

522 instruction, shall provide local school boards with an emergency plan response model that local  
523 boards may use to comply with the requirements of this Subsection (19).

524 (20) A board shall do all other things necessary for the maintenance, prosperity, and  
525 success of the schools and the promotion of education.

526 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

527 (i) hold a public hearing, as defined in Section 10-9a-103; and

528 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

529 (b) The notice of a public hearing required under Subsection (21)(a) shall:

530 (i) indicate the:

531 (A) school or schools under consideration for closure or boundary change; and

532 (B) date, time, and location of the public hearing; and

533 (ii) at least 10 days [~~prior to~~] before the public hearing, be:

534 (A) published:

535 (I) in a newspaper of general circulation in the area; and

536 (II) on the Utah Public Notice Website created in Section 63F-1-701; and

537 (B) posted in at least three public locations within the municipality or on the district's  
538 official website.

539 (22) A board may implement a facility energy efficiency program established under  
540 Title 11, Chapter 44, Performance Efficiency Act.

541 (23) A board may establish or partner with a certified youth court program, in  
542 accordance with Section 78A-6-1203, or establish or partner with a comparable restorative  
543 justice program, in coordination with schools in that district. A school may refer a student to  
544 youth court or a comparable restorative justice program in accordance with Section  
545 53A-11-911.

546 ~~**H→ [(24) (a) A board may authorize and establish procedures to create a multidisciplinary**~~  
547 ~~**team to respond to a student who fails to comply with the program or the agreement reached**~~  
548 ~~**through youth court or a comparable restorative justice program in accordance with Section**~~  
549 ~~**53A-11-911.**~~

550 ~~**(b) A multidisciplinary team shall include:**~~

551 ~~**(i) the minor;**~~

552 ~~**(ii) the minor's parent, guardian, or custodial relative;Ⓢ**~~

553 ~~—— (iii) a school administrator or the school administrator's designee;~~  
 554 ~~—— (iv) a clinician who has training and experience coordinating behavioral or mental~~  
 555 ~~health treatment for juveniles if a clinician is available; and~~  
 556 ~~—— (v) any other person or agency representative who is needed to assist in providing~~  
 557 ~~recommendations for the particular needs of the minor and family.] ←H~~

558 Section 7. Section **53A-11-101.7** is amended to read:

559 **53A-11-101.7. Truancy -- Notice of truancy -- Failure to cooperate with school**  
 560 **authorities.**

561 (1) Except as provided in Section 53A-11-102 or 53A-11-102.5, a school-age minor  
 562 who is enrolled in a public school shall attend the public school in which the school-age minor  
 563 is enrolled.

564 (2) A local school board, charter school governing board, or school district may impose  
 565 administrative penalties on a school-age minor in accordance with Section 53A-11-911 who is  
 566 truant.

567 (3) A local school board or charter school governing board:

568 (a) may authorize a school administrator, a designee of a school administrator, a law  
 569 enforcement officer acting as a school resource officer, or a truancy specialist to issue notices  
 570 of truancy to school-age minors who are at least 12 years old; and

571 (b) shall establish a procedure for a school-age minor, or the school-age minor's  
 572 parents, to contest a notice of truancy.

573 (4) The notice of truancy described in Subsection (3):

574 (a) may not be issued until the school-age minor has been truant at least five times  
 575 during the school year;

576 (b) may not be issued to a school-age minor who is less than 12 years old;

577 (c) may not be issued to a minor exempt from school attendance as provided in Section  
 578 53A-11-102 or 53A-11-102.5;

579 (d) shall direct the school-age minor and the parent of the school-age minor to:

580 (i) meet with school authorities to discuss the school-age minor's trancies; and

581 (ii) cooperate with the school board, local charter board, or school district in securing  
 582 regular attendance by the school-age minor; and

583 (e) shall be mailed to, or served on, the school-age minor's parent.

