

**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

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**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



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

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

78 **62A-15-202. Definitions.**

79 As used in this part:

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

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

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

87 [~~3~~] (4) "Teen substance abuse school" means any school established by the local

88 substance abuse authority, in cooperation with the Board of Juvenile Court Judges, that  
89 provides an educational, interpersonal, skill-building experience for juvenile substance abuse  
90 offenders and their parents or legal guardians.

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

92 **62A-15-204. Court order to attend substance abuse school -- Assessments.**

93 (1) In addition to any other disposition ordered by the juvenile court under Section  
94 ~~[80-3-405 or]~~ 80-6-701, the court may order ~~[a juvenile and his parents or legal guardians]:~~

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

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

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

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

102 **78A-5-101. State District Court Administrative System -- Definitions.**

103 (1) As used in this chapter:

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

105 (b) "Single criminal episode" means the same as that term is defined in Section  
106 76-1-401.

107 ~~[(1)]~~ (2) (a) The district court is a trial court of general jurisdiction.

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

109 ~~[(2)]~~ (3) (a) There is established a State District Court Administrative System.

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

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

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

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

115 **78A-5-102. Jurisdiction of the district court -- Appeals.**

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

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

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

119 ~~[(c) "Single criminal episode" means the same as that term is defined in Section~~  
 120 ~~76-1-401.]~~

121 ~~[(2)]~~ (1) Except as otherwise provided by the Utah Constitution or by statute, the  
 122 district court has original jurisdiction in all matters civil and criminal.

123 ~~[(3)]~~ (2) A district court judge may issue all extraordinary writs and other writs  
 124 necessary to carry into effect the district court judge's orders, judgments, and decrees.

125 ~~[(4)]~~ (3) The district court has jurisdiction over matters of lawyer discipline consistent  
 126 with the rules of the Supreme Court.

127 ~~[(5)]~~ (4) The district court has jurisdiction over all matters properly filed in the circuit  
 128 court prior to July 1, 1996.

129 ~~[(6)]~~ (5) The district court has appellate jurisdiction over judgments and orders of the  
 130 justice court as outlined in Section 78A-7-118 and small claims appeals filed in accordance  
 131 with Section 78A-8-106.

132 ~~[(7)]~~ (6) Jurisdiction over appeals from the final orders, judgments, and decrees of the  
 133 district court is described in Sections 78A-3-102 and 78A-4-103.

134 ~~[(8)]~~ (7) The district court has jurisdiction to review:

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

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

139 ~~[(9)]~~ (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction  
 140 over~~[-(a)]~~ a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an  
 141 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:

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

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

146 ~~[(iii)]~~ (c) the offense is included in an indictment or information covering a single  
 147 criminal episode alleging the commission of a felony or a class A misdemeanor by an  
 148 individual who is 18 years old or older~~[-or].~~

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

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

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

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

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

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

161 ~~[(11)]~~ (9) If a district court has jurisdiction in accordance with Subsection ~~[(6);~~  
162 ~~(9)(a)(i), or (9)(a)(ii)]~~ (5), (8)(a), or (8)(b), the district court has jurisdiction over an offense  
163 listed in Subsection 78A-7-106(2) even if the offense is committed by an individual who is 16  
164 or 17 years old.

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

168 ~~[(13)]~~ (10) The district court has subject matter jurisdiction over an action under Title  
169 78B, Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the  
170 district court.

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

172 **78A-5-102.5. Jurisdiction of the district court over an offense committed by a**  
173 **minor -- Exclusive jurisdiction of the district court -- Transfer to juvenile court.**

174 (1) As used in this section:

175 (a) "Minor" means:

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

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

179 (iii) an individual:

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

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

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

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

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

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

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

221 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**  
222 **Findings -- Transfer of a case from another court.**

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

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

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

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

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

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

234 (i) by an individual:

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

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

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

238 (A) when school was in session; or

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

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

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

242 (b) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child



243 Protective Orders;

244 (c) the appointment of a guardian of the individual or other guardian of a minor who  
245 comes within the court's jurisdiction under other provisions of this section;

246 (d) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;

247 (e) the termination of parental rights in accordance with Title 80, Chapter 4,

248 Termination and Restoration of Parental Rights, including termination of residual parental  
249 rights and duties;

250 (f) the treatment or commitment of a minor who has an intellectual disability;

251 (g) the judicial consent to the marriage of a minor who is 16 or 17 years old in  
252 accordance with Section 30-1-9;

253 (h) an order for a parent or a guardian of a child under Subsection 80-6-705(3);

254 (i) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;

255 (j) the treatment or commitment of a child with a mental illness;

256 (k) the commitment of a child to a secure drug or alcohol facility in accordance with  
257 Section 62A-15-301;

258 (l) a minor found not competent to proceed in accordance with Title 80, Chapter 6, Part  
259 4, Competency;

260 (m) de novo review of final agency actions resulting from an informal adjudicative  
261 proceeding as provided in Section 63G-4-402;

262 (n) adoptions conducted in accordance with the procedures described in Title 78B,  
263 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order  
264 terminating the rights of a parent and finds that adoption is in the best interest of the child;

265 (o) an ungovernable or runaway child who is referred to the juvenile court by the  
266 Division of Juvenile Justice Services if, despite earnest and persistent efforts by the Division of  
267 Juvenile Justice Services, the child has demonstrated that the child:

268 (i) is beyond the control of the child's parent, guardian, or custodian to the extent that  
269 the child's behavior or condition endangers the child's own welfare or the welfare of others; or

270 (ii) has run away from home; and

271 (p) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult  
272 alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to comply  
273 with a promise to appear and bring a child to the juvenile court.

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

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

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

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

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

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

286 **78A-6-103.5. Exclusive jurisdiction of the juvenile court -- Transfer from district**  
287 **court.**

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

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

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

293 (ii) the court has original jurisdiction; and

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

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

298 (ii) the court has original jurisdiction.

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

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

304 (b) an offense for operation in willful or wanton disregard for safety, as described in

305 Section [73-18-12](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

340 **78A-6-120. Continuing jurisdiction of juvenile court -- Period of and termination**  
341 **of jurisdiction.**

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

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

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

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

349 (i) upon order of the court;

350 (ii) upon an order for secure care under Section 80-6-705; or

351 (iii) in accordance with Section 80-6-712.

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

354 (i) by marriage; or

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

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

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

361 **78A-7-106. Jurisdiction.**

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

367 jurisdiction by an individual who is 18 years old or older.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

397 (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and

398 Operators Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

426 [and]

427 ~~[(B) as used in Subsection (3)(f)(ii)(A), "body of water" includes any stream, river,  
428 lake, or reservoir, whether natural or man-made;]~~

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

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

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

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

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

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

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

443            **80-1-102. Juvenile code definitions.**

444            As used in this title:

445            (1) (a) "Abuse" means:

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

447            (B) threatened harm of a child;

448            (C) sexual exploitation;

449            (D) sexual abuse; or

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

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

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

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

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

458            (b) "Abuse" does not include:

459            (i) reasonable discipline or management of a child, including withholding privileges;

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



- 491 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 492 (12) "Community-based program" means a nonsecure residential or nonresidential  
493 program, designated to supervise and rehabilitate juvenile offenders, that prioritizes the least  
494 restrictive setting, consistent with public safety, and operated by or under contract with the  
495 Division of Juvenile Justice Services.
- 496 (13) "Community placement" means placement of a minor in a community-based  
497 program described in Section [80-5-402](#).
- 498 (14) "Correctional facility" means:  
499 (a) a county jail; or  
500 (b) a secure correctional facility as defined in Section [64-13-1](#).
- 501 (15) "Criminogenic risk factors" means evidence-based factors that are associated with  
502 a minor's likelihood of reoffending.
- 503 (16) "Department" means the Department of Human Services created in Section  
504 [62A-1-102](#).
- 505 (17) "Dependent child" or "dependency" means a child who is without proper care  
506 through no fault of the child's parent, guardian, or custodian.
- 507 (18) "Deprivation of custody" means transfer of legal custody by the juvenile court  
508 from a parent or a previous custodian to another person, agency, or institution.
- 509 (19) "Detention" means home detention or secure detention.
- 510 (20) "Detention risk assessment tool" means an evidence-based tool established under  
511 Section [80-5-203](#) that:  
512 (a) assesses a minor's risk of failing to appear in court or reoffending before  
513 adjudication; and  
514 (b) is designed to assist in making a determination of whether a minor shall be held in  
515 detention.
- 516 (21) "Developmental immaturity" means incomplete development in one or more  
517 domains that manifests as a functional limitation in the minor's present ability to:  
518 (a) consult with counsel with a reasonable degree of rational understanding; and  
519 (b) have a rational as well as factual understanding of the proceedings.
- 520 (22) "Disposition" means an order by a juvenile court, after the adjudication of a  
521 minor, under Section [80-3-405](#) or [80-4-305](#) or Chapter 6, Part 7, Adjudication and Disposition.

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

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

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

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

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

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

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

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

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

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

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

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

542 (a) marriage;

543 (b) enlistment in the armed forces;

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

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

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

548 (32) "Harm" means:

549 (a) physical or developmental injury or damage;

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

552 (c) sexual abuse; or

553 (d) sexual exploitation.

554 (33) "Home detention" means placement of a minor:

555 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the  
556 consent of the minor's parent, guardian, or custodian, under terms and conditions established by  
557 the Division of Juvenile Justice Services or the juvenile court; or

558 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the  
559 minor's home, or in a surrogate home with the consent of the minor's parent, guardian, or  
560 custodian, under terms and conditions established by the Division of Juvenile Justice Services  
561 or the juvenile court.

562 (34) (a) "Incest" means engaging in sexual intercourse with an individual whom the  
563 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle, aunt,  
564 nephew, niece, or first cousin.

565 (b) "Incest" includes:

566 (i) blood relationships of the whole or half blood, without regard to legitimacy;

567 (ii) relationships of parent and child by adoption; and

568 (iii) relationships of stepparent and stepchild while the marriage creating the  
569 relationship of a stepparent and stepchild exists.

570 (35) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.

571 (36) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.

572 (37) "Indigent defense service provider" means the same as that term is defined in  
573 Section 78B-22-102.

574 (38) "Indigent defense services" means the same as that term is defined in Section  
575 78B-22-102.

576 (39) "Indigent individual" means the same as that term is defined in Section  
577 78B-22-102.

578 (40) (a) "Intake probation" means a minor is:

579 (i) monitored by a juvenile probation officer; and

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

581 (b) "Intake probation" does not include formal probation.

