

**Senator Todd D. Weiler** proposes the following substitute bill:

**JUVENILE JUSTICE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: Jon Hawkins

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**LONG TITLE**

**General Description:**

This bill amends provisions related to juvenile justice.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions regarding fines imposed for proof of age violations on minors;
- ▶ amends provisions related to court surcharges imposed by the juvenile court;
- ▶ addresses the payment or reimbursement by a minor or the minor's parent or guardian to an agency for the cost of obtaining a DNA specimen;
- ▶ modifies the duties of the Commission on Criminal and Juvenile Justice regarding the statewide sliding scale for the assessment of fines and fees for minors;
- ▶ amends penalties for violations of buying or possessing tobacco or electronic cigarette products by minors;
- ▶ amends provisions related to security surcharges in juvenile delinquency cases;
- ▶ repeals a provision regarding payment for retrieving a juvenile court record;
- ▶ amends provisions regarding the payment of a fine or fee for contempt in court by a child;
- ▶ amends provisions related to the payment of child support for a child in state custody;



- 26 ▶ amends provisions related to the costs of treatment for an offender or victim;
- 27 ▶ amends the definition of "compensatory service" in regards to juvenile justice;
- 28 ▶ addresses outstanding balances of fines, fees, costs, and other financial obligations
- 29 for minors;
- 30 ▶ amends provisions relating to the financial penalties for nonjudicial adjustments;
- 31 ▶ provides that a juvenile probation officer may not require a minor to pay a financial
- 32 penalty, cost, surcharge, or fee for a nonjudicial adjustment;
- 33 ▶ repeals provisions relating to the payment of a fee, fine, or other financial penalty by
- 34 a minor facing a delinquency proceeding in the juvenile court;
- 35 ▶ provides that a juvenile court may not issue a garnishment, wage withholding, or
- 36 execution on a minor or the minor's parent or guardian for the collection of
- 37 restitution;
- 38 ▶ provides that a juvenile court may not order a minor to be detained in a secure or
- 39 nonsecure residential placement in order to collect restitution;
- 40 ▶ prohibits the juvenile court from requiring a minor or the minor's parent or guardian
- 41 to reimburse a reward for the minor or to pay the costs of a governmental entity
- 42 returning the minor to the state;
- 43 ▶ prohibits the collection of a fee for youth court participation and provides that a
- 44 youth court is responsible for costs;
- 45 ▶ prohibits the charge of a fee for a juvenile expungement;
- 46 ▶ repeals a statute on payment of support and maintenance by a juvenile offender or a
- 47 juvenile offender's parent or legal guardian; and
- 48 ▶ makes technical and conforming changes.

49 **Money Appropriated in this Bill:**

50 None

51 **Other Special Clauses:**

52 This bill provides a special effective date.

53 **Utah Code Sections Affected:**

54 AMENDS:

55 [32B-4-411](#), as last amended by Laws of Utah 2021, Chapter 262

56 [51-9-401](#), as last amended by Laws of Utah 2021, Chapter 262

- 57            **53-10-404**, as last amended by Laws of Utah 2021, Chapter 262
- 58            **53-10-404.5**, as last amended by Laws of Utah 2014, Chapter 331
- 59            **63M-7-208**, as last amended by Laws of Utah 2021, Chapter 262
- 60            **76-10-105**, as last amended by Laws of Utah 2021, Chapter 262
- 61            **78A-2-601**, as last amended by Laws of Utah 2021, Chapter 262
- 62            **78A-6-209**, as last amended by Laws of Utah 2021, Chapter 261
- 63            **78A-6-353**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 64            **78A-6-356**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 65            **80-3-403**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 66            **80-6-102**, as enacted by Laws of Utah 2021, Chapter 261
- 67            **80-6-304**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 68            **80-6-608**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 69            **80-6-703**, as enacted by Laws of Utah 2021, Chapter 261
- 70            **80-6-704**, as enacted by Laws of Utah 2021, Chapter 261
- 71            **80-6-705**, as enacted by Laws of Utah 2021, Chapter 261
- 72            **80-6-709**, as enacted by Laws of Utah 2021, Chapter 261
- 73            **80-6-710**, as enacted by Laws of Utah 2021, Chapter 261
- 74            **80-6-712**, as enacted by Laws of Utah 2021, Chapter 261
- 75            **80-6-906**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 76            **80-6-1007**, as renumbered and amended by Laws of Utah 2021, Chapter 261