832 least once during the school year; or

833 (iii) engages in disruptive student behavior, that results in suspension or expulsion, at  
834 least twice during the school year; and

835 (b) may only be issued by a school administrator, a designee of a school administrator,  
836 or a truancy specialist, who is authorized by a local school board or governing board of a local  
837 charter school to issue a habitual disruptive student behavior [citations] notice.

838 [(7)] (6) (a) A qualifying minor to whom a habitual disruptive student behavior  
839 [citation] notice is issued under Subsection [(6) shall] (5) may not be referred to the juvenile  
840 court [for violation of Subsection (3)].

841 (b) Within five days after the day on which a habitual disruptive student behavior  
842 [citation] notice is issued, a representative of the school district or charter school shall provide  
843 documentation, to a parent of the qualifying minor who receives the [citation] notice, of the  
844 efforts made by a school counselor or representative under Subsection [(4)] (3)(c).

845 [~~(8) Nothing in this part prohibits a local school board, school district, governing board  
846 of a charter school, or charter school from taking any lawful action not in conflict with the  
847 provisions of this section, including action described in this part and action relating to a  
848 habitually truant or ungovernable child, to address a disruptive student behavior problem of:]~~

849 [~~(a) a school-age minor who is not a qualifying minor; or]~~

850 [~~(b) a qualifying minor, regardless of the number of times that the qualifying minor has  
851 engaged in disruptive student behavior during the school year.]~~

852 Section 14. Section 53A-11-911 is enacted to read:

853 **53A-11-911. ~~H~~→ [Tiered responses] Responses ←~~H~~ to school-based behavior.**

854 (1) As used in this section:

855 (a) "Class A misdemeanor person offense" means a class A misdemeanor described in  
856 Title 76, Chapter 5, Offenses Against the Person, or Title 76, Chapter 5b, Sexual Exploitation  
857 Act.

858 (b) "Mobile crisis outreach team" means the same as that term is defined in Section  
859 78A-6-105.

860 (c) "Nonperson class A misdemeanor" means a class A misdemeanor that is not a class  
861 A misdemeanor person offense.

862 (d) "Restorative justice program" means a school-based program that is designed to

863 enhance school safety, reduce school suspensions, and limit referrals to court, and is designed  
 864 to help minors take responsibility for and repair the harm of behavior that occurs in school.

865 (2) This section applies to a minor enrolled in school who is alleged to have committed  
 866 an offense:

867 (a) on school ~~H~~→ [grounds] property ←~~H~~ ; or

868 (b) that is truancy.

869 (3) If the alleged offense is a class C misdemeanor, an infraction, a status offense on  
 870 school ~~H~~→ [grounds] property ←~~H~~ , or truancy, the minor may not be referred to law enforcement  
 870a or court but may  
 871 be referred to alternative school-related interventions, including:

872 (a) a mobile crisis outreach team, as defined in Section 78A-6-105;

873 (b) a receiving center operated by the Division of Juvenile Justice Services in  
 874 accordance with Section 62A-7-104; and

875 (c) a youth court or comparable restorative justice program.

876 ~~H→ (4) Except as provided in Subsection (5), if an offense alleged under Subsection (2) is a~~  
 877 ~~class B misdemeanor or a nonperson class A misdemeanor, the following procedure may apply:~~

878 ~~—— (a) the school administrator or the school administrator's designee shall refer the minor~~  
 879 ~~to a youth court in accordance with Section 78A-6-1203 or a comparable restorative justice~~  
 880 ~~program within the school setting;~~

881 ~~—— (b) if a minor under Subsection (3)(a) elects not to participate in the program or fails to~~  
 882 ~~comply with the program or the agreement reached through youth court or a comparable~~  
 883 ~~restorative justice program, the minor shall then be referred to a multi-disciplinary team~~  
 884 ~~established by the school board, local charter board, or school in accordance with Section~~  
 885 ~~53A-3-402;~~

