

1 **JUVENILE OFFENSES - DIVERSION**

2 **AMENDMENT**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Patrice M. Arent**

6 House Sponsor: Lorie D. Fowlke

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **77-2-9**, as last amended by Chapters 88 and 101, Laws of Utah 1983

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

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

26 **77-2-9. Offenses ineligible for diversion -- Exception specified.**

27 ~~[Diversion]~~ (1) Except as provided in Subsection (2), diversion may not be granted by



28 a magistrate for a capital felony or a felony in the first degree or in any case involving a sexual
29 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.

Legislative Review Note

as of 1-20-06 2:45 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel