

1 **MOTOR VEHICLE CRIMINAL ACTS**

2 **AMENDMENTS**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Steve Barth**

6 AN ACT RELATING TO MOTOR VEHICLES; REPEALING SECTIONS PROHIBITING  
7 TAMPERING WITH OR EXERCISING UNLAWFUL CONTROL OF MOTOR VEHICLES;  
8 AND MAKING TECHNICAL CORRECTIONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **78-3a-104**, as last amended by Chapters 329 and 365, Laws of Utah 1997

12 REPEALS:

13 **41-1a-1308**, as renumbered and amended by Chapter 1, Laws of Utah 1992

14 **41-1a-1311**, as renumbered and amended by Chapter 1, Laws of Utah 1992

15 *Be it enacted by the Legislature of the state of Utah:*

16 Section 1. Section **78-3a-104** is amended to read:

17 **78-3a-104. Jurisdiction of juvenile court -- Original -- Exclusive.**

18 (1) Except as otherwise provided by law, the juvenile court has exclusive original  
19 jurisdiction in proceedings concerning:

20 (a) a minor who has violated any federal, state, or local law or municipal ordinance or a  
21 person younger than 21 years of age who has violated any law or ordinance before becoming 18  
22 years of age, regardless of where the violation occurred, excluding traffic laws and ordinances;

23 (b) a person 21 years of age or older who has failed or refused to comply with an order of  
24 the juvenile court to pay a fine or restitution, if the order was imposed prior to the person's 21st  
25 birthday; however, the continuing jurisdiction is limited to causing compliance with existing  
26 orders;

27 (c) a minor who is abused, neglected, or dependent, as those terms are defined in Section

1 78-3a-103;

2 (d) the determination of the custody of a minor or to appoint a guardian of the person or  
3 other guardian of a minor who comes within the court's jurisdiction under other provisions of this  
4 section;

5 (e) the termination of the legal parent-child relationship in accordance with Part 4,  
6 Termination of Parental Rights Act, including termination of residual parental rights and duties;

7 (f) the treatment or commitment of a mentally retarded minor;

8 (g) a minor who, in defiance of earnest and persistent efforts on the part of his parents and  
9 school authorities as required under Section 53A-11-103, is a habitual truant from school;

10 (h) the judicial consent to the marriage of a minor under age 16 upon a determination of  
11 voluntariness or where otherwise required by law, employment, or enlistment of a minor when  
12 consent is required by law;

13 (i) any parent or parents of a minor committed to a secure youth corrections facility, to  
14 order, at the discretion of the court and on the recommendation of a secure youth corrections  
15 facility, the parent or parents of a minor committed to a secure youth corrections facility for a  
16 custodial term, to undergo group rehabilitation therapy under the direction of a secure youth  
17 corrections facility therapist, who has supervision of that parent's or parents' minor, or any other  
18 therapist the court may direct, for a period directed by the court as recommended by a secure youth  
19 corrections facility;

20 (j) a minor under Title 55, Chapter 12, Interstate Compact on Juveniles;

21 (k) the treatment or commitment of a mentally ill child. The court may commit a child to  
22 the physical custody of a local mental health authority or to the legal custody of the Division of  
23 Mental Health in accordance with the procedures and requirements of Title 62A, Chapter 12, Part  
24 2A, Commitment of Persons Under Age 18 to Division of Mental Health. The court may not  
25 commit a child directly to the Utah State Hospital; and

26 (l) the commitment of a minor in accordance with Section 62A-8-501.

27 (2) In addition to the provisions of Subsection (1)(a) the juvenile court has exclusive  
28 jurisdiction over any traffic offense committed by a minor under 16 years of age and concurrent  
29 jurisdiction over all other traffic offenses committed by a minor 16 years of age or older, except  
30 that the court shall have exclusive jurisdiction over the following traffic offenses committed by  
31 a minor under 18 years of age:

- 1 (a) Section 76-5-207, automobile homicide;
- 2 (b) Section 41-6-44, operating a vehicle while under the influence of alcohol or drugs;
- 3 (c) Section 41-6-45, reckless driving;
- 4 [~~(d) Section 41-1a-1311, unauthorized control over a motor vehicle, trailer, or semitrailer;~~]
- 5 [(~~e~~)] (d) Section 41-1a-1314, unauthorized control over a motor vehicle, trailer, or
- 6 semitrailer for an extended period of time; and
- 7 [(~~f~~)] (e) Section 41-6-13.5, fleeing a peace officer.

8 (3) The court also has jurisdiction over traffic offenses that are part of a single criminal  
 9 episode filed in a petition that contains an offense over which the court has jurisdiction.

10 (4) The juvenile court has jurisdiction over questions of custody, support, and visitation  
 11 certified to it by the district court pursuant to Section 78-3a-105.

12 (5) The juvenile court has jurisdiction over an ungovernable or runaway minor who is  
 13 referred to it by the Division of Child and Family Services or by public or private agencies that  
 14 contract with the division to provide services to that minor where, despite earnest and persistent  
 15 efforts by the division or agency, the minor has demonstrated that he:

- 16 (a) is beyond the control of his parent, guardian, lawful custodian, or school authorities  
 17 to the extent that his behavior or condition endangers his own welfare or the welfare of others; or
- 18 (b) has run away from home.

19 (6) This section does not restrict the right of access to the juvenile court by private  
 20 agencies or other persons.

21 (7) The juvenile court has jurisdiction of all magistrate functions relative to cases arising  
 22 under Section 78-3a-602.

23 **Section 2. Repealer.**

24 This act repeals:

25 Section **41-1a-1308, Injuring or tampering with motor vehicle, trailer, or semitrailer**  
 26 **-- Class C misdemeanor.**

27 Section **41-1a-1311, Unlawful control over motor vehicles, trailers, or semitrailers --**  
 28 **Penalties -- Effect of prior consent -- Accessory or accomplice.**

**Legislative Review Note**

as of **2-5-98 3:37 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**