

HB300 - Justice Court Jurisdiction Amendments

Link to Legislation:

<https://le.utah.gov/~2020/bills/static/HB0300.html>

House Sponsor: Rep. Keven J. Stratton, District 48

Senate Sponsor: pending

Fiscal Note:

<https://le.utah.gov/lfa/fnotes/2020/HB0300.fn.pdf>

Impact on Municipal Justice Courts:

No impact anticipated. Impact would be in utilizing the County's Justice Court to clear case backlogs and help the District Courts be more efficient on crimes that can be managed in the Justice Court.

Impact on Law Enforcement:

No impact anticipated. Cases would continue to be investigated and sent for screening as they are currently doing.

Fact Scenario:

No crime has ever been committed that wasn't, in reality two crimes. The first crime is the attempt to commit the crime, and the second crime is the crime itself. Prosecutors must choose which of the two crimes they will prosecute. Typically, prosecutors charge the crime, not the attempt.

HB300 seeks to reduce district court caseloads and increase offender oversight. Please consider the following scenario: A case is presented to a county attorney for screening on a Class A Misdemeanor in a county that has both municipal and county justice courts. As noted, there are two crimes already committed: the attempt (which is a Class B) and the actual crime (which is a Class A).

The case normally would be filed as a Class A in the District Court and most likely pled down to a Class B misdemeanor, but not until there have been multiple delays for waiver hearings and possibly a preliminary hearing. By the time the case is resolved with a plea, the case has occupied 3-6 months of the district court, county attorney, and public defender's time. Because the case is pled as a Class B Misdemeanor, it receives less

attention from the district court because it is the lowest crime with which the district court generally hears.

HB300 seeks to reduce district court caseloads and also provide more attention and services to offenders who plead to Class B Misdemeanors. HB300 would allow the county attorney to prosecute the attempt (Class B) in the justice court, rather than filing Class A in the district court. In the Justice Court, there will be no plea bargain because the plea bargain was to file the case in Justice Court rather than the District Court.

Purpose and Benefits:

The reason we want to have the bill passed is so that county justice courts can we can file the case in the Utah County Justice Court, rather than the Class A in the District court. Filing Class B misdemeanors in the justice court will provide more oversight to the offender than a pled down Class B misdemeanor in the district court.

As the statute stands now, we could file the case in the individual municipal justice courts, but we simply don't have the capacity to file the cases in multiple Municipal Justice Courts.

This statute does not take away any cases from the Municipal Justice Courts nor does it shift burdens to city attorneys. This case does remove cases from the District Court, but we view that as something that will benefit both the district courts and the offenders who are on probation in those courts.

This change would not affect law enforcement's efforts in investigating, arresting, or presenting criminal activity to our office. It only allows us to utilize an additional tool to resolve cases and relieve pressure on overloaded courts.

Prepared by:



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