

1 **JOINDER OF MISDEMEANOR AND FELONY**

2 **OFFENSES**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Steve Barth**

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

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

12 AMENDS:

13 **78-3a-601**, as enacted by Chapter 1, Laws of Utah 1996

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

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

16 **78-3a-601. Jurisdiction of district court.**

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

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

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

23 (2) When the district court has exclusive original jurisdiction over a minor under this
24 section, it also has exclusive original jurisdiction over the minor regarding all offenses joined with
25 the qualifying offense, any other offenses, including misdemeanors, arising from the same criminal
26 episode, and any subsequent misdemeanors or felonies charged against the minor, except as
27 provided under Subsection (3). The district court is not divested of jurisdiction by virtue of the

1 fact that the minor is allowed to enter a plea to, or is found guilty of, a lesser or joined offense.

2 (3) (a) At the direction of either the prosecution or the district court, any class B or class
3 C misdemeanors or infractions which could, under Subsection (2), be joined with offenses listed
4 under Subsection (1) may be filed and tried in any justice court having jurisdiction.

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

Legislative Review Note
as of 12-22-97 12:32 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel