

2nd Sub. H.B. 239 JUVENILE JUSTICE AMENDMENTS

Representative V. Lowry Snow proposes the following amendments:

1. Page 18, Line 546 through Page 19, Line 557:

546 ~~{(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. }~~

2. Page 28, Line 853:

853 53A-11-911. ~~{Tiered responses}~~ Responses to school-based behavior.

3. Page 29, Line 865 through Page 30, Line 900:

865 (2) This section applies to a minor enrolled in school who is alleged to have committed
866 an offense:
867 (a) on school ~~{grounds}~~ property ; 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 ~~{grounds}~~ property , or truancy, the minor may not be referred to law enforcement or court
871 but may
872 be referred to alternative school-related interventions, including:
873 (a) a mobile crisis outreach team, as defined in Section 78A-6-105;
874 (b) a receiving center operated by the Division of Juvenile Justice Services in
875 accordance with Section 62A-7-104; and
876 (c) a youth court or comparable restorative justice program.
877 ~~{(4) Except as provided in Subsection (5), if an offense alleged under Subsection (2) is a~~
878 ~~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. }~~ =

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

4. Page 108, Lines 3316 through 3320:

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, {+} it shall {+} {~~the court may~~} order that notice 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:

5. Page 148, Lines 4575 through 4577:

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

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

6. Page 157, Line 4855 through Page 158, Line 4868:

4855 {+} (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. {+}

4857 {+} (9) {+} ~~{(8)}~~ A youth or the youth's parent, guardian, or legal custodian may
withdraw from

4858 the youth court process at any time. The youth court shall immediately notify the referring
4859 source of the withdrawal.

4860 {+} (10) {+} ~~{(9)}~~ The youth court may transfer a case back to the referring source for
4861 alternative handling at any time.

4862 {+} (11) {+} ~~{(10)}~~ Referral of a case to youth court may not, if otherwise eligible,
prohibit the

4863 subsequent referral of the case to any court.

4864 {+} (12) {+} ~~{(11)}~~ Proceedings and dispositions of a youth court may only be shared
with the

4865 referring agency, juvenile court, and victim.

4866 {+} (13) {+} ~~{(12)}~~ When a person does not complete the terms ordered by a youth 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.