

Representative V. Lowry Snow proposes the following substitute bill:

JUVENILE JUSTICE CHANGES

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill amends provisions related to juvenile justice.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to teen substance abuse programs;
- ▶ amends and clarifies the jurisdiction of the district court, juvenile court, and justice court over certain offenses;
- ▶ amends definitions related to juvenile justice;
- ▶ amends the responsibilities of the Division of Juvenile Justice Services to address an initial medical screening or assessment of a child in detention;
- ▶ requires a minor to be advised of the minor's rights in detention;
- ▶ clarifies bail in relation to minors;
- ▶ requires a minor to be advised of the minor's rights in a delinquency proceeding;
- ▶ address the placement of a child or the appointment of a guardian for a child if a delinquency petition is filed;
- ▶ amends provisions related to restitution ordered by the juvenile court for minors;
- ▶ clarifies the suspension of a disposition for a minor committed to the Division of Juvenile Justice Services;



- 26 ▶ amends provisions relating to the juvenile court's continuing jurisdiction over an
- 27 adjudicated minor;
- 28 ▶ clarifies the extension of supervision over a minor who has not completed
- 29 compensatory or community service hours;
- 30 ▶ addresses the continuing jurisdiction of the juvenile court over a minor's case when
- 31 a minor has not paid restitution in full;
- 32 ▶ requires an individual in a secure care facility to be advised of certain rights; and
- 33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill provides a coordination clause.

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 [62A-15-202](#), as last amended by Laws of Utah 2008, Chapter 3
- 41 [62A-15-204](#), as last amended by Laws of Utah 2021, Chapter 262
- 42 [78A-5-101](#), as renumbered and amended by Laws of Utah 2008, Chapter 3
- 43 [78A-5-102](#), as last amended by Laws of Utah 2021, Chapter 262
- 44 [78A-6-103](#), as last amended by Laws of Utah 2021, Chapter 261
- 45 [78A-6-103.5](#), as enacted by Laws of Utah 2021, Chapter 261
- 46 [78A-6-120](#), as last amended by Laws of Utah 2021, Chapter 261
- 47 [78A-7-106](#), as last amended by Laws of Utah 2021, Chapter 262
- 48 [80-1-102](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 49 [80-5-201](#), as renumbered and amended by Laws of Utah 2021, Chapter 261
- 50 [80-5-302](#), as renumbered and amended by Laws of Utah 2021, Chapter 261
- 51 [80-6-102](#), as enacted by Laws of Utah 2021, Chapter 261
- 52 [80-6-205](#), as enacted by Laws of Utah 2021, Chapter 261
- 53 [80-6-206](#), as enacted by Laws of Utah 2021, Chapter 261 and last amended by
- 54 Coordination Clause, Laws of Utah 2021, Chapter 261
- 55 [80-6-207](#), as renumbered and amended by Laws of Utah 2021, Chapter 261
- 56 [80-6-302](#), as renumbered and amended by Laws of Utah 2021, Chapter 261

- 57 [80-6-303](#), as renumbered and amended by Laws of Utah 2021, Chapter 261
- 58 [80-6-501](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 59 [80-6-502](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 60 [80-6-504](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 61 [80-6-505](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2
- 62 [80-6-603](#), as enacted by Laws of Utah 2021, Chapter 261
- 63 [80-6-606](#), as enacted by Laws of Utah 2021, Chapter 261
- 64 [80-6-709](#), as enacted by Laws of Utah 2021, Chapter 261
- 65 [80-6-710](#), as enacted by Laws of Utah 2021, Chapter 261
- 66 [80-6-711](#), as enacted by Laws of Utah 2021, Chapter 261
- 67 [80-6-712](#), as enacted by Laws of Utah 2021, Chapter 261
- 68 [80-6-802](#), as renumbered and amended by Laws of Utah 2021, Chapter 261
- 69 [80-6-804](#), as last amended by Laws of Utah 2021, First Special Session, Chapter 2

70 ENACTS:

71 [78A-5-102.5](#), Utah Code Annotated 1953

72 **Utah Code Sections Affected by Coordination Clause:**

73 [80-6-206](#), as enacted by Laws of Utah 2021, Chapter 261 and last amended by
74 Coordination Clause, Laws of Utah 2021, Chapter 261

75 [80-6-709](#), as enacted by Laws of Utah 2021, Chapter 261

76 [80-6-712](#), as enacted by Laws of Utah 2021, Chapter 261



78 *Be it enacted by the Legislature of the state of Utah:*

79 Section 1. Section **62A-15-202** is amended to read:

80 **62A-15-202. Definitions.**

81 As used in this part:

82 (1) "Juvenile substance abuse offender" means any [~~juvenile found to come within the~~
83 ~~provisions of Section [78A-6-103](#) for a drug or alcohol related offense, as designated by the~~
84 ~~Board of Juvenile Court Judges]~~ minor who has committed a drug or alcohol related offense
85 under the jurisdiction of the juvenile court in accordance with Section [78A-6-103](#).

86 (2) "Local substance abuse authority" means a county legislative body designated to
87 provide substance abuse services in accordance with Section [17-43-201](#).

88 (3) "Minor" means the same as that term is defined in Section [80-1-102](#).

89 ~~[(3)]~~ (4) "Teen substance abuse school" means any school established by the local
90 substance abuse authority, in cooperation with the Board of Juvenile Court Judges, that
91 provides an educational, interpersonal, skill-building experience for juvenile substance abuse
92 offenders and their parents or legal guardians.

93 Section 2. Section **62A-15-204** is amended to read:

94 **62A-15-204. Court order to attend substance abuse school -- Assessments.**

95 (1) In addition to any other disposition ordered by the juvenile court under Section
96 ~~[80-3-405 or]~~ [80-6-701](#), the court may order ~~[a juvenile and his parents or legal guardians]:~~

97 (a) a minor and the minor's parent or legal guardian to attend a teen substance abuse
98 school~~[, and order];~~ and

99 (b) payment of an assessment in addition to any other fine imposed.

100 (2) All assessments collected shall be forwarded to the county treasurer of the county
101 where the ~~[juvenile]~~ minor resides, to be used exclusively for the operation of a teen substance
102 abuse program.

103 Section 3. Section **78A-5-101** is amended to read:

104 **78A-5-101. State District Court Administrative System -- Definitions.**

105 (1) As used in this chapter:

106 (a) "Court system" means the State District Court Administrative System.

107 (b) "Single criminal episode" means the same as that term is defined in Section
108 [76-1-401](#).

109 ~~[(1)]~~ (2) (a) The district court is a trial court of general jurisdiction.

110 (b) A district court shall be located in the county seat of each county.

111 ~~[(2)]~~ (3) (a) There is established a State District Court Administrative System.

112 (b) The Judicial Council shall administer the operation of the court system.

113 ~~[(3) In this chapter, "court system" means the State District Court Administrative~~
114 ~~System.]~~

115 ~~[(4) A district court shall be located in the county seat of each county.]~~

116 Section 4. Section **78A-5-102** is amended to read:

117 **78A-5-102. Jurisdiction of the district court -- Appeals.**

118 ~~[(1) As used in this section:]~~

119 ~~[(a) "Qualifying offense" means an offense described in Subsection 80-6-502(1)(b).]~~

120 ~~[(b) "Separate offense" means any offense that is not a qualifying offense.]~~

121 ~~[(c) "Single criminal episode" means the same as that term is defined in Section~~
 122 ~~76-1-401.]~~

123 ~~[(2)]~~ (1) Except as otherwise provided by the Utah Constitution or by statute, the
 124 district court has original jurisdiction in all matters civil and criminal.

125 ~~[(3)]~~ (2) A district court judge may issue all extraordinary writs and other writs
 126 necessary to carry into effect the district court judge's orders, judgments, and decrees.

127 ~~[(4)]~~ (3) The district court has jurisdiction over matters of lawyer discipline consistent
 128 with the rules of the Supreme Court.

129 ~~[(5)]~~ (4) The district court has jurisdiction over all matters properly filed in the circuit
 130 court prior to July 1, 1996.

131 ~~[(6)]~~ (5) The district court has appellate jurisdiction over judgments and orders of the
 132 justice court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
 133 with Section 78A-8-106.

134 ~~[(7)]~~ (6) Jurisdiction over appeals from the final orders, judgments, and decrees of the
 135 district court is described in Sections 78A-3-102 and 78A-4-103.

136 ~~[(8)]~~ (7) The district court has jurisdiction to review:

137 (a) agency adjudicative proceedings as set forth in Title 63G, Chapter 4,
 138 Administrative Procedures Act, and shall comply with the requirements of that chapter in ~~[its]~~
 139 the district court's review of agency adjudicative proceedings; and

140 (b) municipal administrative proceedings in accordance with Section 10-3-703.7.

141 ~~[(9)]~~ (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction
 142 over~~[(a)]~~ a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
 143 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:

144 ~~[(i)]~~ (a) there is no justice court with territorial jurisdiction;

145 ~~[(ii)]~~ (b) the offense occurred within the boundaries of the municipality in which the
 146 district courthouse is located and that municipality has not formed, or has not formed and then
 147 dissolved, a justice court; or

148 ~~[(iii)]~~ (c) the offense is included in an indictment or information covering a single
 149 criminal episode alleging the commission of a felony or a class A misdemeanor by an

150 individual who is 18 years old or older[; or].

151 ~~[(b) a qualifying offense committed by an individual who is 16 or 17 years old.]~~

152 ~~[(10) (a) Notwithstanding Subsection 78A-7-106(2), the district court has exclusive~~
153 ~~jurisdiction over any separate offense:]~~

154 ~~[(i) committed by an individual who is 16 or 17 years old; and]~~

155 ~~[(ii) arising from a single criminal episode containing a qualifying offense for which~~
156 ~~the district court has original jurisdiction under Subsection (9)(b).]~~

157 ~~[(b) If an individual who is charged with a qualifying offense enters a plea to, or is~~
158 ~~found guilty of, a separate offense other than the qualifying offense, the district court shall have~~
159 ~~jurisdiction over the separate offense.]~~

160 ~~[(c) If an individual who is 16 or 17 years old is charged with a qualifying offense and~~
161 ~~the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal, the~~
162 ~~exclusive jurisdiction of the district court over any separate offense is terminated.]~~

163 ~~[(11)]~~ (9) If a district court has jurisdiction in accordance with Subsection ~~[(6);~~
164 ~~(9)(a)(i), or (9)(a)(ii)]~~ (5), (8)(a), or (8)(b), the district court has jurisdiction over an offense
165 listed in Subsection 78A-7-106(2) even if the offense is committed by an individual who is 16
166 or 17 years old.

167 ~~[(12) The district court has subject matter jurisdiction over an offense for which the~~
168 ~~juvenile court has original jurisdiction if the juvenile court transfers jurisdiction over the~~
169 ~~offense to the district court in accordance with Section 80-6-504.]~~

170 ~~[(13)]~~ (10) The district court has subject matter jurisdiction over an action under Title
171 78B, Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the
172 district court.

173 Section 5. Section 78A-5-102.5 is enacted to read:

174 **78A-5-102.5. Jurisdiction of the district court over an offense committed by a**
175 **minor -- Exclusive jurisdiction of the district court -- Transfer to juvenile court.**

176 (1) As used in this section:

177 (a) "Minor" means:

178 (i) an individual who is under 18 years old;

179 (ii) an individual who was under 18 years old at the time of the offense and is under 21
180 years old at the time of all court proceedings; or

- 181 (iii) an individual:
- 182 (A) who was 18 years old and enrolled in high school at the time of the offense;
- 183 (B) who is under 21 years old at the time of all court proceedings; and
- 184 (C) who committed the felony offense and any separate offense on school property
- 185 where the individual was enrolled when school was in session or during a school-sponsored
- 186 activity, as defined in Subsection [53G-8-211\(1\)\(k\)](#).
- 187 (b) "Qualifying offense" means:
- 188 (i) an offense described in Section [80-6-502](#) or [80-6-503](#); or
- 189 (ii) a felony offense if the felony offense is committed:
- 190 (A) by an individual who was 18 years old at the time of the offense and enrolled in
- 191 high school; and
- 192 (B) on school property where the individual was enrolled when school was in session
- 193 or during a school-sponsored activity, as defined in Subsection [53G-8-211\(1\)\(k\)](#).
- 194 (c) "Separate offense" means any offense that is not a qualifying offense.
- 195 (2) The district court has original jurisdiction over an offense of aggravated murder, as
- 196 described in Section [76-5-202](#), or murder, as described in Section [76-5-203](#), that is committed
- 197 by an individual who is 16 or 17 years old at the time of the offense.
- 198 (3) The district court has subject matter jurisdiction over any offense for which the
- 199 juvenile court has original jurisdiction if the juvenile court transfers jurisdiction over the
- 200 offense to the district court in accordance with Section [80-6-504](#).
- 201 (4) Notwithstanding Sections [78A-6-103](#), [78A-6-103.5](#), and [78A-7-106](#), the district
- 202 court has exclusive jurisdiction over any separate offense:
- 203 (a) committed by a minor; and
- 204 (b) arising from a single criminal episode containing a qualifying offense for which the
- 205 district court has original jurisdiction.
- 206 (5) The district court is not divested of jurisdiction over a qualifying offense or a
- 207 separate offense listed in the criminal information when the minor is allowed to enter a plea to,
- 208 or is found guilty of, a separate offense other than the qualifying offense in the same criminal
- 209 information.
- 210 (6) If a minor is charged with a qualifying offense and the qualifying offense results in
- 211 an acquittal, a finding of not guilty, or a dismissal after a trial:

212 (a) the jurisdiction of the district court over any separate offense is terminated; and

213 (b) the district court shall transfer the separate offense to the juvenile court for
214 disposition in accordance with Title 80, Chapter 6, Part 7, Adjudication and Disposition.

215 (7) If a minor is charged with a qualifying offense and the qualifying offense results in
216 a dismissal before a trial:

217 (a) the jurisdiction of the district court over any separate offense is terminated; and

218 (b) the district court shall transfer the separate offense to the juvenile court for
219 adjudication and disposition in accordance with Title 80, Chapter 6, Part 7, Adjudication and
220 Disposition.

221 Section 6. Section 78A-6-103 is amended to read:

222 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**
223 **Findings -- Transfer of a case from another court.**

224 (1) Except as otherwise provided by [~~Subsections 78A-5-102(9), 78A-5-102(10), and~~
225 ~~78A-7-106(2)] Sections 78A-5-102.5 and 78A-7-106, the juvenile court has original~~

226 jurisdiction over:
227 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
228 state, or federal law, that was committed by a child; [~~and~~]

229 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
230 state, or federal law, that was committed by an individual:

231 (i) who is under 21 years old at the time of all court proceedings; and

232 (ii) who was under 18 years old at the time the offense was committed[-]; and

233 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state
234 law, that was committed:

235 (i) by an individual:

236 (A) who was 18 years old and enrolled in high school at the time of the offense; and

237 (B) who is under 21 years old at the time of all court proceedings; and

238 (ii) on school property where the individual was enrolled:

239 (A) when school was in session; or

240 (B) during a school-sponsored activity, as defined in Subsection 53G-8-211(1)(k).

