

Effective 7/1/2024

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78A-7-106 Jurisdiction.

- (1) A justice court has original jurisdiction over class B and C misdemeanors, violations of ordinances, and infractions committed within the justice court's territorial jurisdiction by an individual who is 18 years old or older.
- (2) A justice court has original jurisdiction over the following offenses committed within the justice court's territorial jurisdiction by a minor or an adult high school student:
 - (a) class C misdemeanor and infraction violations described in Title 53, Chapter 3, Part 2, Driver Licensing Act; and
 - (b) class B and C misdemeanor violations described in:
 - (i) Title 23A, Wildlife Resources Act;
 - (ii) Title 41, Chapter 6a, Traffic Code;
 - (iii) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
 - (iv) Title 41, Chapter 22, Off-highway Vehicles;
 - (v) Title 73, Chapter 18, State Boating Act;
 - (vi) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
 - (vii) Title 73, Chapter 18b, Water Safety; and
 - (viii) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators Act.
- (3) Notwithstanding Subsection (1) or (2), a justice court does not have original jurisdiction over:
 - (a) an offense described in Subsection (1) or (2) if:
 - (i) the district court has exclusive jurisdiction over the offense in accordance with Subsection 78A-5-102(8) or Section 78A-5-102.5; or
 - (ii) the juvenile court has exclusive jurisdiction over the offense in accordance with Section 78A-6-103.5; or
 - (b) the following offenses committed within the justice court's territorial jurisdiction by a minor or an adult high school student:
 - (i) class B and C misdemeanor violations described in Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; and
 - (ii) a class B misdemeanor violation described in Section 73-18-12.
- (4) A justice court has jurisdiction over:
 - (a) a small claims case under Chapter 8, Small Claims Courts, if a defendant resides in or the debt arose within the territorial jurisdiction of the justice court; and
 - (b) a petition for expungement as described in Title 77, Chapter 40a, Expungement of Criminal Records.
- (5) An offense is committed within the territorial jurisdiction of a justice court if:
 - (a) conduct constituting an element of the offense or a result constituting an element of the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is itself unlawful;
 - (b) either an individual committing an offense or a victim of an offense is located within the court's jurisdiction at the time the offense is committed;
 - (c) either a cause of injury occurs within the court's jurisdiction or the injury occurs within the court's jurisdiction;
 - (d) an individual commits any act constituting an element of an inchoate offense within the court's jurisdiction, including an agreement in a conspiracy;
 - (e) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another individual in the planning or commission of an offense within the court's jurisdiction;

- (f) the investigation of the offense does not readily indicate in which court's jurisdiction the offense occurred, and:
 - (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft passing within the court's jurisdiction;
 - (ii) the offense is committed on or in any body of water bordering on or within this state if the territorial limits of the justice court are adjacent to the body of water;
 - (iii) an individual who commits theft exercises control over the affected property within the court's jurisdiction; or
 - (iv) the offense is committed on or near the boundary of the court's jurisdiction;
 - (g) the offense consists of an unlawful communication that was initiated or received within the court's jurisdiction; or
 - (h) jurisdiction is otherwise specifically provided by law.
- (6) If a defendant in a criminal case before a justice court is a minor, the justice court may transfer the case to the juvenile court for further proceedings if the justice court determines and the juvenile court concurs that the best interests of the defendant would be served by the continuing jurisdiction of the juvenile court.
- (7)
- (a) If a justice court has jurisdiction over a criminal action involving a domestic violence offense and the criminal action is set for trial, the prosecuting attorney or the defendant may file a notice of transfer in the justice court to transfer the criminal action from the justice court to the district court.
 - (b) If a prosecuting attorney files a notice of transfer, the prosecuting attorney shall certify in the notice of transfer that the prosecuting attorney, or a representative from the prosecuting attorney's office, has consulted with, or notified, all of the alleged victims about transferring the criminal action to the district court.
 - (c) The justice court shall transfer a criminal action to the district court if the justice court receives a notice of transfer from:
 - (i) the defendant as described in Subsection (7)(b); or
 - (ii) the prosecuting attorney as described in Subsection (7)(b) and the prosecuting attorney's notice of intent complies with Subsection (7)(c).