

JUVENILE OFFENSES - DIVERSION

AMENDMENT

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

House Sponsor: Lorie D. Fowlke

LONG TITLE

General Description:

This bill modifies the Code of Criminal Procedure regarding diversion for juvenile offenders.

Highlighted Provisions:

This bill:

- provides that in specified situations involving sexual activity between two persons younger than 16, the court may use the sentencing option of diversion.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

77-2-9, as last amended by Chapters 88 and 101, Laws of Utah 1983

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

Section 1. Section 77-2-9 is amended to read:

77-2-9. Offenses ineligible for diversion -- Exception specified.

[~~Diversion~~] (1) Except as provided in Subsection (2), diversion may not be granted by a magistrate for a capital felony or a felony in the first degree or in any case involving a sexual offense against a victim who is under the age of 14 or for any motor vehicle related offense

30 involving alcohol or drugs.

31 (2) When a person under the age of 16 is alleged to have committed any violation of
32 Title 76, Chapter 5, Part 4, Sexual Offenses, the court may enter a diversion in the matter if the
33 court enters on the record its findings that:

34 (a) the person did not use coercion or force;

35 (b) there is no more than two years' difference between the ages of the participants; and

36 (c) it would be in the best interest of the person to grant diversion.