241 (2) The juvenile court has original jurisdiction over any proceeding concerning:

242 (a) a child who is an abused child, neglected child, or dependent child;

- 243 (b) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
244 Protective Orders;
- 245 (c) the appointment of a guardian of the individual or other guardian of a minor who
246 comes within the court's jurisdiction under other provisions of this section;
- 247 (d) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;
- 248 (e) the termination of parental rights in accordance with Title 80, Chapter 4,
249 Termination and Restoration of Parental Rights, including termination of residual parental
250 rights and duties;
- 251 (f) the treatment or commitment of a minor who has an intellectual disability;
- 252 (g) the judicial consent to the marriage of a minor who is 16 or 17 years old in
253 accordance with Section 30-1-9;
- 254 (h) an order for a parent or a guardian of a child under Subsection 80-6-705(3);
- 255 (i) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;
- 256 (j) the treatment or commitment of a child with a mental illness;
- 257 (k) the commitment of a child to a secure drug or alcohol facility in accordance with
258 Section 62A-15-301;
- 259 (l) a minor found not competent to proceed in accordance with Title 80, Chapter 6, Part
260 4, Competency;
- 261 (m) de novo review of final agency actions resulting from an informal adjudicative
262 proceeding as provided in Section 63G-4-402;
- 263 (n) adoptions conducted in accordance with the procedures described in Title 78B,
264 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order
265 terminating the rights of a parent and finds that adoption is in the best interest of the child;
- 266 (o) an ungovernable or runaway child who is referred to the juvenile court by the
267 Division of Juvenile Justice Services if, despite earnest and persistent efforts by the Division of
268 Juvenile Justice Services, the child has demonstrated that the child:
 - 269 (i) is beyond the control of the child's parent, guardian, or custodian to the extent that
270 the child's behavior or condition endangers the child's own welfare or the welfare of others; or
 - 271 (ii) has run away from home; and
- 272 (p) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult
273 alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply

274 with a promise to appear and bring a child to the juvenile court.

275 (3) It is not necessary for a minor to be adjudicated for an offense or violation of the
276 law under Section 80-6-701, for the juvenile court to exercise jurisdiction under Subsection
277 (2)(p).

278 (4) This section does not restrict the right of access to the juvenile court by private
279 agencies or other persons.

280 (5) The juvenile court has jurisdiction of all magistrate functions relative to cases
281 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

282 (6) The juvenile court has jurisdiction to make a finding of substantiated,
283 unsubstantiated, or without merit, in accordance with Section 80-3-404.

284 (7) The juvenile court has jurisdiction over matters transferred to the juvenile court by
285 another trial court in accordance with Subsection 78A-7-106(4) and Section 80-6-303.

286 Section 7. Section 78A-6-103.5 is amended to read:

287 **78A-6-103.5. Exclusive jurisdiction of the juvenile court -- Transfer from district**
288 **court.**

289 (1) Except as provided in Subsection (3), the juvenile court has exclusive jurisdiction
290 over a felony, misdemeanor, infraction, or violation of an ordinance:

291 (a) committed by a child and that arises from a single criminal episode containing an
292 offense for which:

293 (i) a citation, petition, indictment, or criminal information is filed; and

294 (ii) the court has original jurisdiction; and

295 (b) committed by an individual who is under 21 years old at the time of all court
296 proceedings, but committed before the individual was 18 years old, and that arises from a
297 single criminal episode containing an offense for which:

298 (i) a citation, petition, indictment, or criminal information is filed; and

299 (ii) the court has original jurisdiction.

300 (2) For purposes of this section, the juvenile court has jurisdiction over the following
301 offenses committed by an individual who is under 21 years old at the time of all court
302 proceedings, but was under 18 years old at the time the offense was committed:

303 (a) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
304 Reckless Driving; and

305 (b) an offense for operation in willful or wanton disregard for safety, as described in
306 Section 73-18-12.

307 (3) If a juvenile court transfers jurisdiction of an offense to the district court under
308 Section 80-6-504, the exclusive jurisdiction of the juvenile court over that offense is
309 terminated.

310 [~~(4) (a) As used in this Subsection (4):~~]

311 [~~(i) "Qualifying offense" means an offense described in Sections 80-6-502 and~~
312 80-6-503.]

313 [~~(ii) "Separate offense" means any offense that is not a qualifying offense.~~]

314 [~~(b) The juvenile court:~~]

315 [~~(i) regains exclusive jurisdiction over any separate offense described in Subsection (1)~~
316 ~~if:~~]

317 [~~(A) the individual who is alleged to have committed the separate offense is bound~~
318 ~~over to the district court for a qualifying offense under Section 80-6-504, and]~~

319 [~~(B) the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal;~~
320 ~~and]~~

321 [~~(ii) gains exclusive jurisdiction over any separate offense described in Subsection (1)~~
322 ~~if:~~]

323 [~~(A) the individual who is alleged to have committed the separate offense is charged~~
324 ~~for a qualifying offense under Section 80-6-502 in the district court, and]~~

325 [~~(B) the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal~~
326 ~~in the district court.~~]

327 (4) Upon entry of an order transferring an offense to the juvenile court in accordance
328 with Subsection 78A-5-102.5(6) or (7), the juvenile court gains or regains jurisdiction over any
329 offense for which the juvenile court has original or exclusive jurisdiction.

330 (5) After a district court transfers an offense to the juvenile court under Subsection
331 78A-5-102.5(6) or (7), the juvenile court shall:

332 (a) proceed upon the criminal information as if the criminal information were a petition
333 under Section 80-6-305; and

334 (b) if the minor was convicted of the transferred offense, enter the conviction as an
335 adjudication and proceed with disposition in accordance with Title 80, Chapter 6, Part 7,

336 Adjudication and Disposition.

337 (6) For purposes of this section and Section [78A-5-102.5](#), an offense transferred to the
338 juvenile court from the district court under Subsection [78A-5-102.5](#)(6) or (7) is an adjudication
339 and not a conviction.

340 Section 8. Section **78A-6-120** is amended to read:

341 **78A-6-120. Continuing jurisdiction of juvenile court -- Period of and termination**
342 **of jurisdiction.**

343 (1) Except as provided in Subsection (2), if the juvenile court obtains jurisdiction [of]
344 over a minor's case, the juvenile court's jurisdiction over the minor's case continues until:

345 (a) the minor is 21 years old; or

346 (b) if the juvenile court extends jurisdiction over the minor's case under Section
347 [80-6-605](#), the minor is 25 years old.

348 (2) (a) [~~The~~] Except as provided in Subsection (2)(c), the juvenile court's continuing
349 jurisdiction under Subsection (1) terminates:

350 (i) upon order of the court;

351 (ii) upon an order for secure care under Section [80-6-705](#); or

352 (iii) in accordance with Section [80-6-712](#).

353 (b) The continuing jurisdiction of the juvenile court over a minor's case is not
354 terminated:

355 (i) by marriage; or

356 (ii) when a minor commits an offense under municipal, state, or federal law that is
357 under the jurisdiction of another court.

358 (c) [~~Notwithstanding Subsection (2)(a)(ii);~~] If a minor is ordered to secure care under
359 Section [80-6-705](#), the juvenile court retains jurisdiction to make and enforce orders related to
360 restitution until the Youth Parole Authority discharges the minor under Section [80-6-807](#).

361 Section 9. Section **78A-7-106** is amended to read:

362 **78A-7-106. Jurisdiction.**

363 (1) (a) [~~Except as otherwise provided by Subsection [78A-5-102](#)(8)] Except for an
364 offense for which the district court has original jurisdiction under Subsection [78A-5-102](#)(8) or
365 an offense for which the juvenile court has original jurisdiction under Subsection
366 [78A-6-103](#)(1)(c), a justice court has original jurisdiction over class B and C misdemeanors,~~

367 violation of ordinances, and infractions committed within the justice court's territorial
368 jurisdiction by an individual who is 18 years old or older.

369 (b) A justice court has original jurisdiction over the following offenses committed
370 within the justice court's territorial jurisdiction by an individual who is 18 years old or older:

371 (i) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
372 Licensing Act; and

373 (ii) class B and C misdemeanor and infraction violations of:

374 (A) Title 23, Wildlife Resources Code of Utah;

375 (B) Title 41, Chapter 1a, Motor Vehicle Act;

376 (C) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
377 Under the Influence and Reckless Driving;

378 (D) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
379 Operators Act;

380 (E) Title 41, Chapter 22, Off-Highway Vehicles;

381 (F) Title 73, Chapter 18, State Boating Act, except Section [73-18-12](#);

382 (G) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

383 (H) Title 73, Chapter 18b, Water Safety; and

384 (I) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators
385 Act.

386 (2) Except for an offense for which [~~the juvenile court or~~] the district court has
387 exclusive jurisdiction under [~~Subsection [78A-5-102\(10\)](#)~~ or] Section [78A-5-102.5](#) or an offense
388 for which the juvenile court has exclusive jurisdiction under Section [78A-6-103.5](#), a justice
389 court has original jurisdiction over the following offenses committed within the justice court's
390 territorial jurisdiction by an individual who is 16 or 17 years old:

391 (a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
392 Licensing Act; and

393 (b) class B and C misdemeanor and infraction violations of:

394 (i) Title 23, Wildlife Resources Code of Utah;

395 (ii) Title 41, Chapter 1a, Motor Vehicle Act;

396 (iii) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
397 Under the Influence and Reckless Driving;

398 (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
399 Operators Act;

400 (v) Title 41, Chapter 22, Off-Highway Vehicles;

401 (vi) Title 73, Chapter 18, State Boating Act, except for an offense under Section
402 73-18-12;

403 (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

404 (viii) Title 73, Chapter 18b, Water Safety; and

405 (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and
406 Operators Act.

407 (3) (a) As used in this Subsection (3), "body of water" includes any stream, river, lake,
408 or reservoir, whether natural or man-made.

409 ~~[(3)]~~ (b) An offense is committed within the territorial jurisdiction of a justice court if:

410 ~~[(a)]~~ (i) conduct constituting an element of the offense or a result constituting an
411 element of the offense occurs within the court's jurisdiction, regardless of whether the conduct
412 or result is itself unlawful;

413 ~~[(b)]~~ (ii) either an individual committing an offense or a victim of an offense is located
414 within the court's jurisdiction at the time the offense is committed;

415 ~~[(c)]~~ (iii) either a cause of injury occurs within the court's jurisdiction or the injury
416 occurs within the court's jurisdiction;

417 ~~[(d)]~~ (iv) an individual commits any act constituting an element of an inchoate offense
418 within the court's jurisdiction, including an agreement in a conspiracy;

419 ~~[(e)]~~ (v) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another
420 individual in the planning or commission of an offense within the court's jurisdiction;

421 ~~[(f)]~~ (vi) the investigation of the offense does not readily indicate in which court's
422 jurisdiction the offense occurred, and:

423 ~~[(i)]~~ (A) the offense is committed upon or in any railroad car, vehicle, watercraft, or
424 aircraft passing within the court's jurisdiction;

425 ~~[(ii)-(A)]~~ (B) the offense is committed on or in any body of water bordering on or
426 within this state if the territorial limits of the justice court are adjacent to the body of water;

427 ~~[and]~~

428 ~~[(B) as used in Subsection (3)(f)(ii)(A), "body of water" includes any stream, river,~~

429 lake, or reservoir, whether natural or man-made;]

430 [(iii)] (C) an individual who commits theft exercises control over the affected property
431 within the court's jurisdiction; or

432 [(iv)] (D) the offense is committed on or near the boundary of the court's jurisdiction;

433 [(g)] (vii) the offense consists of an unlawful communication that was initiated or
434 received within the court's jurisdiction; or

435 [(h)] (viii) jurisdiction is otherwise specifically provided by law.

436 (4) If in a criminal case the defendant is 16 or 17 years old, a justice court judge may
437 transfer the case to the juvenile court for further proceedings if the justice court judge
438 determines and the juvenile court concurs that the best interests of the defendant would be
439 served by the continuing jurisdiction of the juvenile court.

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

443 Section 10. Section **80-1-102** is amended to read:

444 **80-1-102. Juvenile code definitions.**

445 As used in this title:

446 (1) (a) "Abuse" means:

447 (i) (A) nonaccidental harm of a child;

448 (B) threatened harm of a child;

449 (C) sexual exploitation;

450 (D) sexual abuse; or

451 (E) human trafficking of a child in violation of Section [76-5-308.5](#); or

452 (ii) that a child's natural parent:

453 (A) intentionally, knowingly, or recklessly causes the death of another parent of the
454 child;

455 (B) is identified by a law enforcement agency as the primary suspect in an investigation
456 for intentionally, knowingly, or recklessly causing the death of another parent of the child; or

457 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or
458 recklessly causing the death of another parent of the child.

459 (b) "Abuse" does not include:

- 460 (i) reasonable discipline or management of a child, including withholding privileges;
- 461 (ii) conduct described in Section [76-2-401](#); or
- 462 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 463 (A) in self-defense;
- 464 (B) in defense of others;
- 465 (C) to protect the child; or
- 466 (D) to remove a weapon in the possession of a child for any of the reasons described in
- 467 Subsections (1)(b)(iii)(A) through (C).
- 468 (2) "Abused child" means a child who has been subjected to abuse.
- 469 (3) (a) "Adjudication" means a finding by the court, incorporated in a decree, that the
- 470 facts alleged in the petition have been proved.
- 471 (b) "Adjudication" does not mean a finding of not competent to proceed in accordance
- 472 with Section [80-6-402](#).
- 473 (4) (a) "Adult" means an individual who is 18 years old or older.
- 474 (b) "Adult" does not include an individual:
- 475 (i) who is 18 years old or older; and
- 476 (ii) who is a minor.
- 477 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 478 [78A-2-801](#).
- 479 (6) "Board" means the Board of Juvenile Court Judges.
- 480 (7) "Child" means an individual who is under 18 years old.
- 481 (8) "Child and family plan" means a written agreement between a child's parents or
- 482 guardian and the Division of Child and Family Services as described in Section [62A-4a-205](#).
- 483 (9) "Child placement agency" means:
- 484 (a) a private agency licensed to receive a child for placement or adoption under this
- 485 code; or
- 486 (b) a private agency that receives a child for placement or adoption in another state,
- 487 which is licensed or approved where such license or approval is required by law.
- 488 (10) "Clandestine laboratory operation" means the same as that term is defined in
- 489 Section [58-37d-3](#).
- 490 (11) "Commit" or "committed" means, unless specified otherwise:

- 491 (a) with respect to a child, to transfer legal custody; and
- 492 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 493 (12) "Community-based program" means a nonsecure residential or nonresidential
- 494 program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
- 495 restrictive setting, consistent with public safety, and operated by or under contract with the
- 496 Division of Juvenile Justice Services.
- 497 (13) "Community placement" means placement of a minor in a community-based
- 498 program described in Section 80-5-402.
- 499 (14) "Correctional facility" means:
- 500 (a) a county jail; or
- 501 (b) a secure correctional facility as defined in Section 64-13-1.
- 502 (15) "Criminogenic risk factors" means evidence-based factors that are associated with
- 503 a minor's likelihood of reoffending.
- 504 (16) "Department" means the Department of Human Services created in Section
- 505 62A-1-102.
- 506 (17) "Dependent child" or "dependency" means a child who is without proper care
- 507 through no fault of the child's parent, guardian, or custodian.
- 508 (18) "Deprivation of custody" means transfer of legal custody by the juvenile court
- 509 from a parent or a previous custodian to another person, agency, or institution.
- 510 (19) "Detention" means home detention or secure detention.
- 511 (20) "Detention risk assessment tool" means an evidence-based tool established under
- 512 Section 80-5-203 that:
- 513 (a) assesses a minor's risk of failing to appear in court or reoffending before
- 514 adjudication; and
- 515 (b) is designed to assist in making a determination of whether a minor shall be held in
- 516 detention.
- 517 (21) "Developmental immaturity" means incomplete development in one or more
- 518 domains that manifests as a functional limitation in the minor's present ability to:
- 519 (a) consult with counsel with a reasonable degree of rational understanding; and
- 520 (b) have a rational as well as factual understanding of the proceedings.
- 521 (22) "Disposition" means an order by a juvenile court, after the adjudication of a

522 minor, under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.