582 (41) "Intellectual disability" means a significant subaverage general intellectual  
583 functioning existing concurrently with deficits in adaptive behavior that constitutes a

584 substantial limitation to the individual's ability to function in society.

585 (42) "Juvenile offender" means:

586 (a) a serious youth offender; or

587 (b) a youth offender.

588 (43) "Juvenile probation officer" means a probation officer appointed under Section

589 [78A-6-205](#).

590 (44) "Juvenile receiving center" means a nonsecure, nonresidential program established

591 by the Division of Juvenile Justice Services, or under contract with the Division of Juvenile

592 Justice Services, that is responsible for minors taken into temporary custody under Section

593 [80-6-201](#).

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

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

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

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

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

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

601 (46) "Mental illness" means:

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

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

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

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

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

610 (a) a child; or

611 (b) an individual:

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

613 (B) for whom the Division of Child and Family Services has been specifically ordered  
614 by the juvenile court to provide services because the individual was an abused, neglected, or

615 dependent child or because the individual was adjudicated for an offense; [or]  
616 (ii) (A) who is at least 18 years old and younger than 25 years old; and  
617 (B) whose case is under the [~~continuing jurisdiction of the juvenile court under Chapter~~  
618 ~~6, Juvenile Justice.~~] jurisdiction of the juvenile court in accordance with Subsection  
619 78A-6-103(1)(b); or  
620 (iii) (A) who is at least 18 years old and younger than 21 years old; and  
621 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
622 Subsection 78A-6-103(1)(c).  
623 (48) "Mobile crisis outreach team" means the same as that term is defined in Section  
624 62A-15-102.  
625 (49) "Molestation" means that an individual, with the intent to arouse or gratify the  
626 sexual desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,  
627 or the breast of a female child, or takes indecent liberties with a child as defined in Section  
628 76-5-416.  
629 (50) (a) "Natural parent" means a minor's biological or adoptive parent.  
630 (b) "Natural parent" includes the minor's noncustodial parent.  
631 (51) (a) "Neglect" means action or inaction causing:  
632 (i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe  
633 Relinquishment of a Newborn Child;  
634 (ii) lack of proper parental care of a child by reason of the fault or habits of the parent,  
635 guardian, or custodian;  
636 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary  
637 subsistence or medical care, or any other care necessary for the child's health, safety, morals, or  
638 well-being;  
639 (iv) a child to be at risk of being neglected or abused because another child in the same  
640 home is neglected or abused;  
641 (v) abandonment of a child through an unregulated custody transfer; or  
642 (vi) educational neglect.  
643 (b) "Neglect" does not include:  
644 (i) a parent or guardian legitimately practicing religious beliefs and who, for that  
645 reason, does not provide specified medical treatment for a child;

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

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

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

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

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

655 (C) engaging in outdoor play;

656 (D) remaining in a vehicle unattended, except under the conditions described in  
657 Subsection 76-10-2202(2);

658 (E) remaining at home unattended; or

659 (F) engaging in a similar independent activity.

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

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

664 (a) the assigned juvenile probation officer; and

665 (b) (i) the minor; or

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

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

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

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

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

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

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

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

681 (58) "Prosecuting attorney" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

699 (iii) is likely to continue indefinitely; and

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

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

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

706 (i) the responsibility for support;

707 (ii) the right to consent to adoption;

708 (iii) the right to determine the child's religious affiliation; and  
709 (iv) the right to reasonable parent-time unless restricted by the court.

710 (b) If no guardian has been appointed, "residual parental rights and duties" includes the  
711 right to consent to:

- 712 (i) marriage;
- 713 (ii) enlistment; and
- 714 (iii) major medical, surgical, or psychiatric treatment.

715 (63) "Runaway" means a child, other than an emancipated child, who willfully leaves  
716 the home of the child's parent or guardian, or the lawfully prescribed residence of the child,  
717 without permission.

718 (64) "Secure care" means placement of a minor, who is committed to the Division of  
719 Juvenile Justice Services for rehabilitation, in a facility operated by, or under contract with, the  
720 Division of Juvenile Justice Services, that provides 24-hour supervision and confinement of the  
721 minor.

722 (65) "Secure care facility" means a facility, established in accordance with Section  
723 [80-5-503](#), for juvenile offenders in secure care.

724 (66) "Secure detention" means temporary care of a minor who requires secure custody  
725 in a physically restricting facility operated by, or under contract with, the Division of Juvenile  
726 Justice Services:

727 (a) before disposition of an offense that is alleged to have been committed by the  
728 minor; or

729 (b) under Section [80-6-704](#).

730 (67) "Serious youth offender" means an individual who:

731 (a) is at least 14 years old, but under 25 years old;

732 (b) committed a felony listed in Subsection [80-6-503](#)(1) and the continuing jurisdiction  
733 of the juvenile court was extended over the individual's case until the individual was 25 years  
734 old in accordance with Section [80-6-605](#); and

735 (c) is committed by the juvenile court to the Division of Juvenile Justice Services for  
736 secure care under Sections [80-6-703](#) and [80-6-705](#).

737 (68) "Severe abuse" means abuse that causes or threatens to cause serious harm to a  
738 child.



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

741 (70) "Sexual abuse" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

767 (71) "Sexual exploitation" means knowingly:

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

769 (i) pose in the nude for the purpose of sexual arousal of any individual; or

770 (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing,  
771 filming, recording, or displaying in any way the sexual or simulated sexual conduct;

772 (b) displaying, distributing, possessing for the purpose of distribution, or selling  
773 material depicting a child:

774 (i) in the nude, for the purpose of sexual arousal of any individual; or

775 (ii) engaging in sexual or simulated sexual conduct; or

776 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,  
777 sexual exploitation of a minor, regardless of whether the individual who engages in the conduct  
778 is actually charged with, or convicted of, the offense.

779 (72) "Shelter" means the temporary care of a child in a physically unrestricted facility  
780 pending a disposition or transfer to another jurisdiction.

781 (73) "Shelter facility" means the same as that term is defined in Section 62A-4a-101.

782 (74) "Single criminal episode" means the same as that term is defined in Section  
783 76-1-401.

784 (75) "Status offense" means an offense that would not be an offense but for the age of  
785 the offender.

786 (76) "Substance abuse" means the misuse or excessive use of alcohol or other drugs or  
787 substances.

788 (77) "Substantiated" means the same as that term is defined in Section 62A-4a-101.

789 (78) "Supported" means the same as that term is defined in Section 62A-4a-101.

790 (79) "Termination of parental rights" means the permanent elimination of all parental  
791 rights and duties, including residual parental rights and duties, by court order.

792 (80) "Therapist" means:

793 (a) an individual employed by a state division or agency for the purpose of conducting  
794 psychological treatment and counseling of a minor in the division's or agency's custody; or

795 (b) any other individual licensed or approved by the state for the purpose of conducting  
796 psychological treatment and counseling.

797 (81) "Threatened harm" means actions, inactions, or credible verbal threats, indicating  
798 that the child is at an unreasonable risk of harm or neglect.

799 (82) "Ungovernable" means a child in conflict with a parent or guardian, and the  
800 conflict:

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

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

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

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

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

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

812 (c) without taking:

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

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

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

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

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

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

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

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

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

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

827 **80-5-201. Division responsibilities.**

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

830 (2) The division shall:

831 (a) establish and administer a continuum of community, secure, and nonsecure

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

863 and staff of the community-based programs;

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

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

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

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

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

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

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

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

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

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

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

881 (iii) investigate cases; and

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

883 (b) A special function officer may be:

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

886 (ii) directly hired by the division.

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

891 (5) The division may proceed with an initial medical screening or assessment of a child  
892 admitted to a detention facility to ensure the safety of the child and others in the detention  
893 facility if the division makes a good faith effort to obtain consent for the screening or

894 assessment from the child's parent or guardian.

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

896 **80-5-302. Juvenile Justice Reinvestment Restricted Account.**

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

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

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

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

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

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

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

909 (i) receiving centers;

910 (ii) mobile crisis outreach teams;

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

912 (iv) victim-offender mediation under Section **80-6-304** and Subsection  
913 **80-6-710[(7)](6)**;

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

916 (c) to implement:

917 (i) nonresidential diagnostic assessment; and

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

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

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

923 **80-6-102. Definitions.**

924 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

943 ~~[(10)]~~ (11) "Formal referral" means a written report from a peace officer, or other  
944 person, informing the juvenile court that:

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

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

949 ~~[(11)]~~ (12) "Material loss" means an uninsured:

950 (a) property loss;

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

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

954 (d) medical expense.

955 ~~[(12)]~~ (13) "Referral" means a formal referral, a referral to the juvenile court under

956 Section 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice  
957 under Section 80-6-302.

958 ~~[(13)]~~ (14) "Rescission" means a written order of the authority that rescinds a date for  
959 parole.

960 ~~[(14)]~~ (15) "Restitution" means money or services that the juvenile court, or a juvenile  
961 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or  
962 render to a victim for the minor's wrongful act or conduct.

963 ~~[(15)]~~ (16) "Revocation" means a written order of the authority that, after a hearing and  
964 determination under Section 80-6-806:

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

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

967 ~~[(16)]~~ (17) "Temporary custody" means the control and responsibility of a minor,  
968 before an adjudication under Section 80-6-701, until the minor is released to a parent, guardian,  
969 responsible adult, or to an appropriate agency.

970 ~~[(17)]~~ (18) "Termination" means a written order of the authority that terminates a  
971 juvenile offender from parole.

972 ~~[(18)]~~ (19) (a) "Victim" means a person that the juvenile court determines suffered a  
973 material loss as a result of a minor's wrongful act or conduct.

974 (b) "Victim" includes:

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

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

979 ~~[(19)]~~ (20) "Violent felony" means the same as that term is defined in Section  
980 76-3-203.5.

981 ~~[(20)]~~ (21) "Work program" means the same as that term is defined in Section  
982 80-5-102.

983 ~~[(21)]~~ (22) "Youth services" means the same as that term is defined in Section  
984 80-5-102.

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

986 **80-6-205. Admission to detention -- Alternative to detention -- Rights of a minor**



987 **in detention.**

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

991 (a) admit the minor to secure detention;

992 (b) admit the minor to home detention;

993 (c) place the minor in another alternative to detention; or

994 (d) if the minor is a child, return the minor home upon a written promise by the minor's  
995 parent, guardian, or custodian to bring the minor to the juvenile court at a time set or without  
996 restriction.

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

998 (a) the minor is detainable based on the detention guidelines; or

999 (b) the minor has been brought to detention in accordance with:

1000 (i) a court order;

1001 (ii) a warrant in accordance with Section 80-6-202; or

1002 (iii) a division warrant in accordance with Section 80-6-806.

