

1266 ~~minor's second or subsequent violation of this chapter, the court shall:]~~

1267 ~~[(a) order the minor to complete a screening as defined in Section ~~41-6a-501~~];~~

1268 ~~[(b) order the minor to complete an assessment as defined in Section ~~41-6a-501~~ if the~~
1269 ~~screening indicates an assessment to be appropriate; and]~~

1270 ~~[(c) order the minor to complete an educational series as defined in Section ~~41-6a-501~~~~
1271 ~~or substance abuse treatment as indicated by an assessment.]~~

1272 Section 20. Section **62A-1-111.5** is enacted to read:

1273 **62A-1-111.5. Duties of the department for fiscal year 2018.**

1274 Notwithstanding Section ~~63J-1-206~~, for fiscal year 2018 only, the department may
1275 transfer money ~~§~~→ **from savings related to implementation of this bill and nonlapsing balances**
1275a **from fiscal year 2017** ←~~§~~ between appropriation line items to allocate resources between the
1275b Division of
1276 Juvenile Justice Services, the Division of Child and Family Services, and the Division of
1277 Substance Abuse and Mental Health to facilitate the department's implementation of this bill.

1278 Section 21. Section **62A-4a-105** is amended to read:

1279 **62A-4a-105. Division responsibilities.**

1280 (1) The division shall:

1281 (a) administer services to minors and families, including:

1282 (i) child welfare services;

1283 (ii) domestic violence services; and

1284 (iii) all other responsibilities that the Legislature or the executive director may assign
1285 to the division;

1286 (b) provide the following services:

1287 (i) financial and other assistance to an individual adopting a child with special needs

1288 under Part 9, Adoption Assistance, not to exceed the amount the division would provide for the
1289 child as a legal ward of the state;

1290 (ii) non-custodial and in-home services, including:

1291 (A) services designed to prevent family break-up; and

1292 (B) family preservation services;

1293 (iii) reunification services to families whose children are in substitute care in

1294 accordance with the requirements of this chapter and Title 78A, Chapter 6, Juvenile Court Act;

1295 (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse
1296 or neglect of a child in that family;

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]~~ and ~~←§~~ may request that the prosecutor review the referral
 4462a pursuant
 4463 to Subsection (2)(g) to determine whether to dismiss the referral or file a petition instead of
 4464 offering a nonjudicial adjustment ~~§→~~ if:
 4464a (A) the results of the assessment indicate the youth is high risk; or
 4464b (B) the results of the assessment indicate the youth is moderate risk and the referral is
 4464c for a class A misdemeanor violation under ~~§→~~ Title 76, Chapter 5, or ~~←§~~ Title 76, Chapter 9,
 4464d Part 7, Miscellaneous Provisions ~~←§~~ .
 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~~ on and after July 1,

5017 (iii) a person who commits theft exercises control over the affected property within the
5018 court's jurisdiction; or

5019 (iv) the offense is committed on or near the boundary of the court's jurisdiction;

5020 (g) the offense consists of an unlawful communication that was initiated or received
5021 within the court's jurisdiction; or

5022 (h) jurisdiction is otherwise specifically provided by law.

5023 (5) A justice court judge may transfer a criminal matter in which the defendant is a
5024 child to the juvenile court for further proceedings if the justice court judge determines and the
5025 juvenile court concurs that the best interests of the minor would be served by the continuing
5026 jurisdiction of the juvenile court, subject to Section 78A-6-602.

5027 (6) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter 8,
5028 Small Claims Courts, if a defendant resides in or the debt arose within the territorial
5029 jurisdiction of the justice court.

5030 Section 75. **Effective date.**

5031 (1) Except as provided in Subsections (2) and (3), this bill takes effect on May 9, 2017.

5032 (2) The actions affecting the following sections take effect on August 1, 2017:

5033 ~~§~~ → ~~(a)~~ ~~Section 32B-4-409;~~

5034 ~~——~~ ~~(b)~~ ~~Section 32B-4-411;~~

5035 ~~——~~ ~~(c)~~ ~~(a)~~ ← ~~§~~ Section 53A-1-403;

5036 ~~§~~ → ~~(d)~~ ~~(b)~~ ← ~~§~~ Section 53A-3-402;

5037 ~~§~~ → ~~(e)~~ ~~(c)~~ ← ~~§~~ Section 53A-11-101.7;

5038 ~~§~~ → ~~(f)~~ ~~(d)~~ ← ~~§~~ Section 53A-11-103;