77 ENACTS:

78            **80-6-104**, Utah Code Annotated 1953

79 REPEALS:

80            **80-6-803**, as renumbered and amended by Laws of Utah 2021, Chapter 261



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

83            Section 1. Section **32B-4-411** is amended to read:

84            **32B-4-411. Minor's unlawful use of proof of age.**

85            (1) As used in this section, "proof of age violation" means a violation by a minor of:

86            (a) Chapter 1, Part 4, Proof of Age Act; or

87            (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1,

88 Part 4, Proof of Age Act:

89 (i) Section 32B-4-409; or

90 (ii) Section 32B-4-410.

91 (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the  
92 penalties provided for in Subsection (1):

93 (a) (i) for a first violation, the minor is guilty of a class B misdemeanor;

94 (ii) for a second violation, the minor is guilty of a class A misdemeanor; and

95 (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor,

96 except that the court may impose:

97 [~~(A)~~] a fine of up to \$5,000;

98 [~~(B)~~] (A) screening, assessment, or substance use disorder treatment, as defined in

99 Section 41-6a-501;

100 [~~(C)~~] (B) an educational series, as defined in Section 41-6a-501;

101 [~~(D)~~] (C) alcoholic product related community service or compensatory service work

102 program hours;

103 [~~(E)~~] (D) fees for restitution and treatment costs;

104 [~~(F)~~] (E) defensive driver education courses; or

105 [~~(G)~~] (F) a combination of these penalties;

106 (b) (i) for a minor who is younger than 18 years old:

107 (A) the court may forward to the Driver License Division a record of an adjudication

108 under Section 80-6-701, for a violation under this section; and

109 (B) the provisions regarding suspension of a driver license under Section 80-6-707

110 apply; and

111 (ii) for a minor who is at least 18 years old, but younger than 21 years old:

112 (A) the court shall forward to the Driver License Division a record of conviction for a

113 violation under this section; and

114 (B) the Driver License Division shall suspend the person's license under Section

115 53-3-220; and

116 (c) notwithstanding Subsection (2)(a), if a minor is adjudicated under Section

117 80-6-701, the court may order:

118 (i) substance use disorder treatment or an educational series only if the minor has an

119 assessed need for the intervention based on the results of a validated assessment; and

120 (ii) [~~a fine, fee, service hours, or costs~~] the minor to complete service hours in  
121 accordance with Section 80-6-709.

122 (3) (a) Notwithstanding Subsection (2)(b), the court may reduce the suspension period  
123 under Subsection 53-3-220(1)(e) or 80-6-707(4)(a)(ii)(A) if:

124 (i) the violation is the minor's first violation of this section; and

125 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or

126 (B) the minor demonstrates substantial progress in substance use disorder treatment.

127 (b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the  
128 suspension period under Subsection 53-3-220(1)(e) or 80-6-707(4)(a)(ii)(B) if:

129 (i) the violation is the minor's second or subsequent violation of this section;

130 (ii) the person has completed an educational series as defined in Section 41-6a-501 or  
131 demonstrated substantial progress in substance use disorder treatment; and

132 (iii) (A) the person is 18 years old or older and provides a sworn statement to the court  
133 that the person has not unlawfully consumed alcohol or drugs for at least a one-year

134 consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or  
135 80-6-707(4)(b)(ii)(A); or

136 (B) the minor is under 18 years old and has the minor's parent or legal guardian provide  
137 an affidavit or sworn statement to the court certifying that to the parent or legal guardian's  
138 knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year  
139 consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or  
140 80-6-707(4)(b)(ii)(B).

