

119 Section 78A-6-602 or referral to youth court under Section 78A-6-1203.

120 (4) Unless the offenses are before the court pursuant to Section 78A-6-701, 78A-6-702,
121 or 78A-6-703, the district court may enter any sentence or combination of sentences which
122 would have been available in juvenile court but for the delayed reporting or delayed filing of
123 the information in district court.

124 (5) An offense under this section is not subject to registration under Subsection
125 77-41-102(17).

126 Section 4. Section 77-2-9 is amended to read:

127 **77-2-9. Offenses ineligible for diversion.**

128 (1) Except as provided in Subsection (2), diversion may not be granted by a magistrate
129 for:

- 130 (a) a capital felony;
- 131 (b) a felony in the first degree;
- 132 (c) any case involving a sexual offense against a victim who is under the age of 14;
- 133 (d) any motor vehicle related offense involving alcohol or drugs;
- 134 (e) any case involving using a motor vehicle in the commission of a felony;
- 135 (f) driving a motor vehicle or commercial motor vehicle on a revoked or suspended
136 license;
- 137 (g) any case involving operating a commercial motor vehicle in a negligent manner
138 causing the death of another including the offenses of:
 - 139 (i) manslaughter under Section 76-5-205; or
 - 140 (ii) negligent homicide under Section 76-5-206; or
 - 141 (h) a crime of domestic violence as defined in Section 77-36-1.

142 (2) When a person [~~under the age of 16~~] is alleged to have committed any violation of
143 Title 76, Chapter 5, Part 4, Sexual Offenses, while under the age of 16, the court may enter a
144 diversion in the matter if the court enters on the record its findings that:

145 (a) the offenses could have been adjudicated in juvenile court but for the delayed
146 reporting or delayed filing of the information in district court, unless the offenses are before the
147 court pursuant to Section 78A-6-701, 78A-6-702, or 78A-6-703;

148 [~~(a)~~] (b) the person did not use coercion or force;

149 [~~(b)~~] (c) there is no more than ~~1~~ → **two** three ← ~~1~~ years' difference between the
149a ages of the