5039 ~~§~~ → ~~(g)~~ ~~(e)~~ ← ~~§~~ Section 53A-11-105;

5040 ~~§~~ → ~~(h)~~ ~~(f)~~ ← ~~§~~ Section 53A-11-403;

5041 ~~§~~ → ~~(i)~~ ~~(g)~~ ← ~~§~~ Section 53A-11-901;

5042 ~~§~~ → ~~(j)~~ ~~(h)~~ ← ~~§~~ Section 53A-11-908;

5043 ~~§~~ → ~~(k)~~ ~~(i)~~ ← ~~§~~ Section 53A-11-910;

5044 ~~§~~ → ~~(l)~~ ~~(j)~~ ← ~~§~~ Section 53A-11-911;

5045 ~~§~~ → ~~(m)~~ ~~(k)~~ ← ~~§~~ Section 53A-11-1302;

5046 ~~§~~ → ~~(n)~~ ~~(l)~~ ← ~~§~~ Section 53A-11-1604;

5047 ~~§~~ → ~~(o)~~ ~~(m)~~ ← ~~§~~ Section 58-37-8;

- 5048 **Ŝ→** ~~[(p)]~~ **(n)** **←Ŝ** [Section 58-37a-7;](#)
- 5049 **Ŝ→** ~~[(q)]~~ **(o)** **←Ŝ** [Section 58-37b-9;](#)
- 5050 **Ŝ→** ~~[(r)]~~ **(p)** **←Ŝ** [Section 62A-4a-105;](#)
- 5051 **Ŝ→** ~~[(s)]~~ **(q)** **←Ŝ** [Section 62A-4a-201;](#)
- 5052 **Ŝ→** ~~[(t)]~~ **(r)** **←Ŝ** [Section 62A-4a-202;](#)
- 5053 **Ŝ→** ~~[(u)]~~ **(s)** **←Ŝ** [Section 62A-4a-208;](#)
- 5054 **Ŝ→** ~~[(v)]~~ **(t)** **←Ŝ** [Section 62A-4a-250;](#)
- 5055 **Ŝ→** ~~[(w)]~~ **(u)** **←Ŝ** [Section 62A-7-101;](#)
- 5056 **Ŝ→** ~~[(x)]~~ **(v)** **←Ŝ** [Section 62A-7-104;](#)
- 5057 **Ŝ→** ~~[(y)]~~ **(w)** **←Ŝ** [Section 62A-7-109.5;](#)
- 5058 **Ŝ→** ~~[(z)]~~ **(x)** **←Ŝ** [Section 62A-7-201;](#)
- 5059 **Ŝ→** ~~[(aa)]~~ **(y)** **←Ŝ** [Section 62A-7-501;](#)
- 5060 **Ŝ→** ~~[(bb)]~~ **(z)** **←Ŝ** [Section 62A-7-504;](#)
- 5061 **Ŝ→** ~~[(cc)]~~ **(aa)** **←Ŝ** [Section 62A-7-506;](#)
- 5062 **Ŝ→** ~~[(dd)]~~ **(bb)** **←Ŝ** [Section 62A-7-601;](#)
- 5063 **Ŝ→** ~~[(ee)]~~ **(cc)** **←Ŝ** [Section 62A-7-701;](#)
- 5064 **Ŝ→** ~~[(ff)]~~ **(dd)** **←Ŝ** [Section 63M-7-208;](#)
- 5065 **Ŝ→** ~~[(gg)]~~ **(ee)** **←Ŝ** [Section 76-5-413;](#)
- 5066 **Ŝ→** ~~[(hh)]~~ **(ff)** **←Ŝ** [Section 76-10-105;](#)
- 5067 **Ŝ→** ~~[(ii)]~~ **(gg)** **←Ŝ** [Section 78A-6-105;](#)
- 5068 **Ŝ→** ~~[(jj)]~~ **(hh)** **←Ŝ** [Section 78A-6-106.5;](#)
- 5069 **Ŝ→** ~~[(kk)]~~ **(ii)** **←Ŝ** [Section 78A-6-109;](#)
- 5070 **Ŝ→** ~~[(ll)]~~ **(jj)** **←Ŝ** [Section 78A-6-111;](#)
- 5071 **Ŝ→** ~~[(mm)]~~ **(kk)** **←Ŝ** [Section 78A-6-115;](#)
- 5072 **Ŝ→** ~~[(nn)]~~ **(ll)** **←Ŝ** [Section 78A-6-117.5;](#)
- 5073 **Ŝ→** ~~[(oo)]~~ **(mm)** **←Ŝ** [Section 78A-6-118;](#)
- 5074 **Ŝ→** ~~[(pp)]~~ **(nn)** **←Ŝ** [Section 78A-6-119;](#)
- 5075 **Ŝ→** ~~[(qq)]~~ **(oo)** **←Ŝ** [Section 78A-6-302;](#)
- 5076 **Ŝ→** ~~[(rr)]~~ **(pp)** **←Ŝ** [Section 78A-6-306;](#)
- 5077 **Ŝ→** ~~[(ss)]~~ **(qq)** **←Ŝ** [Section 78A-6-312;](#)
- 5078 **Ŝ→** ~~[(tt)]~~ **(rr)** **←Ŝ** [Section 78A-6-401;](#)