1003 (3) If the designated staff member determines to admit a minor to home detention, the  
1004 staff member shall notify the juvenile court of that determination.

1005 (4) Even if a minor is eligible for secure detention, a peace officer or other person who  
1006 takes a minor to a detention facility, or the designated staff member of the detention facility,  
1007 may release a minor to a less restrictive alternative than secure detention.

1008 (5) (a) If a minor taken to a detention facility does not qualify for admission under  
1009 detention guidelines or this section, a designated staff member of the detention facility shall  
1010 arrange an appropriate alternative, including admitting a minor to a juvenile receiving center or  
1011 a shelter facility.

1012 (b) (i) Except as otherwise provided by this section, a minor may not be placed or kept  
1013 in secure detention while court proceedings are pending.

1014 (ii) A child may not be placed or kept in a shelter facility while court proceedings are  
1015 pending, unless the child is in protective custody in accordance with Chapter 3, Abuse,  
1016 Neglect, and Dependency Proceedings.

1017 (6) If a minor is taken into temporary custody and admitted to a secure detention, or

1018 another alternative to detention, a designated staff member of the detention facility shall:

1019 (a) immediately notify the minor's parent, guardian, or custodian; and

1020 (b) promptly notify the juvenile court of the placement.

1021 (7) If a minor is admitted to secure detention, or another alternative to detention,

1022 outside the county of the minor's residence and a juvenile court determines, in a detention

1023 hearing, that secure detention, or an alternative to detention, of the minor shall continue, the

1024 juvenile court shall direct the sheriff of the county of the minor's residence to transport the

1025 minor to secure detention or another alternative to detention in that county.

1026 (8) (a) Subject to Subsection (8)(b), a minor admitted to detention has a right to:

1027 (i) phone the minor's parent, guardian, or attorney immediately after the minor is

1028 admitted to detention; and

1029 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or

1030 custodian.

1031 (b) The division may:

1032 (i) establish a schedule for which a minor in detention may visit or phone a person

1033 described in Subsection (8)(a);

1034 (ii) allow a minor in detention to visit or call persons described in Subsection (8)(a) in

1035 special circumstances;

1036 (iii) limit the number and length of calls and visits for a minor in detention to persons

1037 described in Subsection (8)(a) on account of scheduling, facility, or personnel constraints; or

1038 (iv) limit the minor's rights under Subsection (8)(a) if a compelling reason exists to

1039 limit the minor's rights.

1040 (c) A minor admitted to detention shall be immediately advised of the minor's rights

1041 described in this Subsection (8).

1042 Section 15. Section **80-6-206** is amended to read:

1043 **80-6-206. Interview of a child -- Presence of a parent, legal guardian, or other**

1044 **adult -- Interview of individual in detention or secure care facility.**

1045 (1) As used in this section:

1046 (a) (i) "Friendly adult" means an adult:

1047 (A) that has an established relationship with the child to the extent that the adult can

1048 provide meaningful advice and concerned help to the child should the need arise; and

- 1049 (B) who is not hostile or adverse to the child's interest.
- 1050 (ii) "Friendly adult" does not include a parent or guardian of the child.
- 1051 (b) (i) "Interrogation" means any express questioning or any words or actions that are
- 1052 reasonably likely to elicit an incriminating response.
- 1053 (ii) "Interrogation" does not include words or actions normally attendant to arrest and
- 1054 custody.
- 1055 (2) If a child is in custody and subject to interrogation for an offense, the child has the
- 1056 right:
- 1057 (a) to have the child's parent or guardian present during an interrogation of the child; or
- 1058 (b) to have a friendly adult present during an interrogation of the child if:
- 1059 (i) there is reason to believe that the child's parent or guardian has abused or threatened
- 1060 the child; or
- 1061 (ii) the child's parent's or guardian's interest is adverse to the child's interest, including
- 1062 that the parent or guardian is a victim or a codefendant of the offense alleged to have been
- 1063 committed by the child.
- 1064 (3) If a child is in custody and subject to interrogation of an offense, the child may not
- 1065 be interrogated unless:
- 1066 (a) the child has been advised of the child's constitutional rights and the child's right to
- 1067 have a parent or guardian, or a friendly adult if applicable under Subsection (2)(b), present
- 1068 during the interrogation;
- 1069 (b) the child has waived the child's constitutional rights;
- 1070 (c) except as provided in Subsection (4), the child's parent or guardian, or the friendly
- 1071 adult if applicable under Subsection (2)(b), was present during the child's waiver under
- 1072 Subsection (3)(b) and has given permission for the child to be interrogated; and
- 1073 (d) if the child is in the custody of the Division of Child and Family Services and a
- 1074 guardian ad litem has been appointed for the child, the child's guardian ad litem has given
- 1075 consent to an interview of the child as described in Section [62A-4a-415](#).
- 1076 (4) A child's parent or guardian, or a friendly adult if applicable under Subsection
- 1077 (2)(b), is not required to be present during the child's waiver under Subsection (3) or to give
- 1078 permission to the interrogation of the child if:
- 1079 (a) the child is emancipated as described in Section [80-7-105](#);

1080 (b) the child has misrepresented the child's age as being 18 years old or older and a  
1081 peace officer has relied on that misrepresentation in good faith; or

1082 (c) a peace officer or a law enforcement agency:

1083 (i) has made reasonable efforts to contact the child's parent or legal guardian, or a  
1084 friendly adult if applicable under Subsection (2)(b); and

1085 (ii) has been unable to make contact within one hour after the time in which the child is  
1086 in custody.

1087 ~~[(5)(a) If a minor is admitted to a detention facility under Section 80-6-205, or the~~  
1088 ~~minor is committed to secure care or a correctional facility, and is subject to interrogation for~~  
1089 ~~an offense, the minor may not be interrogated unless:]~~

1090 (5) (a) If an individual is admitted to a detention facility under Section 80-6-205,  
1091 committed to a secure care facility under Section 80-6-705, or housed in a secure care facility  
1092 under Section 80-6-507, and the individual is subject to interrogation for an offense, the  
1093 individual may not be interrogated unless:

1094 (i) the [minor] individual has had a meaningful opportunity to consult with the  
1095 [minor's] individual's appointed or retained attorney;

1096 (ii) the [minor] individual waives the [minor's] individual's constitutional rights after  
1097 consultation with the [minor's] individual's appointed or retained attorney; and

1098 (iii) the [minor's] individual's appointed or retained attorney is present for the  
1099 interrogation.

1100 (b) Subsection (5)(a) does not apply to a juvenile probation officer, or a staff member  
1101 of a detention facility, unless the juvenile probation officer or the staff member is interrogating  
1102 the [minor] individual on behalf of a peace officer or a law enforcement agency.

1103 (6) A minor may only waive the minor's right to be represented by counsel at all stages  
1104 of court proceedings as described in Section 78B-22-204.

1105 Section 16. Section 80-6-207 is amended to read:

1106 **80-6-207. Detention hearings -- Period of detention -- Bail.**

1107 (1) (a) After admission of a child to a detention facility under Section 80-6-205 and  
1108 immediate investigation by a juvenile probation officer, the juvenile court or the juvenile  
1109 probation officer shall order the release of the child to the child's parent, guardian, or custodian  
1110 if the juvenile court or the juvenile probation officer finds that the child can be safely returned

1111 to the parent's, the guardian's, or the custodian's care, upon written promise to bring the child to  
1112 the juvenile court at a time set or without restriction.

1113 (b) If a child's parent, guardian, or custodian fails to retrieve the child from a detention  
1114 facility within 24 hours after notification of release, the parent, guardian, or custodian is  
1115 responsible for the cost of care for the time the child remains in the detention facility in  
1116 accordance with Section [78A-6-356](#).

1117 (c) The detention facility shall determine the cost of care.

1118 (d) Any money collected under this Subsection (1) shall be retained by the division to  
1119 recover the cost of care for the time the child remains in the facility.

1120 (2) (a) When a child is admitted to a detention facility, the child's parent, guardian, or  
1121 custodian shall be informed by the individual in charge of the detention facility that the  
1122 parent's, the guardian's, or the custodian's child has the right to a prompt hearing in a juvenile  
1123 court to determine whether the child is to be further detained or released.

1124 (b) If a minor is admitted to a detention facility, the minor shall be informed by the  
1125 person in charge of the facility that the minor has the right to a prompt hearing in a juvenile  
1126 court to determine whether the minor is to be further detained or released.

1127 (3) (a) The juvenile court may, at any time, order the release of the minor, from  
1128 detention, regardless of whether a detention hearing is held or not.

1129 (b) If a child is released, and the child remains in the detention facility, because the  
1130 child's parents, guardian, or custodian fails to retrieve the child, the parent, guardian, or  
1131 custodian shall be responsible for the cost of care as provided in Subsections (1)(b), (c), and (d)  
1132 in accordance with Section [78A-6-356](#).

1133 (4) (a) As used in this Subsection (4), "arrest" means being apprehended, detained,  
1134 taken into temporary custody under Section [80-6-201](#) or [80-6-202](#), held for investigation, or  
1135 restrained by a peace officer or other person due to an accusation or suspicion that the minor  
1136 committed an offense.

1137 (b) A minor may not be held in a detention facility longer than 24 hours, unless a  
1138 juvenile court determines that there is probable cause for the minor's arrest.

1139 (5) (a) A detention hearing under this section shall be held by a juvenile court judge or  
1140 commissioner.

1141 (b) A juvenile court shall hold a detention hearing within 48 hours of the minor's

1142 admission to a detention facility, excluding weekends and holidays, to determine whether the  
1143 minor should:

1144 (i) remain in detention in accordance with Subsection (8);

1145 (ii) be released to a parent or guardian; or

1146 (iii) be placed in any other party's custody as authorized by statute.

1147 (6) The probable cause determination under Subsection (4) and the detention hearing  
1148 under Subsection (5) may occur at the same time if the probable cause determination and the  
1149 detention hearing occur within the time frame under Subsection (4).

1150 (7) (a) A detention hearing may not be waived.

1151 (b) Staff at the detention facility shall provide the juvenile court with all information  
1152 received from the individual who brought the minor to the detention facility.

1153 (8) (a) The juvenile court may only order a minor to be held in the detention facility or  
1154 be placed in another appropriate facility, subject to further order of the court, if the court finds  
1155 at a detention hearing that:

1156 (i) releasing the minor to the minor's parent, guardian, or custodian presents an  
1157 unreasonable risk to public safety;

1158 (ii) less restrictive nonresidential alternatives to detention have been considered and,  
1159 where appropriate, attempted; and

1160 (iii) the minor is eligible for detention under the detention guidelines and Section  
1161 [80-6-205](#).