886 ~~—— (c) the multi-disciplinary team shall review each case referral and establish a plan to~~  
 887 ~~reduce the likelihood of a referral to juvenile court; and~~

888 ~~—— (d) the minor may only be referred to law enforcement, the court, or a prosecutor in~~  
 889 ~~accordance with Section 78A-6-602 if the minor does not comply with the plan established by~~  
 890 ~~the multi-disciplinary team.~~

891 ~~—— (5) (a) The procedure under Subsection (4) does not apply if the offense alleged under~~  
 892 ~~Subsection (2) is a class B misdemeanor or a class A misdemeanor and the offense is an~~  
 893 ~~offense:Ⓢ~~

894 ~~—— (i) against a person committed as part of gang activity; or~~  
 895 ~~—— (ii) where a dangerous weapon, as defined in Subsection 76-1-601(5), is used in the~~  
 896 ~~commission of the offense;~~

897 ~~—— (b) In a case under this Subsection (5), or in the case of any class A misdemeanor~~  
 898 ~~person offense or felony alleged under Subsection (2), the procedure under Subsection (4) may~~  
 899 ~~be followed, or the offense may be referred directly to law enforcement, juvenile court, or a~~  
 900 ~~prosecutor.]~~

900a (4) If the alleged offense is a class B misdemeanor or a nonperson class A misdemeanor,  
 900b the minor may be referred directly to the juvenile court by the school administrator or the  
 900c school administrator's designee, or the minor may be referred to the alternative interventions  
 900d in Subsection (3). ←H

901 Section 15. Section **53A-11-1302** is amended to read:

902 **53A-11-1302. Reporting of prohibited acts affecting a school -- Confidentiality.**

903 (1) A person who has reasonable cause to believe that an individual has committed a  
 904 prohibited act shall, in accordance with Section 53A-11-911, immediately notify:

905 [~~(a) the nearest law enforcement agency;~~]

906 [~~(b)~~] (a) the principal;

907 [~~(c)~~] (b) an administrator of the affected school;

908 [~~(d)~~] (c) the superintendent of the affected school district; or

909 [~~(e)~~] (d) an administrator of the affected school district.

910 (2) If notice is given to a school official, the official may authorize an investigation  
 911 into allegations involving school property, students, or school district employees.

912 (3) [~~School officials~~] A school official may only refer a complaint of an alleged  
 913 prohibited act reported as occurring on school grounds or in connection with school-sponsored  
 914 activities to an appropriate law enforcement agency[~~. Referrals shall be made by school~~  
 915 ~~officials if the complaint alleges the prohibited act occurred elsewhere] in accordance with  
 916 Section 53A-11-911.~~

917 (4) The identity of persons making reports pursuant to this section shall be kept  
 918 confidential.

919 Section 16. Section **53A-11-1604** is amended to read:

920 **53A-11-1604. Contracts between an LEA and law enforcement for school**  
 921 **resource officer services -- Requirements.**

922 (1) An LEA may contract with a law enforcement agency or an individual to provide  
 923 school resource officer services at the LEA if the LEA's governing authority reviews and  
 924 approves the contract.

2165 shall ensure that the membership of the entity include representation from the three branches of  
 2166 government and, as determined by the commission, representation from relevant stakeholder  
 2167 groups across all parts of the juvenile justice system ~~H~~→ **including county representation** ←~~H~~ .

