

Representative Jacob L. Anderegg proposes the following substitute bill:

COMPULSORY EDUCATION REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Alvin B. Jackson

House Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill amends provisions related to compulsory education.

Highlighted Provisions:

This bill:

- ▶ amends penalties for a parent of a truant school-age child;
- ▶ amends requirements related to excusing a home-schooled student;
- ▶ amends provisions related to a violation of a court order by a habitual truant; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-101.5, as last amended by Laws of Utah 2012, Chapter 203

53A-11-102, as last amended by Laws of Utah 2014, Chapter 374

78A-6-117, as last amended by Laws of Utah 2015, Chapter 274

78A-6-1101, as renumbered and amended by Laws of Utah 2008, Chapter 3



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

Section 1. Section **53A-11-101.5** is amended to read:

53A-11-101.5. Compulsory education.

(1) [~~For purposes of~~] As used in this section:

(a) "Intentionally" [~~is as~~] means the same as that term is defined in Section 76-2-103.

(b) "Recklessly" [~~is as~~] means the same as that term is defined in Section 76-2-103.

(c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which the notice of compulsory education violation described in Subsection (3) is served and ending on the last day of the school year.

(d) "School-age child" means a school-age minor under the age of 14.

(2) Except as provided in Section 53A-11-102 or 53A-11-102.5, the parent of a school-age minor shall enroll and send the school-age minor to a public or regularly established private school.

(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.

(4) The notice of compulsory education violation, described in Subsection (3):

(a) shall direct the parent of the school-age child to:

(i) meet with school authorities to discuss the school-age child's school attendance problems; and

(ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age child;

(b) shall designate the school authorities with whom the parent is required to meet;

(c) shall state that:

(i) it is [~~a class B misdemeanor~~] an infraction for the parent of the school-age child to intentionally or recklessly fail to:

~~[(i) fail to]~~ (A) meet with the designated school authorities to discuss the school-age child's school attendance problems; or

~~[(ii) fail to]~~ (B) prevent the school-age child from being absent without a valid excuse

57 five or more times during the remainder of the school year; and

58 (ii) it is a class C misdemeanor for an individual who is convicted of an infraction
59 described in Subsection (4)(c)(i) if, after receiving an additional notice of compulsory
60 education violation for the same child in the same school year, the individual intentionally or
61 recklessly fails to:

62 (A) meet with the designated school authorities to discuss the school-age child's school
63 attendance problems; or

64 (B) prevent the school-age child from being absent without a valid excuse five or more
65 times during the remainder of the school year;

66 (d) shall be served on the school-age child's parent by personal service or certified
67 mail; and

68 (e) may not be issued unless the school-age child has been truant at least five times
69 during the school year.

70 ~~[(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or~~
71 ~~recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt~~
72 ~~from enrollment under Section 53A-11-102 or 53A-11-102.5.]~~

73 ~~[(6) It is a class B misdemeanor]~~

74 (5) Except as provided in Subsection (6), it is an infraction for a parent of a school-age
75 child to, after being served with a notice of compulsory education violation in accordance with
76 Subsections (3) and (4), intentionally or recklessly fail to:

77 (a) ~~[fail to]~~ meet with the school authorities designated in the notice of compulsory
78 education violation to discuss the school-age child's school attendance problems; or

79 (b) ~~[fail to]~~ prevent the school-age child from being absent without a valid excuse five
80 or more times during the remainder of the school year.

81 (6) It is a class C misdemeanor for an individual who is found guilty of an infraction
82 described in Subsection (5) if, after receiving an additional notice of compulsory education
83 violation for the same child in the same school year, the individual intentionally or recklessly
84 fails to:

85 (a) meet with the designated school authorities to discuss the school-age child's school
86 attendance problems; or

87 (b) prevent the school-age child from being absent without a valid excuse five or more

88 times during the remainder of the school year.

89 (7) It is a class C misdemeanor for a parent of a school-age minor to intentionally or
90 recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt
91 from enrollment under Section [53A-11-102](#) or [53A-11-102.5](#).

92 [~~7~~] (8) A local school board, local charter board, or school district shall report
93 violations of this section to the appropriate county or district attorney.

