

YOUTH COURT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill modifies provisions relating to Utah Youth Courts.

Highlighted Provisions:

This bill:

- ▶ requires a youth court that accepts referrals to be certified;
- ▶ allows the proceedings of youth courts to be shared with the referring agency, victim, and juvenile court under certain circumstances;
- ▶ expands the membership of the Youth Court Board to include the president of the Utah Youth Court Association and the executive director of the Commission on Criminal and Juvenile Justice;
- ▶ amends provisions regarding the appointing authority of some board members;
- ▶ extends terms of office of board members to four-year, rather than two-year terms;

and

- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 78A-6-1203, as renumbered and amended by Laws of Utah 2008, Chapter 3

29 78A-6-1207, as renumbered and amended by Laws of Utah 2008, Chapter 3

30 78A-6-1208, as last amended by Laws of Utah 2010, Chapter 286

31

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

33 Section 1. Section 78A-6-1203 is amended to read:

34 **78A-6-1203. Youth court -- Authorization -- Referral.**

35 (1) Youth court is a diversion program which provides an alternative disposition for
36 cases involving juvenile offenders in which youth participants, under the supervision of an
37 adult coordinator, may serve in various capacities within the courtroom, acting in the role of
38 jurors, lawyers, bailiffs, clerks, and judges.

39 (a) Youth who appear before youth courts have been identified by law enforcement
40 personnel, school officials, a prosecuting attorney, or the juvenile court as having committed
41 acts which indicate a need for intervention to prevent further development toward juvenile
42 delinquency, but which appear to be acts that can be appropriately addressed outside the
43 juvenile court process.

44 (b) Youth courts may only hear cases as provided for in this part.

45 (c) Youth court is a diversion program and not a court established under the Utah
46 Constitution, Article VIII.

47 (2) A youth court may not accept referrals from law enforcement, schools, prosecuting
48 attorneys, or a juvenile court unless the youth court is certified by the Utah Youth Court Board.

49 [~~2~~] (3) Any person may refer youth to a youth court for minor offenses. Once a
50 referral is made, the case shall be screened by an adult coordinator to determine whether it
51 qualifies as a youth court case.

52 [~~3~~] (4) Youth courts have authority over youth:

53 (a) referred for a minor offense or offenses, or who are granted permission for referral
54 under this part;

55 (b) who, along with a parent, guardian, or legal custodian, voluntarily and in writing,
56 request youth court involvement;

57 (c) who admit having committed the referred offense;

58 (d) who, along with a parent, guardian, or legal custodian, waive any privilege against

59 self-incrimination and right to a speedy trial; and

60 (e) who, along with their parent, guardian, or legal custodian, agree to follow the youth
61 court disposition of the case.

62 ~~[(4)]~~ (5) Except with permission granted under Subsection ~~[(5)]~~ (6), youth courts may
63 not exercise authority over youth who are under the continuing jurisdiction of the juvenile court
64 for law violations, including any youth who may have a matter pending which has not yet been
65 adjudicated. Youth courts may, however, exercise authority over youth who are under the
66 continuing jurisdiction of the juvenile court as set forth in this Subsection ~~[(4)]~~ (5) if the
67 offense before the youth court is not a law violation, and the referring agency has notified the
68 juvenile court of the referral.

69 ~~[(5)]~~ (6) Youth courts may exercise authority over youth described in Subsection ~~[(4)]~~
70 (5), and over any other offense with the permission of the juvenile court and the prosecuting
71 attorney in the county or district that would have jurisdiction if the matter were referred to
72 juvenile court.

73 ~~[(6)]~~ (7) Permission of the juvenile court may be granted by a probation officer of the
74 court in the district that would have jurisdiction over the offense being referred to youth court.

75 ~~[(7)]~~ (8) Youth courts may decline to accept a youth for youth court disposition for any
76 reason and may terminate a youth from youth court participation at any time.

77 ~~[(8)]~~ (9) A youth or the youth's parent, guardian, or legal custodian may withdraw from
78 the youth court process at any time. The youth court shall immediately notify the referring
79 source of the withdrawal.

80 ~~[(9)]~~ (10) The youth court may transfer a case back to the referring source for
81 alternative handling at any time.

