

JUVENILE TRANSFERS FROM JUSTICE

COURT

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay L. McIff

Senate Sponsor: Ralph Okerlund

LONG TITLE

Committee Note:

The Judiciary, Law Enforcement, and Criminal Justice Interim Committee recommended this bill.

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:

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 by a person 18 years of age or older.

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

(a) Title 23, Wildlife Resources Code of Utah;

(b) Title 41, Chapter 1a, Motor Vehicle Act;

(c) Title 41, Chapter 6a, Traffic Code;

(d) Title 41, Chapter 12a, [~~Motor Vehicle Financial Responsibility Act~~] Financial Responsibility of Motor Vehicle Owners and Operators Act;

(e) Title 41, Chapter 22, Off-Highway Vehicles;

(f) Title 73, Chapter 18, [~~Safe~~] State Boating Act;

(g) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

(h) Title 73, Chapter 18b, Water Safety; and

(i) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators Act.

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

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

(5) 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

59 court's jurisdiction at the time the offense is committed;

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

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

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

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

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

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

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

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

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

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

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

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

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

Legislative Review Note
as of **6-16-09 7:40 AM**

Office of Legislative Research and General Counsel

H.B. 14 - Juvenile Transfers from Justice Court

Fiscal Note

2010 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.
