

3rd Sub. H.B. 239
JUVENILE JUSTICE AMENDMENTS

Senator **Todd Weiler** proposes the following amendments:

1. *Page 42, Lines 1273 through 1277:*

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 from fiscal**
year 2017 between appropriation line items to allocate resources between the 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.

2. *Page 145, Lines 4460 through 4473:*

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 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:**
(A) the results of the assessment indicate the youth is high risk; or
(B) the results of the assessment indicate the youth is moderate risk and the referral is for a class A
misdemeanor violation under Title 76, Chapter 9, 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.

3. *Page 164, Line 5030 through Page 165, Line 5104:*

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 ~~{(p)}~~ (n) Section 58-37a-7;
5049 ~~{(q)}~~ (o) Section 58-37b-9;
5050 ~~{(r)}~~ (p) Section 62A-4a-105;
5051 ~~{(s)}~~ (q) Section 62A-4a-201;
5052 ~~{(t)}~~ (r) Section 62A-4a-202;
5053 ~~{(u)}~~ (s) Section 62A-4a-208;
5054 ~~{(v)}~~ (t) Section 62A-4a-250;
5055 ~~{(w)}~~ (u) Section 62A-7-101;
5056 ~~{(x)}~~ (v) Section 62A-7-104;
5057 ~~{(y)}~~ (w) Section 62A-7-109.5;
5058 ~~{(z)}~~ (x) Section 62A-7-201;
5059 ~~{(aa)}~~ (y) Section 62A-7-501;
5060 ~~{(bb)}~~ (z) Section 62A-7-504;
5061 ~~{(cc)}~~ (aa) Section 62A-7-506;
5062 ~~{(dd)}~~ (bb) Section 62A-7-601;
5063 ~~{(ee)}~~ (cc) Section 62A-7-701;
5064 ~~{(ff)}~~ (dd) Section 63M-7-208;
5065 ~~{(gg)}~~ (ee) Section 76-5-413;
5066 ~~{(hh)}~~ (ff) Section 76-10-105;
5067 ~~{(ii)}~~ (gg) Section 78A-6-105;
5068 ~~{(jj)}~~ (hh) Section 78A-6-106.5;
5069 ~~{(kk)}~~ (ii) Section 78A-6-109;
5070 ~~{(ll)}~~ (jj) Section 78A-6-111;
5071 ~~{(mm)}~~ (kk) Section 78A-6-115;
5072 ~~{(nn)}~~ (ll) Section 78A-6-117.5;

5073 ~~{(oo)}~~ (mm) Section 78A-6-118;
5074 ~~{(pp)}~~ (nn) Section 78A-6-119;
5075 ~~{(qq)}~~ (oo) Section 78A-6-302;
5076 ~~{(rr)}~~ (pp) Section 78A-6-306;
5077 ~~{(ss)}~~ (qq) Section 78A-6-312;
5078 ~~{(tt)}~~ (rr) Section 78A-6-401;
5079 ~~{(uu)}~~ (ss) Section 78A-6-602;
5080 ~~{(vv)}~~ (tt) Section 78A-6-603;
5081 ~~{(ww)}~~ (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;
 (b) Section 32B-4-409;
5090 ~~{(b)}~~ (c) Section 32B-4-410;
 (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.