

78-3a-601, as enacted by Chapter 1, Laws of Utah 1996

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

Section 1. Section **78-3a-601** is amended to read:

78-3a-601. Jurisdiction of district court.

(1) The district court shall have exclusive original jurisdiction over all persons 16 years of age or older charged by information or indictment with:

~~[(1)]~~ (a) an offense which would be murder or aggravated murder if committed by an adult; or

~~[(2)]~~ (b) an offense which would be a felony if committed by an adult if the minor has been previously committed to a secure facility as defined in Section 62A-7-101.

(2) When the district court has exclusive original jurisdiction over a minor under this section, it also has exclusive original jurisdiction over the minor regarding all offenses joined with the qualifying offense, and any other offenses, including misdemeanors, arising from the same criminal episode. The district court is not divested of jurisdiction by virtue of the fact that the minor is allowed to enter a plea to, or is found guilty of, a lesser or joined offense.

(3) (a) Any felony, misdemeanor, or infraction committed after the offense over which the district court takes jurisdiction under Subsections (1) or (2) shall be tried against the defendant as an adult in the district court or justice court having jurisdiction.

(b) If the qualifying charge under Subsection (1) results in an acquittal, a finding of not guilty, or a dismissal of the charge in the district court, the juvenile court under Section 78-3a-104 and the Division of Youth Corrections regain jurisdiction and any authority previously exercised over the minor.