523 (23) "Educational neglect" means that, after receiving a notice of compulsory education
524 violation under Section 53G-6-202, the parent or guardian fails to make a good faith effort to
525 ensure that the child receives an appropriate education.

526 (24) "Educational series" means an evidence-based instructional series:

527 (a) obtained at a substance abuse program that is approved by the Division of
528 Substance Abuse and Mental Health in accordance with Section 62A-15-105; and

529 (b) designed to prevent substance use or the onset of a mental health disorder.

530 (25) "Emancipated" means the same as that term is defined in Section 80-7-102.

531 (26) "Evidence-based" means a program or practice that has had multiple randomized
532 control studies or a meta-analysis demonstrating that the program or practice is effective for a
533 specific population or has been rated as effective by a standardized program evaluation tool.

534 (27) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.

535 (28) "Formal probation" means a minor is:

536 (a) supervised in the community by, and reports to, a juvenile probation officer or an
537 agency designated by the juvenile court; and

538 (b) subject to return to the juvenile court in accordance with Section 80-6-607.

539 (29) "Group rehabilitation therapy" means psychological and social counseling of one
540 or more individuals in the group, depending upon the recommendation of the therapist.

541 (30) "Guardian" means a person appointed by a court to make decisions regarding a
542 minor, including the authority to consent to:

543 (a) marriage;

544 (b) enlistment in the armed forces;

545 (c) major medical, surgical, or psychiatric treatment; or

546 (d) legal custody, if legal custody is not vested in another individual, agency, or
547 institution.

548 (31) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.

549 (32) "Harm" means:

550 (a) physical or developmental injury or damage;

551 (b) emotional damage that results in a serious impairment in the child's growth,
552 development, behavior, or psychological functioning;

- 553 (c) sexual abuse; or
554 (d) sexual exploitation.
- 555 (33) "Home detention" means placement of a minor:
556 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the
557 consent of the minor's parent, guardian, or custodian, under terms and conditions established by
558 the Division of Juvenile Justice Services or the juvenile court; or
559 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
560 minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or
561 custodian, under terms and conditions established by the Division of Juvenile Justice Services
562 or the juvenile court.
- 563 (34) (a) "Incest" means engaging in sexual intercourse with an individual whom the
564 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt,
565 nephew, niece, or first cousin.
566 (b) "Incest" includes:
567 (i) blood relationships of the whole or half blood, without regard to legitimacy;
568 (ii) relationships of parent and child by adoption; and
569 (iii) relationships of stepparent and stepchild while the marriage creating the
570 relationship of a stepparent and stepchild exists.
- 571 (35) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
572 (36) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 573 (37) "Indigent defense service provider" means the same as that term is defined in
574 Section 78B-22-102.
- 575 (38) "Indigent defense services" means the same as that term is defined in Section
576 78B-22-102.
- 577 (39) "Indigent individual" means the same as that term is defined in Section
578 78B-22-102.
- 579 (40) (a) "Intake probation" means a minor is:
580 (i) monitored by a juvenile probation officer; and
581 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
582 (b) "Intake probation" does not include formal probation.
- 583 (41) "Intellectual disability" means a significant subaverage general intellectual

584 functioning existing concurrently with deficits in adaptive behavior that constitutes a
585 substantial limitation to the individual's ability to function in society.

586 (42) "Juvenile offender" means:

587 (a) a serious youth offender; or

588 (b) a youth offender.

589 (43) "Juvenile probation officer" means a probation officer appointed under Section
590 [78A-6-205](#).

591 (44) "Juvenile receiving center" means a nonsecure, nonresidential program established
592 by the Division of Juvenile Justice Services, or under contract with the Division of Juvenile
593 Justice Services, that is responsible for minors taken into temporary custody under Section
594 [80-6-201](#).

595 (45) "Legal custody" means a relationship embodying:

596 (a) the right to physical custody of the minor;

597 (b) the right and duty to protect, train, and discipline the minor;

598 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
599 medical care;

600 (d) the right to determine where and with whom the minor shall live; and

601 (e) the right, in an emergency, to authorize surgery or other extraordinary care.

602 (46) "Mental illness" means:

603 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
604 behavioral, or related functioning; or

605 (b) the same as that term is defined in:

606 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
607 published by the American Psychiatric Association; or

608 (ii) the current edition of the International Statistical Classification of Diseases and
609 Related Health Problems.

610 (47) "Minor" means, except as provided in Sections [80-6-501](#), [80-6-901](#), and [80-7-102](#):

611 (a) a child; or

612 (b) an individual:

613 (i) (A) who is at least 18 years old and younger than 21 years old; and

614 (B) for whom the Division of Child and Family Services has been specifically ordered

615 by the juvenile court to provide services because the individual was an abused, neglected, or
616 dependent child or because the individual was adjudicated for an offense; [or]

617 (ii) (A) who is at least 18 years old and younger than 25 years old; and

618 (B) whose case is under the [~~continuing jurisdiction of the juvenile court under Chapter~~
619 ~~6, Juvenile Justice.~~] jurisdiction of the juvenile court in accordance with Subsection
620 78A-6-103(1)(b); or

621 (iii) (A) who is at least 18 years old and younger than 21 years old; and

622 (B) whose case is under the jurisdiction of the juvenile court in accordance with
623 Subsection 78A-6-103(1)(c).

624 (48) "Mobile crisis outreach team" means the same as that term is defined in Section
625 62A-15-102.

626 (49) "Molestation" means that an individual, with the intent to arouse or gratify the
627 sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,
628 or the breast of a female child, or takes indecent liberties with a child as defined in Section
629 76-5-416.

630 (50) (a) "Natural parent" means a minor's biological or adoptive parent.

631 (b) "Natural parent" includes the minor's noncustodial parent.

632 (51) (a) "Neglect" means action or inaction causing:

633 (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe
634 Relinquishment of a Newborn Child;

635 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,
636 guardian, or custodian;

637 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary
638 subsistence or medical care, or any other care necessary for the child's health, safety, morals, or
639 well-being;

640 (iv) a child to be at risk of being neglected or abused because another child in the same
641 home is neglected or abused;

642 (v) abandonment of a child through an unregulated custody transfer; or

643 (vi) educational neglect.

644 (b) "Neglect" does not include:

645 (i) a parent or guardian legitimately practicing religious beliefs and who, for that

646 reason, does not provide specified medical treatment for a child;

647 (ii) a health care decision made for a child by the child's parent or guardian, unless the
648 state or other party to a proceeding shows, by clear and convincing evidence, that the health
649 care decision is not reasonable and informed;

650 (iii) a parent or guardian exercising the right described in Section 80-3-304; or

651 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
652 maturity to avoid harm or unreasonable risk of harm, to engage in independent activities,
653 including:

654 (A) traveling to and from school, including by walking, running, or bicycling;

655 (B) traveling to and from nearby commercial or recreational facilities;

656 (C) engaging in outdoor play;

657 (D) remaining in a vehicle unattended, except under the conditions described in

658 Subsection 76-10-2202(2);

659 (E) remaining at home unattended; or

660 (F) engaging in a similar independent activity.

661 (52) "Neglected child" means a child who has been subjected to neglect.

662 (53) "Nonjudicial adjustment" means closure of the case by the assigned juvenile
663 probation officer, without an adjudication of the minor's case under Section 80-6-701, upon the
664 consent in writing of:

665 (a) the assigned juvenile probation officer; and

666 (b) (i) the minor; or

667 (ii) the minor and the minor's parent, legal guardian, or custodian.

668 (54) "Not competent to proceed" means that a minor, due to a mental illness,
669 intellectual disability or related condition, or developmental immaturity, lacks the ability to:

670 (a) understand the nature of the proceedings against the minor or of the potential
671 disposition for the offense charged; or

672 (b) consult with counsel and participate in the proceedings against the minor with a
673 reasonable degree of rational understanding.

674 (55) "Parole" means a conditional release of a juvenile offender from residency in
675 secure care to live outside of secure care under the supervision of the Division of Juvenile
676 Justice Services, or another person designated by the Division of Juvenile Justice Services.

677 (56) "Physical abuse" means abuse that results in physical injury or damage to a child.

678 (57) (a) "Probation" means a legal status created by court order, following an
679 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the minor's
680 home under prescribed conditions.

681 (b) "Probation" includes intake probation or formal probation.

682 (58) "Prosecuting attorney" means:

683 (a) the attorney general and any assistant attorney general;

684 (b) any district attorney or deputy district attorney;

685 (c) any county attorney or assistant county attorney; and

686 (d) any other attorney authorized to commence an action on behalf of the state.

687 (59) "Protective custody" means the shelter of a child by the Division of Child and
688 Family Services from the time the child is removed from the home until the earlier of:

689 (a) the day on which the shelter hearing is held under Section 80-3-301; or

690 (b) the day on which the child is returned home.

691 (60) "Protective supervision" means a legal status created by court order, following an
692 adjudication on the ground of abuse, neglect, or dependency, whereby:

693 (a) the minor is permitted to remain in the minor's home; and

694 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
695 by an agency designated by the juvenile court.

696 (61) (a) "Related condition" means a condition that:

697 (i) is found to be closely related to intellectual disability;

698 (ii) results in impairment of general intellectual functioning or adaptive behavior
699 similar to that of an intellectually disabled individual;

700 (iii) is likely to continue indefinitely; and

701 (iv) constitutes a substantial limitation to the individual's ability to function in society.

702 (b) "Related condition" does not include mental illness, psychiatric impairment, or
703 serious emotional or behavioral disturbance.

704 (62) (a) "Residual parental rights and duties" means the rights and duties remaining
705 with a parent after legal custody or guardianship, or both, have been vested in another person or
706 agency, including:

707 (i) the responsibility for support;

- 708 (ii) the right to consent to adoption;
- 709 (iii) the right to determine the child's religious affiliation; and
- 710 (iv) the right to reasonable parent-time unless restricted by the court.
- 711 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
- 712 right to consent to:
- 713 (i) marriage;
- 714 (ii) enlistment; and
- 715 (iii) major medical, surgical, or psychiatric treatment.
- 716 (63) "Runaway" means a child, other than an emancipated child, who willfully leaves
- 717 the home of the child's parent or guardian, or the lawfully prescribed residence of the child,
- 718 without permission.
- 719 (64) "Secure care" means placement of a minor, who is committed to the Division of
- 720 Juvenile Justice Services for rehabilitation, in a facility operated by, or under contract with, the
- 721 Division of Juvenile Justice Services, that provides 24-hour supervision and confinement of the
- 722 minor.
- 723 (65) "Secure care facility" means a facility, established in accordance with Section
- 724 [80-5-503](#), for juvenile offenders in secure care.
- 725 (66) "Secure detention" means temporary care of a minor who requires secure custody
- 726 in a physically restricting facility operated by, or under contract with, the Division of Juvenile
- 727 Justice Services:
- 728 (a) before disposition of an offense that is alleged to have been committed by the
- 729 minor; or
- 730 (b) under Section [80-6-704](#).
- 731 (67) "Serious youth offender" means an individual who:
- 732 (a) is at least 14 years old, but under 25 years old;
- 733 (b) committed a felony listed in Subsection [80-6-503\(1\)](#) and the continuing jurisdiction
- 734 of the juvenile court was extended over the individual's case until the individual was 25 years
- 735 old in accordance with Section [80-6-605](#); and
- 736 (c) is committed by the juvenile court to the Division of Juvenile Justice Services for
- 737 secure care under Sections [80-6-703](#) and [80-6-705](#).
- 738 (68) "Severe abuse" means abuse that causes or threatens to cause serious harm to a

739 child.

740 (69) "Severe neglect" means neglect that causes or threatens to cause serious harm to a
741 child.

742 (70) "Sexual abuse" means:

743 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
744 adult directed towards a child;

745 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
746 committed by a child towards another child if:

747 (i) there is an indication of force or coercion;

748 (ii) the children are related, as described in Subsection (34), including siblings by
749 marriage while the marriage exists or by adoption;

750 (iii) there have been repeated incidents of sexual contact between the two children,
751 unless the children are 14 years old or older; or

752 (iv) there is a disparity in chronological age of four or more years between the two
753 children;

754 (c) engaging in any conduct with a child that would constitute an offense under any of
755 the following, regardless of whether the individual who engages in the conduct is actually
756 charged with, or convicted of, the offense:

757 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, except for Section 76-5-401, if the
758 alleged perpetrator of an offense described in Section 76-5-401 is a minor;

759 (ii) child bigamy, Section 76-7-101.5;

760 (iii) incest, Section 76-7-102;

761 (iv) lewdness, Section 76-9-702;

762 (v) sexual battery, Section 76-9-702.1;

763 (vi) lewdness involving a child, Section 76-9-702.5; or

764 (vii) voyeurism, Section 76-9-702.7; or

765 (d) subjecting a child to participate in or threatening to subject a child to participate in
766 a sexual relationship, regardless of whether that sexual relationship is part of a legal or cultural
767 marriage.