2168 Section 38. Section **63M-7-208** is enacted to read:

2169 **63M-7-208. Juvenile justice oversight -- Delegation.**

2170 (1) The Commission on Criminal and Juvenile Justice shall:

2171 (a) support implementation and expansion of evidence-based juvenile justice programs

2172 and practices, including assistance regarding implementation fidelity, quality assurance, and

2173 ongoing evaluation;

2174 (b) examine and make recommendations on the use of third-party entities or an

2175 intermediary organization to assist with implementation and to support the performance-based

2176 contracting system authorized in Subsection (1)(m);

2177 (c) oversee the development of performance measures to track juvenile justice reforms,

2178 and ensure early and ongoing stakeholder engagement in identifying the relevant performance

2179 measures;

2180 (d) evaluate currently collected data elements throughout the juvenile justice system

2181 and contract reporting requirements to streamline reporting, reduce redundancies, eliminate

2182 inefficiencies, and ensure a focus on recidivism reduction;

2183 (e) review averted costs from reductions in out-of-home placements for juvenile justice

2184 youth placed with the Division of Juvenile Justice Services and the Division of Child and

2185 Family Services, and make recommendations to prioritize the reinvestment and realignment of

2186 resources into community-based programs for youth living at home, including the following:

2187 (i) statewide expansion of:

2188 (A) receiving centers;

2189 (B) mobile crisis outreach teams, as defined in Section 78A-6-105;

2190 (C) youth courts; and

2191 (D) victim-offender mediation;

2192 (ii) statewide implementation of nonresidential diagnostic assessment;

2193 (iii) statewide availability of evidence-based programs and practices including

2194 cognitive behavioral and family therapy programs for minors assessed by a validated risk and

2195 needs assessment as moderate or high risk;

2289 probation, the probationer's conduct while on probation, and the probationer's criminal history.

2290 (5) (a) The commission shall establish sentencing guidelines for periods of

2291 incarceration for individuals who are on parole and:

2292 (i) who have violated a condition of parole; and

2293 (ii) whose parole has been revoked by the Board of Pardons and Parole.

2294 (b) The guidelines shall consider the seriousness of the violation of the conditions of  
2295 parole, the individual's conduct while on parole, and the individual's criminal history.

2296 (6) The commission shall establish graduated sanctions to facilitate the prompt and  
2297 effective response to an individual's violation of the terms of probation or parole by the adult  
2298 probation and parole section of the Department of Corrections in order to implement the  
2299 recommendations of the Commission on Criminal and Juvenile Justice for reducing recidivism,  
2300 including:

2301 (a) sanctions to be used in response to a violation of the terms of probation or parole;

2302 (b) when violations should be reported to the court or the Board of Pardons and Parole;

2303 and

2304 (c) a range of sanctions that may not exceed a period of incarceration of more than:

2305 (i) three consecutive days; and

2306 (ii) a total of five days in a period of 30 days.

2307 (7) The commission shall establish graduated incentives to facilitate a prompt and  
2308 effective response by the adult probation and parole section of the Department of Corrections  
2309 to an offender's:

2310 (a) compliance with the terms of probation or parole; and

2311 (b) positive conduct that exceeds those terms.

2312 (8) (a) The commission shall establish guidelines, including sanctions and incentives,  
2313 to appropriately respond to negative and positive behavior of juveniles who are:

2314 (i) nonjudicially ~~H~~→ [adjudicated] adjusted ←~~H~~ ;

2315 (ii) placed on diversion;

2316 (iii) placed on probation;

2317 (iv) placed on community supervision;

2318 (v) placed in an out-of-home placement; or

2319 (vi) placed in a secure care facility.

3126 guardian shall be informed by the person in charge of the facility that ~~[they have]~~ the parent's  
 3127 or guardian's child has the right to a prompt hearing in court to determine whether the child is  
 3128 to be further detained or released.

3129 (b) When a minor is detained in a detention facility, the minor shall be informed by the  
 3130 person in charge of the facility that the minor has the right to a prompt hearing in court to  
 3131 determine whether the minor is to be further detained or released.

3132 (c) Detention hearings shall be held by the judge or by a commissioner.

3133 (d) The court may, at any time, order the release of the minor, whether a detention  
 3134 hearing is held or not.

3135 (e) If a child is released, and the child remains in the facility, because the parents,  
 3136 guardian, or custodian fails to retrieve the child, the parents, guardian, or custodian shall be  
 3137 responsible for the cost of care as provided in Subsections (2)(a), (b), and (c).