141 (4) When the Department of Public Safety receives the arrest or conviction record of an  
142 individual for a driving offense committed while the individual's license is suspended pursuant  
143 to this section, the Department of Public Safety shall extend the suspension for an additional  
144 like period of time.

145 (5) A court may not fail to enter a judgment of conviction under this section under a  
146 plea in abeyance agreement.

147 Section 2. Section 51-9-401 is amended to read:

148 **51-9-401. Surcharge -- Application.**

149 (1) (a) A surcharge shall be paid on all criminal fines, penalties, and forfeitures

150 imposed by the courts.

151 (b) The surcharge shall be:

152 (i) 90% upon conviction of a:

153 (A) felony;

154 (B) class A misdemeanor;

155 (C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless

156 Driving; or

157 (D) class B misdemeanor not classified within Title 41, Motor Vehicles, including

158 violation of comparable county or municipal ordinances; or

159 (ii) 35% upon conviction of any other offense, including violation of county or

160 municipal ordinances not subject to the 90% surcharge.

161 (c) The Division of Finance shall deposit into the General Fund an amount equal to the

162 amount that the state retains under ~~[Section 80-6-304]~~ Subsection 78A-6-210(1).

163 (2) The surcharge may not be imposed:

164 (a) upon nonmoving traffic violations;

165 (b) upon court orders when the offender is ordered to perform compensatory service

166 work in lieu of paying a fine; and

167 (c) by the juvenile court.

168 ~~[(c) upon penalties assessed by the juvenile court as part of the nonjudicial adjustment~~  
169 ~~of a case under Section 78A-6-602.]~~

170 ~~[(3)(a) The surcharge and the exceptions under Subsections (1) and (2) apply to all~~  
171 ~~finer, penalties, and forfeitures imposed on juveniles for conduct that would be criminal if~~  
172 ~~committed by an adult.]~~

173 ~~[(b)]~~ (3) Notwithstanding Subsection ~~[(3)(a)]~~ (2)(c), the surcharge does not include  
174 amounts assessed or collected separately by juvenile courts for the Juvenile Restitution  
175 Account, which is independent of this part and does not affect the imposition or collection of  
176 the surcharge.

177 (4) The surcharge under this section shall be imposed in addition to the fine charged  
178 for a civil or criminal offense, and no reduction may be made in the fine charged due to the  
179 surcharge imposition.

180 (5) Fees, assessments, and surcharges related to criminal or traffic offenses shall be

181 authorized and managed by this part rather than attached to particular offenses.

182 Section 3. Section **53-10-404** is amended to read:

183 **53-10-404. DNA specimen analysis -- Requirement to obtain the specimen.**

184 (1) As used in this section, "person" [~~refers to any person as described under Section~~  
185 ~~53-10-403~~] means any person described in Subsection 53-10-403(1).

186 (2) (a) [~~A person under Section 53-10-403~~] A person described in Subsection  
187 53-10-403(1), or any person required to register as a sex offender under Title 77, Chapter 41,  
188 Sex and Kidnap Offender Registry, shall:

189 (i) provide a DNA specimen [~~and shall~~]; and

190 (ii) reimburse the agency responsible for obtaining the DNA specimen \$150 for the  
191 cost of obtaining the DNA specimen [~~unless~~]:

192 [(†)] (A) unless the person was booked under Section 53-10-403 and is not required to  
193 reimburse the agency under Section 53-10-404.5; [~~or~~]

194 [(††)] (B) unless the agency determines the person lacks the ability to pay[-]; or

195 (C) except as provided in Subsection (2)(c).

196 (b) (i) (A) The responsible agencies shall establish guidelines and procedures for  
197 determining if the person is able to pay the fee.

198 (B) An agency's implementation of Subsection (2)(b)(i) meets an agency's obligation to  
199 determine an inmate's ability to pay.