82 ~~[(10)]~~ (11) Referral of a case ~~[of]~~ to youth court may not prohibit the subsequent
83 referral of the case to any court.

84 (12) Proceedings and dispositions of a youth court may only be shared with the
85 referring agency and victim.

86 (13) When a person does not complete the terms ordered by a youth court, and the case
87 is referred to a juvenile court, the youth court shall provide the case file to the juvenile court.

88 Section 2. Section **78A-6-1207** is amended to read:

89 **78A-6-1207. Fees.**

90 (1) Youth courts may require that the youth pay a reasonable fee, not to exceed [\$30]
91 \$50, to participate in youth court. This fee may be reduced or waived by the youth court in
92 exigent circumstances. This fee shall be paid to and accounted for by the sponsoring entity.
93 The fees collected shall be used for supplies and any training requirements.

94 (2) [~~Fees for~~] Youth court participants are responsible for the all expenses of any
95 classes, counseling, treatment, or other educational programs that are the disposition of the
96 youth court [~~are the responsibility of the participant~~].

97 Section 3. Section **78A-6-1208** is amended to read:

98 **78A-6-1208. Youth Court Board -- Membership -- Responsibilities.**

99 (1) The Utah attorney general's office shall provide staff support and assistance to a
100 Youth Court Board comprised of the following:

- 101 (a) the Utah attorney general or [~~his~~] the attorney general's designee;
102 (b) one [~~member of~~] prosecuting attorney appointed by the Utah Prosecution Council;
103 (c) one [~~member from~~] juvenile court judge appointed by the Board of Juvenile Court

104 Judges;

- 105 (d) the juvenile court administrator or [~~his~~] the administrator's designee;
106 [~~(e) one person from the Office of Juvenile Justice and Delinquency Prevention;~~]
107 (e) the executive director of the Utah Commission on Criminal and Juvenile Justice or
108 the director's designee;

- 109 (f) the state superintendent of education or [~~his~~] the state superintendent's designee;
110 (g) two representatives, appointed by the Youth Court Association, from youth courts
111 based primarily in schools;

- 112 (h) two representatives, appointed by the Youth Court Association, from youth courts
113 based primarily in communities;

- 114 (i) one member from the law enforcement community appointed by the Youth Court
115 Board; [~~and~~]

- 116 (j) one member from the community at large[~~:-~~] appointed by the Youth Court Board;
117 and

- 118 (k) the president of the Utah Youth Court Association.

119 (2) The members selected to fill the positions in Subsections (1)(a) through (f) shall
120 jointly select the members to fill the positions in Subsections (1)(g) through (j).

121 (3) Members shall serve two-year staggered terms beginning July 1, [~~1999~~] 2012,
 122 except the initial terms of the members designated by Subsections (1)[~~(a)~~](b), (c), [~~(e)~~, and] (i),
 123 and (j) and one of the members from Subsections (1)(g) and (h) shall serve [~~one-year~~] two-year
 124 terms, but may be reappointed for a full [~~two-year~~] four-year term upon the expiration of their
 125 initial term.

126 (4) The Youth Court Board shall meet at least quarterly to:

127 (a) set minimum standards for the establishment of youth courts, including an
 128 application process, membership and training requirements, and the qualifications for the adult
 129 coordinator;

130 (b) review certification applications; and

131 (c) provide for a process to recertify each youth court every three years.

132 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 133 Youth Court Board shall make rules to accomplish the requirements of Subsection (3).

134 (6) The Youth Court Board may deny certification [~~or~~], recertification, or withdraw the
 135 certification of any youth court for failure to comply with program requirements.

136 (7) A member may not receive compensation or benefits for the member's service, but
 137 may receive per diem and travel expenses in accordance with:

138 (a) Section 63A-3-106;

139 (b) Section 63A-3-107; and

140 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 141 63A-3-107.

142 (8) The Youth Court Board shall provide a list of certified youth courts to the Board of
 143 Juvenile Court Judges, all law enforcement agencies in the state, all school districts, and the
 144 Utah Prosecution Council by [~~December 31~~] October 1 of each year.

Legislative Review Note
 as of 10-9-12 10:40 AM

Office of Legislative Research and General Counsel