

Effective 5/12/2015

78A-6-701 Jurisdiction of district court.

- (1) The district court has exclusive original jurisdiction over all persons 16 years of age or older charged with:
 - (a) an offense which would be murder or aggravated murder if committed by an adult;
 - (b) if the minor has been previously committed to a secure facility as defined in Section 62A-7-101, a felony violation of:
 - (i) Section 76-6-103, aggravated arson;
 - (ii) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
 - (iii) Section 76-5-302, aggravated kidnapping;
 - (iv) Section 76-6-203, aggravated burglary;
 - (v) Section 76-6-302, aggravated robbery;
 - (vi) Section 76-5-405, aggravated sexual assault;
 - (vii) Section 76-10-508.1, felony discharge of a firearm;
 - (viii) Section 76-5-202, attempted aggravated murder; or
 - (ix) Section 76-5-203, attempted murder; or
 - (c) an offense other than those listed in Subsection (1)(b) involving the use of a dangerous weapon, which would be a felony if committed by an adult, and the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon, which also would have been a felony if committed by an adult.
- (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 Subsection (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 78A-6-103 and the Division of Juvenile Justice Services regain any jurisdiction and authority previously exercised over the minor.
- (4) A minor arrested under this section shall be held in a juvenile detention facility until the district court determines where the minor shall be held until the time of trial, except for defendants who are otherwise subject to the authority of the Board of Pardons and Parole.
- (5) The district court shall consider the following when determining where the minor will be held until the time of trial:
 - (a) the age of the minor;
 - (b) the nature, seriousness, and circumstances of the alleged offense;
 - (c) the minor's history of prior criminal acts;
 - (d) whether detention in a juvenile detention facility will adequately serve the need for community protection pending the outcome of any criminal proceedings;
 - (e) whether the minor's placement in a juvenile detention facility will negatively impact the functioning of the facility by compromising the goals of the facility to maintain a safe, positive, and secure environment for all minors within the facility;
 - (f) the relative ability of the facility to meet the needs of the minor and protect the public;
 - (g) whether the minor presents an imminent risk of harm to the minor or others within the facility;

- (h) the physical maturity of the minor;
 - (i) the current mental state of the minor as evidenced by relevant mental health or psychological assessments or screenings that are made available to the court; and
 - (j) any other factors the court considers relevant.
- (6) A minor ordered to a juvenile detention facility under Subsection (5) shall remain in the facility until released by a district court judge, or if convicted, until sentencing.
- (7) A minor held in a juvenile detention facility under this section shall have the same right to bail as any other criminal defendant.
- (8) If the minor ordered to a juvenile detention facility under Subsection (5) attains the age of 18 years, the minor shall be transferred within 30 days to an adult jail until released by the district court judge, or if convicted, until sentencing.
- (9) A minor 16 years of age or older whose conduct or condition endangers the safety or welfare of others in the juvenile detention facility may, by court order that specifies the reasons, be detained in another place of confinement considered appropriate by the court, including jail or other place of pretrial confinement for adults.

Amended by Chapter 338, 2015 General Session