200 (ii) An agency's guidelines and procedures may:

201 (A) provide for the assessment of \$150 on the inmate's county trust fund account [~~and~~  
202 ~~may~~]; and

203 (B) allow a negative balance in the account until the \$150 is paid in full.

204 (c) A minor described in Subsection 58-10-403(3) or the minor's parent or legal  
205 guardian may not be required to pay or reimburse the agency responsible for obtaining a DNA  
206 specimen from the minor.

207 (3) (a) (i) All fees collected under Subsection (2) shall be deposited in the DNA  
208 Specimen Restricted Account created in Section 53-10-407, except that the agency collecting  
209 the fee may retain not more than \$25 per individual specimen for the costs of obtaining the  
210 saliva DNA specimen.

211 (ii) The agency collecting the \$150 fee may not retain from each separate fee more than

212 \$25, and no amount of the \$150 fee may be credited to any other fee or agency obligation.

213 (b) (i) The responsible agency shall determine the method of collecting the DNA  
214 specimen.

215 (ii) Unless the responsible agency determines there are substantial reasons for using a  
216 different method of collection or the person refuses to cooperate with the collection, the  
217 preferred method of collection shall be obtaining a saliva specimen.

218 (c) The responsible agency may use reasonable force, as established by ~~[its]~~ the  
219 agency's guidelines and procedures, to collect the DNA sample if the person refuses to  
220 cooperate with the collection.

221 (d) If the judgment places the person on probation, the person shall submit to the  
222 obtaining of a DNA specimen as a condition of the probation.

223 (e) (i) Under this section a person is required to:

224 (A) provide one DNA specimen; and

225 (B) except as provided in Subsection (2)(c), pay the collection fee as required under  
226 this section.

227 (ii) The person shall provide an additional DNA specimen only if the DNA specimen  
228 previously provided is not adequate for analysis.

229 (iii) The collection fee is not imposed for a second or subsequent DNA specimen  
230 collected under this section.

231 (f) Any agency that is authorized to obtain a DNA specimen under this part may collect  
232 any outstanding amount of a fee due under this section from any person who owes any portion  
233 of the fee and deposit the amount in the DNA Specimen Restricted Account created in Section  
234 [53-10-407](#).

235 (4) (a) The responsible agency shall cause a DNA specimen to be obtained as soon as  
236 possible and transferred to the Department of Public Safety:

237 (i) after a conviction or a finding of jurisdiction by the juvenile court;

238 (ii) on and after January 1, 2011, through December 31, 2014, after the booking of a  
239 person for any offense under Subsection [53-10-403\(1\)\(c\)](#); and

240 (iii) on and after January 1, 2015, after the booking of a person for any felony offense,  
241 as provided under Subsection [53-10-403\(1\)\(d\)\(ii\)](#).

242 (b) On and after May 13, 2014, through December 31, 2014, the responsible agency



243 may cause a DNA specimen to be obtained and transferred to the Department of Public Safety  
244 after the booking of a person for any felony offense, as provided under Subsection  
245 [53-10-403\(1\)\(d\)\(i\)](#).

246 (c) If notified by the Department of Public Safety that a DNA specimen is not adequate  
247 for analysis, the agency shall, as soon as possible:

248 (i) obtain and transmit an additional DNA specimen; or

249 (ii) request that another agency that has direct access to the person and that is  
250 authorized to collect DNA specimens under this section collect the necessary second DNA  
251 specimen and transmit it to the Department of Public Safety.

252 (d) Each agency that is responsible for collecting DNA specimens under this section  
253 shall establish:

254 (i) a tracking procedure to record the handling and transfer of each DNA specimen it  
255 obtains; and

256 (ii) a procedure to account for the management of all fees it collects under this section.

257 (5) (a) The Department of Corrections is the responsible agency whenever the person is  
258 committed to the custody of or is under the supervision of the Department of Corrections.