768 (71) "Sexual exploitation" means knowingly:

769 (a) employing, using, persuading, inducing, enticing, or coercing any child to:

- 770 (i) pose in the nude for the purpose of sexual arousal of any individual; or
771 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing,
772 filming, recording, or displaying in any way the sexual or simulated sexual conduct;
- 773 (b) displaying, distributing, possessing for the purpose of distribution, or selling
774 material depicting a child:
- 775 (i) in the nude, for the purpose of sexual arousal of any individual; or
776 (ii) engaging in sexual or simulated sexual conduct; or
777 (c) engaging in any conduct that would constitute an offense under Section [76-5b-201](#),
778 sexual exploitation of a minor, regardless of whether the individual who engages in the conduct
779 is actually charged with, or convicted of, the offense.
- 780 (72) "Shelter" means the temporary care of a child in a physically unrestricted facility
781 pending a disposition or transfer to another jurisdiction.
- 782 (73) "Shelter facility" means the same as that term is defined in Section [62A-4a-101](#).
- 783 (74) "Single criminal episode" means the same as that term is defined in Section
784 [76-1-401](#).
- 785 (75) "Status offense" means an offense that would not be an offense but for the age of
786 the offender.
- 787 (76) "Substance abuse" means the misuse or excessive use of alcohol or other drugs or
788 substances.
- 789 (77) "Substantiated" means the same as that term is defined in Section [62A-4a-101](#).
- 790 (78) "Supported" means the same as that term is defined in Section [62A-4a-101](#).
- 791 (79) "Termination of parental rights" means the permanent elimination of all parental
792 rights and duties, including residual parental rights and duties, by court order.
- 793 (80) "Therapist" means:
- 794 (a) an individual employed by a state division or agency for the purpose of conducting
795 psychological treatment and counseling of a minor in the division's or agency's custody; or
796 (b) any other individual licensed or approved by the state for the purpose of conducting
797 psychological treatment and counseling.
- 798 (81) "Threatened harm" means actions, inactions, or credible verbal threats, indicating
799 that the child is at an unreasonable risk of harm or neglect.
- 800 (82) "Ungovernable" means a child in conflict with a parent or guardian, and the

801 conflict:

802 (a) results in behavior that is beyond the control or ability of the child, or the parent or
803 guardian, to manage effectively;

804 (b) poses a threat to the safety or well-being of the child, the child's family, or others;

805 or

806 (c) results in the situations described in Subsections (82)(a) and (b).

807 (83) "Unregulated custody transfer" means the placement of a child:

808 (a) with an individual who is not the child's parent, step-parent, grandparent, adult
809 sibling, adult uncle or aunt, or legal guardian, or a friend of the family who is an adult and with
810 whom the child is familiar, or a member of the child's federally recognized tribe;

811 (b) with the intent of severing the child's existing parent-child or guardian-child
812 relationship; and

813 (c) without taking:

814 (i) reasonable steps to ensure the safety of the child and permanency of the placement;

815 and

816 (ii) the necessary steps to transfer the legal rights and responsibilities of parenthood or
817 guardianship to the individual taking custody of the child.

818 (84) "Unsupported" means the same as that term is defined in Section 62A-4a-101.

819 (85) "Unsubstantiated" means the same as that term is defined in Section 62A-4a-101.

820 (86) "Validated risk and needs assessment" means an evidence-based tool that assesses
821 a minor's risk of reoffending and a minor's criminogenic needs.

822 (87) "Without merit" means the same as that term is defined in Section 62A-4a-101.

823 (88) "Youth offender" means an individual who is:

824 (a) at least 12 years old, but under 21 years old; and

825 (b) committed by the juvenile court to the Division of Juvenile Justice Services for
826 secure care under Sections 80-6-703 and 80-6-705.

827 Section 11. Section 80-5-201 is amended to read:

828 **80-5-201. Division responsibilities.**

829 (1) The division is responsible for all minors committed to the division by juvenile
830 courts under Sections 80-6-703 and 80-6-705.

831 (2) The division shall:

- 832 (a) establish and administer a continuum of community, secure, and nonsecure
833 programs for all minors committed to the division;
- 834 (b) establish and maintain all detention and secure care facilities and set minimum
835 standards for all detention and secure care facilities;
- 836 (c) establish and operate prevention and early intervention youth services programs for
837 nonadjudicated minors placed with the division;
- 838 (d) establish observation and assessment programs necessary to serve minors in a
839 nonresidential setting under Subsection 80-6-706(1);
- 840 (e) place minors committed to the division under Section 80-6-703 in the most
841 appropriate program for supervision and treatment;
- 842 (f) employ staff necessary to:
- 843 (i) supervise and control minors committed to the division for secure care or placement
844 in the community;
- 845 (ii) supervise and coordinate treatment of minors committed to the division for
846 placement in community-based programs; and
- 847 (iii) control and supervise adjudicated and nonadjudicated minors placed with the
848 division for temporary services in juvenile receiving centers, youth services, and other
849 programs established by the division;
- 850 (g) control or detain a minor committed to the division, or in the temporary custody of
851 the division, in a manner that is consistent with public safety and rules made by the division;
- 852 (h) establish and operate work programs for minors committed to the division by the
853 juvenile court that:
- 854 (i) are not residential;
- 855 (ii) provide labor to help in the operation, repair, and maintenance of public facilities,
856 parks, highways, and other programs designated by the division;
- 857 (iii) provide educational and prevocational programs in cooperation with the State
858 Board of Education for minors placed in the program; and
- 859 (iv) provide counseling to minors;
- 860 (i) establish minimum standards for the operation of all private residential and
861 nonresidential rehabilitation facilities that provide services to minors who have committed an
862 offense in this state or in any other state;

863 (j) provide regular training for secure care staff, detention staff, case management staff,
864 and staff of the community-based programs;

865 (k) designate employees to obtain the saliva DNA specimens required under Section
866 [53-10-403](#);

867 (l) ensure that the designated employees receive appropriate training and that the
868 specimens are obtained in accordance with accepted protocol;

869 (m) register an individual with the Department of Corrections who:

870 (i) is adjudicated for an offense listed in Subsection [77-41-102](#)(17)(a) or [77-43-102](#)(2);

871 (ii) is committed to the division for secure care; and

872 (iii) (A) if the individual is a youth offender, remains in the division's custody 30 days
873 before the individual's 21st birthday; or

874 (B) if the individual is a serious youth offender, remains in the division's custody 30
875 days before the individual's 25th birthday; and

876 (n) ensure that a program delivered to a minor under this section is an evidence-based
877 program in accordance with Section [63M-7-208](#).

878 (3) (a) The division is authorized to employ special function officers, as defined in
879 Section [53-13-105](#), to:

880 (i) locate and apprehend minors who have absconded from division custody;

881 (ii) transport minors taken into custody in accordance with division policy;

882 (iii) investigate cases; and

883 (iv) carry out other duties as assigned by the division.

884 (b) A special function officer may be:

885 (i) employed through a contract with the Department of Public Safety, or any law
886 enforcement agency certified by the Peace Officer Standards and Training Division; or

887 (ii) directly hired by the division.

888 (4) In the event of an unauthorized leave from secure care, detention, a
889 community-based program, a juvenile receiving center, a home, or any other designated
890 placement of a minor, a division employee has the authority and duty to locate and apprehend
891 the minor, or to initiate action with a local law enforcement agency for assistance.

892 (5) The division may proceed with an initial medical screening or assessment of a child
893 admitted to a detention facility to ensure the safety of the child and others in the detention

894 facility if the division makes a good faith effort to obtain consent for the screening or
895 assessment from the child's parent or guardian.

896 Section 12. Section **80-5-302** is amended to read:

897 **80-5-302. Juvenile Justice Reinvestment Restricted Account.**

898 (1) There is created in the General Fund a restricted account known as the "Juvenile
899 Justice Reinvestment Restricted Account."

900 (2) The account shall be funded by savings calculated from General Fund
901 appropriations by the Division of Finance as described in Subsection (3).

902 (3) At the end of the fiscal year, the Division of Finance shall:

903 (a) use the formula established in Subsection **80-5-202(1)(c)** to calculate the savings
904 from General Fund appropriations; and

905 (b) lapse the calculated savings into the account.

906 (4) Upon appropriation by the Legislature, the department may expend funds from the
907 account:

908 (a) for the statewide expansion of nonresidential community-based programs,
909 including:

910 (i) receiving centers;

911 (ii) mobile crisis outreach teams;

912 (iii) youth courts under Title 80, Chapter 6, Part 9, Youth Court; and

913 (iv) victim-offender mediation under Section **80-6-304** and Subsection

914 **80-6-710[(7)](6)**;

915 (b) for nonresidential evidence-based programs and practices in cognitive, behavioral,
916 and family therapy;

917 (c) to implement:

918 (i) nonresidential diagnostic assessment; and

919 (ii) nonresidential early intervention programs, including family strengthening
920 programs, family wraparound services, and truancy interventions; or

921 (d) for infrastructure in nonresidential evidence-based juvenile justice programs,
922 including staffing and transportation.

923 Section 13. Section **80-6-102** is amended to read:

924 **80-6-102. Definitions.**

925 As used in this chapter:

926 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
927 1351.1.

928 (2) "Authority" means the Youth Parole Authority created in Section 80-5-701.

929 (3) "Commission" means the State Commission on Criminal and Juvenile Justice
930 created in Section 63M-7-201.

931 (4) "Compensatory service" means service or unpaid work performed by a minor in
932 lieu of the payment of a fine, fee, or restitution.

933 (5) "Control" means the same as that term is defined in Section 80-5-102.

934 (6) "Detention hearing" means a proceeding under Section 80-6-207 to determine
935 whether a minor should remain in detention.

936 (7) "Detention guidelines" means standards, established by the division in accordance
937 with Subsection 80-5-202(1)(a), for the admission of a minor to detention.

938 (8) "Discharge" means a written order of the authority that removes a juvenile offender
939 from the authority's jurisdiction.

940 (9) "Division" means the Division of Juvenile Justice Services created in Section
941 80-5-103.

942 (10) "Family-based setting" means a home that is licensed to allow a minor to reside at
943 the home, including a foster home, proctor care, or residential care by a professional parent.

944 [~~(10)~~] (11) "Formal referral" means a written report from a peace officer, or other
945 person, informing the juvenile court that:

946 (a) an offense committed by a minor is, or appears to be, within the juvenile court's
947 jurisdiction; and

948 (b) the minor's case must be reviewed by a juvenile probation officer or a prosecuting
949 attorney.

950 [~~(11)~~] (12) "Material loss" means an uninsured:

951 (a) property loss;

952 (b) out-of-pocket monetary loss for property that is stolen, damaged, or destroyed;

953 (c) lost wages because of an injury, time spent as a witness, or time spent assisting the
954 police or prosecution; or

955 (d) medical expense.

956 ~~[(12)]~~ (13) "Referral" means a formal referral, a referral to the juvenile court under
957 Section 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice
958 under Section 80-6-302.

959 ~~[(13)]~~ (14) "Rescission" means a written order of the authority that rescinds a date for
960 parole.

961 ~~[(14)]~~ (15) "Restitution" means money or services that the juvenile court, or a juvenile
962 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or
963 render to a victim for the minor's wrongful act or conduct.

964 ~~[(15)]~~ (16) "Revocation" means a written order of the authority that, after a hearing and
965 determination under Section 80-6-806:

966 (a) terminates supervision of a juvenile offender's parole; and

967 (b) directs a juvenile offender to return to secure care.

968 ~~[(16)]~~ (17) "Temporary custody" means the control and responsibility of a minor,
969 before an adjudication under Section 80-6-701, until the minor is released to a parent, guardian,
970 responsible adult, or to an appropriate agency.

971 ~~[(17)]~~ (18) "Termination" means a written order of the authority that terminates a
972 juvenile offender from parole.

973 ~~[(18)]~~ (19) (a) "Victim" means a person that the juvenile court determines suffered a
974 material loss as a result of a minor's wrongful act or conduct.

975 (b) "Victim" includes:

976 (i) any person directly harmed by the minor's wrongful act or conduct in the course of
977 the scheme, conspiracy, or pattern if the minor's wrongful act or conduct is an offense that
978 involves an element of a scheme, a conspiracy, or a pattern of criminal activity; and

979 (ii) the Utah Office for Victims of Crime.

980 ~~[(19)]~~ (20) "Violent felony" means the same as that term is defined in Section
981 76-3-203.5.

982 ~~[(20)]~~ (21) "Work program" means the same as that term is defined in Section
983 80-5-102.

984 ~~[(21)]~~ (22) "Youth services" means the same as that term is defined in Section
985 80-5-102.

986 Section 14. Section 80-6-205 is amended to read:

987 **80-6-205. Admission to detention -- Alternative to detention -- Rights of a minor**
988 **in detention.**

989 (1) If a minor is taken to a detention facility under Section 80-6-203, a designated staff
990 member of the detention facility shall immediately review the form and determine, based on
991 the results of the detention risk assessment tool and Subsection (2), whether to:

- 992 (a) admit the minor to secure detention;
993 (b) admit the minor to home detention;
994 (c) place the minor in another alternative to detention; or
995 (d) if the minor is a child, return the minor home upon a written promise by the minor's
996 parent, guardian, or custodian to bring the minor to the juvenile court at a time set or without
997 restriction.

998 (2) A minor may not be admitted to detention unless:

- 999 (a) the minor is detainable based on the detention guidelines; or
1000 (b) the minor has been brought to detention in accordance with:
1001 (i) a court order;
1002 (ii) a warrant in accordance with Section 80-6-202; or
1003 (iii) a division warrant in accordance with Section 80-6-806.

1004 (3) If the designated staff member determines to admit a minor to home detention, the
1005 staff member shall notify the juvenile court of that determination.

1006 (4) Even if a minor is eligible for secure detention, a peace officer or other person who
1007 takes a minor to a detention facility, or the designated staff member of the detention facility,
1008 may release a minor to a less restrictive alternative than secure detention.

1009 (5) (a) If a minor taken to a detention facility does not qualify for admission under
1010 detention guidelines or this section, a designated staff member of the detention facility shall
1011 arrange an appropriate alternative, including admitting a minor to a juvenile receiving center or
1012 a shelter facility.

1013 (b) (i) Except as otherwise provided by this section, a minor may not be placed or kept
1014 in secure detention while court proceedings are pending.

1015 (ii) A child may not be placed or kept in a shelter facility while court proceedings are
1016 pending, unless the child is in protective custody in accordance with Chapter 3, Abuse,
1017 Neglect, and Dependency Proceedings.

1018 (6) If a minor is taken into temporary custody and admitted to a secure detention, or
1019 another alternative to detention, a designated staff member of the detention facility shall:

1020 (a) immediately notify the minor's parent, guardian, or custodian; and

1021 (b) promptly notify the juvenile court of the placement.

1022 (7) If a minor is admitted to secure detention, or another alternative to detention,
1023 outside the county of the minor's residence and a juvenile court determines, in a detention
1024 hearing, that secure detention, or an alternative to detention, of the minor shall continue, the
1025 juvenile court shall direct the sheriff of the county of the minor's residence to transport the
1026 minor to secure detention or another alternative to detention in that county.

1027 (8) (a) Subject to Subsection (8)(b), a minor admitted to detention has a right to:

1028 (i) phone the minor's parent, guardian, or attorney immediately after the minor is
1029 admitted to detention; and

1030 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or
1031 custodian.

1032 (b) The division may:

1033 (i) establish a schedule for which a minor in detention may visit or phone a person
1034 described in Subsection (8)(a);

1035 (ii) allow a minor in detention to visit or call persons described in Subsection (8)(a) in
1036 special circumstances;

1037 (iii) limit the number and length of calls and visits for a minor in detention to persons
1038 described in Subsection (8)(a) on account of scheduling, facility, or personnel constraints; or

1039 (iv) limit the minor's rights under Subsection (8)(a) if a compelling reason exists to
1040 limit the minor's rights.

1041 (c) A minor admitted to detention shall be immediately advised of the minor's rights
1042 described in this Subsection (8).