1162 (b) The juvenile court may not vest custody of a minor admitted to detention in the  
1163 Division of Child and Family Services, except as provided in Chapter 3, Abuse, Neglect, and  
1164 Dependency Proceedings.

1165 (9) (a) After a detention hearing has been held, only the juvenile court may release a  
1166 minor from detention.

1167 (b) If a minor remains in a detention facility, periodic reviews shall be held in  
1168 accordance with the Utah Rules of Juvenile Procedure to ensure that continued detention of the  
1169 minor is necessary.

1170 (10) This section does not apply to a minor who is brought to a correctional facility in  
1171 accordance with Section [80-6-502](#), [80-6-504](#), or [80-6-505](#).

1172 ~~[(11) Notwithstanding Title 77, Chapter 20, Bail, a minor in a detention facility does~~

1173 ~~not have a right to bail, except that bail is allowed if:]~~  
 1174  ~~[(a) a minor is cited under Section 80-6-302;]~~  
 1175 (11) Title 77, Chapter 20, Bail, does not apply to a minor, except for:  
 1176 ~~[(b)]~~ (a) a minor [is] charged in accordance with Section 80-6-502;  
 1177 ~~[(c)]~~ (b) a minor [is] bound over to the district court in accordance with Section  
 1178 80-6-504; or  
 1179 ~~[(d)]~~ (c) a minor[;] who need not be detained[;] and lives outside this state[; ~~and~~].  
 1180 ~~[(e) a minor, who need not be detained, is held in contempt under Section 78A-6-353.]~~  
 1181 Section 17. Section **80-6-302** is amended to read:  
 1182 **80-6-302. Citation -- Procedure -- Time limits -- Failure to appear.**  
 1183 (1) A petition is not required to commence a proceeding against a minor for an  
 1184 adjudication of an alleged offense if a citation is issued for an offense for which the juvenile  
 1185 court has jurisdiction over and the offense listed in the citation is for:  
 1186 (a) a violation of a wildlife law;  
 1187 (b) a violation of a boating law;  
 1188 (c) a class B or C misdemeanor or an infraction other than a misdemeanor or  
 1189 infraction:  
 1190 (i) for a traffic violation; or  
 1191 (ii) designated as a citable offense by general order of the Board of Juvenile Court  
 1192 Judges;  
 1193 (d) a class B misdemeanor or infraction for a traffic violation where the individual is  
 1194 15 years old or younger at the time the offense was alleged to have occurred;  
 1195 (e) an infraction or misdemeanor designated as a citable offense by a general order of  
 1196 the Board of Juvenile Court Judges; or  
 1197 (f) a violation of Subsection 76-10-105(2).  
 1198 (2) Except as provided in Subsection (6) and Section 80-6-301, a citation for an offense  
 1199 listed in Subsection (1) shall be submitted to the juvenile court within five days of issuance to a  
 1200 minor.  
 1201 (3) A copy of the citation shall contain:  
 1202 (a) the name and address of the juvenile court before which the minor may be required  
 1203 to appear;

- 1204 (b) the name of the minor cited;
- 1205 (c) the statute or local ordinance that the minor is alleged to have violated;
- 1206 (d) a brief description of the offense charged;
- 1207 (e) the date, time, and location at which the offense is alleged to have occurred;
- 1208 (f) the date the citation was issued;
- 1209 (g) the name and badge or identification number of the peace officer or public official
- 1210 who issued the citation;
- 1211 (h) the name of the arresting person if an arrest was made by a private party and the
- 1212 citation was issued in lieu of taking the minor into temporary custody as provided in Section
- 1213 [80-6-201](#);
- 1214 (i) a statement that the minor and the minor's parent or guardian are to appear when
- 1215 notified by the juvenile court; and
- 1216 (j) the signature of the minor and the minor's parent or guardian, if present, agreeing to
- 1217 appear at the juvenile court when notified by the court.
- 1218 (4) A copy of the citation shall contain space for the following information to be
- 1219 entered if known:
- 1220 (a) the minor's address;
- 1221 (b) the minor's date of birth;
- 1222 (c) the name and address of the child's custodial parent or guardian, if different from
- 1223 the child; and
- 1224 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that
- 1225 this information shall be removed from the documents the minor receives.
- 1226 (5) A citation received by the juvenile court beyond the time designated in Subsection
- 1227 (2) shall include a written explanation for the delay.
- 1228 (6) A minor offense, as defined in Section [80-6-901](#), alleged to have been committed
- 1229 by an enrolled child on school property or related to school attendance, may only be referred to
- 1230 the prosecuting attorney or the juvenile court in accordance with Section [53G-8-211](#).
- 1231 (7) If a juvenile court receives a citation described in Subsection (1), a juvenile
- 1232 probation officer shall make a preliminary inquiry as to whether the minor is eligible for a
- 1233 nonjudicial adjustment in accordance with Subsection [80-6-304\(5\)](#).
- 1234 (8) (a) Except as provided in Subsection (8)(b), if a citation is issued to a minor, a



1235 prosecuting attorney may commence a proceeding against a minor, without filing a petition, for  
1236 an adjudication of the offense in the citation only if:

1237 (i) the minor is not eligible for, or does not complete, a nonjudicial adjustment in  
1238 accordance with Section 80-6-304; and

1239 (ii) the prosecuting attorney conducts an inquiry under Subsection (9).

1240 (b) Except as provided in Subsection 80-6-305(2), a prosecuting attorney may not  
1241 commence a proceeding against an individual for any offense listed in a citation alleged to have  
1242 occurred before the individual was 12 years old.

1243 (9) The prosecuting attorney shall conduct an inquiry to determine, upon reasonable  
1244 belief, that:

1245 (a) the charge listed in the citation is supported by probable cause;

1246 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable  
1247 doubt; and

1248 (c) the decision to charge is in the interests of justice.

1249 (10) If a proceeding is commenced against a minor under Subsection (8)(a), the minor  
1250 shall appear at the juvenile court at a date and time established by the juvenile court.

1251 (11) If a minor willfully fails to appear before the juvenile court for a proceeding under  
1252 Subsection (8)(a), the juvenile court may:

1253 (a) find the minor in contempt of court; and

1254 (b) proceed against the minor as provided in Section 78A-6-353.

1255 (12) If a proceeding is commenced under this section, ~~[bail may be posted and forfeited~~  
1256 ~~under Section 80-6-207]~~ the minor may remit a fine without a personal appearance before the  
1257 juvenile court with the consent of:

1258 (a) the juvenile court; and

1259 (b) if the minor is a child, the parent or guardian of the child cited.

1260 Section 18. Section 80-6-303 is amended to read:

1261 **80-6-303. Criminal proceedings involving minors -- Transfer to juvenile court --**  
1262 **Exception.**

1263 (1) (a) If while a criminal or quasi-criminal proceeding is pending, a district court or  
1264 justice court determines that an individual being charged is under 21 years old and was younger  
1265 than 18 years old at the time of committing the alleged offense, the district court or justice

1266 court shall transfer the case to the juvenile court with all the papers, documents, and transcripts  
1267 of any testimony.

1268 (b) (i) Notwithstanding Subsection (1)(a), a district court may not transfer an offense  
1269 that is:

1270 (A) filed in the district court in accordance with Section 80-6-502; or

1271 (B) transferred to the district court in accordance with Section 80-6-504.

1272 (ii) Notwithstanding Subsection (1)(a), a justice court may decline to transfer an  
1273 offense for which the justice court has original jurisdiction under Subsection 78A-7-106(2).

1274 (2) (a) Except as provided in Subsection (2)(b), the district court or justice court  
1275 making the transfer shall:

1276 (i) order the individual to be taken immediately to the juvenile court or to a place of  
1277 detention designated by the juvenile court; or

1278 (ii) release the individual to the custody of the individual's parent or guardian or other  
1279 person legally responsible for the individual, to be brought before the juvenile court at a time  
1280 designated by the juvenile court.

1281 (b) If the alleged offense under Subsection (1) occurred before the individual was 12  
1282 years old:

1283 (i) the district court or justice court making the transfer shall release the individual to  
1284 the custody of the individual's parent or guardian, or other person legally responsible for the  
1285 individual;

1286 (ii) the juvenile court shall treat the transfer as a referral under Section 80-6-301; and

1287 (iii) a juvenile probation officer shall make a preliminary inquiry to determine whether  
1288 the individual is eligible for a nonjudicial adjustment in accordance with Section 80-6-304.

1289 (c) If the case is transferred to the juvenile court under this section, the juvenile court  
1290 shall then proceed in accordance with this chapter.

1291 (3) A district court or justice court does not have to transfer a case under Subsection  
1292 (1) if the district court or justice court would have had jurisdiction over the case at the time the  
1293 individual committed the offense in accordance with [~~Subsections 78A-5-102(9) and~~  
1294 ~~78A-7-106(2)] Sections 78A-5-102 and 78A-7-106.~~

1295 Section 19. Section 80-6-501 is amended to read:

1296 **80-6-501. Definitions.**

1297 As used in this part:

1298 (1) "Minor" means:

1299 (a) an individual:

1300 (i) who is at least 18 years old and younger than 25 years old; and

1301 (ii) whose case is under the ~~continuing~~ jurisdiction of the juvenile court; or

1302 (b) an individual:

1303 (i) who is younger than 21 years old;

1304 (ii) who is charged with, or convicted of, an offense under Section [80-6-502](#) or

1305 [80-6-503](#); and

1306 (iii) whose case is under the jurisdiction of the district court.

1307 (2) "Qualifying offense" means an offense described in ~~Subsection 80-6-503(1) or~~

1308 ~~(2)(b)~~ Section [80-6-503](#).

1309 (3) "Separate offense" means any offense that is not a qualifying offense.

1310 Section 20. Section **80-6-502** is amended to read:

1311 **80-6-502. Criminal information for a minor in district court.**

1312 (1) If a prosecuting attorney charges a minor with aggravated murder under Section

1313 [76-5-202](#) or murder under Section [76-5-203](#), the prosecuting attorney shall file a criminal

1314 information in the district court if the minor was ~~the~~ a principal actor in an offense and the

1315 criminal information alleges:

1316 (a) the minor was 16 or 17 years old at the time of the offense; and

1317 (b) the offense for which the minor is being charged is:

1318 (i) ~~[Section [76-5-202](#);~~ aggravated murder, as described in Section [76-5-202](#); or

1319 (ii) ~~[Section [76-5-203](#);~~ murder, as described in Section [76-5-203](#).