3138 (4) (a) A minor may not be held in a detention facility longer than 48 hours ~~[prior to]~~  
 3139 before a detention hearing, excluding weekends and holidays, unless the court has entered an  
 3140 order for continued detention.

3141 (b) A child may not be held in a shelter facility longer than 48 hours ~~[prior to]~~ before a  
 3142 shelter hearing, excluding weekends and holidays, unless a court order for extended shelter has  
 3143 been entered by the court after notice to all parties described in Section 78A-6-306.

3144 (c) A hearing for detention or shelter may not be waived. Detention staff shall provide  
 3145 the court with all information received from the person who brought the minor to the detention  
 3146 facility.

3147 (d) ~~[If the court finds at a detention hearing that it is not safe to release the minor, the]~~  
 3148 The judge or commissioner may only order ~~[the]~~ a minor to be held in the facility or be placed  
 3149 in another appropriate facility, subject to further order of the court, if the court finds ~~H→~~ [and makes  
 3150 a record] ~~←H~~ at a detention hearing that:

3151 (i) releasing the minor to the minor's parent, guardian, or custodian presents an  
 3152 unreasonable risk to public safety;

3153 (ii) less restrictive nonresidential alternatives to detention have been considered and,  
 3154 where appropriate, attempted; and

3155 (iii) the minor is eligible for detention under the division guidelines for detention  
 3156 admissions established by the Division of Juvenile Justice Services, under Section 62A-7-202

3312 (1) (a) When a minor is found to come within [~~the provisions of~~] Section 78A-6-103,  
 3313 the court shall so adjudicate. The court shall make a finding of the facts upon which it bases its  
 3314 jurisdiction over the minor. However, in cases within [~~the provisions of~~] Subsection  
 3315 78A-6-103(1), findings of fact are not necessary.

3316 (b) If the court adjudicates a minor for a crime of violence or an offense in violation of  
 3317 Title 76, Chapter 10, Part 5, Weapons, ~~H~~→ [f] it shall [f] [~~the court may~~] ←~~H~~ order that notice  
 3317a of the  
 3318 adjudication be provided to the school superintendent of the district in which the minor resides  
 3319 or attends school. Notice shall be made to the district superintendent within three days of the  
 3320 adjudication and shall include:

3321 (i) the specific offenses for which the minor was adjudicated; and

3322 (ii) if available, if the victim:

3323 (A) resides in the same school district as the minor; or

3324 (B) attends the same school as the minor.

3325 (c) An adjudicated minor shall undergo a risk screening or, if indicated, a validated risk  
 3326 and needs assessment. Results of the screening or assessment shall be used to inform  
 3327 disposition decisions and case planning. Assessment results, if available, may not be shared  
 3328 with the court before adjudication.

3329 (2) Upon adjudication the court may make the following dispositions by court order:

3330 (a) (i) the court may place the minor on probation or under protective supervision in  
 3331 the minor's own home and upon conditions determined by the court, including compensatory  
 3332 service [~~as provided in Subsection (2)(m)(iii).~~];

3333 [~~(ii) The court may place the minor in state supervision with the probation department~~  
 3334 ~~of the court, under the legal custody of:]~~

3335 [~~(A) the minor's parent or guardian;]~~

3336 [~~(B) the Division of Juvenile Justice Services; or]~~

3337 [~~(C) the Division of Child and Family Services.]~~

3338 (ii) a condition ordered by the court under Subsection (2)(a)(i):

3339 (A) shall be individualized and address a specific risk or need;

3340 (B) shall be based on information provided to the court, including the results of a  
 3341 validated risk and needs assessment conducted under Subsection (1)(c); and

3342 (C) if the court orders treatment, be based on a validated risk and needs assessment

4459 (iii) has no more than three prior unsuccessful nonjudicial adjustment attempts.