94 Section 2. Section **53A-11-102** is amended to read:

95 **53A-11-102. Minors exempt from school attendance.**

96 (1) (a) A local school board or charter school governing board may excuse a school-age
97 minor from attendance for any of the following reasons:

98 (i) a school-age minor over age 16 may receive a partial release from school to enter
99 employment, or attend a trade school, if the school-age minor has completed the eighth grade;
100 or

101 (ii) on an annual basis, a school-age minor may receive a full release from attending a
102 public, regularly established private, or part-time school or class if:

103 (A) the school-age minor has already completed the work required for graduation from
104 high school, or has demonstrated mastery of required skills and competencies in accordance
105 with Subsection [53A-15-102\(1\)](#);

106 (B) the school-age minor is in a physical or mental condition, certified by a competent
107 physician if required by the local school board or charter school governing board, which
108 renders attendance inexpedient and impracticable;

109 (C) proper influences and adequate opportunities for education are provided in
110 connection with the school-age minor's employment; or

111 (D) the district superintendent or charter school governing board has determined that a
112 school-age minor over the age of 16 is unable to profit from attendance at school because of
113 inability or a continuing negative attitude toward school regulations and discipline.

114 (b) A school-age minor receiving a partial release from school under Subsection
115 (1)(a)(i) is required to attend:

116 (i) school part time as prescribed by the local school board or charter school governing
117 board; or

118 (ii) a home school part time.

119 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)
120 must be sufficient to satisfy the local school board or charter school governing board.

121 (d) A local school board or charter school governing board that excuses a school-age
122 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor
123 is excused from attendance during the time specified on the certificate.

124 (2) (a) A local school board shall excuse a school-age minor from attendance, if the
125 school-age minor's parent files a signed [~~and notarized affidavit~~] statement with the school-age
126 minor's school district of residence, as defined in Section 53A-2-201, that:

127 (i) the school-age minor will attend a home school; and

128 (ii) the parent assumes sole responsibility for the education of the school-age minor,
129 except to the extent the school-age minor is dual enrolled in a public school as provided in
130 Section 53A-11-102.5.

131 (b) A signed [~~and notarized affidavit~~] statement filed in accordance with Subsection
132 (2)(a) shall remain in effect as long as:

133 (i) the school-age minor attends a home school; and

134 (ii) the school district where the [~~affidavit~~] signed statement was filed remains the
135 school-age minor's district of residence.

136 (c) A parent of a school-age minor who attends a home school is solely responsible for:

137 (i) the selection of instructional materials and textbooks;

138 (ii) the time, place, and method of instruction; and

139 (iii) the evaluation of the home school instruction.

140 (d) A local school board may not:

141 (i) require a parent of a school-age minor who attends a home school to maintain
142 records of instruction or attendance;

143 (ii) require credentials for individuals providing home school instruction;

144 (iii) inspect home school facilities; or

145 (iv) require standardized or other testing of home school students.

146 (e) Upon the request of a parent, a local school board shall identify the knowledge,
147 skills, and competencies a student is recommended to attain by grade level and subject area to
148 assist the parent in achieving college and career readiness through home schooling.

149 (f) A local school board that excuses a school-age minor from attendance as provided

150 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is
151 excused from attendance for the specified school year.

152 (g) A local school board shall issue a certificate excusing a school-age minor from
153 attendance:

154 (i) within 30 days after receipt of a signed [~~and notarized affidavit~~] statement filed by
155 the school-age minor's parent pursuant to Subsection (2); and

156 (ii) on or before August 1 each year thereafter unless:

157 (A) the school-age minor enrolls in a school within the school district;

158 (B) the school-age minor's parent or guardian notifies the school district that the
159 school-age minor no longer attends a home school; or

160 (C) the school-age minor's parent or guardian notifies the school district that the
161 school-age minor's school district of residence has changed.

162 (3) A parent who files a signed [~~and notarized affidavit~~] statement as provided in
163 Subsection (2)(a) is exempt from the [~~application of Subsections 53A-11-101.5(2), (5), and (6)]
164 requirements described in Section 53A-11-101.5.~~

165 (4) Nothing in this section may be construed to prohibit or discourage voluntary
166 cooperation, resource sharing, or testing opportunities between a school or school district and a
167 parent or guardian of a minor attending a home school.