259 (b) The juvenile court is the responsible agency regarding a minor under Subsection  
260 [53-10-403\(3\)](#), but if the minor has been committed to the legal custody of the Division of  
261 Juvenile Justice Services, that division is the responsible agency if a DNA specimen of the  
262 minor has not previously been obtained by the juvenile court under Section [80-6-608](#).

263 (c) The sheriff operating a county jail is the responsible agency regarding the collection  
264 of DNA specimens from persons who:

265 (i) have pled guilty to or have been convicted of an offense listed under Subsection  
266 [53-10-403\(2\)](#) but who have not been committed to the custody of or are not under the  
267 supervision of the Department of Corrections;

268 (ii) are incarcerated in the county jail:

269 (A) as a condition of probation for a felony offense; or

270 (B) for a misdemeanor offense for which collection of a DNA specimen is required;

271 (iii) on and after January 1, 2011, through May 12, 2014, are booked at the county jail  
272 for any offense under Subsection [53-10-403\(1\)\(c\)](#)[-]; and

273 (iv) are booked at the county jail:

274 (A) by a law enforcement agency that is obtaining a DNA specimen for any felony  
275 offense on or after May 13, 2014, through December 31, 2014, under Subsection  
276 53-10-404(4)(b); or

277 (B) on or after January 1, 2015, for any felony offense.

278 (d) Each agency required to collect a DNA specimen under this section shall:

279 (i) designate employees to obtain the saliva DNA specimens required under this  
280 section; and

281 (ii) ensure that employees designated to collect the DNA specimens receive appropriate  
282 training and that the specimens are obtained in accordance with generally accepted protocol.

283 (6) (a) As used in this Subsection (6), "department" means the Department of  
284 Corrections.

285 (b) Priority of obtaining DNA specimens by the department is:

286 (i) first, to obtain DNA specimens of persons who as of July 1, 2002, are in the custody  
287 of or under the supervision of the department before these persons are released from  
288 incarceration, parole, or probation, if their release date is prior to that of persons under  
289 Subsection (6)(b)(ii), but in no case later than July 1, 2004; and

290 (ii) second, the department shall obtain DNA specimens from persons who are  
291 committed to the custody of the department or who are placed under the supervision of the  
292 department after July 1, 2002, within 120 days after the commitment, if possible, but not later  
293 than prior to release from incarceration if the person is imprisoned, or prior to the termination  
294 of probation if the person is placed on probation.

295 (c) The priority for obtaining DNA specimens from persons under Subsection (6)(b)(ii)  
296 is:

297 (i) first, persons on probation;

298 (ii) second, persons on parole; and

299 (iii) third, incarcerated persons.

300 (d) Implementation of the schedule of priority under Subsection (6)(c) is subject to the  
301 priority of Subsection (6)(b)(i), to ensure that the Department of Corrections obtains DNA  
302 specimens from persons in the custody of or under the supervision of the Department of  
303 Corrections as of July 1, 2002, prior to their release.

304 (7) (a) As used in this Subsection (7):

305 (i) "Court" means the juvenile court.

306 (ii) "Division" means the Division of Juvenile Justice Services.

307 (b) Priority of obtaining DNA specimens by the court from minors under Section  
308 53-10-403 whose cases are under the jurisdiction of the court but who are not in the legal  
309 custody of the division shall be:

310 (i) first, to obtain specimens from minors whose cases, as of July 1, 2002, are under the  
311 court's jurisdiction, before the court's jurisdiction over the minors' cases terminates; and

312 (ii) second, to obtain specimens from minors whose cases are under the jurisdiction of  
313 the court after July 1, 2002, within 120 days of the minor's case being found to be within the  
314 court's jurisdiction, if possible, but no later than before the court's jurisdiction over the minor's  
315 case terminates.

316 (c) Priority of obtaining DNA specimens by the division from minors under Section  
317 53-10-403 who are committed to the legal custody of the division shall be:

318 (i) first, to obtain specimens from minors who as of July 1, 2002, are within the  
319 division's legal custody and who have not previously provided a DNA specimen under this  
320 section, before termination of the division's legal custody of these minors; and

321 (ii) second, to obtain specimens from minors who are placed in the legal custody of the  
322 division after July 1, 2002, within 120 days of the minor's being placed in the custody of the  
323 division, if possible, but no later than before the termination of the court's jurisdiction over the  
324 minor's case.