5079 ~~§~~→ ~~(~~ttt~~)~~ (~~ss~~) ←~~§~~ Section 78A-6-602;

5080 ~~§~~→ ~~(~~vv~~)~~ (~~tt~~) ←~~§~~ Section 78A-6-603;

5081 ~~§~~→ ~~(~~www~~)~~ (~~uu~~) ←~~§~~ Section 78A-6-604;

5082 ~~§~~→ ~~(~~xx~~)~~ (~~vv~~) ←~~§~~ Section 78A-6-606;

5083 ~~§~~→ ~~(~~yy~~)~~ (~~ww~~) ←~~§~~ Section 78A-6-701;

5084 ~~§~~→ ~~(~~zz~~)~~ (~~xx~~) ←~~§~~ Section 78A-6-1202;

5085 ~~§~~→ ~~(~~aaa~~)~~ (~~yy~~) ←~~§~~ Section 78A-6-1203;

5086 ~~§~~→ ~~(~~bbb~~)~~ (~~zz~~) ←~~§~~ Section 78A-6-1302; and

5087 ~~§~~→ ~~(~~ccc~~)~~ (~~aaa~~) ←~~§~~ Section 78A-7-106.

5088 (3) The actions affecting the following sections take effect on July 1, 2018:

5089 (a) Section 17-18a-404;

5089a ~~§~~→ **(b) Section 32B-4-409; ←~~§~~**

5090 ~~§~~→ ~~(~~b~~)~~ (~~c~~) ←~~§~~ Section 32B-4-410;

5090a ~~§~~→ **(d) Section 32B-4-411; ←~~§~~**

5091 ~~§~~→ ~~(~~c~~)~~ (~~e~~) ←~~§~~ Section 62A-7-107.5;

5092 ~~§~~→ ~~(~~d~~)~~ (~~f~~) ←~~§~~ Section 62A-7-202;

5093 ~~§~~→ ~~(~~e~~)~~ (~~g~~) ←~~§~~ Section 62A-7-404;

5094 ~~§~~→ ~~(~~f~~)~~ (~~h~~) ←~~§~~ Section 63M-7-404;

5095 ~~§~~→ ~~(~~g~~)~~ (~~i~~) ←~~§~~ Section 76-9-701;

5096 ~~§~~→ ~~(~~h~~)~~ (~~j~~) ←~~§~~ Section 78A-6-103;

5097 ~~§~~→ ~~(~~i~~)~~ (~~k~~) ←~~§~~ Section 78A-6-112;

5098 ~~§~~→ ~~(~~j~~)~~ (~~l~~) ←~~§~~ Section 78A-6-113;

5099 ~~§~~→ ~~(~~k~~)~~ (~~m~~) ←~~§~~ Section 78A-6-117;

5100 ~~§~~→ ~~(~~l~~)~~ (~~n~~) ←~~§~~ Section 78A-6-120;

5101 ~~§~~→ ~~(~~m~~)~~ (~~o~~) ←~~§~~ Section 78A-6-121;

5102 ~~§~~→ ~~(~~n~~)~~ (~~p~~) ←~~§~~ Section 78A-6-123;

5103 ~~§~~→ ~~(~~o~~)~~ (~~q~~) ←~~§~~ Section 78A-6-124; and

5104 ~~§~~→ ~~(~~p~~)~~ (~~r~~) ←~~§~~ Section 78A-6-1101.

5105 Section 76. **Revisor instructions.**

5106 The Legislature intends that the Office of Legislative Research and General Counsel, in
 5107 preparing the Utah Code database for publication, replace the language "this bill" in Section
 5108 62A-1-111.5 with the bill's designated chapter number in the Laws of Utah.