168 Section 3. Section **78A-6-117** is amended to read:

169 **78A-6-117. Adjudication of jurisdiction of juvenile court -- Disposition of cases --**
170 **Enumeration of possible court orders -- Considerations of court -- Obtaining DNA**
171 **sample.**

172 (1) (a) When a minor is found to come within the provisions of Section **78A-6-103**, the
173 court shall so adjudicate. The court shall make a finding of the facts upon which it bases its
174 jurisdiction over the minor. However, in cases within the provisions of Subsection
175 **78A-6-103(1)**, findings of fact are not necessary.

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

- 181 (i) the specific offenses for which the minor was adjudicated; and
182 (ii) if available, if the victim:
183 (A) resides in the same school district as the minor; or
184 (B) attends the same school as the minor.
- 185 (2) Upon adjudication the court may make the following dispositions by court order:
186 (a) (i) The court may place the minor on probation or under protective supervision in
187 the minor's own home and upon conditions determined by the court, including compensatory
188 service as provided in Subsection (2)(m)(iii).
- 189 (ii) The court may place the minor in state supervision with the probation department
190 of the court, under the legal custody of:
191 (A) the minor's parent or guardian;
192 (B) the Division of Juvenile Justice Services; or
193 (C) the Division of Child and Family Services.
- 194 (iii) If the court orders probation or state supervision, the court shall direct that notice
195 of its order be provided to designated persons in the local law enforcement agency and the
196 school or transferee school, if applicable, that the minor attends. The designated persons may
197 receive the information for purposes of the minor's supervision and student safety.
- 198 (iv) Any employee of the local law enforcement agency and the school that the minor
199 attends who discloses the court's order of probation is not:
200 (A) civilly liable except when the disclosure constitutes fraud or willful misconduct as
201 provided in Section 63G-7-202; and
202 (B) civilly or criminally liable except when the disclosure constitutes a knowing
203 violation of Section 63G-2-801.
- 204 (b) The court may place the minor in the legal custody of a relative or other suitable
205 person, with or without probation or protective supervision, but the juvenile court may not
206 assume the function of developing foster home services.
- 207 (c) (i) The court may:
208 (A) vest legal custody of the minor in the Division of Child and Family Services,
209 Division of Juvenile Justice Services, or the Division of Substance Abuse and Mental Health;
210 and
211 (B) order the Department of Human Services to provide dispositional

212 recommendations and services.

213 (ii) For minors who may qualify for services from two or more divisions within the
214 Department of Human Services, the court may vest legal custody with the department.

215 (iii) (A) A minor who is committed to the custody of the Division of Child and Family
216 Services on grounds other than abuse or neglect is subject to the provisions of Title 78A,
217 Chapter 6, Part 4, Minors in Custody on Grounds Other than Abuse or Neglect, and Title 62A,
218 Chapter 4a, Part 2a, Minors in Custody on Grounds other than Abuse or Neglect.

219 (B) Before the court entering an order to place a minor in the custody of the Division of
220 Child and Family Services on grounds other than abuse or neglect, the court shall provide the
221 division with notice of the hearing no later than five days before the time specified for the
222 hearing so the division may attend the hearing.

223 (C) Before committing a child to the custody of the Division of Child and Family
224 Services, the court shall make a finding as to what reasonable efforts have been attempted to
225 prevent the child's removal from the child's home.

226 (d) (i) The court may commit a minor to the Division of Juvenile Justice Services for
227 secure confinement.

228 (ii) A minor under the jurisdiction of the court solely on the ground of abuse, neglect,
229 or dependency under Subsection [78A-6-103\(1\)\(c\)](#) may not be committed to the Division of
230 Juvenile Justice Services.

231 (e) The court may commit a minor, subject to the court retaining continuing
232 jurisdiction over the minor, to the temporary custody of the Division of Juvenile Justice
233 Services for observation and evaluation for a period not to exceed 45 days, which period may
234 be extended up to 15 days at the request of the director of the Division of Juvenile Justice
235 Services.

236 (f) (i) The court may commit a minor to a place of detention or an alternative to
237 detention for a period not to exceed 30 days subject to the court retaining continuing
238 jurisdiction over the minor. This commitment may be stayed or suspended upon conditions
239 ordered by the court.

240 (ii) This Subsection (2)(f) applies only to a minor adjudicated for:

241 (A) an act which if committed by an adult would be a criminal offense; or

242 (B) except as provided in Subsection [78A-6-1101\(3\)](#), contempt of court under Section

243 78A-6-1101.

