

Representative Paul A. Neuenschwander proposes the following substitute bill:

JURISDICTION FOR PROSECUTION

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul A. Neuenschwander

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies the Judicial Code regarding the jurisdiction of justice courts.

Highlighted Provisions:

This bill:

▶ clarifies the territorial jurisdiction of justice courts, including situations such as:

• when the offense is committed on a vehicle passing through the jurisdiction of the court;

• when the offense is committed on a body of water adjacent to the jurisdiction of the court;

• when an unlawful communication is sent or received within the jurisdiction; or

• when an element of an offense is committed within the jurisdiction.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-106, as renumbered and amended by Laws of Utah 2008, Chapter 3



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

Section 1. Section **78A-7-106** is amended to read:

78A-7-106. Jurisdiction.

(1) Justice courts have jurisdiction over class B and C misdemeanors, violation of ordinances, and infractions committed within their territorial jurisdiction, except those offenses over which the juvenile court has exclusive jurisdiction.

(2) As used in this section, "the court's jurisdiction" means the territorial jurisdiction of a justice court.

(3) An offense is committed within the territorial jurisdiction of a justice court if:

(a) conduct constituting an element of the offense or a result constituting an element of the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is itself unlawful;

(b) either a person committing an offense or a victim of an offense is located within the court's jurisdiction at the time the offense is committed;

(c) either a cause of injury occurs within the court's jurisdiction or the injury occurs within the court's jurisdiction;

(d) a person commits any act constituting an element of an inchoate offense within the court's jurisdiction, including an agreement in a conspiracy;

(e) a person solicits, aids, or abets, or attempts to solicit, aid, or abet another person in the planning or commission of an offense within the court's jurisdiction;

(f) the investigation of the offense does not readily indicate in which court's jurisdiction the offense occurred, and:

(i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft passing within the court's jurisdiction;

(ii) (A) the offense is committed on or in any body of water bordering on or within this state if the territorial limits of the justice court are adjacent to the body of water; and

(B) as used in Subsection (3)(f)(ii)(A), "body of water" includes any stream, river, lake, or reservoir, whether natural or man-made;

(iii) a person who commits theft exercises control over the affected property within the court's jurisdiction; or

57 (iv) the offense is committed on or near the boundary of the court's jurisdiction;
58 (g) the offense consists of an unlawful communication that was initiated or received
59 within the court's jurisdiction; or
60 (h) jurisdiction is otherwise specifically provided by law.
61 [~~(2)~~] (4) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter
62 8, Small Claims Courts, if [~~the~~] a defendant resides in or the debt arose within the territorial
63 jurisdiction of the justice court.

H.B. 178 1st Sub. (Buff) - Jurisdiction for Prosecution

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
