

Effective 5/7/2025

80-6-305 Petition for a delinquency proceeding -- Amending a petition -- Continuance.

- (1) A prosecuting attorney shall file a petition, in accordance with Utah Rules of Juvenile Procedure, Rule 17, to commence a proceeding against a minor for an adjudication of an alleged offense, except as provided in:
 - (a) Subsection (2);
 - (b) Section 80-6-302;
 - (c) Section 80-6-502; and
 - (d) Section 80-6-503.
- (2) A prosecuting attorney may not file a petition under Subsection (1) against an individual for an offense alleged to have occurred before the individual was 12 years old, unless:
 - (a) the individual is alleged to have committed a felony violation of:
 - (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
 - (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
 - (iii) Section 76-5-203, murder or attempted murder;
 - (iv) Section 76-5-302, aggravated kidnapping;
 - (v) Section 76-5-405, aggravated sexual assault;
 - (vi) Section 76-6-103, aggravated arson;
 - (vii) Section 76-6-203, aggravated burglary;
 - (viii) Section 76-6-302, aggravated robbery; or
 - (ix) Section 76-11-210, felony discharge of a firearm; or
 - (b) an offer for a nonjudicial adjustment is made under Section 80-6-303.5 and the minor:
 - (i) declines to accept the offer for the nonjudicial adjustment; or
 - (ii) fails to substantially comply with the conditions agreed upon as part of the nonjudicial adjustment.
- (3) A juvenile court may dismiss a petition under this section at any stage of the proceedings.
- (4)
 - (a) When evidence is presented during any proceeding in a minor's case that points to material facts not alleged in the petition, the juvenile court may consider the additional or different material facts raised by the evidence if the parties consent.
 - (b) The juvenile court, on a motion from any interested party or on the court's own motion, shall direct that the petition be amended to conform to the evidence.
 - (c) If an amended petition under Subsection (4)(b) results in a substantial departure from the material facts originally alleged, the juvenile court shall grant a continuance as justice may require in accordance with Utah Rules of Juvenile Procedure, Rule 54.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session