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

248 (h) The court may place a minor on a ranch or forestry camp, or similar facility for care
249 and also for work, if possible, if the person, agency, or association operating the facility has
250 been approved or has otherwise complied with all applicable state and local laws. A minor
251 placed in a forestry camp or similar facility may be required to work on fire prevention,
252 forestation and reforestation, recreational works, forest roads, and on other works on or off the
253 grounds of the facility and may be paid wages, subject to the approval of and under conditions
254 set by the court.

255 (i) (i) The court may order a minor to repair, replace, or otherwise make restitution for
256 damage or loss caused by the minor's wrongful act, including costs of treatment as stated in
257 Section 78A-6-321 and impose fines in limited amounts.

258 (ii) The court may also require a minor to reimburse an individual, entity, or
259 governmental agency who offered and paid a reward to a person or persons for providing
260 information resulting in a court adjudication that the minor is within the jurisdiction of the
261 juvenile court due to the commission of a criminal offense.

262 (iii) If a minor is returned to this state under the Interstate Compact on Juveniles, the
263 court may order the minor to make restitution for costs expended by any governmental entity
264 for the return.

265 (j) The court may issue orders necessary for the collection of restitution and fines
266 ordered by the court, including garnishments, wage withholdings, and executions.

267 (k) (i) The court may through its probation department encourage the development of
268 employment or work programs to enable minors to fulfill their obligations under Subsection
269 (2)(i) and for other purposes considered desirable by the court.

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

273 (l) (i) In violations of traffic laws within the court's jurisdiction, the court may, in

274 addition to any other disposition authorized by this section:

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

276 and

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

278 (ii) The court may enter any other disposition under Subsection (2)(l)(i). However, the
279 suspension of driving privileges for an offense under Section 78A-6-606 is governed only by
280 Section 78A-6-606.

281 (m) (i) When a minor is found within the jurisdiction of the juvenile court under
282 Section 78A-6-103 because of violating Section 58-37-8, Title 58, Chapter 37a, Utah Drug
283 Paraphernalia Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, the court
284 shall, in addition to any fines or fees otherwise imposed, order that the minor perform a
285 minimum of 20 hours, but no more than 100 hours, of compensatory service. Satisfactory
286 completion of an approved substance abuse prevention or treatment program may be credited
287 by the court as compensatory service hours.

288 (ii) When a minor is found within the jurisdiction of the juvenile court under Section
289 78A-6-103 because of a violation of Section 32B-4-409 or Subsection 76-9-701(1), the court
290 may, upon the first adjudication, and shall, upon a second or subsequent adjudication, order
291 that the minor perform a minimum of 20 hours, but no more than 100 hours of compensatory
292 service, in addition to any fines or fees otherwise imposed. Satisfactory completion of an
293 approved substance abuse prevention or treatment program may be credited by the court as
294 compensatory service hours.

295 (iii) When a minor is found within the jurisdiction of the juvenile court under Section
296 78A-6-103 because of a violation of Section 76-6-106 or 76-6-206 using graffiti, the court may
297 order the minor to clean up graffiti created by the minor or any other person at a time and place
298 within the jurisdiction of the court. Compensatory service required under this section may be
299 performed in the presence and under the direct supervision of the minor's parent or legal
300 guardian. The parent or legal guardian shall report completion of the order to the court. The
301 minor or the minor's parent or legal guardian, if applicable, shall be responsible for removal
302 costs as determined under Section 76-6-107, unless waived by the court for good cause. The
303 court may also require the minor to perform other alternative forms of restitution or repair to
304 the damaged property pursuant to Subsection 77-18-1(8).

305 (A) For a first adjudication, the court may require the minor to clean up graffiti for not
306 less than eight hours.

307 (B) For a second adjudication, the court may require the minor to clean up graffiti for
308 not less than 16 hours.

309 (C) For a third adjudication, the court may require the minor to clean up graffiti for not
310 less than 24 hours.

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

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

313 (B) receive other special care.

314 (ii) For purposes of receiving the examination, treatment, or care described in
315 Subsection (2)(n)(i), the court may place the minor in a hospital or other suitable facility.

316 (iii) In determining whether to order the examination, treatment, or care described in
317 Subsection (2)(n)(i), the court shall consider:

318 (A) the desires of the minor;

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

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

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

331 (v) The Division of Child and Family Services shall notify the parent or guardian of a
332 child within five business days after a child in the custody of the Division of Child and Family
333 Services receives emergency health care or treatment.

