

RESTITUTION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill makes changes to orders of restitution made in juvenile courts.

Highlighted Provisions:

This bill:

► provides for a juvenile court to retain jurisdiction to make and enforce orders related to restitution.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-6-120, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78A-6-120** is amended to read:

78A-6-120. Continuing jurisdiction of juvenile court -- Period of and termination of jurisdiction -- Notice of discharge from custody of local mental health authority or Utah State Developmental Center -- Transfer of continuing jurisdiction to other district.

(1) Jurisdiction of a minor obtained by the court through adjudication under Section



28 78A-6-117 continues for purposes of this chapter until he becomes 21 years of age, unless
29 terminated earlier. However, the court, subject to Section 78A-6-121, retains jurisdiction
30 beyond the age of 21 of a person who has refused or failed to pay any fine or victim restitution
31 ordered by the court, but only for the purpose of causing compliance with existing orders.

32 (2) (a) The continuing jurisdiction of the court terminates:

33 (i) upon order of the court;

34 (ii) upon commitment to a secure youth corrections facility; or

35 (iii) upon commencement of proceedings in adult cases under Section 78A-6-1001.

36 (b) The continuing jurisdiction of the court is not terminated by marriage.

37 (c) Notwithstanding Subsection (2)(a), the court retains jurisdiction to make and
38 enforce orders related to restitution.

39 (3) When a minor has been committed by the court to the physical custody of a local
40 mental health authority or its designee or to the Utah State Developmental Center, the local
41 mental health authority or its designee or the superintendent of the Utah State Developmental
42 Center shall give the court written notice of its intention to discharge, release, or parole the
43 minor not fewer than five days prior to the discharge, release, or parole.

44 (4) Jurisdiction over a minor on probation or under protective supervision, or of a
45 minor who is otherwise under the continuing jurisdiction of the court, may be transferred by the
46 court to the court of another district, if the receiving court consents, or upon direction of the
47 chair of the Board of Juvenile Court Judges. The receiving court has the same powers with
48 respect to the minor that it would have if the proceedings originated in that court.

Legislative Review Note
as of 1-8-14 5:07 PM

Office of Legislative Research and General Counsel