1320 (2) If the prosecuting attorney files a criminal information in the district court in

1321 accordance with Subsection (1), the district court shall try the minor as an adult, except:

1322 (a) the minor is not subject to a sentence of death in accordance with Subsection

1323 [76-3-206\(2\)\(b\)](#); and

1324 (b) the minor is not subject to a sentence of life without parole in accordance with

1325 Subsection [76-3-206\(2\)\(b\)](#) or [76-3-207.5\(3\)](#) or Section [76-3-209](#).

1326 (3) (a) Except for a minor who is subject to the authority of the Board of Pardons and

1327 Parole, a minor shall be held in a detention facility.

1328 (b) A minor held in a detention facility under Subsection (3)(a) shall remain in the  
1329 facility:

1330 (i) until released by the district court; or

1331 (ii) if convicted, until sentencing.

1332 (4) (a) If a minor is held in a detention facility under Subsection (3)(a), the district  
1333 court shall:

1334 [~~(a)~~] (i) advise the minor of the right to bail; and

1335 [~~(b) set initial bail in accordance with Title 77, Chapter 20, Bail.~~]

1336 (ii) issue a pretrial status order, as defined in Section [77-20-102](#), for the minor in  
1337 accordance with Section [77-20-205](#).

1338 (b) Except for Sections [77-20-202](#), [77-20-203](#), and [77-20-204](#), the provisions of Title  
1339 [77, Chapter 20, Bail](#), shall apply to the release or detention of a minor being tried as an adult  
1340 under this section.

1341 (5) If a minor held in a detention facility under Subsection (3)(a) attains the age of 21  
1342 years old, the minor shall be transferred within 30 days to an adult jail until:

1343 (a) released by the district court; or

1344 (b) if convicted, sentencing.

1345 (6) If a minor is held in a detention facility under Subsection (3)(a) and the minor's  
1346 conduct or condition endangers the safety or welfare of others in the detention facility, the  
1347 district court may find that the minor shall be detained in another place of confinement  
1348 considered appropriate by the district court, including a jail or an adult facility for pretrial  
1349 confinement.

1350 [~~(7) If a minor is charged for aggravated murder or murder in the district court under  
1351 this section, and all charges for aggravated murder or murder result in an acquittal, a finding of  
1352 not guilty, or a dismissal:~~]

1353 [~~(a) the juvenile court gains jurisdiction over all other offenses committed by the  
1354 minor; and]~~

1355 [~~(b) the division gains jurisdiction over the minor.~~]

1356 Section 21. Section **80-6-504** is amended to read:

1357 **80-6-504. Preliminary hearing -- Grounds for transfer -- Detention of a minor**  
1358 **bound over to the district court.**

1359 (1) If a prosecuting attorney files a criminal information in accordance with Section  
1360 80-6-503, the juvenile court shall conduct a preliminary hearing to determine whether a minor  
1361 should be bound over to the district court for a qualifying offense.

1362 (2) At the preliminary hearing under Subsection (1), the prosecuting attorney shall have  
1363 the burden of establishing:

1364 (a) probable cause to believe that a qualifying offense was committed and the minor  
1365 committed that offense; and

1366 (b) by a preponderance of the evidence, that it is contrary to the best interests of the  
1367 minor and the public for the juvenile court to retain jurisdiction over the offense.

1368 (3) In making a determination under Subsection (2)(b), the juvenile court shall consider  
1369 and make findings on:

1370 (a) the seriousness of the qualifying offense and whether the protection of the  
1371 community requires that the minor is detained beyond the amount of time allowed under  
1372 Subsection 80-6-802(1), or beyond the age of continuing jurisdiction that the juvenile court  
1373 may exercise under Section 80-6-605;

1374 (b) the extent to which the minor's actions in the qualifying offense were committed in  
1375 an aggressive, violent, premeditated, or willful manner;

1376 (c) the minor's mental, physical, educational, trauma, and social history;

1377 (d) the criminal record or history of the minor; and

1378 (e) the likelihood of the minor's rehabilitation by the use of services and facilities that  
1379 are available to the juvenile court.

1380 (4) The amount of weight that each factor in Subsection (3) is given is in the juvenile  
1381 court's discretion.

1382 (5) (a) The juvenile court may consider any written report or other material that relates  
1383 to the minor's mental, physical, educational, trauma, and social history.

1384 (b) Upon request by the minor, the minor's parent, guardian, or other interested party,  
1385 the juvenile court shall require the person preparing the report, or other material, under  
1386 Subsection (5)(a) to appear and be subject to direct and cross-examination.

1387 (6) At the preliminary hearing under Subsection (1), a minor may testify under oath,  
1388 call witnesses, cross-examine witnesses, and present evidence on the factors described in  
1389 Subsection (3).

1390 (7) (a) A proceeding before the juvenile court related to a charge filed under this part  
1391 shall be conducted in conformity with the Utah Rules of Juvenile Procedure.

1392 (b) Sections 80-6-602, 80-6-603, and 80-6-604 are applicable to the preliminary  
1393 hearing under this section.

1394 (8) If the juvenile court finds that the prosecuting attorney has met the burden of proof  
1395 under Subsection (2), the juvenile court shall bind the minor over to the district court to be held  
1396 for trial.

1397 (9) (a) If the juvenile court finds that a qualifying offense has been committed by a  
1398 minor, but the prosecuting attorney has not met the burden of proof under Subsection (2)(b),  
1399 the juvenile court shall:

1400 (i) proceed upon the criminal information as if the information were a petition under  
1401 Section 80-6-305;

1402 (ii) release or detain the minor in accordance with Section 80-6-207; and

1403 (iii) proceed with an adjudication for the minor in accordance with this chapter.

1404 (b) If the juvenile court finds that the prosecuting attorney has not met the burden  
1405 under Subsection (2) to bind a minor over to the district court, the prosecuting attorney may file  
1406 a motion to extend the juvenile court's continuing jurisdiction over the minor's case until the  
1407 minor is 25 years old in accordance with Section 80-6-605.

1408 (10) (a) A prosecuting attorney may charge a minor with a separate offense in the same  
1409 criminal information as the qualifying offense if the qualifying offense and separate offense  
1410 arise from a single criminal episode.

1411 (b) If the prosecuting attorney charges a minor with a separate offense as described in  
1412 Subsection (10)(a):

1413 (i) the prosecuting attorney shall have the burden of establishing probable cause to  
1414 believe that the separate offense was committed and the minor committed the separate offense;  
1415 and

1416 (ii) if the prosecuting attorney establishes probable cause for the separate offense under  
1417 Subsection (10)(b)(i) and the juvenile court binds the minor over to the district court for the  
1418 qualifying offense, the juvenile court shall also bind the minor over for the separate offense to  
1419 the district court.

1420 (11) If a grand jury indicts a minor for a qualifying offense:

1421 (a) the prosecuting attorney does not need to establish probable cause under Subsection  
1422 (2)(a) for the qualifying offense and any separate offense included in the indictment; and

1423 (b) the juvenile court shall proceed with determining whether the minor should be  
1424 bound over to the district court for the qualifying offense and any separate offense included in  
1425 the indictment in accordance with Subsections (2)(b) and (3).

1426 (12) (a) If a minor is bound over to the district court, the juvenile court shall:

1427 ~~[(a)]~~ (i) issue a criminal warrant of arrest for the minor to be held in a detention  
1428 facility;

1429 ~~[(b)]~~ (ii) advise the minor of the right to bail; and

1430 ~~[(c) set initial bail in accordance with Title 77, Chapter 20, Bail.]~~

1431 (iii) issue a pretrial status order, as defined in Section [77-20-102](#), for the minor in  
1432 accordance with Section [77-20-205](#).

1433 (b) Except for Sections [77-20-202](#), [77-20-203](#), and [77-20-204](#), the provisions of Title  
1434 [77, Chapter 20, Bail](#), shall apply to the release or detention of a minor bound over to the district  
1435 court by the juvenile court.

1436 (13) If the juvenile court orders the minor to be detained until the time of trial:

1437 (a) the minor shall be held in a detention facility, except that a minor who is subject to  
1438 the authority of the Board of Pardons and Parole may not be held in a detention facility; and

1439 (b) the minor shall remain in the detention facility:

1440 (i) until released by a district court; or

1441 (ii) if convicted, until sentencing.

1442 (14) If a minor is held in a detention facility under Subsection (13) and the minor  
1443 attains the age of 21 years old while detained at the detention facility, the minor shall be  
1444 transferred within 30 days to an adult jail to remain:

1445 (a) until released by the district court; or

1446 (b) if convicted, until sentencing.

1447 ~~[(15) Except as provided in Subsection (16) and Section [80-6-507](#), if a minor is bound  
1448 over to the district court under this section, the jurisdiction of the division and the juvenile  
1449 court over the minor is terminated for the qualifying offense and any other separate offense for  
1450 which the minor is bound over.]~~

1451 ~~[(16) If a minor is bound over to the district court for a qualifying offense and the~~

1452 ~~qualifying offense results in an acquittal, a finding of not guilty, or a dismissal:]~~

1453 ~~[(a) the juvenile court regains jurisdiction over any separate offense committed by the~~  
1454 ~~minor; and]~~

1455 ~~[(b) the division regains jurisdiction over the minor.]~~

1456 Section 22. Section **80-6-505** is amended to read:

1457 **80-6-505. Criminal proceedings for a minor bound over to district court.**

1458 (1) If the juvenile court binds a minor over to the district court in accordance with  
1459 Section [80-6-504](#), the prosecuting attorney shall try the minor as if the minor is an adult in the  
1460 district court except:

1461 (a) the minor is not subject to a sentence of death in accordance with Subsection  
1462 [76-3-206\(2\)\(b\)](#); and

1463 (b) the minor is not subject to a sentence of life without parole in accordance with  
1464 Subsection [76-3-206\(2\)\(b\)](#) or [76-3-207.5\(3\)](#) or Section [76-3-209](#).

1465 (2) A minor who is bound over to the district court to answer as an adult is not entitled  
1466 to a preliminary hearing in the district court.

1467 (3) If a minor is bound over to the district court and detained in a detention facility, the  
1468 district court may order the minor be detained in another place of confinement that is  
1469 considered appropriate by the district court, including a jail or other place of pretrial  
1470 confinement for adults if the minor's conduct or condition endangers the safety and welfare of  
1471 others in the detention facility.