4460 (c) (i) Notwithstanding Subsection (2)(b), the probation department may conduct a  
 4461 validated risk and needs assessment, and if the results of that assessment indicate the youth is  
 4462 high risk, the probation department may request that the prosecutor review the referral

4462a **H→** pursuant to Subsection (2)(g) **←H** to

4463 determine whether to dismiss the referral or file a petition instead of offering a nonjudicial  
 4464 adjustment.

4465 (ii) The court's probation department, may offer a nonjudicial adjustment to any other  
 4466 minor who does not meet the criteria provided in Subsection (2)(b).

4467 (iii) Acceptance of an offer of nonjudicial adjustment may not be predicated on an  
 4468 admission of guilt.

4469 (iv) A minor may not be denied an offer of nonjudicial adjustment due to an inability to  
 4470 pay a financial penalty under Subsection (2)(d).

4471 ~~[(iii)]~~ (v) Efforts to effect a nonjudicial adjustment may not extend for a period of more  
 4472 than 90 days without leave of a judge of the court, who may extend the period for an additional  
 4473 90 days.

4474 (d) The nonjudicial adjustment of a case may include conditions agreed upon as part of  
 4475 the nonjudicial closure:

4476 (i) payment of a financial penalty of not more than \$250 to the juvenile court subject to  
 4477 the terms established under Subsection (2)(e);

4478 (ii) payment of victim restitution;

4479 (iii) satisfactory completion of compensatory service;

4480 (iv) referral to an appropriate provider for counseling or treatment;

4481 (v) attendance at substance ~~abuse~~ use disorder programs or counseling programs;

4482 (vi) compliance with specified restrictions on activities and associations; and

4483 (vii) other reasonable actions that are in the interest of the child or minor and the  
 4484 community.

4485 ~~[(e) Proceedings involving offenses under Section 78A-6-606 are governed by that~~  
 4486 ~~section regarding suspension of driving privileges.]~~

4487 (e) A fee, fine, or restitution included in a nonjudicial closure in accordance with  
 4488 Subsection (2)(d) shall be based upon the ability of the minor's family to pay as determined by  
 4489 a statewide sliding scale developed as provided in Section 63M-7-208.

4490 (f) If a minor fails to substantially comply with the conditions agreed upon as part of  
 4491 the nonjudicial closure, ~~H~~→ or if a minor is not offered or declines a nonjudicial adjustment  
 4491a pursuant to Subsection (2)(b) or (2)(c)(ii), ←~~H~~ the prosecutor shall review the case and take one  
 4491b of the following

4492 actions:

4493 (i) dismiss the case;

4494 (ii) refer the case back to the probation department for a new attempt at nonjudicial  
 4495 adjustment; or

4496 (iii) in accordance with Subsections (2)(h), file a petition with the court.

4497 (g) Notwithstanding Subsection (2)(f), a petition may only be filed upon reasonable  
 4498 belief that:

4499 (i) the charges are supported by probable cause;

4500 (ii) admissible evidence will be sufficient to support conviction beyond a reasonable  
 4501 doubt; and

4502 (iii) the decision to charge is in the interests of justice.

4503 (h) Failure to pay a fine or fee may not serve as a basis for filing of a petition under  
 4504 Subsection (2)(f)(iii) if the minor has substantially complied with the other conditions agreed  
 4505 upon in accordance with Subsection (2)(d) or those imposed through any other court diversion  
 4506 program.

4507 ~~[(f)]~~ (i) A violation of Section 76-10-105 that is subject to the jurisdiction of the  
 4508 juvenile court ~~[shall]~~ may include a ~~[minimum]~~ fine or penalty ~~[of \$60]~~ and participation in a  
 4509 court-approved tobacco education program, which may include a participation fee.

4510 (j) If the prosecutor files a petition in court, the court may refer the case to the  
 4511 probation department for another offer of nonjudicial adjustment.