1043 Section 15. Section **80-6-206** is amended to read:

1044 **80-6-206. Interview of a child -- Presence of a parent, legal guardian, or other**
1045 **adult -- Interview of individual in detention or secure care facility.**

1046 (1) As used in this section:

1047 (a) (i) "Friendly adult" means an adult:

1048 (A) that has an established relationship with the child to the extent that the adult can

1049 provide meaningful advice and concerned help to the child should the need arise; and
1050 (B) who is not hostile or adverse to the child's interest.
1051 (ii) "Friendly adult" does not include a parent or guardian of the child.
1052 (b) (i) "Interrogation" means any express questioning or any words or actions that are
1053 reasonably likely to elicit an incriminating response.
1054 (ii) "Interrogation" does not include words or actions normally attendant to arrest and
1055 custody.
1056 (2) If a child is in custody and subject to interrogation for an offense, the child has the
1057 right:
1058 (a) to have the child's parent or guardian present during an interrogation of the child; or
1059 (b) to have a friendly adult present during an interrogation of the child if:
1060 (i) there is reason to believe that the child's parent or guardian has abused or threatened
1061 the child; or
1062 (ii) the child's parent's or guardian's interest is adverse to the child's interest, including
1063 that the parent or guardian is a victim or a codefendant of the offense alleged to have been
1064 committed by the child.
1065 (3) If a child is in custody and subject to interrogation of an offense, the child may not
1066 be interrogated unless:
1067 (a) the child has been advised of the child's constitutional rights and the child's right to
1068 have a parent or guardian, or a friendly adult if applicable under Subsection (2)(b), present
1069 during the interrogation;
1070 (b) the child has waived the child's constitutional rights;
1071 (c) except as provided in Subsection (4), the child's parent or guardian, or the friendly
1072 adult if applicable under Subsection (2)(b), was present during the child's waiver under
1073 Subsection (3)(b) and has given permission for the child to be interrogated; and
1074 (d) if the child is in the custody of the Division of Child and Family Services and a
1075 guardian ad litem has been appointed for the child, the child's guardian ad litem has given
1076 consent to an interview of the child as described in Section [62A-4a-415](#).
1077 (4) A child's parent or guardian, or a friendly adult if applicable under Subsection
1078 (2)(b), is not required to be present during the child's waiver under Subsection (3) or to give
1079 permission to the interrogation of the child if:

- 1080 (a) the child is emancipated as described in Section [80-7-105](#);
- 1081 (b) the child has misrepresented the child's age as being 18 years old or older and a
1082 peace officer has relied on that misrepresentation in good faith; or
- 1083 (c) a peace officer or a law enforcement agency:
- 1084 (i) has made reasonable efforts to contact the child's parent or legal guardian, or a
1085 friendly adult if applicable under Subsection (2)(b); and
- 1086 (ii) has been unable to make contact within one hour after the time in which the child is
1087 in custody.

1088 ~~[(5)(a) If a minor is admitted to a detention facility under Section [80-6-205](#), or the
1089 minor is committed to secure care or a correctional facility, and is subject to interrogation for
1090 an offense, the minor may not be interrogated unless:]~~

1091 (5) (a) If an individual is admitted to a detention facility under Section [80-6-205](#),
1092 committed to a secure care facility under Section [80-6-705](#), or housed in a secure care facility
1093 under Section [80-6-507](#), and the individual is subject to interrogation for an offense, the
1094 individual may not be interrogated unless:

- 1095 (i) the [minor] individual has had a meaningful opportunity to consult with the
1096 [minor's] individual's appointed or retained attorney;
- 1097 (ii) the [minor] individual waives the [minor's] individual's constitutional rights after
1098 consultation with the [minor's] individual's appointed or retained attorney; and
- 1099 (iii) the [minor's] individual's appointed or retained attorney is present for the
1100 interrogation.

1101 (b) Subsection (5)(a) does not apply to a juvenile probation officer, or a staff member
1102 of a detention facility, unless the juvenile probation officer or the staff member is interrogating
1103 the [minor] individual on behalf of a peace officer or a law enforcement agency.

1104 (6) A minor may only waive the minor's right to be represented by counsel at all stages
1105 of court proceedings as described in Section [78B-22-204](#).

1106 Section 16. Section [80-6-207](#) is amended to read:

1107 **[80-6-207. Detention hearings -- Period of detention -- Bail.](#)**

1108 (1) (a) After admission of a child to a detention facility under Section [80-6-205](#) and
1109 immediate investigation by a juvenile probation officer, the juvenile court or the juvenile
1110 probation officer shall order the release of the child to the child's parent, guardian, or custodian

1111 if the juvenile court or the juvenile probation officer finds that the child can be safely returned
1112 to the parent's, the guardian's, or the custodian's care, upon written promise to bring the child to
1113 the juvenile court at a time set or without restriction.

1114 (b) If a child's parent, guardian, or custodian fails to retrieve the child from a detention
1115 facility within 24 hours after notification of release, the parent, guardian, or custodian is
1116 responsible for the cost of care for the time the child remains in the detention facility in
1117 accordance with Section [78A-6-356](#).

1118 (c) The detention facility shall determine the cost of care.

1119 (d) Any money collected under this Subsection (1) shall be retained by the division to
1120 recover the cost of care for the time the child remains in the facility.

1121 (2) (a) When a child is admitted to a detention facility, the child's parent, guardian, or
1122 custodian shall be informed by the individual in charge of the detention facility that the
1123 parent's, the guardian's, or the custodian's child has the right to a prompt hearing in a juvenile
1124 court to determine whether the child is to be further detained or released.

1125 (b) If a minor is admitted to a detention facility, the minor shall be informed by the
1126 person in charge of the facility that the minor has the right to a prompt hearing in a juvenile
1127 court to determine whether the minor is to be further detained or released.

1128 (3) (a) The juvenile court may, at any time, order the release of the minor, from
1129 detention, regardless of whether a detention hearing is held or not.

1130 (b) If a child is released, and the child remains in the detention facility, because the
1131 child's parents, guardian, or custodian fails to retrieve the child, the parent, guardian, or
1132 custodian shall be responsible for the cost of care as provided in Subsections (1)(b), (c), and (d)
1133 in accordance with Section [78A-6-356](#).

1134 (4) (a) As used in this Subsection (4), "arrest" means being apprehended, detained,
1135 taken into temporary custody under Section [80-6-201](#) or [80-6-202](#), held for investigation, or
1136 restrained by a peace officer or other person due to an accusation or suspicion that the minor
1137 committed an offense.

1138 (b) A minor may not be held in a detention facility longer than 24 hours, unless a
1139 juvenile court determines that there is probable cause for the minor's arrest.

1140 (5) (a) A detention hearing under this section shall be held by a juvenile court judge or
1141 commissioner.

1142 (b) A juvenile court shall hold a detention hearing within 48 hours of the minor's
1143 admission to a detention facility, excluding weekends and holidays, to determine whether the
1144 minor should:

- 1145 (i) remain in detention in accordance with Subsection (8);
- 1146 (ii) be released to a parent or guardian; or
- 1147 (iii) be placed in any other party's custody as authorized by statute.

1148 (6) The probable cause determination under Subsection (4) and the detention hearing
1149 under Subsection (5) may occur at the same time if the probable cause determination and the
1150 detention hearing occur within the time frame under Subsection (4).

1151 (7) (a) A detention hearing may not be waived.

1152 (b) Staff at the detention facility shall provide the juvenile court with all information
1153 received from the individual who brought the minor to the detention facility.

1154 (8) (a) The juvenile court may only order a minor to be held in the detention facility or
1155 be placed in another appropriate facility, subject to further order of the court, if the court finds
1156 at a detention hearing that:

- 1157 (i) releasing the minor to the minor's parent, guardian, or custodian presents an
1158 unreasonable risk to public safety;
- 1159 (ii) less restrictive nonresidential alternatives to detention have been considered and,
1160 where appropriate, attempted; and
- 1161 (iii) the minor is eligible for detention under the detention guidelines and Section

1162 [80-6-205](#).

1163 (b) The juvenile court may not vest custody of a minor admitted to detention in the
1164 Division of Child and Family Services, except as provided in Chapter 3, Abuse, Neglect, and
1165 Dependency Proceedings.

1166 (9) (a) After a detention hearing has been held, only the juvenile court may release a
1167 minor from detention.

1168 (b) If a minor remains in a detention facility, periodic reviews shall be held in
1169 accordance with the Utah Rules of Juvenile Procedure to ensure that continued detention of the
1170 minor is necessary.

1171 (10) This section does not apply to a minor who is brought to a correctional facility in
1172 accordance with Section [80-6-502](#), [80-6-504](#), or [80-6-505](#).

1173 ~~[(11) Notwithstanding Title 77, Chapter 20, Bail, a minor in a detention facility does~~
 1174 ~~not have a right to bail, except that bail is allowed if:]~~

1175 ~~[(a) a minor is cited under Section 80-6-302;]~~

1176 (11) Title 77, Chapter 20, Bail, does not apply to a minor, except for:

1177 ~~[(b)]~~ (a) a minor [is] charged in accordance with Section 80-6-502;

1178 ~~[(c)]~~ (b) a minor [is] bound over to the district court in accordance with Section
 1179 80-6-504; or

1180 ~~[(d)]~~ (c) a minor[;] who need not be detained[;] and lives outside this state[; ~~and~~].

1181 ~~[(e) a minor, who need not be detained, is held in contempt under Section 78A-6-353.]~~

1182 Section 17. Section 80-6-302 is amended to read:

1183 **80-6-302. Citation -- Procedure -- Time limits -- Failure to appear.**

1184 (1) A petition is not required to commence a proceeding against a minor for an
 1185 adjudication of an alleged offense if a citation is issued for an offense for which the juvenile
 1186 court has jurisdiction over and the offense listed in the citation is for:

1187 (a) a violation of a wildlife law;

1188 (b) a violation of a boating law;

1189 (c) a class B or C misdemeanor or an infraction other than a misdemeanor or
 1190 infraction:

1191 (i) for a traffic violation; or

1192 (ii) designated as a citable offense by general order of the Board of Juvenile Court

1193 Judges;

1194 (d) a class B misdemeanor or infraction for a traffic violation where the individual is
 1195 15 years old or younger at the time the offense was alleged to have occurred;

1196 (e) an infraction or misdemeanor designated as a citable offense by a general order of
 1197 the Board of Juvenile Court Judges; or

1198 (f) a violation of Subsection 76-10-105(2).

1199 (2) Except as provided in Subsection (6) and Section 80-6-301, a citation for an offense
 1200 listed in Subsection (1) shall be submitted to the juvenile court within five days of issuance to a
 1201 minor.

1202 (3) A copy of the citation shall contain:

1203 (a) the name and address of the juvenile court before which the minor may be required

1204 to appear;

1205 (b) the name of the minor cited;

1206 (c) the statute or local ordinance that the minor is alleged to have violated;

1207 (d) a brief description of the offense charged;

1208 (e) the date, time, and location at which the offense is alleged to have occurred;

1209 (f) the date the citation was issued;

1210 (g) the name and badge or identification number of the peace officer or public official

1211 who issued the citation;

1212 (h) the name of the arresting person if an arrest was made by a private party and the

1213 citation was issued in lieu of taking the minor into temporary custody as provided in Section

1214 [80-6-201](#);

1215 (i) a statement that the minor and the minor's parent or guardian are to appear when

1216 notified by the juvenile court; and

1217 (j) the signature of the minor and the minor's parent or guardian, if present, agreeing to

1218 appear at the juvenile court when notified by the court.

1219 (4) A copy of the citation shall contain space for the following information to be

1220 entered if known:

1221 (a) the minor's address;

1222 (b) the minor's date of birth;

1223 (c) the name and address of the child's custodial parent or guardian, if different from

1224 the child; and

1225 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that

1226 this information shall be removed from the documents the minor receives.

1227 (5) A citation received by the juvenile court beyond the time designated in Subsection

1228 (2) shall include a written explanation for the delay.

1229 (6) A minor offense, as defined in Section [80-6-901](#), alleged to have been committed

1230 by an enrolled child on school property or related to school attendance, may only be referred to

1231 the prosecuting attorney or the juvenile court in accordance with Section [53G-8-211](#).

1232 (7) If a juvenile court receives a citation described in Subsection (1), a juvenile

1233 probation officer shall make a preliminary inquiry as to whether the minor is eligible for a

1234 nonjudicial adjustment in accordance with Subsection [80-6-304\(5\)](#).

1235 (8) (a) Except as provided in Subsection (8)(b), if a citation is issued to a minor, a
1236 prosecuting attorney may commence a proceeding against a minor, without filing a petition, for
1237 an adjudication of the offense in the citation only if:

1238 (i) the minor is not eligible for, or does not complete, a nonjudicial adjustment in
1239 accordance with Section 80-6-304; and

1240 (ii) the prosecuting attorney conducts an inquiry under Subsection (9).

1241 (b) Except as provided in Subsection 80-6-305(2), a prosecuting attorney may not
1242 commence a proceeding against an individual for any offense listed in a citation alleged to have
1243 occurred before the individual was 12 years old.

1244 (9) The prosecuting attorney shall conduct an inquiry to determine, upon reasonable
1245 belief, that:

1246 (a) the charge listed in the citation is supported by probable cause;

1247 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable
1248 doubt; and

1249 (c) the decision to charge is in the interests of justice.

1250 (10) If a proceeding is commenced against a minor under Subsection (8)(a), the minor
1251 shall appear at the juvenile court at a date and time established by the juvenile court.

1252 (11) If a minor willfully fails to appear before the juvenile court for a proceeding under
1253 Subsection (8)(a), the juvenile court may:

1254 (a) find the minor in contempt of court; and

1255 (b) proceed against the minor as provided in Section 78A-6-353.

1256 (12) If a proceeding is commenced under this section, [~~bail may be posted and forfeited~~
1257 under Section 80-6-207] the minor may remit a fine without a personal appearance before the
1258 juvenile court with the consent of:

1259 (a) the juvenile court; and

1260 (b) if the minor is a child, the parent or guardian of the child cited.

1261 Section 18. Section 80-6-303 is amended to read:

1262 **80-6-303. Criminal proceedings involving minors -- Transfer to juvenile court --**

1263 **Exception.**

1264 (1) (a) If while a criminal or quasi-criminal proceeding is pending, a district court or
1265 justice court determines that an individual being charged is under 21 years old and was younger

1266 than 18 years old at the time of committing the alleged offense, the district court or justice
1267 court shall transfer the case to the juvenile court with all the papers, documents, and transcripts
1268 of any testimony.

1269 (b) (i) Notwithstanding Subsection (1)(a), a district court may not transfer an offense
1270 that is:

1271 (A) filed in the district court in accordance with Section [80-6-502](#); or

1272 (B) transferred to the district court in accordance with Section [80-6-504](#).

1273 (ii) Notwithstanding Subsection (1)(a), a justice court may decline to transfer an
1274 offense for which the justice court has original jurisdiction under Subsection [78A-7-106\(2\)](#).

1275 (2) (a) Except as provided in Subsection (2)(b), the district court or justice court
1276 making the transfer shall:

1277 (i) order the individual to be taken immediately to the juvenile court or to a place of
1278 detention designated by the juvenile court; or

1279 (ii) release the individual to the custody of the individual's parent or guardian or other
1280 person legally responsible for the individual, to be brought before the juvenile court at a time
1281 designated by the juvenile court.