1472 ~~[(4) If the district court obtains jurisdiction over a minor under Section [80-6-504](#), the~~  
1473 ~~district court is not divested of jurisdiction for a qualifying offense or a separate offense listed~~  
1474 ~~in the criminal information when the minor is allowed to enter a plea to, or is found guilty of,~~  
1475 ~~another offense in the same criminal information.]~~

1476 Section 23. Section **80-6-603** is amended to read:

1477 **80-6-603. Rights of minors facing delinquency proceedings.**

1478 (1) If a minor is facing a delinquency proceeding under this chapter, the minor has the  
1479 right to:

1480 ~~[(1)]~~ (a) appear in person in the proceeding for the petition or the criminal information;

1481 ~~[(2)]~~ (b) defend, in person or by counsel, against the allegations in the petition or the  
1482 criminal information;



- 1483           ~~[(3)]~~ (c) receive a copy of the petition or the criminal information;
- 1484           ~~[(4)]~~ (d) testify on the minor's own behalf;
- 1485           ~~[(5)]~~ (e) confront the witnesses against the minor;
- 1486           ~~[(6)]~~ (f) secure the attendance of witnesses on the minor's behalf under Section
- 1487 [78A-6-351](#);
- 1488           ~~[(7)]~~ (g) be represented by counsel at all stages of the proceedings;
- 1489           ~~[(8)]~~ (h) be appointed an indigent defense service provider and be provided indigent
- 1490 defense services in accordance with Title 78B, Chapter 22, Part 2, Appointment of Counsel;
- 1491           ~~[(9)]~~ (i) remain silent and be advised that anything the minor says can and will be used
- 1492 against the minor in any court proceedings; and
- 1493           ~~[(10)]~~ (j) appeal any adjudication under this chapter.

1494           (2) A minor facing a delinquency proceeding shall be advised of the minor's rights

1495 described in Subsection (1).

1496           Section 24. Section **80-6-606** is amended to read:

1497           **80-6-606. Validated risk and needs assessment -- Examination of minor or**

1498 **minor's parent or guardian -- Temporary custody or appointment of guardian.**

1499           (1) (a) If a minor is adjudicated for an offense under this chapter, the minor shall

1500 undergo a risk screening or, if indicated, a validated risk and needs assessment.

1501           (b) If a minor undergoes a risk screening or a validated risk and needs assessment, the

1502 results of the screening or assessment shall be used to inform the juvenile court's disposition

1503 and any case planning for the minor.

1504           (c) If a minor undergoes a validated risk and needs assessment, the results of the

1505 assessment may not be shared with the juvenile court before the adjudication of the minor.

1506           (2) If the juvenile court's continuing jurisdiction over a minor's case is terminated, the

1507 minor shall undergo a validated risk and needs assessment within seven days of the day on

1508 which an order terminating the juvenile court's continuing jurisdiction is issued if:

1509           (a) the minor is adjudicated under this chapter; and

1510           (b) the minor underwent a validated risk and needs assessment under Subsection (1).

1511           (3) (a) If a petition under this chapter has been filed for a minor, a juvenile court may:

1512           (i) order that the minor be examined by a physician, surgeon, psychiatrist, or

1513 psychologist; and

1514 (ii) place the minor in a hospital or other facility for examination.

1515 (b) After notice and a hearing set for the specific purpose, the juvenile court may order  
1516 an examination of a minor's parent or guardian whose ability to care for a minor is at issue if  
1517 the juvenile court finds from the evidence presented at the hearing that the parent's or  
1518 guardian's physical, mental, or emotional condition may be a factor in causing the delinquency  
1519 of the minor.

1520 (c) An examination conducted in accordance with this Subsection (3) is not a  
1521 privileged communication under Utah Rules of Evidence, Rule 506(d)(3), and is exempt from  
1522 the general rule of privilege.

1523 (4) (a) Subject to Subsection (4)(b), if a petition under this chapter has been filed for a  
1524 child, a juvenile court may:

1525 (i) place the child in the temporary custody of a relative or other suitable individual if  
1526 the child's parent or guardian consents to the placement;

1527 (ii) appoint a guardian for the child if it appears a guardian is in the necessary interests  
1528 of the child and the child's parent or guardian consents to the appointment; or

1529 (iii) place the child in the temporary custody of a relative or other suitable individual  
1530 under Subsection (4)(a)(i) or appoint a guardian for the child under Subsection (4)(a)(ii)  
1531 without the consent of the child's parent or guardian if the child's parent or guardian cannot be  
1532 located with reasonable diligence.

1533 (b) The juvenile court may not grant temporary custody or a guardianship of a child to  
1534 the Division of Child and Family Services under Subsection (4)(a) to address the minor's  
1535 ungovernable or other behavior, mental health, or other disability, unless the Division of Child  
1536 and Family Services:

1537 (i) engages other relevant divisions of the department in conducting an assessment of  
1538 the child and the child's family's needs;

1539 (ii) based on an assessment under Subsection (4)(b)(i), determines that granting  
1540 temporary custody or a guardianship of the child to the Division of Child and Family Services  
1541 is the least restrictive intervention for the child that meets the child's needs; and

1542 (iii) consents to the child being committed to the temporary custody of, or placed in a  
1543 guardianship, with the Division of Child and Family Services.

1544 Section 25. Section **80-6-709** is amended to read:

1545           **80-6-709. Payment of fines, fees, restitution, or other costs -- Community or**  
1546 **compensatory service -- Property damage -- Unpaid balances.**

1547           (1) (a) If a minor is adjudicated for an offense under Section [80-6-701](#), the juvenile  
1548 court may order a minor to:

1549           (i) pay a fine, fee, or other cost;

1550           (ii) pay restitution in accordance with Section [80-6-710](#); or

1551           (iii) complete community or compensatory service hours.

1552           (b) (i) If the juvenile court orders the minor to pay restitution under Subsection (1)(a), a  
1553 juvenile probation officer may permit the minor to complete a work program in lieu of paying  
1554 part or all of the restitution by the juvenile court.

1555           (ii) If the juvenile court orders the minor to complete community or compensatory  
1556 service hours, a juvenile probation officer may permit the minor to complete a work program to  
1557 help the minor complete the community or compensatory service hours.

1558           (c) The juvenile court may, through a juvenile probation officer, encourage the  
1559 development of nonresidential employment or a work program to enable a minor to fulfill the  
1560 minor's obligations under Subsection (1)(a).

1561           (d) Notwithstanding this section, a juvenile court may not place a minor on a ranch,  
1562 forestry camp, or other residential work program for care or work.

1563           (2) If the juvenile court orders a minor to pay a fine, fee, restitution, or other cost, or to  
1564 complete community or compensatory service hours, the juvenile court shall consider the  
1565 dispositions collectively to ensure that an order:

1566           (a) is reasonable;

1567           (b) prioritizes restitution; and

1568           ~~[(c) takes into account the minor's ability to satisfy the order within the presumptive~~  
1569 ~~period of supervision under Section [80-6-712](#), or Section [80-6-802](#) if the minor is ordered to~~  
1570 ~~secure care.]~~

1571           (c) except for restitution as provided in Subsection [80-6-710\(5\)\(c\)](#), takes into account  
1572 the minor's ability to pay the fine, fee, or other cost within the presumptive period under  
1573 Section [80-6-712](#) or Section [80-6-802](#) if the minor is ordered to secure care.

1574           (3) (a) If the juvenile court orders a minor to pay a fine, fee, or other cost, or complete  
1575 community or compensatory service hours, the cumulative order shall be limited per criminal

1576 episode as follows:

1577 (i) for a minor under 16 years old at the time of adjudication, the juvenile court may  
1578 impose up to \$190 or up to 24 hours of community or compensatory service; and

1579 (ii) for a minor 16 years old or older at the time of adjudication, the juvenile court may  
1580 impose up to \$280 or up to 36 hours of community or compensatory service.

1581 (b) The cumulative order under Subsection (3)(a) does not include restitution.

1582 (4) (a) If the juvenile court converts a fine, fee, or restitution amount to compensatory  
1583 service hours, the rate of conversion shall be no less than the minimum wage.

1584 (b) If the juvenile court orders a minor to complete community service, the  
1585 presumptive service order shall include between five and 10 hours of service.

1586 (c) If a minor completes an approved substance use disorder prevention or treatment  
1587 program or other court-ordered condition, the minor may be credited with compensatory  
1588 service hours for the completion of the program or condition by the juvenile court.

1589 (5) (a) If a minor commits an offense involving the use of graffiti under Section  
1590 76-6-106 or 76-6-206, the juvenile court may order the minor to clean up graffiti created by the  
1591 minor or any other individual at a time and place within the jurisdiction of the juvenile court.

1592 (b) The minor may complete the order of the juvenile court under Subsection (5)(a) in  
1593 the presence and under the direct supervision of the minor's parent, guardian, or custodian.

1594 (c) The minor's parent, guardian, or custodian shall report completion of the order to  
1595 the juvenile court.

1596 (d) The juvenile court may also require the minor to perform other alternative forms of  
1597 restitution or repair to the damaged property in accordance with Section 80-6-710.

1598 (6) (a) Except as provided in Subsection (6)(b), the juvenile court may issue orders  
1599 necessary for the collection of restitution and fines ordered under this section, including  
1600 garnishments, wage withholdings, and executions.

1601 (b) The juvenile court may not issue an order under Subsection (6)(a) if the juvenile  
1602 court orders a disposition that changes custody of a minor, including detention, secure care, or  
1603 any other secure or nonsecure residential placement.

1604 (7) Any information necessary to collect unpaid fines, fees, assessments, [bait;] or  
1605 restitution may be forwarded to employers, financial institutions, law enforcement, constables,  
1606 the Office of Recovery Services, or other agencies for purposes of enforcing an order under this

1607 section.

1608 (8) (a) If, before the entry of any order terminating the juvenile court's continuing  
1609 jurisdiction over a minor's case, there remains an unpaid balance for any fine, fee, or restitution  
1610 ordered by the juvenile court, the juvenile court shall:

1611 (i) record all pertinent information for the unpaid balance in the minor's file[-]; and

1612 (ii) if there is an unpaid amount of restitution, record the amount of unpaid restitution  
1613 as a civil judgment and list the victim, or the estate of the victim, as the judgment creditor in  
1614 the civil judgment.

1615 (b) The juvenile court may not transfer responsibility to collect unpaid fines, fees,  
1616 surcharges, and restitution for a minor's case to the Office of State Debt Collection created in  
1617 Section 63A-3-502.

1618 ~~[(c) The juvenile court shall reduce a restitution order to a judgment and list the victim,~~  
1619 ~~or the estate of the victim, as the judgment creditor in the judgment.]~~

1620 Section 26. Section 80-6-710 is amended to read:

1621 **80-6-710. Determination of restitution -- Requirements.**

1622 (1) If a minor is adjudicated under Section 80-6-701, the juvenile court may order the  
1623 minor to repair, replace, or otherwise make restitution for:

1624 (a) material loss caused by an offense listed in the petition; or

1625 (b) conduct for which the minor agrees to make restitution.