4512 (3) Except as provided in Sections 78A-6-701 and 78A-6-702, in the case of a minor  
 4513 14 years of age or older, the county attorney, district attorney, or attorney general may  
 4514 commence an action by filing a criminal information and a motion requesting the juvenile court  
 4515 to waive its jurisdiction and certify the minor to the district court.

4516 (4) (a) In cases of violations of wildlife laws, boating laws, class B and class C  
 4517 misdemeanors, other infractions or misdemeanors as designated by general order of the Board  
 4518 of Juvenile Court Judges, and violations of Section 76-10-105 subject to the jurisdiction of the  
 4519 juvenile court, a petition is not required and the issuance of a citation as provided in Section  
 4520 78A-6-603 is sufficient to invoke the jurisdiction of the court. A preliminary inquiry is ~~[not]~~

4552 from the child; and

4553 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that  
4554 this information shall be removed from the documents the minor receives.

4555 (5) A citation received by the court beyond the time designated in Subsection (2) shall  
4556 include a written explanation for the delay.

4557 (6) ~~[The]~~ In accordance with Section 53A-11-911, the following offenses may be sent  
4558 to the juvenile court as a citation:

4559 (a) violations of wildlife laws;

4560 (b) violations of boating laws;

4561 (c) violations of curfew laws;

4562 (d) any class B misdemeanor or less traffic violations where the person is under the age  
4563 of 16;

4564 (e) any class B or class C misdemeanor or infraction;

4565 (f) any other infraction or misdemeanor as designated by general order of the Board of  
4566 Juvenile Court Judges; and

4567 (g) violations of Section 76-10-105 subject to the jurisdiction of the juvenile court.

4568 ~~[(7) A preliminary inquiry is not required unless requested by the court.]~~

4569 ~~[(8) The provisions of Subsection (5) may not apply to a runaway, ungovernable, or~~  
4570 ~~habitually truant child.]~~

4571 ~~[(9) In the case of Section 76-10-105 violations committed on school property when a~~  
4572 ~~citation is issued under this section, the peace officer, public official, or compliance officer~~  
4573 ~~shall issue one copy to the minor cited, provide the parent or legal guardian with a copy, and~~  
4574 ~~file a duplicate with the juvenile court specified in the citation within five days.]~~

4575 (7) A minor offense defined under Section 78A-6-1202, alleged to have been  
4576 committed by an enrolled child on school ~~Ĥ~~→ [grounds] property ←~~Ĥ~~ or related to school  
4576a attendance, may only be

4577 sent to the prosecutor or the juvenile court in accordance with Section 53A-11-911.

4578 (8) A preliminary inquiry by the prosecutor, and if appropriate, the court, under Section  
4579 78A-6-117 is required.

4580 (9) Subsection (5) may not apply to a runaway child.

4581 (10) (a) A minor receiving a citation described in this section shall appear at the  
4582 juvenile court designated in the citation on the time and date specified in the citation or when

4831 by an adult coordinator to determine whether it qualifies as a youth court case.

4832 (4) Youth courts have authority over youth:

4833 (a) referred for [~~a~~] one or more minor [~~offense or~~] offenses or who are referred for  
4834 other eligible offenses under Section 53A-11-911, or who are granted permission for referral  
4835 under this part;

4836 (b) who, along with a parent, guardian, or legal custodian, voluntarily and in writing,  
4837 request youth court involvement; and

4838 [~~(c) who admit having committed the referred offense;~~]

4839 [~~(d) who, along with a parent, guardian, or legal custodian, waive any privilege against~~  
4840 ~~self-incrimination and right to a speedy trial; and]~~

4841 [~~(e)~~] (c) who, along with [~~their~~] a parent, guardian, or legal custodian, agree to follow  
4842 the youth court disposition of the case.