325 (8) (a) The Department of Corrections, the juvenile court, the Division of Juvenile  
326 Justice Services, and all law enforcement agencies in the state shall by policy establish  
327 procedures for obtaining saliva DNA specimens, and shall provide training for employees  
328 designated to collect saliva DNA specimens.

329 (b) (i) The department may designate correctional officers, including those employed  
330 by the adult probation and parole section of the department, to obtain the saliva DNA  
331 specimens required under this section.

332 (ii) The department shall ensure that the designated employees receive appropriate  
333 training and that the specimens are obtained in accordance with accepted protocol.

334 (c) Blood DNA specimens shall be obtained in accordance with Section 53-10-405.  
335 Section 4. Section 53-10-404.5 is amended to read:

336           **53-10-404.5. Obtaining DNA specimen at time of booking -- Payment of fee upon**  
337 **conviction.**

338           (1) (a) When a sheriff books a person for any offense under Subsections  
339 **53-10-403**(1)(c) and (d), the sheriff shall obtain a DNA specimen from the person upon  
340 booking of the person at the county jail, except under Subsection (1)(b).

341           (b) If at the time of booking the sheriff is able to obtain information from the bureau  
342 stating that the bureau has on file a DNA specimen for the person, the sheriff is not required to  
343 obtain an additional DNA specimen.

344           (2) [~~The~~] Except as provided in Subsection **53-10-404**(2)(c), the person booked under  
345 Subsection (1) shall pay a fee of \$150 for the cost of obtaining the DNA specimen if:

346           (a) the charge upon which the booking is based is resolved by a conviction or the  
347 person is convicted of any charge arising out of the same criminal episode regarding which the  
348 DNA specimen was obtained; and

349           (b) the person's DNA sample is not on file under Subsection (1)(b).

350           (3) (a) All fees collected under Subsection (2) shall be deposited [~~in~~] into the DNA  
351 Specimen Restricted Account created in Section **53-10-407**, except that the agency collecting  
352 the fee may retain not more than \$25 per individual specimen for the costs of obtaining the  
353 DNA specimen.

354           (b) The agency collecting the \$150 fee may not retain from each separate fee more than  
355 \$25, and no amount of the \$150 fee may be credited to any other fee or agency obligation.

356           (4) Any DNA specimen obtained under this section shall be held and may not be  
357 processed until:

358           (a) the court has bound the person over for trial following a preliminary hearing for any  
359 charge arising out of the same criminal episode regarding which the person was booked;

360           (b) the person has waived the preliminary hearing for any charge arising out of the  
361 same criminal episode regarding which the person was booked; or

362           (c) a grand jury has returned an indictment for any charge arising out of the same  
363 criminal episode regarding which the person was booked.

364           Section 5. Section **63M-7-208** is amended to read:

365           **63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.**

366           (1) The Commission on Criminal and Juvenile Justice shall:

367 (a) support implementation and expansion of evidence-based juvenile justice programs  
368 and practices, including assistance regarding implementation fidelity, quality assurance, and  
369 ongoing evaluation;

370 (b) examine and make recommendations on the use of third-party entities or an  
371 intermediary organization to assist with implementation and to support the performance-based  
372 contracting system authorized in Subsection (1)(m);

373 (c) oversee the development of performance measures to track juvenile justice reforms,  
374 and ensure early and ongoing stakeholder engagement in identifying the relevant performance  
375 measures;

376 (d) evaluate currently collected data elements throughout the juvenile justice system  
377 and contract reporting requirements to streamline reporting, reduce redundancies, eliminate  
378 inefficiencies, and ensure a focus on recidivism reduction;