1626 (2) Within seven days after the day on which a petition is filed under this chapter, the  
1627 prosecuting attorney or a juvenile probation officer shall provide notification of the restitution  
1628 process to all reasonably identifiable and locatable victims of an offense listed in the petition.

1629 (3) A victim that receives notice under Subsection (2) is responsible for providing the  
1630 ~~[prosecutor]~~ prosecuting attorney with:

1631 (a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket  
1632 loss;

1633 (b) all documentation of any compensation or reimbursement from an insurance  
1634 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

1635 (c) if available, the victim's proof of identification, including the victim's date of birth,  
1636 social security number, or driver license number; and

1637 (d) the victim's contact information, including the victim's current home and work

1638 address and telephone number.

1639 (4) A prosecuting attorney or victim shall submit a request for restitution to the  
1640 juvenile court:

1641 (a) if feasible, at the time of disposition; or

1642 (b) within 90 days after disposition.

1643 [~~(5) The juvenile court shall order a financial disposition that prioritizes the payment of~~  
1644 ~~restitution.~~]

1645 [~~(6) To determine whether restitution, or the amount of restitution, is appropriate under~~  
1646 ~~Subsection (1);~~]

1647 (5) In an order for restitution under Subsection (1), the juvenile court:

1648 (a) shall only order restitution for the victim's material loss;

1649 (b) may not order restitution if the juvenile court finds that the minor is unable to pay  
1650 or acquire the means to pay;

1651 (c) shall take into account:

1652 (i) the minor's ability to satisfy the restitution order within six months from the day on  
1653 which restitution is ordered; or

1654 (ii) if the minor participates in a restorative justice program under Subsection (6), the  
1655 amount or conditions of restitution agreed upon by the minor and the victim of the adjudicated  
1656 offense;

1657 [~~(c)~~] (d) shall credit any amount paid by the minor to the victim in a civil suit against  
1658 restitution owed by the minor; and

1659 [~~(d) shall take into account the presumptive period of supervision for the minor's case~~  
1660 ~~under Section 80-6-712, or the presumptive period of commitment for secure care under~~  
1661 ~~Section 80-6-804 if the minor is ordered to secure care, in determining the minor's ability to~~  
1662 ~~satisfy the restitution order within that presumptive term; and]~~

1663 (e) shall credit any amount paid to the victim in restitution against liability in a civil  
1664 suit.

1665 [~~(7)~~] (6) If the minor and the victim of the adjudicated offense agree to participate, the  
1666 juvenile court may refer the minor's case to a restorative justice program, such as victim  
1667 offender mediation, to address how loss resulting from the adjudicated offense may be  
1668 addressed.

1669            [(8)] (7) (a) The juvenile court may require a minor to reimburse an individual, entity,  
1670 or governmental agency who offered and paid a reward to a person for providing information  
1671 resulting in an adjudication of a minor for the commission of an offense.

1672            [(9)] (b) If a minor is returned to this state in accordance with Title 55, Chapter 12,  
1673 Interstate Compact for Juveniles, the juvenile court may order the minor to make restitution for  
1674 costs expended by any governmental entity for the return of the minor.

1675            Section 27. Section **80-6-711** is amended to read:

1676            **80-6-711. Suspending a disposition.**

1677            (1) Except as otherwise provided in Subsection (2), a juvenile court may not suspend a  
1678 disposition ordered under this part.

1679            (2) (a) If a minor qualifies for [~~secure care under Section 80-6-705~~] commitment to the  
1680 division under Section 80-6-703, the juvenile court may suspend a disposition for commitment  
1681 to the division [~~under Section 80-6-703~~] in lieu of immediate commitment, upon the condition  
1682 that the minor commit no new misdemeanor or felony offense within 90 days after the day on  
1683 which the juvenile court suspends the disposition for commitment.

1684            (b) The duration of a suspended disposition under Subsection (2)(a) may not:

1685            (i) exceed 90 days after the day on which the juvenile court suspends the disposition  
1686 for commitment; and

1687            (ii) be extended under any circumstance.

1688            (3) The juvenile court may only lift a suspension of a disposition under Subsection

1689 (2)(a):

1690            (a) following adjudication of a new misdemeanor or felony offense committed by the  
1691 minor during the period of suspension set out under Subsection (2)(a);

1692            (b) if a new assessment or evaluation has been completed and the assessment or  
1693 evaluation recommends that a higher level of care is needed and nonresidential treatment  
1694 options have been exhausted or nonresidential treatment options are not appropriate; or

1695            (c) if, after a notice and a hearing, the juvenile court finds:

1696            (i) a new or previous evaluation recommends a higher level of treatment; and

1697            (ii) the minor willfully failed to comply with a lower level of treatment and has been  
1698 unsuccessfully discharged from treatment.

1699            (4) A suspended disposition under Subsection (1) may not be imposed without:

- 1700 (a) notice to the minor and the minor's counsel; and
- 1701 (b) a hearing.

1702 Section 28. Section **80-6-712** is amended to read:

1703 **80-6-712. Time periods for supervision of probation or placement -- Termination**  
1704 **of continuing jurisdiction.**

1705 (1) If the juvenile court places a minor on probation under Section **80-6-702**, the  
1706 juvenile court shall establish a period of time for supervision for the minor that is:

- 1707 (a) if the minor is placed on intake probation, no more than three months; or
- 1708 (b) if the minor is placed on formal probation, from four to six months, but may not  
1709 exceed six months.

1710 (2) (a) If the juvenile court commits a minor to the division under Section **80-6-703**,  
1711 and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:

- 1712 (i) for a minor placed out of the home, a period of custody from three to six months,  
1713 but may not exceed six months; and
- 1714 (ii) for aftercare services if the minor was placed out of the home, a period of  
1715 supervision from three to four months, but may not exceed four months.

1716 (b) A minor may be supervised for aftercare services under Subsection (2)(a)(ii):

- 1717 (i) in the home of a qualifying relative or guardian~~[-or]~~;
- 1718 (ii) at an independent living program contracted or operated by the division~~[-]~~; or
- 1719 (iii) in a family-based setting with approval by the director or the director's designee if  
1720 the minor does not qualify for an independent living program due to age, disability, or another  
1721 reason or the minor cannot be placed with a qualifying relative or guardian.

1722 (3) If the juvenile court orders a minor to secure care, the authority shall:

- 1723 (a) have jurisdiction over the minor's case; and
- 1724 (b) apply the provisions of Part 8, Commitment and Parole.

1725 (4) (a) [~~In accordance with Section **80-6-711** and Subsections (1) and (2), the~~] The  
1726 juvenile court shall terminate continuing jurisdiction over a minor's case at the end of the time  
1727 period described in Subsection (1) for probation~~[-]~~ or Subsection (2) for commitment to the  
1728 division, unless:

- 1729 (i) termination would interrupt the completion of the treatment program determined to  
1730 be necessary by the results of a validated risk and needs assessment under Section **80-6-606**;



- 1731 (ii) the minor commits a new misdemeanor or felony offense;
- 1732 (iii) the minor has not completed community or compensatory service hours [~~have not~~
- 1733 ~~been completed~~];
- 1734 (iv) there is an outstanding fine; or
- 1735 [~~(v) there is a failure to pay restitution in full.~~]
- 1736 (v) the minor has not paid restitution in full.
- 1737 (b) The juvenile court shall determine whether a minor has completed a treatment
- 1738 program under Subsection (4)(a)(i) by considering:
- 1739 (i) the recommendations of the licensed service provider for the treatment program;
- 1740 (ii) the minor's record in the treatment program; and
- 1741 (iii) the minor's completion of the goals of the treatment program.
- 1742 (5) Subject to [~~Subsection (8)~~] Subsections (6) and (7), if one of the circumstances
- 1743 under Subsection (4) exists the juvenile court may extend supervision for the time needed to
- 1744 address the specific circumstance.
- 1745 [~~(6) If a circumstance under Subsection (4)(a)(iii), (iv), or (v) exists, the juvenile court~~
- 1746 ~~may extend supervision for no more than three months.~~]
- 1747 (6) If the juvenile court extends supervision solely on the ground that the minor has not
- 1748 yet completed community or compensatory service hours under Subsection (4)(a)(iii), the
- 1749 juvenile court may only extend supervision:
- 1750 (a) one time for no more than three months; and
- 1751 (b) as intake probation.
- 1752 (7) (a) If the juvenile court extends jurisdiction solely on the ground that the minor has
- 1753 not paid restitution in full as described in Subsection (4)(a)(v):
- 1754 (i) the juvenile court may only:
- 1755 (A) extend jurisdiction up to four times for no more than three months at a time;
- 1756 (B) consider the efforts of the minor to pay restitution in full when determining
- 1757 whether to extend jurisdiction under Subsection (7)(a)(i); and
- 1758 (C) make orders concerning the payment of restitution during the period for which
- 1759 jurisdiction is extended;
- 1760 (ii) the juvenile court shall terminate any intake probation or formal probation of the
- 1761 minor; and

1762 (iii) a designated staff member of the juvenile court shall submit a report to the juvenile  
1763 court every three months regarding the minor's efforts to pay restitution.

1764 (b) If the juvenile court finds that a minor is not making an effort to pay restitution, the  
1765 juvenile court shall:

1766 (i) terminate jurisdiction over the minor's case; and

1767 (ii) record the amount of unpaid restitution as a civil judgment in accordance with  
1768 Subsection 80-6-709(8).

1769 ~~[(7)]~~ (8) If the juvenile court extends supervision or jurisdiction under this section, the  
1770 grounds for the extension and the length of any extension shall be recorded in the court records  
1771 and tracked in the data system used by the Administrative Office of the Courts and the division.

1772 ~~[(8) For a minor who is under the continuing jurisdiction of the juvenile court and~~  
1773 ~~whose supervision is extended under Subsection (4)(a)(iii), (iv), or (v), supervision may only~~  
1774 ~~be extended as intake probation.]~~

1775 (9) If a minor leaves supervision without authorization for more than 24 hours, the  
1776 supervision period for the minor shall toll until the minor returns.