1282 (b) If the alleged offense under Subsection (1) occurred before the individual was 12
1283 years old:

1284 (i) the district court or justice court making the transfer shall release the individual to
1285 the custody of the individual's parent or guardian, or other person legally responsible for the
1286 individual;

1287 (ii) the juvenile court shall treat the transfer as a referral under Section [80-6-301](#); and

1288 (iii) a juvenile probation officer shall make a preliminary inquiry to determine whether
1289 the individual is eligible for a nonjudicial adjustment in accordance with Section [80-6-304](#).

1290 (c) If the case is transferred to the juvenile court under this section, the juvenile court
1291 shall then proceed in accordance with this chapter.

1292 (3) A district court or justice court does not have to transfer a case under Subsection
1293 (1) if the district court or justice court would have had jurisdiction over the case at the time the
1294 individual committed the offense in accordance with [~~Subsections [78A-5-102\(9\)](#) and~~
1295 ~~[78A-7-106\(2\)](#)] Sections [78A-5-102](#) and [78A-7-106](#).~~

1296 Section 19. Section **80-6-501** is amended to read:

1297 **80-6-501. Definitions.**

1298 As used in this part:

1299 (1) "Minor" means:

1300 (a) an individual:

1301 (i) who is at least 18 years old and younger than 25 years old; and

1302 (ii) whose case is under the ~~[continuing]~~ jurisdiction of the juvenile court; or

1303 (b) an individual:

1304 (i) who is younger than 21 years old;

1305 (ii) who is charged with, or convicted of, an offense under Section 80-6-502 or

1306 80-6-503; and

1307 (iii) whose case is under the jurisdiction of the district court.

1308 (2) "Qualifying offense" means an offense described in [~~Subsection 80-6-503(1) or~~1309 ~~(2)(b)] Section 80-6-503.~~

1310 (3) "Separate offense" means any offense that is not a qualifying offense.

1311 Section 20. Section 80-6-502 is amended to read:

1312 **80-6-502. Criminal information for a minor in district court.**

1313 (1) If a prosecuting attorney charges a minor with aggravated murder under Section

1314 76-5-202 or murder under Section 76-5-203, the prosecuting attorney shall file a criminal

1315 information in the district court if the minor was ~~[the]~~ a principal actor in an offense and the

1316 criminal information alleges:

1317 (a) the minor was 16 or 17 years old at the time of the offense; and

1318 (b) the offense for which the minor is being charged is:

1319 (i) [~~Section 76-5-202;~~] aggravated murder, as described in Section 76-5-202; or1320 (ii) [~~Section 76-5-203;~~] murder, as described in Section 76-5-203.

1321 (2) If the prosecuting attorney files a criminal information in the district court in

1322 accordance with Subsection (1), the district court shall try the minor as an adult, except:

1323 (a) the minor is not subject to a sentence of death in accordance with Subsection

1324 76-3-206(2)(b); and

1325 (b) the minor is not subject to a sentence of life without parole in accordance with

1326 Subsection 76-3-206(2)(b) or 76-3-207.5(3) or Section 76-3-209.

1327 (3) (a) Except for a minor who is subject to the authority of the Board of Pardons and

1328 Parole, a minor shall be held in a detention facility.

1329 (b) A minor held in a detention facility under Subsection (3)(a) shall remain in the
1330 facility:

1331 (i) until released by the district court; or

1332 (ii) if convicted, until sentencing.

1333 (4) (a) If a minor is held in a detention facility under Subsection (3)(a), the district
1334 court shall:

1335 ~~[(a)]~~ (i) advise the minor of the right to bail; and

1336 ~~[(b) set initial bail in accordance with Title 77, Chapter 20, Bail.]~~

1337 (ii) issue a pretrial status order, as defined in Section [77-20-102](#), for the minor in
1338 accordance with Section [77-20-205](#).

1339 (b) Except for Sections [77-20-202](#), [77-20-203](#), and [77-20-204](#), the provisions of Title
1340 [77, Chapter 20, Bail](#), shall apply to the release or detention of a minor being tried as an adult
1341 under this section.

1342 (5) If a minor held in a detention facility under Subsection (3)(a) attains the age of 21
1343 years old, the minor shall be transferred within 30 days to an adult jail until:

1344 (a) released by the district court; or

1345 (b) if convicted, sentencing.

1346 (6) If a minor is held in a detention facility under Subsection (3)(a) and the minor's
1347 conduct or condition endangers the safety or welfare of others in the detention facility, the
1348 district court may find that the minor shall be detained in another place of confinement
1349 considered appropriate by the district court, including a jail or an adult facility for pretrial
1350 confinement.

1351 ~~[(7) If a minor is charged for aggravated murder or murder in the district court under
1352 this section, and all charges for aggravated murder or murder result in an acquittal, a finding of
1353 not guilty, or a dismissal:]~~

1354 ~~[(a) the juvenile court gains jurisdiction over all other offenses committed by the
1355 minor; and]~~

1356 ~~[(b) the division gains jurisdiction over the minor:]~~

1357 Section 21. Section **80-6-504** is amended to read:

1358 **80-6-504. Preliminary hearing -- Grounds for transfer -- Detention of a minor**

1359 **bound over to the district court.**

1360 (1) If a prosecuting attorney files a criminal information in accordance with Section
1361 80-6-503, the juvenile court shall conduct a preliminary hearing to determine whether a minor
1362 should be bound over to the district court for a qualifying offense.

1363 (2) At the preliminary hearing under Subsection (1), the prosecuting attorney shall have
1364 the burden of establishing:

1365 (a) probable cause to believe that a qualifying offense was committed and the minor
1366 committed that offense; and

1367 (b) by a preponderance of the evidence, that it is contrary to the best interests of the
1368 minor and the public for the juvenile court to retain jurisdiction over the offense.

1369 (3) In making a determination under Subsection (2)(b), the juvenile court shall consider
1370 and make findings on:

1371 (a) the seriousness of the qualifying offense and whether the protection of the
1372 community requires that the minor is detained beyond the amount of time allowed under
1373 Subsection 80-6-802(1), or beyond the age of continuing jurisdiction that the juvenile court
1374 may exercise under Section 80-6-605;

1375 (b) the extent to which the minor's actions in the qualifying offense were committed in
1376 an aggressive, violent, premeditated, or willful manner;

1377 (c) the minor's mental, physical, educational, trauma, and social history;

1378 (d) the criminal record or history of the minor; and

1379 (e) the likelihood of the minor's rehabilitation by the use of services and facilities that
1380 are available to the juvenile court.

1381 (4) The amount of weight that each factor in Subsection (3) is given is in the juvenile
1382 court's discretion.

1383 (5) (a) The juvenile court may consider any written report or other material that relates
1384 to the minor's mental, physical, educational, trauma, and social history.

1385 (b) Upon request by the minor, the minor's parent, guardian, or other interested party,
1386 the juvenile court shall require the person preparing the report, or other material, under
1387 Subsection (5)(a) to appear and be subject to direct and cross-examination.

1388 (6) At the preliminary hearing under Subsection (1), a minor may testify under oath,
1389 call witnesses, cross-examine witnesses, and present evidence on the factors described in

1390 Subsection (3).

1391 (7) (a) A proceeding before the juvenile court related to a charge filed under this part
1392 shall be conducted in conformity with the Utah Rules of Juvenile Procedure.

1393 (b) Sections 80-6-602, 80-6-603, and 80-6-604 are applicable to the preliminary
1394 hearing under this section.

1395 (8) If the juvenile court finds that the prosecuting attorney has met the burden of proof
1396 under Subsection (2), the juvenile court shall bind the minor over to the district court to be held
1397 for trial.

1398 (9) (a) If the juvenile court finds that a qualifying offense has been committed by a
1399 minor, but the prosecuting attorney has not met the burden of proof under Subsection (2)(b),
1400 the juvenile court shall:

1401 (i) proceed upon the criminal information as if the information were a petition under
1402 Section 80-6-305;

1403 (ii) release or detain the minor in accordance with Section 80-6-207; and

1404 (iii) proceed with an adjudication for the minor in accordance with this chapter.

1405 (b) If the juvenile court finds that the prosecuting attorney has not met the burden
1406 under Subsection (2) to bind a minor over to the district court, the prosecuting attorney may file
1407 a motion to extend the juvenile court's continuing jurisdiction over the minor's case until the
1408 minor is 25 years old in accordance with Section 80-6-605.

1409 (10) (a) A prosecuting attorney may charge a minor with a separate offense in the same
1410 criminal information as the qualifying offense if the qualifying offense and separate offense
1411 arise from a single criminal episode.

1412 (b) If the prosecuting attorney charges a minor with a separate offense as described in
1413 Subsection (10)(a):

1414 (i) the prosecuting attorney shall have the burden of establishing probable cause to
1415 believe that the separate offense was committed and the minor committed the separate offense;
1416 and

1417 (ii) if the prosecuting attorney establishes probable cause for the separate offense under
1418 Subsection (10)(b)(i) and the juvenile court binds the minor over to the district court for the
1419 qualifying offense, the juvenile court shall also bind the minor over for the separate offense to
1420 the district court.

- 1421 (11) If a grand jury indicts a minor for a qualifying offense:
1422 (a) the prosecuting attorney does not need to establish probable cause under Subsection
1423 (2)(a) for the qualifying offense and any separate offense included in the indictment; and
1424 (b) the juvenile court shall proceed with determining whether the minor should be
1425 bound over to the district court for the qualifying offense and any separate offense included in
1426 the indictment in accordance with Subsections (2)(b) and (3).
- 1427 (12) (a) If a minor is bound over to the district court, the juvenile court shall:
1428 ~~[(a)]~~ (i) issue a criminal warrant of arrest for the minor to be held in a detention
1429 facility;
1430 ~~[(b)]~~ (ii) advise the minor of the right to bail; and
1431 ~~[(c) set initial bail in accordance with Title 77, Chapter 20, Bail.]~~
1432 (iii) issue a pretrial status order, as defined in Section [77-20-102](#), for the minor in
1433 accordance with Section [77-20-205](#).
- 1434 (b) Except for Sections [77-20-202](#), [77-20-203](#), and [77-20-204](#), the provisions of Title
1435 77, Chapter 20, Bail, shall apply to the release or detention of a minor bound over to the district
1436 court by the juvenile court.
- 1437 (13) If the juvenile court orders the minor to be detained until the time of trial:
1438 (a) the minor shall be held in a detention facility, except that a minor who is subject to
1439 the authority of the Board of Pardons and Parole may not be held in a detention facility; and
1440 (b) the minor shall remain in the detention facility:
1441 (i) until released by a district court; or
1442 (ii) if convicted, until sentencing.
- 1443 (14) If a minor is held in a detention facility under Subsection (13) and the minor
1444 attains the age of 21 years old while detained at the detention facility, the minor shall be
1445 transferred within 30 days to an adult jail to remain:
1446 (a) until released by the district court; or
1447 (b) if convicted, until sentencing.
- 1448 ~~[(15) Except as provided in Subsection (16) and Section [80-6-507](#), if a minor is bound~~
1449 ~~over to the district court under this section, the jurisdiction of the division and the juvenile~~
1450 ~~court over the minor is terminated for the qualifying offense and any other separate offense for~~
1451 ~~which the minor is bound over.]~~

1452 ~~[(16) If a minor is bound over to the district court for a qualifying offense and the~~
1453 ~~qualifying offense results in an acquittal, a finding of not guilty, or a dismissal:]~~

1454 ~~[(a) the juvenile court regains jurisdiction over any separate offense committed by the~~
1455 ~~minor; and]~~

1456 ~~[(b) the division regains jurisdiction over the minor.]~~

1457 Section 22. Section **80-6-505** is amended to read:

1458 **80-6-505. Criminal proceedings for a minor bound over to district court.**

1459 (1) If the juvenile court binds a minor over to the district court in accordance with
1460 Section **80-6-504**, the prosecuting attorney shall try the minor as if the minor is an adult in the
1461 district court except:

1462 (a) the minor is not subject to a sentence of death in accordance with Subsection
1463 **76-3-206(2)(b)**; and

1464 (b) the minor is not subject to a sentence of life without parole in accordance with
1465 Subsection **76-3-206(2)(b)** or **76-3-207.5(3)** or Section **76-3-209**.

1466 (2) A minor who is bound over to the district court to answer as an adult is not entitled
1467 to a preliminary hearing in the district court.

1468 (3) If a minor is bound over to the district court and detained in a detention facility, the
1469 district court may order the minor be detained in another place of confinement that is
1470 considered appropriate by the district court, including a jail or other place of pretrial
1471 confinement for adults if the minor's conduct or condition endangers the safety and welfare of
1472 others in the detention facility.

1473 ~~[(4) If the district court obtains jurisdiction over a minor under Section **80-6-504**, the~~
1474 ~~district court is not divested of jurisdiction for a qualifying offense or a separate offense listed~~
1475 ~~in the criminal information when the minor is allowed to enter a plea to, or is found guilty of,~~
1476 ~~another offense in the same criminal information.]~~

1477 Section 23. Section **80-6-603** is amended to read:

1478 **80-6-603. Rights of minors facing delinquency proceedings.**

1479 (1) If a minor is facing a delinquency proceeding under this chapter, the minor has the
1480 right to:

1481 ~~[(1)]~~ (a) appear in person in the proceeding for the petition or the criminal information;

1482 ~~[(2)]~~ (b) defend, in person or by counsel, against the allegations in the petition or the

1483 criminal information;

1484 ~~[(3)]~~ (c) receive a copy of the petition or the criminal information;

1485 ~~[(4)]~~ (d) testify on the minor's own behalf;

1486 ~~[(5)]~~ (e) confront the witnesses against the minor;

1487 ~~[(6)]~~ (f) secure the attendance of witnesses on the minor's behalf under Section

1488 [78A-6-351](#);

1489 ~~[(7)]~~ (g) be represented by counsel at all stages of the proceedings;

1490 ~~[(8)]~~ (h) be appointed an indigent defense service provider and be provided indigent

1491 defense services in accordance with Title 78B, Chapter 22, Part 2, Appointment of Counsel;

1492 ~~[(9)]~~ (i) remain silent and be advised that anything the minor says can and will be used

1493 against the minor in any court proceedings; and

1494 ~~[(10)]~~ (j) appeal any adjudication under this chapter.

1495 (2) A minor facing a delinquency proceeding shall be advised of the minor's rights

1496 described in Subsection (1).

1497 Section 24. Section **80-6-606** is amended to read:

1498 **80-6-606. Validated risk and needs assessment -- Examination of minor or**

1499 **minor's parent or guardian -- Temporary custody or appointment of guardian.**

1500 (1) (a) If a minor is adjudicated for an offense under this chapter, the minor shall

1501 undergo a risk screening or, if indicated, a validated risk and needs assessment.

1502 (b) If a minor undergoes a risk screening or a validated risk and needs assessment, the

1503 results of the screening or assessment shall be used to inform the juvenile court's disposition

1504 and any case planning for the minor.

1505 (c) If a minor undergoes a validated risk and needs assessment, the results of the

1506 assessment may not be shared with the juvenile court before the adjudication of the minor.