4843 (5) Except with permission granted under Subsection (6), or pursuant to Section  
4844 53A-11-911, youth courts may not exercise authority over youth who are under the continuing  
4845 jurisdiction of the juvenile court for law violations, including any youth who may have a matter  
4846 pending which has not yet been adjudicated. Youth courts may, however, exercise authority  
4847 over youth who are under the continuing jurisdiction of the juvenile court as set forth in this  
4848 Subsection (5) if the offense before the youth court is not a law violation, and the referring  
4849 agency has notified the juvenile court of the referral.

4850 (6) Youth courts may exercise authority over youth described in Subsection (5), and  
4851 over any other offense with the permission of the juvenile court and the prosecuting attorney in  
4852 the county or district that would have jurisdiction if the matter were referred to juvenile court.

4853 (7) Permission of the juvenile court may be granted by a probation officer of the court  
4854 in the district that would have jurisdiction over the offense being referred to youth court.

4855 ~~H~~→ [f] (8) Youth courts may decline to accept a youth for youth court disposition for any  
4856 reason and may terminate a youth from youth court participation at any time. [f]

4857 [f] (9) [f] [~~(8)~~] ←~~H~~ A youth or the youth's parent, guardian, or legal custodian may  
4857a withdraw from  
4858 the youth court process at any time. The youth court shall immediately notify the referring  
4859 source of the withdrawal.

4860 ~~H~~→ [f] (10) [f] [~~(9)~~] ←~~H~~ The youth court may transfer a case back to the referring source  
4860a for

4861 alternative handling at any time.

4862           ~~H~~→ [f] (11) [f] [~~(10)~~] ←~~H~~ Referral of a case to youth court may not, if otherwise eligible,  
 4862a prohibit the  
 4863 subsequent referral of the case to any court.

4864           ~~H~~→ [f] (12) [f] [~~(11)~~] ←~~H~~ Proceedings and dispositions of a youth court may only be  
 4864a shared with the  
 4865 referring agency, juvenile court, and victim.

4866           ~~H~~→ [f] (13) [f] [~~(12)~~] ←~~H~~ When a person does not complete the terms ordered by a youth  
 4866a court, and if  
 4867 the case is referred to a juvenile court, the youth court shall provide the case file to the juvenile  
 4868 court.

4869           Section 70. Section **78A-6-1207** is amended to read:

4870           **78A-6-1207. Fees and expenses.**

4871           (1) Youth courts may require that the youth pay a reasonable fee, not to exceed \$50, to  
 4872 participate in youth court. This fee may be reduced or waived by the youth court in exigent  
 4873 circumstances and shall be based on the ability of the minor's family to pay as determined by a  
 4874 statewide sliding scale developed as provided in Section 63M-7-208. This fee shall be paid to  
 4875 and accounted for by the sponsoring entity. The fees collected shall be used for supplies and  
 4876 any training requirements.

4877           (2) Youth court participants are responsible for the all expenses of any classes,  
 4878 counseling, treatment, or other educational programs that are the disposition of the youth court.

4879           (3) Youth court participants may not be terminated unsuccessfully from youth court  
 4880 due to failure to pay related fees or expenses.

4881           Section 71. Section **78A-6-1302** is amended to read:

4882           **78A-6-1302. Procedure -- Standard.**

4883           (1) When a motion is filed pursuant to Section 78A-6-1301 raising the issue of a  
 4884 minor's competency to proceed, or when the court raises the issue of a minor's competency to  
 4885 proceed, the juvenile court in which proceedings are pending shall stay all delinquency  
 4886 proceedings.

4887           (2) If a motion for inquiry is opposed by either party, the court shall, prior to granting  
 4888 or denying the motion, hold a limited hearing solely for the purpose of determining the  
 4889 sufficiency of the motion. If the court finds that the allegations of incompetency raise a bona  
 4890 fide doubt as to the minor's competency to proceed, it shall enter an order for an evaluation of  
 4891 the minor's competency to proceed, and shall set a date for a hearing on the issue of the minor's  
 4892 competency.