



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 19, 2020

Mr. Speaker,

The Judiciary Committee recommends **H.B. 262**, JUVENILE DELINQUENCY AMENDMENTS, by Representative C. Hall, be replaced and reports a favorable recommendation on **2nd Sub. H.B. 262**, JUVENILE DELINQUENCY AMENDMENTS with the following amendments:

1. *Page 26, Line 797 through Page 27, Line 810:*

797 (10) (a) The court's probation department may not predicate acceptance of an offer
798 of a
799 nonjudicial adjustment on an admission of guilt.
799 ~~[(iv)]~~ (b) ~~[A minor may not be denied]~~ The court's probation department may not
800 deny
800 a minor an offer of nonjudicial adjustment due to ~~[an]~~ a minor's inability to pay a
801 financial
801 penalty under Subsection ~~[(2)(e)]~~ (8).
802 (c) The court's probation department shall base a fee, fine, or the restitution for a
803 nonjudicial adjustment under Subsection (8) upon the ability of the minor's family to pay
804 as
804 determined by a statewide sliding scale developed in accordance with Section 63M-7-208
805 on or
805 after July 1, 2018.
806 ~~[(v) Efforts to effect a]~~ (d) A nonjudicial adjustment may not extend for [a period
807 of]
807 more than 90 days [without leave of a judge of the court, who may extend the period],
808 unless a
808 juvenile court judge extends the nonjudicial adjustment for an additional 90 days.

(e) (i) Notwithstanding Subsection (10)(d), a juvenile court judge may extend a nonjudicial adjustment beyond the 180 days permitted under Subsection (10)(d) for a minor who is offered a nonjudicial adjustment under Subsection (7)(b) for a sexual

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offense under Title 76, Chapter 5, Part 4, Sexual Offenses, or is referred under Subsection (11)(b)(ii) for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, that the minor committed before the minor was 12 years old , if the judge determines that:

(A) the nonjudicial adjustment requires specific treatment for the sexual offense;

(B) the treatment cannot be completed within 180 days after the day on which the minor entered into the nonjudicial adjustment; and

(C) the treatment is necessary based on a clinical assessment that is developmentally appropriate for the minor.

(ii) If a juvenile court judge extends a minor's nonjudicial adjustment under Subsection (10)(e)(i), the judge may extend the nonjudicial adjustment until the minor completes the treatment under this Subsection (10)(e), but the judge may only grant each extension for 90 days at a time.

809 ~~{(e)}~~ (f) If a minor violates Section 76-10-105, the minor may be
 required to pay a fine or
810 penalty and participate in a court-approved tobacco education program with a
 participation fee.

Respectfully,

Karianne Lisonbee
Chair

Voting: 8-0-4

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