

JUVENILE ADJUDICATION

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Pete Suazo

AN ACT RELATING TO THE JUDICIAL CODE; ALLOWING ADJUDICATIONS OF MINORS TO BE CONSIDERED CONVICTIONS FOR DETERMINING THE LEVEL AT WHICH A JUVENILE MAY BE CHARGED FOR A FUTURE OFFENSE.

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

AMENDS:

78-3a-117, as renumbered and amended by Chapter 365, Laws of Utah 1997

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

Section 1. Section **78-3a-117** is amended to read:

78-3a-117. Minor's cases considered civil proceedings -- Adjudication of jurisdiction by juvenile court not conviction of crime, exception -- Minor not to be charged with crime, exception -- Traffic violation cases, abstracts to Department of Public Safety.

(1) Except as provided in Sections 78-3a-602 and 78-3a-603, proceedings in minor's cases shall be regarded as civil proceedings with the court exercising equitable powers.

(2) An adjudication by a juvenile court that a minor is within its jurisdiction under Section 78-3a-104 is not considered a conviction of a crime, except in cases involving traffic violations. An adjudication may not operate to impose any civil disabilities upon the minor nor to disqualify the minor for any civil service or military service or appointment.

(3) A minor may not be charged with a crime or convicted in any court except as provided in Sections 78-3a-602 and 78-3a-603, and in cases involving traffic violations. When a petition has been filed in the juvenile court, the minor may not later be subjected to criminal prosecution based on the same facts except as provided in Section 78-3a-602 or 78-3a-603.

(4) An adjudication by a juvenile court that a minor is within its jurisdiction under Section 78-3a-104 is considered a conviction for the purposes of determining the level of offense for which a juvenile may be charged and enhancing the level of an offense in the juvenile court. A prior adjudication may be used to enhance the level or degree of an offense committed by an adult only

as otherwise specifically provided.

[~~(4)~~] (5) Abstracts of court records for all adjudications of traffic violations shall be submitted to the Department of Public Safety as provided in Section 53-3-218.

[~~(5)~~] (6) Information necessary to collect unpaid fines, fees, assessments, bail, or restitution may be forwarded to employers, financial institutions, law enforcement, constables, the Office of Recovery Services, or other agencies for purposes of enforcing the order as provided in Section 78-3a-118.