

**JUVENILE TRANSFERS FROM JUSTICE**

**COURT**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay L. McIff**

Senate Sponsor: Ralph Okerlund

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**LONG TITLE**

**General Description:**

This bill allows a justice court judge to transfer a matter concerning a child to the juvenile court if the justice court judge determines the transfer is in the child's best interest.

**Highlighted Provisions:**

This bill:

► provides discretion to a justice court judge to transfer a matter concerning a child from justice court to juvenile court.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-7-106**, as last amended by Laws of Utah 2008, Chapters 115, 327 and 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:



28           **78A-7-106. Jurisdiction.**

29           (1) Justice courts have jurisdiction over class B and C misdemeanors, violation of  
30 ordinances, and infractions committed within their territorial jurisdiction by a person 18 years  
31 of age or older.

32           (2) Except those offenses over which the juvenile court has exclusive jurisdiction,  
33 justice courts have jurisdiction over the following class B and C misdemeanors, violation of  
34 ordinances, and infractions committed within their territorial jurisdiction by a person 16 years  
35 of age or older:

- 36           (a) Title 23, Wildlife Resources Code of Utah;
- 37           (b) Title 41, Chapter 1a, Motor Vehicle Act;
- 38           (c) Title 41, Chapter 6a, Traffic Code;
- 39           (d) Title 41, Chapter 12a, [~~Motor Vehicle Financial Responsibility Act~~] Financial  
40 Responsibility of Motor Vehicle Owners and Operators Act;
- 41           (e) Title 41, Chapter 22, Off-Highway Vehicles;
- 42           (f) Title 73, Chapter 18, [~~Safe~~] State Boating Act;
- 43           (g) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
- 44           (h) Title 73, Chapter 18b, Water Safety; and
- 45           (i) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators  
46 Act.

47           (3) Justice Courts have jurisdiction over class C misdemeanor violations of Title 53,  
48 Chapter 3, Part 2, Driver Licensing Act.

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

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

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

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

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

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

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

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

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

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

69 (B) as used in Subsection [~~(3)~~] (5)(f)(ii)(A), "body of water" includes any stream, river,  
70 lake, or reservoir, whether natural or man-made;

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

73 (iv) the offense is committed on or near the boundary of the court's jurisdiction;

74 (g) the offense consists of an unlawful communication that was initiated or received  
75 within the court's jurisdiction; or

76 (h) jurisdiction is otherwise specifically provided by law.

77 (6) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter 8,  
78 Small Claims Courts, if a defendant resides in or the debt arose within the territorial  
79 jurisdiction of the justice court.

80 (7) A justice court judge may transfer a matter in which the defendant is a child to the  
81 juvenile court for further proceedings ~~[after judgment in the justice court]~~ if the justice court  
82 judge determines and the juvenile court concurs that the best interests of the child would be  
83 served by the continuing jurisdiction of the juvenile court.

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**Legislative Review Note**  
as of 11-13-08 11:24 AM

**Office of Legislative Research and General Counsel**

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**H.B. 298 - Juvenile Transfers from Justice Court**

**Revised  
Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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