1507 (2) If the juvenile court's continuing jurisdiction over a minor's case is terminated, the

1508 minor shall undergo a validated risk and needs assessment within seven days of the day on

1509 which an order terminating the juvenile court's continuing jurisdiction is issued if:

1510 (a) the minor is adjudicated under this chapter; and

1511 (b) the minor underwent a validated risk and needs assessment under Subsection (1).

1512 (3) (a) If a petition under this chapter has been filed for a minor, a juvenile court may:

1513 (i) order that the minor be examined by a physician, surgeon, psychiatrist, or

1514 psychologist; and

1515 (ii) place the minor in a hospital or other facility for examination.

1516 (b) After notice and a hearing set for the specific purpose, the juvenile court may order
1517 an examination of a minor's parent or guardian whose ability to care for a minor is at issue if
1518 the juvenile court finds from the evidence presented at the hearing that the parent's or
1519 guardian's physical, mental, or emotional condition may be a factor in causing the delinquency
1520 of the minor.

1521 (c) An examination conducted in accordance with this Subsection (3) is not a
1522 privileged communication under Utah Rules of Evidence, Rule 506(d)(3), and is exempt from
1523 the general rule of privilege.

1524 (4) (a) Subject to Subsection (4)(b), if a petition under this chapter has been filed for a
1525 child, a juvenile court may:

1526 (i) place the child in the temporary custody of a relative or other suitable individual if
1527 the child's parent or guardian consents to the placement;

1528 (ii) appoint a guardian for the child if it appears a guardian is in the necessary interests
1529 of the child and the child's parent or guardian consents to the appointment; or

1530 (iii) place the child in the temporary custody of a relative or other suitable individual
1531 under Subsection (4)(a)(i) or appoint a guardian for the child under Subsection (4)(a)(ii)
1532 without the consent of the child's parent or guardian if the child's parent or guardian cannot be
1533 located with reasonable diligence.

1534 (b) The juvenile court may not grant temporary custody or a guardianship of a child to
1535 the Division of Child and Family Services under Subsection (4)(a) to address the minor's
1536 ungovernable or other behavior, mental health, or other disability, unless the Division of Child
1537 and Family Services:

1538 (i) engages other relevant divisions of the department in conducting an assessment of
1539 the child and the child's family's needs;

1540 (ii) based on an assessment under Subsection (4)(b)(i), determines that granting
1541 temporary custody or a guardianship of the child to the Division of Child and Family Services
1542 is the least restrictive intervention for the child that meets the child's needs; and

1543 (iii) consents to the child being committed to the temporary custody of, or placed in a
1544 guardianship, with the Division of Child and Family Services.

1545 Section 25. Section **80-6-709** is amended to read:

1546 **80-6-709. Payment of fines, fees, restitution, or other costs -- Community or**
1547 **compensatory service -- Property damage -- Unpaid balances.**

1548 (1) (a) If a minor is adjudicated for an offense under Section **80-6-701**, the juvenile
1549 court may order a minor to:

1550 (i) pay a fine, fee, or other cost;

1551 (ii) pay restitution in accordance with Section **80-6-710**; or

1552 (iii) complete community or compensatory service hours.

1553 (b) (i) If the juvenile court orders the minor to pay restitution under Subsection (1)(a), a
1554 juvenile probation officer may permit the minor to complete a work program in lieu of paying
1555 part or all of the restitution by the juvenile court.

1556 (ii) If the juvenile court orders the minor to complete community or compensatory
1557 service hours, a juvenile probation officer may permit the minor to complete a work program to
1558 help the minor complete the community or compensatory service hours.

1559 (c) The juvenile court may, through a juvenile probation officer, encourage the
1560 development of nonresidential employment or a work program to enable a minor to fulfill the
1561 minor's obligations under Subsection (1)(a).

1562 (d) Notwithstanding this section, a juvenile court may not place a minor on a ranch,
1563 forestry camp, or other residential work program for care or work.

1564 (2) If the juvenile court orders a minor to pay a fine, fee, restitution, or other cost, or to
1565 complete community or compensatory service hours, the juvenile court shall consider the
1566 dispositions collectively to ensure that an order:

1567 (a) is reasonable;

1568 (b) prioritizes restitution; and

1569 ~~[(c) takes into account the minor's ability to satisfy the order within the presumptive~~
1570 ~~period of supervision under Section **80-6-712**, or Section **80-6-802** if the minor is ordered to~~
1571 ~~secure care.]~~

1572 (c) except for restitution as provided in Subsection **80-6-710(5)(c)**, takes into account
1573 the minor's ability to pay the fine, fee, or other cost within the presumptive period under
1574 Section **80-6-712** or Section **80-6-802** if the minor is ordered to secure care.

1575 (3) (a) If the juvenile court orders a minor to pay a fine, fee, or other cost, or complete

1576 community or compensatory service hours, the cumulative order shall be limited per criminal
1577 episode as follows:

1578 (i) for a minor under 16 years old at the time of adjudication, the juvenile court may
1579 impose up to \$190 or up to 24 hours of community or compensatory service; and

1580 (ii) for a minor 16 years old or older at the time of adjudication, the juvenile court may
1581 impose up to \$280 or up to 36 hours of community or compensatory service.

1582 (b) The cumulative order under Subsection (3)(a) does not include restitution.

1583 (4) (a) If the juvenile court converts a fine, fee, or restitution amount to compensatory
1584 service hours, the rate of conversion shall be no less than the minimum wage.

1585 (b) If the juvenile court orders a minor to complete community service, the
1586 presumptive service order shall include between five and 10 hours of service.

1587 (c) If a minor completes an approved substance use disorder prevention or treatment
1588 program or other court-ordered condition, the minor may be credited with compensatory
1589 service hours for the completion of the program or condition by the juvenile court.

1590 (5) (a) If a minor commits an offense involving the use of graffiti under Section
1591 76-6-106 or 76-6-206, the juvenile court may order the minor to clean up graffiti created by the
1592 minor or any other individual at a time and place within the jurisdiction of the juvenile court.

1593 (b) The minor may complete the order of the juvenile court under Subsection (5)(a) in
1594 the presence and under the direct supervision of the minor's parent, guardian, or custodian.

1595 (c) The minor's parent, guardian, or custodian shall report completion of the order to
1596 the juvenile court.

1597 (d) The juvenile court may also require the minor to perform other alternative forms of
1598 restitution or repair to the damaged property in accordance with Section 80-6-710.

1599 (6) (a) Except as provided in Subsection (6)(b), the juvenile court may issue orders
1600 necessary for the collection of restitution and fines ordered under this section, including
1601 garnishments, wage withholdings, and executions.

1602 (b) The juvenile court may not issue an order under Subsection (6)(a) if the juvenile
1603 court orders a disposition that changes custody of a minor, including detention, secure care, or
1604 any other secure or nonsecure residential placement.

1605 (7) Any information necessary to collect unpaid fines, fees, assessments, [~~bail~~] or
1606 restitution may be forwarded to employers, financial institutions, law enforcement, constables,

1607 the Office of Recovery Services, or other agencies for purposes of enforcing an order under this
1608 section.

1609 (8) (a) If, before the entry of any order terminating the juvenile court's continuing
1610 jurisdiction over a minor's case, there remains an unpaid balance for any fine, fee, or restitution
1611 ordered by the juvenile court, the juvenile court shall:

1612 (i) record all pertinent information for the unpaid balance in the minor's file[-]; and
1613 (ii) if there is an unpaid amount of restitution, record the amount of unpaid restitution
1614 as a civil judgment and list the victim, or the estate of the victim, as the judgment creditor in
1615 the civil judgment.

1616 (b) The juvenile court may not transfer responsibility to collect unpaid fines, fees,
1617 surcharges, and restitution for a minor's case to the Office of State Debt Collection created in
1618 Section [63A-3-502](#).

1619 [~~(c) The juvenile court shall reduce a restitution order to a judgment and list the victim,~~
1620 ~~or the estate of the victim, as the judgment creditor in the judgment.]~~

1621 Section 26. Section **80-6-710** is amended to read:

1622 **80-6-710. Determination of restitution -- Requirements.**

1623 (1) If a minor is adjudicated under Section [80-6-701](#), the juvenile court may order the
1624 minor to repair, replace, or otherwise make restitution for:

1625 (a) material loss caused by an offense listed in the petition; or
1626 (b) conduct for which the minor agrees to make restitution.

1627 (2) Within seven days after the day on which a petition is filed under this chapter, the
1628 prosecuting attorney or a juvenile probation officer shall provide notification of the restitution
1629 process to all reasonably identifiable and locatable victims of an offense listed in the petition.

1630 (3) A victim that receives notice under Subsection (2) is responsible for providing the
1631 ~~[prosecutor]~~ prosecuting attorney with:

1632 (a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket
1633 loss;

1634 (b) all documentation of any compensation or reimbursement from an insurance
1635 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

1636 (c) if available, the victim's proof of identification, including the victim's date of birth,
1637 social security number, or driver license number; and

1638 (d) the victim's contact information, including the victim's current home and work
1639 address and telephone number.

1640 (4) A prosecuting attorney or victim shall submit a request for restitution to the
1641 juvenile court:

1642 (a) if feasible, at the time of disposition; or

1643 (b) within 90 days after disposition.

1644 ~~[(5) The juvenile court shall order a financial disposition that prioritizes the payment of~~
1645 ~~restitution.]~~

1646 ~~[(6) To determine whether restitution, or the amount of restitution, is appropriate under~~
1647 ~~Subsection (1);]~~

1648 (5) In an order for restitution under Subsection (1), the juvenile court:

1649 (a) shall only order restitution for the victim's material loss;

1650 (b) may not order restitution if the juvenile court finds that the minor is unable to pay
1651 or acquire the means to pay;

1652 (c) shall take into account:

1653 (i) the minor's ability to satisfy the restitution order within six months from the day on
1654 which restitution is ordered; or

1655 (ii) if the minor participates in a restorative justice program under Subsection (6), the
1656 amount or conditions of restitution agreed upon by the minor and the victim of the adjudicated
1657 offense;

1658 ~~[(e)]~~ (d) shall credit any amount paid by the minor to the victim in a civil suit against
1659 restitution owed by the minor; and

1660 ~~[(d) shall take into account the presumptive period of supervision for the minor's case~~
1661 ~~under Section 80-6-712, or the presumptive period of commitment for secure care under~~
1662 ~~Section 80-6-804 if the minor is ordered to secure care, in determining the minor's ability to~~
1663 ~~satisfy the restitution order within that presumptive term; and]~~

1664 (e) shall credit any amount paid to the victim in restitution against liability in a civil
1665 suit.

1666 ~~[(7)]~~ (6) If the minor and the victim of the adjudicated offense agree to participate, the
1667 juvenile court may refer the minor's case to a restorative justice program, such as victim
1668 offender mediation, to address how loss resulting from the adjudicated offense may be

1669 addressed.

1670 [(8)] (7) (a) The juvenile court may require a minor to reimburse an individual, entity,
1671 or governmental agency who offered and paid a reward to a person for providing information
1672 resulting in an adjudication of a minor for the commission of an offense.

1673 [(9)] (b) If a minor is returned to this state in accordance with Title 55, Chapter 12,
1674 Interstate Compact for Juveniles, the juvenile court may order the minor to make restitution for
1675 costs expended by any governmental entity for the return of the minor.

1676 Section 27. Section **80-6-711** is amended to read:

1677 **80-6-711. Suspending a disposition.**

1678 (1) Except as otherwise provided in Subsection (2), a juvenile court may not suspend a
1679 disposition ordered under this part.

1680 (2) (a) If a minor qualifies for [~~secure care under Section 80-6-705~~] commitment to the
1681 division under Section 80-6-703, the juvenile court may suspend a disposition for commitment
1682 to the division [~~under Section 80-6-703~~] in lieu of immediate commitment, upon the condition
1683 that the minor commit no new misdemeanor or felony offense within 90 days after the day on
1684 which the juvenile court suspends the disposition for commitment.

1685 (b) The duration of a suspended disposition under Subsection (2)(a) may not:

1686 (i) exceed 90 days after the day on which the juvenile court suspends the disposition
1687 for commitment; and

1688 (ii) be extended under any circumstance.

1689 (3) The juvenile court may only lift a suspension of a disposition under Subsection
1690 (2)(a):

1691 (a) following adjudication of a new misdemeanor or felony offense committed by the
1692 minor during the period of suspension set out under Subsection (2)(a);

1693 (b) if a new assessment or evaluation has been completed and the assessment or
1694 evaluation recommends that a higher level of care is needed and nonresidential treatment
1695 options have been exhausted or nonresidential treatment options are not appropriate; or

1696 (c) if, after a notice and a hearing, the juvenile court finds:

1697 (i) a new or previous evaluation recommends a higher level of treatment; and

1698 (ii) the minor willfully failed to comply with a lower level of treatment and has been
1699 unsuccessfully discharged from treatment.

1700 (4) A suspended disposition under Subsection (1) may not be imposed without:

1701 (a) notice to the minor and the minor's counsel; and

1702 (b) a hearing.

1703 Section 28. Section **80-6-712** is amended to read:

1704 **80-6-712. Time periods for supervision of probation or placement -- Termination**
1705 **of continuing jurisdiction.**

1706 (1) If the juvenile court places a minor on probation under Section **80-6-702**, the
1707 juvenile court shall establish a period of time for supervision for the minor that is:

1708 (a) if the minor is placed on intake probation, no more than three months; or

1709 (b) if the minor is placed on formal probation, from four to six months, but may not
1710 exceed six months.

1711 (2) (a) If the juvenile court commits a minor to the division under Section **80-6-703**,
1712 and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:

1713 (i) for a minor placed out of the home, a period of custody from three to six months,
1714 but may not exceed six months; and

1715 (ii) for aftercare services if the minor was placed out of the home, a period of
1716 supervision from three to four months, but may not exceed four months.

1717 (b) A minor may be supervised for aftercare services under Subsection (2)(a)(ii):

1718 (i) in the home of a qualifying relative or guardian[-or];

1719 (ii) at an independent living program contracted or operated by the division[-]; or

1720 (iii) in a family-based setting with approval by the director or the director's designee if
1721 the minor does not qualify for an independent living program due to age, disability, or another
1722 reason or the minor cannot be placed with a qualifying relative or guardian.

1723 (3) If the juvenile court orders a minor to secure care, the authority shall:

1724 (a) have jurisdiction over the minor's case; and

1725 (b) apply the provisions of Part 8, Commitment and Parole.

1726 (4) (a) [~~In accordance with Section **80-6-711** and Subsections (1) and (2), the~~] The
1727 juvenile court shall terminate continuing jurisdiction over a minor's case at the end of the time
1728 period described in Subsection (1) for probation[-]; or Subsection (2) for commitment to the
1729 division, unless:

1730 (i) termination would interrupt the completion of the treatment program determined to

1731 be necessary by the results of a validated risk and needs assessment under Section 80-6-606;

1732 (ii) the minor commits a new misdemeanor or felony offense;

1733 (iii) the minor has not completed community or compensatory service hours [~~have not~~
1734 ~~been completed~~];

1735 (iv) there is an outstanding fine; or

1736 [~~(v) there is a failure to pay restitution in full.~~]

1737 (v) the minor has not paid restitution in full.