1777 (10) This section does not apply to any minor adjudicated under this chapter for:

1778 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

1779 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

1780 (c) Section 76-5-203, murder or attempted murder;

1781 (d) Section 76-5-205, manslaughter;

1782 (e) Section 76-5-206, negligent homicide;

1783 (f) Section 76-5-207, automobile homicide;

1784 (g) Section 76-5-207.5, automobile homicide involving handheld wireless  
1785 communication device;

1786 (h) Section 76-5-208, child abuse homicide;

1787 (i) Section 76-5-209, homicide by assault;

1788 (j) Section 76-5-302, aggravated kidnapping;

1789 (k) Section 76-5-405, aggravated sexual assault;

1790 (l) a felony violation of Section 76-6-103, aggravated arson;

1791 (m) Section 76-6-203, aggravated burglary;

1792 (n) Section 76-6-302, aggravated robbery;

- 1793 (o) Section [76-10-508.1](#), felony discharge of a firearm;
- 1794 (p) (i) an offense other than an offense listed in Subsections (10)(a) through (o)
- 1795 involving the use of a dangerous weapon, as defined in Section [76-1-601](#), that is a felony; and
- 1796 (ii) the minor has been previously adjudicated or convicted of an offense involving the
- 1797 use of a dangerous weapon; or
- 1798 (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and
- 1799 the minor has been previously committed to the division for secure care.
- 1800 Section 29. Section **80-6-802** is amended to read:
- 1801 **80-6-802. Commitment to secure care -- Rights of individuals in secure care.**
- 1802 (1) If a youth offender is ordered to secure care under Section [80-6-705](#), the youth
- 1803 offender shall remain in secure care until the youth offender is:
- 1804 (a) 21 years old;
- 1805 (b) paroled; or
- 1806 (c) discharged.
- 1807 (2) If a serious youth offender is ordered to secure care under Section [80-6-705](#), the
- 1808 serious youth offender shall remain in secure care until the serious youth offender is:
- 1809 (a) 25 years old;
- 1810 (b) paroled; or
- 1811 (c) discharged.
- 1812 (3) (a) Subject to Subsection (3)(b), a juvenile offender in secure care, or an individual
- 1813 housed in a secure care facility under Section [80-6-507](#), has the right to:
- 1814 (i) phone the juvenile offender's or individual's parent, guardian, or an attorney [~~while~~
- 1815 ~~the juvenile offender is in secure care~~]; and
- 1816 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or
- 1817 custodian.
- 1818 (b) The division may:
- 1819 (i) establish a schedule for which a juvenile offender, or an individual housed in a
- 1820 secure care facility under Section [80-6-507](#), may visit or phone a person described in
- 1821 Subsection (3)(a);
- 1822 (ii) allow a juvenile offender, or an individual housed in a secure care facility under
- 1823 Section [80-6-507](#), to visit or call persons described in Subsection (3)(a) in special

1824 circumstances;

1825 (iii) limit the number and length of calls and visits for a juvenile offender, or an  
1826 individual housed in a secure care facility under Section [80-6-507](#), to persons described in  
1827 Subsection (3)(a) on account of scheduling, facility, or personnel constraints; or

1828 (iv) limit the ~~[juvenile's]~~ juvenile offender's or individual's rights under Subsection  
1829 (3)(a) if a compelling reason exists to limit the ~~[juvenile's]~~ juvenile offender's or individual's  
1830 rights.

1831 (c) A juvenile offender in secure care, or an individual housed in a secure care facility  
1832 under Section [80-6-507](#), shall be advised of the rights described in Subsection (3)(a).

1833 Section 30. Section **80-6-804** is amended to read:

1834 **80-6-804. Review and termination of secure care.**

1835 (1) If a juvenile offender is ordered to secure care under Section [80-6-705](#), the juvenile  
1836 offender shall appear before the authority within 45 days after the day on which the juvenile  
1837 offender is ordered to secure care for review of a treatment plan and to establish parole release  
1838 guidelines.

1839 (2) (a) If a juvenile offender is ordered to secure care under Section [80-6-705](#), the  
1840 authority shall set a presumptive term of commitment for the juvenile offender from three to  
1841 six months, but the presumptive term may not exceed six months.

1842 (b) The authority shall release the juvenile offender on parole at the end of the  
1843 presumptive term of commitment unless:

1844 (i) termination would interrupt the completion of a treatment program determined to be  
1845 necessary by the results of a validated risk and needs assessment under Section [80-6-606](#); or

1846 (ii) the juvenile offender commits a new misdemeanor or felony offense.

1847 (c) The authority shall determine whether a juvenile offender has completed a  
1848 treatment program under Subsection (2)(b)(i) by considering:

1849 (i) the recommendations of the licensed service provider for the treatment program;

1850 (ii) the juvenile offender's record in the treatment program; and

1851 (iii) the juvenile offender's completion of the goals of the treatment program.

1852 (d) The authority may extend the length of commitment and delay parole release for the  
1853 time needed to address the specific circumstance if one of the circumstances under Subsection  
1854 (2)(b) exists.

- 1855 (e) The authority shall:
- 1856 (i) record the length of the extension and the grounds for the extension; and
- 1857 (ii) report annually the length and grounds of extension to the commission.
- 1858 (f) Records under Subsection (2)(e) shall be tracked in the data system used by the
- 1859 juvenile court and the division.
- 1860 (3) (a) If a juvenile offender is committed to secure care, the authority shall set a
- 1861 presumptive term of parole supervision, including aftercare services, from three to four months,
- 1862 but the presumptive term may not exceed four months.
- 1863 (b) If the authority determines that a juvenile offender is unable to return home
- 1864 immediately upon release, the juvenile offender may serve the term of parole:
- 1865 (i) in the home of a qualifying relative or guardian [~~or~~];
- 1866 (ii) at an independent living program contracted or operated by the division[-]; or
- 1867 (iii) in a family-based setting with approval by the director or the director's designee if
- 1868 the minor does not qualify for an independent living program due to age, disability, or another
- 1869 reason or the minor cannot be placed with a qualifying relative or guardian.
- 1870 (c) The authority shall release a juvenile offender from parole and terminate the
- 1871 authority's jurisdiction at the end of the presumptive term of parole, unless:
- 1872 (i) termination would interrupt the completion of a treatment program that is
- 1873 determined to be necessary by the results of a validated risk and needs assessment under
- 1874 Section [80-6-606](#);
- 1875 (ii) the juvenile offender commits a new misdemeanor or felony offense; or
- 1876 (iii) restitution has not been completed.
- 1877 (d) The authority shall determine whether a juvenile offender has completed a
- 1878 treatment program under Subsection (2)(c)(i) by considering:
- 1879 (i) the recommendations of the licensed service provider;
- 1880 (ii) the juvenile offender's record in the treatment program; and
- 1881 (iii) the juvenile offender's completion of the goals of the treatment program.
- 1882 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay
- 1883 parole release only for the time needed to address the specific circumstance.
- 1884 (f) The authority shall:
- 1885 (i) record the grounds for extension of the presumptive length of parole and the length

1886 of the extension; and  
1887 (ii) report annually the extension and the length of the extension to the commission.  
1888 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the  
1889 juvenile court and the division.  
1890 (h) If a juvenile offender leaves parole supervision without authorization for more than  
1891 24 hours, the term of parole shall toll until the juvenile offender returns.  
1892 (4) Subsections (2) and (3) do not apply to a juvenile offender committed to secure  
1893 care for:  
1894 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;  
1895 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;  
1896 (c) Section 76-5-203, murder or attempted murder;  
1897 (d) Section 76-5-205, manslaughter;  
1898 (e) Section 76-5-206, negligent homicide;  
1899 (f) Section 76-5-207, automobile homicide;  
1900 (g) Section 76-5-207.5, automobile homicide involving a handheld wireless  
1901 communication device;  
1902 (h) Section 76-5-208, child abuse homicide;  
1903 (i) Section 76-5-209, homicide by assault;  
1904 (j) Section 76-5-302, aggravated kidnapping;  
1905 (k) Section 76-5-405, aggravated sexual assault;  
1906 (l) a felony violation of Section 76-6-103, aggravated arson;  
1907 (m) Section 76-6-203, aggravated burglary;  
1908 (n) Section 76-6-302, aggravated robbery;  
1909 (o) Section 76-10-508.1, felony discharge of a firearm;  
1910 (p) (i) an offense other than an offense listed in Subsections (4)(a) through (o)  
1911 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and  
1912 (ii) the juvenile offender has been previously adjudicated or convicted of an offense  
1913 involving the use of a dangerous weapon, as defined in Section 76-1-601; or  
1914 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the  
1915 juvenile offender has been previously committed to the division for secure care.  
1916 (5) (a) The division may continue to have responsibility over a juvenile offender, who

1917 is discharged under this section from parole, to participate in a specific educational or  
1918 rehabilitative program:

1919 (i) until the juvenile offender is:

1920 (A) if the juvenile offender is a youth offender, 21 years old; or

1921 (B) if the juvenile offender is a serious youth offender, 25 years old; and

1922 (ii) under an agreement by the division and the juvenile offender that the program has  
1923 certain conditions.

1924 (b) The division and the juvenile offender may terminate participation in a program  
1925 under Subsection (5)(a) at any time.

1926 (c) The division shall offer an educational or rehabilitative program before a juvenile  
1927 offender's discharge date in accordance with this section.

1928 (d) A juvenile offender may request the services described in this Subsection (5), even  
1929 if the offender has been previously declined services or services were terminated for  
1930 noncompliance.

1931 (e) Notwithstanding Subsection (5)(c), the division:

1932 (i) shall consider a request by a juvenile offender under Subsection (5)(d) for the  
1933 services described in this Subsection (5) for up to 365 days after the juvenile offender's  
1934 effective date of discharge, even if the juvenile offender has previously declined services or  
1935 services were terminated for noncompliance; and

1936 (ii) may reach an agreement with the juvenile offender to provide the services  
1937 described in this Subsection (5) until the juvenile offender is:

1938 (A) if the juvenile offender is a youth offender, 21 years old; or

1939 (B) if the juvenile offender is a serious youth offender, 25 years old.

1940 (f) The division and the juvenile offender may terminate an agreement for services  
1941 under this Subsection (5) at any time.

1942 Section 31. **Coordinating H.B. 299 with H.B. 171 -- Substantive amendment.**

1943 If this H.B. 299 and H.B. 171, Custodial Interrogation Amendments, both pass and  
1944 become law, it is the intent of the Legislature that the Office of Legislative Research and  
1945 General Counsel prepare the database for publication by:

1946 (1) amending Subsection 80-6-206(1)(a) in H.B. 171 to read:

1947 "(a) "Custodial interrogation" means any interrogation of an individual while the

1948 individual is in custody."; and

1949 (2) amending Subsection [80-6-206\(5\)\(a\)](#) in this bill to read:

1950 "(5)(a) If an individual is admitted to a detention facility under Section [80-6-205](#),

1951 committed to a secure care facility under Section [80-6-705](#), or housed in a secure care

1952 facility under Section [80-6-507](#), and the individual is subject to a custodial interrogation for an

1953 offense, the individual may not be interrogated unless:".