

78A-6-603 Citation procedure -- Citation -- Offenses -- Time limits -- Failure to appear.

- (1) As used in this section, "citation" means an abbreviated referral and is sufficient to invoke the jurisdiction of the court in lieu of a petition.
- (2) A citation shall be submitted to the court within five days of its issuance.
- (3) Each copy of the citation shall contain:
 - (a) the name and address of the juvenile court before which the minor is to appear;
 - (b) the name of the minor cited;
 - (c) the statute or local ordinance that is alleged to have been violated;
 - (d) a brief description of the offense charged;
 - (e) the date, time, and location at which the offense is alleged to have occurred;
 - (f) the date the citation was issued;
 - (g) the name and badge or identification number of the peace officer or public official who issued the citation;
 - (h) the name of the arresting person if an arrest was made by a private party and the citation was issued in lieu of taking the arrested minor into custody as provided in Section 78A-6-112;
 - (i) the date and time when the minor is to appear, or a statement that the minor and parent or legal guardian are to appear when notified by the juvenile court; and
 - (j) the signature of the minor and the parent or legal guardian, if present, agreeing to appear at the juvenile court as designated on the citation.
- (4) Each copy of the citation shall contain space for the following information to be entered if known:
 - (a) the minor's address;
 - (b) the minor's date of birth;
 - (c) the name and address of the child's custodial parent or legal guardian, if different from the child; and
 - (d) if there is a victim, the victim's name, address, and an estimate of loss, except that this information shall be removed from the documents the minor receives.
- (5) A citation received by the court beyond the time designated in Subsection (2) shall include a written explanation for the delay.
- (6) The following offenses may be sent to the juvenile court as a citation:
 - (a) violations of wildlife laws;
 - (b) violations of boating laws;
 - (c) violations of curfew laws;
 - (d) any class B misdemeanor or less traffic violations where the person is under the age of 16;
 - (e) any class B or class C misdemeanor or infraction;
 - (f) any other infraction or misdemeanor as designated by general order of the Board of Juvenile Court Judges; and
 - (g) violations of Section 76-10-105 subject to the jurisdiction of the Juvenile Court.
- (7) A preliminary inquiry is not required unless requested by the court.
- (8) The provisions of Subsection (5) may not apply to a runaway, ungovernable, or habitually truant child.
- (9) In the case of Section 76-10-105 violations committed on school property when a citation is issued under this section, the peace officer, public official, or compliance officer shall issue one copy to the minor cited, provide the parent or legal guardian with a copy, and file a duplicate with the juvenile court specified in the citation within five days.
- (10)

- (a) A minor receiving a citation described in this section shall appear at the juvenile court designated in the citation on the time and date specified in the citation or when notified by the juvenile court.
- (b) A citation may not require a minor to appear sooner than five days following its issuance.
- (11) A minor who receives a citation and willfully fails to appear before the juvenile court pursuant to a citation is subject to arrest and may be found in contempt of court. The court may proceed against the minor as provided in Section 78A-6-1101 regardless of the disposition of the offense upon which the minor was originally cited.
- (12) When a citation is issued under this section, bail may be posted and forfeited under Subsection 78A-6-113(12) with the consent of:
 - (a) the court; and
 - (b) if the minor is a child, the parent or legal guardian of the child cited.

Renumbered and Amended by Chapter 3, 2008 General Session