1738 (b) The juvenile court shall determine whether a minor has completed a treatment

1739 program under Subsection (4)(a)(i) by considering:

1740 (i) the recommendations of the licensed service provider for the treatment program;

1741 (ii) the minor's record in the treatment program; and

1742 (iii) the minor's completion of the goals of the treatment program.

1743 (5) Subject to [~~Subsection (8)~~] Subsections (6) and (7), if one of the circumstances

1744 under Subsection (4) exists the juvenile court may extend supervision for the time needed to

1745 address the specific circumstance.

1746 [~~(6) If a circumstance under Subsection (4)(a)(iii), (iv), or (v) exists, the juvenile court~~
1747 ~~may extend supervision for no more than three months.~~]

1748 (6) If the juvenile court extends supervision solely on the ground that the minor has not

1749 yet completed community or compensatory service hours under Subsection (4)(a)(iii), the

1750 juvenile court may only extend supervision:

1751 (a) one time for no more than three months; and

1752 (b) as intake probation.

1753 (7) (a) If the juvenile court extends jurisdiction solely on the ground that the minor has

1754 not paid restitution in full as described in Subsection (4)(a)(v):

1755 (i) the juvenile court may only:

1756 (A) extend jurisdiction up to four times for no more than three months at a time;

1757 (B) consider the efforts of the minor to pay restitution in full when determining

1758 whether to extend jurisdiction under Subsection (7)(a)(i); and

1759 (C) make orders concerning the payment of restitution during the period for which

1760 jurisdiction is extended;

1761 (ii) the juvenile court shall terminate any intake probation or formal probation of the

1762 minor; and

1763 (iii) a designated staff member of the juvenile court shall submit a report to the juvenile
1764 court every three months regarding the minor's efforts to pay restitution.

1765 (b) If the juvenile court finds that a minor is not making an effort to pay restitution, the
1766 juvenile court shall:

1767 (i) terminate jurisdiction over the minor's case; and

1768 (ii) record the amount of unpaid restitution as a civil judgment in accordance with
1769 Subsection 80-6-709(8).

1770 ~~[(7)]~~ (8) If the juvenile court extends supervision or jurisdiction under this section, the
1771 grounds for the extension and the length of any extension shall be recorded in the court records
1772 and tracked in the data system used by the Administrative Office of the Courts and the division.

1773 ~~[(8) For a minor who is under the continuing jurisdiction of the juvenile court and~~
1774 ~~whose supervision is extended under Subsection (4)(a)(iii), (iv), or (v), supervision may only~~
1775 ~~be extended as intake probation.]~~

1776 (9) If a minor leaves supervision without authorization for more than 24 hours, the
1777 supervision period for the minor shall toll until the minor returns.

1778 (10) This section does not apply to any minor adjudicated under this chapter for:

1779 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

1780 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

1781 (c) Section 76-5-203, murder or attempted murder;

1782 (d) Section 76-5-205, manslaughter;

1783 (e) Section 76-5-206, negligent homicide;

1784 (f) Section 76-5-207, automobile homicide;

1785 (g) Section 76-5-207.5, automobile homicide involving handheld wireless
1786 communication device;

1787 (h) Section 76-5-208, child abuse homicide;

1788 (i) Section 76-5-209, homicide by assault;

1789 (j) Section 76-5-302, aggravated kidnapping;

1790 (k) Section 76-5-405, aggravated sexual assault;

1791 (l) a felony violation of Section 76-6-103, aggravated arson;

1792 (m) Section 76-6-203, aggravated burglary;

- 1793 (n) Section 76-6-302, aggravated robbery;
- 1794 (o) Section 76-10-508.1, felony discharge of a firearm;
- 1795 (p) (i) an offense other than an offense listed in Subsections (10)(a) through (o)
- 1796 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
- 1797 (ii) the minor has been previously adjudicated or convicted of an offense involving the
- 1798 use of a dangerous weapon; or
- 1799 (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and
- 1800 the minor has been previously committed to the division for secure care.

1801 Section 29. Section 80-6-802 is amended to read:

1802 **80-6-802. Commitment to secure care -- Rights of individuals in secure care.**

1803 (1) If a youth offender is ordered to secure care under Section 80-6-705, the youth

1804 offender shall remain in secure care until the youth offender is:

- 1805 (a) 21 years old;
- 1806 (b) paroled; or
- 1807 (c) discharged.

1808 (2) If a serious youth offender is ordered to secure care under Section 80-6-705, the

1809 serious youth offender shall remain in secure care until the serious youth offender is:

- 1810 (a) 25 years old;
- 1811 (b) paroled; or
- 1812 (c) discharged.

1813 (3) (a) Subject to Subsection (3)(b), a juvenile offender in secure care, or an individual

1814 housed in a secure care facility under Section 80-6-507, has the right to:

1815 (i) phone the juvenile offender's or individual's parent, guardian, or an attorney [~~while~~

1816 ~~the juvenile offender is in secure care~~]; and

1817 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or

1818 custodian.

1819 (b) The division may:

1820 (i) establish a schedule for which a juvenile offender, or an individual housed in a

1821 secure care facility under Section 80-6-507, may visit or phone a person described in

1822 Subsection (3)(a);

1823 (ii) allow a juvenile offender, or an individual housed in a secure care facility under

1824 Section 80-6-507, to visit or call persons described in Subsection (3)(a) in special
1825 circumstances;

1826 (iii) limit the number and length of calls and visits for a juvenile offender, or an
1827 individual housed in a secure care facility under Section 80-6-507, to persons described in
1828 Subsection (3)(a) on account of scheduling, facility, or personnel constraints; or

1829 (iv) limit the [juvenile's] juvenile offender's or individual's rights under Subsection
1830 (3)(a) if a compelling reason exists to limit the [juvenile's] juvenile offender's or individual's
1831 rights.

1832 (c) A juvenile offender in secure care, or an individual housed in a secure care facility
1833 under Section 80-6-507, shall be advised of the rights described in Subsection (3)(a).

1834 Section 30. Section **80-6-804** is amended to read:

1835 **80-6-804. Review and termination of secure care.**

1836 (1) If a juvenile offender is ordered to secure care under Section **80-6-705**, the juvenile
1837 offender shall appear before the authority within 45 days after the day on which the juvenile
1838 offender is ordered to secure care for review of a treatment plan and to establish parole release
1839 guidelines.

1840 (2) (a) If a juvenile offender is ordered to secure care under Section **80-6-705**, the
1841 authority shall set a presumptive term of commitment for the juvenile offender from three to
1842 six months, but the presumptive term may not exceed six months.

1843 (b) The authority shall release the juvenile offender on parole at the end of the
1844 presumptive term of commitment unless:

1845 (i) termination would interrupt the completion of a treatment program determined to be
1846 necessary by the results of a validated risk and needs assessment under Section **80-6-606**; or

1847 (ii) the juvenile offender commits a new misdemeanor or felony offense.

1848 (c) The authority shall determine whether a juvenile offender has completed a
1849 treatment program under Subsection (2)(b)(i) by considering:

1850 (i) the recommendations of the licensed service provider for the treatment program;

1851 (ii) the juvenile offender's record in the treatment program; and

1852 (iii) the juvenile offender's completion of the goals of the treatment program.

1853 (d) The authority may extend the length of commitment and delay parole release for the
1854 time needed to address the specific circumstance if one of the circumstances under Subsection

1855 (2)(b) exists.

1856 (e) The authority shall:

1857 (i) record the length of the extension and the grounds for the extension; and

1858 (ii) report annually the length and grounds of extension to the commission.

1859 (f) Records under Subsection (2)(e) shall be tracked in the data system used by the
1860 juvenile court and the division.

1861 (3) (a) If a juvenile offender is committed to secure care, the authority shall set a
1862 presumptive term of parole supervision, including aftercare services, from three to four months,
1863 but the presumptive term may not exceed four months.

1864 (b) If the authority determines that a juvenile offender is unable to return home
1865 immediately upon release, the juvenile offender may serve the term of parole:

1866 (i) in the home of a qualifying relative or guardian [~~or~~];

1867 (ii) at an independent living program contracted or operated by the division[~~;~~]; or

1868 (iii) in a family-based setting with approval by the director or the director's designee if
1869 the minor does not qualify for an independent living program due to age, disability, or another
1870 reason or the minor cannot be placed with a qualifying relative or guardian.

1871 (c) The authority shall release a juvenile offender from parole and terminate the
1872 authority's jurisdiction at the end of the presumptive term of parole, unless:

1873 (i) termination would interrupt the completion of a treatment program that is
1874 determined to be necessary by the results of a validated risk and needs assessment under
1875 Section [80-6-606](#);

1876 (ii) the juvenile offender commits a new misdemeanor or felony offense; or

1877 (iii) restitution has not been completed.

1878 (d) The authority shall determine whether a juvenile offender has completed a
1879 treatment program under Subsection (2)(c)(i) by considering:

1880 (i) the recommendations of the licensed service provider;

1881 (ii) the juvenile offender's record in the treatment program; and

1882 (iii) the juvenile offender's completion of the goals of the treatment program.

1883 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay
1884 parole release only for the time needed to address the specific circumstance.

1885 (f) The authority shall:

- 1886 (i) record the grounds for extension of the presumptive length of parole and the length
1887 of the extension; and
- 1888 (ii) report annually the extension and the length of the extension to the commission.
- 1889 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the
1890 juvenile court and the division.
- 1891 (h) If a juvenile offender leaves parole supervision without authorization for more than
1892 24 hours, the term of parole shall toll until the juvenile offender returns.
- 1893 (4) Subsections (2) and (3) do not apply to a juvenile offender committed to secure
1894 care for:
- 1895 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
1896 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
1897 (c) Section 76-5-203, murder or attempted murder;
1898 (d) Section 76-5-205, manslaughter;
1899 (e) Section 76-5-206, negligent homicide;
1900 (f) Section 76-5-207, automobile homicide;
1901 (g) Section 76-5-207.5, automobile homicide involving a handheld wireless
1902 communication device;
- 1903 (h) Section 76-5-208, child abuse homicide;
1904 (i) Section 76-5-209, homicide by assault;
1905 (j) Section 76-5-302, aggravated kidnapping;
1906 (k) Section 76-5-405, aggravated sexual assault;
1907 (l) a felony violation of Section 76-6-103, aggravated arson;
1908 (m) Section 76-6-203, aggravated burglary;
1909 (n) Section 76-6-302, aggravated robbery;
1910 (o) Section 76-10-508.1, felony discharge of a firearm;
- 1911 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)
1912 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and
1913 (ii) the juvenile offender has been previously adjudicated or convicted of an offense
1914 involving the use of a dangerous weapon, as defined in Section 76-1-601; or
- 1915 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the
1916 juvenile offender has been previously committed to the division for secure care.

1917 (5) (a) The division may continue to have responsibility over a juvenile offender, who
1918 is discharged under this section from parole, to participate in a specific educational or
1919 rehabilitative program:

1920 (i) until the juvenile offender is:

1921 (A) if the juvenile offender is a youth offender, 21 years old; or

1922 (B) if the juvenile offender is a serious youth offender, 25 years old; and

1923 (ii) under an agreement by the division and the juvenile offender that the program has
1924 certain conditions.

1925 (b) The division and the juvenile offender may terminate participation in a program
1926 under Subsection (5)(a) at any time.

1927 (c) The division shall offer an educational or rehabilitative program before a juvenile
1928 offender's discharge date in accordance with this section.

1929 (d) A juvenile offender may request the services described in this Subsection (5), even
1930 if the offender has been previously declined services or services were terminated for
1931 noncompliance.

1932 (e) Notwithstanding Subsection (5)(c), the division:

1933 (i) shall consider a request by a juvenile offender under Subsection (5)(d) for the
1934 services described in this Subsection (5) for up to 365 days after the juvenile offender's
1935 effective date of discharge, even if the juvenile offender has previously declined services or
1936 services were terminated for noncompliance; and

1937 (ii) may reach an agreement with the juvenile offender to provide the services
1938 described in this Subsection (5) until the juvenile offender is:

1939 (A) if the juvenile offender is a youth offender, 21 years old; or

1940 (B) if the juvenile offender is a serious youth offender, 25 years old.

1941 (f) The division and the juvenile offender may terminate an agreement for services
1942 under this Subsection (5) at any time.

1943 Section 31. **Coordinating H.B. 299 with S.B. 120 -- Substantive and technical**
1944 **amendment.**

1945 If this H.B. 299 and S.B. 120, Juvenile Justice Amendments, both pass and become
1946 law, it is the intent of the Legislature that the Office of Legislative Research and General
1947 Counsel prepare the database for publication by:

1948 (1) amending Subsection 80-6-709(2) to read:
1949 "(2) If the juvenile court orders a minor to pay [a fine, fee, restitution, or other cost,]
1950 restitution or to complete community or compensatory service hours, the juvenile court shall
1951 consider the dispositions collectively to ensure that an order:
1952 (a) is reasonable; and
1953 (b) prioritizes restitution[; and].
1954 [~~(c) takes into account the minor's ability to satisfy the order within the presumptive~~
1955 period of supervision under Section 80-6-712, or Section 80-6-802 if the minor is ordered to
1956 secure care.];"
1957 (2) amending Subsection 80-6-712(4)(a) to read:
1958 "(4) (a) [~~In accordance with Section 80-6-711 and Subsections (1) and (2), the] The~~
1959 juvenile court shall terminate continuing jurisdiction over a minor's case at the end of the time
1960 period described in Subsection (1) for probation[;] or Subsection (2) for commitment to the
1961 division, unless:
1962 (i) termination would interrupt the completion of the treatment program determined to
1963 be necessary by the results of a validated risk and needs assessment under Section 80-6-606;
1964 (ii) the minor commits a new misdemeanor or felony offense;
1965 (iii) the minor has not completed community or compensatory service hours [~~have not~~
1966 been completed]; or
1967 [~~(iv) there is an outstanding fine; or]~~
1968 [~~(v) there is a failure to pay restitution in full.]~~
1969 (iv) the minor has not paid restitution in full."; and
1970 (3) changing the reference in Subsection 80-6-712(7)(a) from "Subsection (4)(a)(v)" to
1971 "Subsection (4)(a)(iv)".

1972 Section 32. **Coordinating H.B. 299 with H.B. 171 -- Substantive amendment.**

1973 If this H.B. 299 and H.B. 171, Custodial Interrogation Amendments, both pass and
1974 become law, it is the intent of the Legislature that the Office of Legislative Research and
1975 General Counsel prepare the database for publication by:

1976 (1) amending Subsection 80-6-206(1)(a) in H.B. 171 to read:
1977 "(a) "Custodial interrogation" means any interrogation of an individual while the
1978 individual is in custody."; and

1979 (2) amending Subsection 80-6-206(5)(a) in this bill to read:
1980 "(5) (a) If an individual is admitted to a detention facility under Section 80-6-205,
1981 committed to a secure care facility under Section 80-6-705, or housed in a secure care
1982 facility under Section 80-6-507, and the individual is subject to a custodial interrogation for an
1983 offense, the individual may not be interrogated unless:".