334 (vi) The Division of Child and Family Services shall use the least restrictive means to
335 accomplish a compelling interest in the care and treatment of a child described in this

336 Subsection (2)(n).

337 (o) (i) The court may appoint a guardian for the minor if it appears necessary in the
338 interest of the minor, and may appoint as guardian a public or private institution or agency in
339 which legal custody of the minor is vested.

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

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

- 347 (A) parent-time by the parents or one parent;
- 348 (B) restrictions on the minor's associates;
- 349 (C) restrictions on the minor's occupation and other activities; and
- 350 (D) requirements to be observed by the parents or custodian.

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

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

357 (r) (i) The court may make an order committing a minor within the court's jurisdiction
358 to the Utah State Developmental Center if the minor has an intellectual disability in accordance
359 with the provisions of Title 62A, Chapter 5, Part 3, Admission to an Intermediate Care Facility
360 for People with an Intellectual Disability.

361 (ii) The court shall follow the procedure applicable in the district courts with respect to
362 judicial commitments to the Utah State Developmental Center when ordering a commitment
363 under Subsection (2)(r)(i).

364 (s) The court may terminate all parental rights upon a finding of compliance with the
365 provisions of Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act.

366 (t) The court may make any other reasonable orders for the best interest of the minor or

367 as required for the protection of the public, except that a child may not be committed to jail or
368 prison.

369 (u) The court may combine the dispositions listed in this section if they are compatible.

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

374 (w) Except as provided in Subsection (2)(y)(i), an order under this section for
375 probation or placement of a minor with an individual or an agency shall include a date certain
376 for a review of the case by the court. A new date shall be set upon each review.

377 (x) In reviewing foster home placements, special attention shall be given to making
378 adoptable children available for adoption without delay.

379 (y) (i) The juvenile court may enter an order of permanent custody and guardianship
380 with an individual or relative of a child where the court has previously acquired jurisdiction as
381 a result of an adjudication of abuse, neglect, or dependency. The juvenile court may enter an
382 order for child support on behalf of the child against the natural or adoptive parents of the
383 child.

384 (ii) Orders under Subsection (2)(y)(i):

385 (A) shall remain in effect until the child reaches majority;

386 (B) are not subject to review under Section [78A-6-118](#); and

387 (C) may be modified by petition or motion as provided in Section [78A-6-1103](#).

388 (iii) Orders permanently terminating the rights of a parent, guardian, or custodian and
389 permanent orders of custody and guardianship do not expire with a termination of jurisdiction
390 of the juvenile court.

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

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

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

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

398 (ii) is a violation of Title 58, Chapter 37, Utah Controlled Substances Act; or
399 (iii) was committed with a weapon; and
400 (c) the court retains jurisdiction over the minor under conditions set by the court and
401 agreed upon by the recruiter or the unit commander to which the minor is eventually assigned.

402 (4) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction
403 of the court as described in Subsection 53-10-403(3). The specimen shall be obtained by
404 designated employees of the court or, if the minor is in the legal custody of the Division of
405 Juvenile Justice Services, then by designated employees of the division under Subsection
406 53-10-404(5)(b).

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

410 (c) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA
411 Specimen Restricted Account created in Section 53-10-407.

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

414 Section 4. Section 78A-6-1101 is amended to read:

415 **78A-6-1101. Violation of order of court -- Contempt -- Penalty.**

416 (1) Any person who willfully violates or refuses to obey any order of the court may be
417 proceeded against for contempt of court.

418 (2) Any person 18 years of age or older found in contempt of court may be punished in
419 accordance with Section 78B-6-310.

420 (3) (a) ~~Any~~ Except as provided in Subsection (3)(c), a person younger than 18 years
421 of age found in contempt of court may be punished by any disposition permitted under Section
422 78A-6-117, except for commitment to a secure facility.

423 (b) The court may stay or suspend all or part of the punishment upon compliance with
424 conditions imposed by the court.

425 (c) The court may not order detention for, or place in state custody, a minor found in
426 contempt of court based on a violation of orders directly related to a citation for habitual
427 truancy.

428 (4) The court may enforce orders of fines, fees, or restitution through garnishments,

429 wage withholdings, supplementary proceedings, or executions.