

1 **CONTRIBUTING TO THE DELINQUENCY OF**
2 **A MINOR**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Perry L. Buckner**

6 AN ACT RELATING TO THE JUDICIAL CODE; ESTABLISHING THE OFFENSE OF
7 CONTRIBUTING TO THE DELINQUENCY OF A MINOR; PROVIDING A PENALTY;
8 PROVIDING FOR JUVENILE COURT JURISDICTION TO TRY ADULTS UNDER CERTAIN
9 CIRCUMSTANCES; AND MAKING TECHNICAL AMENDMENTS.

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

11 AMENDS:

12 **78-3a-801**, as enacted by Chapter 1, Laws of Utah 1996

13 ENACTS:

14 **76-10-2301**, Utah Code Annotated 1953

15 REPEALS AND REENACTS:

16 **78-3a-802**, as enacted by Chapter 1, Laws of Utah 1996

17 REPEALS:

18 **78-3a-803**, as last amended by Chapter 10, Laws of Utah 1997

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

20 Section 1. Section **76-10-2301** is enacted to read:

21 **Part 23. Contributing to the Delinquency of a Minor**

22 **76-10-2301. Contributing to the delinquency of a minor -- Definitions -- Penalties.**

23 **(1) For purposes of this part:**

24 **(a) "Adult" means a person 18 years of age or over.**

25 **(b) "Minor" means a person under the age of 18 years.**

26 **(2) Any adult who commits any act or engages in any conduct which he knows or should**
27 **know would have the effect of causing or encouraging a minor to commit an act which would be**

28 a misdemeanor criminal violation of any federal or state statute or any county or municipal
29 ordinance or court order if committed by an adult is guilty of a class B misdemeanor.

30 (3) An offense committed under subsection (2) is in addition to any completed or inchoate
31 offense which the actor may have committed personally or as a party.

32 Section 2. Section **78-3a-801** is amended to read:

33 **78-3a-801. Jurisdiction of adults for offenses against minors -- Proof of delinquency**
34 **not required for conviction.**

35 (1) The court shall have jurisdiction, concurrent with the district court or justice court
36 otherwise having subject matter jurisdiction, to try [the following] adults for the following offenses
37 committed against minors:

38 [~~(a) any person 18 years of age or older who:~~]

39 [~~(i) solicits, requests, commands, encourages, or intentionally aids or who acts with a~~
40 ~~minor in the violation of any federal, state, or local law or municipal ordinance;]~~

41 [~~(ii) tends to cause minors to become or remain delinquent; or]~~

42 [~~(iii) aids, contributes to, or becomes responsible for the neglect, abuse, or delinquency~~
43 ~~of any minor;]~~

44 [~~(b) any person 18 years or older, having a minor in his legal custody, or under his care,~~
45 ~~or in his employment, who willfully abuses or ill-treats, neglects, or abandons the minor in any~~
46 ~~manner likely to cause the minor unnecessary suffering or serious injury to his health or morals;]~~

47 [~~(c) any person 18 years or older who:~~]

48 [~~(i) forcibly takes away a minor from, or wrongfully encourages him to leave, the legal or~~
49 ~~physical custody of any person, agency, or institution in which the minor lawfully resides or has~~
50 ~~been legally placed for the purpose of care, support, education, or adoption; or]~~

51 [~~(ii) knowingly detains or harbors a minor whom he has reasonable grounds to believe has~~
52 ~~escaped or fled from the custody of any agency or institution in which the minor lawfully resides~~
53 ~~or has run away from his parent, guardian, or custodian;]~~

54 [~~(d) any person 18 years of age or older who:~~]

55 [~~(i) provides a minor with an alcoholic beverage or a controlled substance; or]~~

56 [~~(ii) encourages or permits a minor to consume an alcoholic beverage or controlled~~
57 ~~substance; or]~~

58 [~~(e) any person 18 years of age or older who fails to report child abuse, as required by Title~~

59 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements:]

60 (a) unlawful sale or supply of alcohol beverage or product to minors in violation of Section
61 32A-12-203;

62 (b) failure to report child abuse or neglect, as required by Title 62A, Chapter 4a, Part 4,
63 Child Abuse or Neglect Reporting Requirements;

64 (c) harboring a minor in violation of Section 62A-4a-501;

65 (d) misdemeanor custodial interference in violation of Section 76-5-303;

66 (e) contributing to the delinquency of a minor in violation of Section 76-10-2301;

67 (f) failure to comply with compulsory education requirements in violation of Section
68 53A-11-101.

69 (2) It is not necessary [~~in order to obtain a conviction under this statute to establish that~~
70 ~~the minor had become a~~] for the minor to be found to be delinquent or to have committed a
71 delinquent act for the court to exercise jurisdiction under Subsection (1). It is necessary, however,
72 that the court have jurisdiction over the minor.

73 Section 3. Section **78-3a-802** is repealed and reenacted to read:

74 **78-3a-802. Practice and procedure -- Jury trial.**

75 (1) The county attorney or district attorney, as provided under Sections 17-18-1 and
76 17-18-1.7, shall prosecute any case brought under this part.

77 (2) Proceedings under this part shall be governed by the statutes and rules governing
78 criminal proceedings in the district court, except the court may, and on stipulation of the parties,
79 shall, transfer the case to the district court.

80 Section 4. **Repealer.**

81 This act repeals:

82 Section **78-3a-803, Practice and procedure -- Jury trial -- Criminal Code prosecution**
83 **unaffected.**

Legislative Review Note
as of 1-20-99 2:26 PM

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

Office of Legislative Research and General Counsel