379 (e) review averted costs from reductions in out-of-home placements for juvenile justice  
380 youth placed with the Division of Juvenile Justice Services and the Division of Child and  
381 Family Services, and make recommendations to prioritize the reinvestment and realignment of  
382 resources into community-based programs for youth living at home, including the following:

383 (i) statewide expansion of:

384 (A) juvenile receiving centers, as defined in Section [80-1-102](#);

385 (B) mobile crisis outreach teams, as defined in Section [62A-15-102](#);

386 (C) youth courts; and

387 (D) victim-offender mediation;

388 (ii) statewide implementation of nonresidential diagnostic assessment;

389 (iii) statewide availability of evidence-based programs and practices including  
390 cognitive behavioral and family therapy programs for minors assessed by a validated risk and  
391 needs assessment as moderate or high risk;

392 (iv) implementation and infrastructure to support the sustainability and fidelity of  
393 evidence-based juvenile justice programs, including resources for staffing, transportation, and  
394 flexible funds; and

395 (v) early intervention programs such as family strengthening programs, family  
396 wraparound services, and proven truancy interventions;

397 (f) assist the Administrative Office of the Courts in the development of a statewide

398 sliding scale for the assessment of [~~fin~~es, ~~fee~~s, and] restitution, based on the ability of the  
399 minor's family to pay;

400 (g) analyze the alignment of resources and the roles and responsibilities of agencies,  
401 such as the operation of early intervention services, receiving centers, and diversion, and make  
402 recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;

403 (h) ensure that data reporting is expanded and routinely review data in additional areas,  
404 including:

405 (i) referral and disposition data by judicial district;

406 (ii) data on the length of time minors spend in the juvenile justice system, including the  
407 total time spent under court jurisdiction, on community supervision, and in each out-of-home  
408 placement;

409 (iii) recidivism data for minors who are diverted to a nonjudicial adjustment under  
410 Section 80-6-304 and minors for whom dispositions are ordered under Section 80-6-701,  
411 including tracking minors into the adult corrections system;

412 (iv) change in aggregate risk levels from the time minors receive services, are under  
413 supervision, and are in out-of-home placement; and

414 (v) dosage of programming;

415 (i) develop a reasonable timeline within which all programming delivered to minors in  
416 the juvenile justice system must be evidence-based or consist of practices that are rated as  
417 effective for reducing recidivism by a standardized program evaluation tool;

418 (j) provide guidelines to be considered by the Administrative Office of the Courts and  
419 the Division of Juvenile Justice Services in developing tools considered by the Administrative  
420 Office of the Courts and the Division of Juvenile Justice Services in developing or selecting  
421 tools to be used for the evaluation of juvenile justice programs;

422 (k) develop a timeline to support improvements to juvenile justice programs to achieve  
423 reductions in recidivism and review reports from relevant state agencies on progress toward  
424 reaching that timeline;

425 (l) subject to Subsection (2), assist in the development of training for juvenile justice  
426 stakeholders, including educators, law enforcement officers, probation staff, judges, Division  
427 of Juvenile Justice Services staff, Division of Child and Family Services staff, and program  
428 providers;

429 (m) subject to Subsection (3), assist in the development of a performance-based  
430 contracting system, which shall be developed by the Administrative Office of the Courts and  
431 the Division of Juvenile Justice Services for contracted services in the community and  
432 contracted out-of-home placement providers;

433 (n) assist in the development of a validated detention risk assessment tool that shall be  
434 developed or adopted and validated by the Administrative Office of the Courts and the  
435 Division of Juvenile Justice Services as provided in Section 80-5-203 on and after July 1,  
436 2018; and

437 (o) annually issue and make public a report to the governor, president of the Senate,  
438 speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the  
439 progress of the reforms and any additional areas in need of review.

440 (2) Training described in Subsection (1)(l) should include instruction on  
441 evidence-based programs and principles of juvenile justice, such as risk, needs, responsivity,  
442 and fidelity, and shall be supplemented by the following topics:

- 443 (a) adolescent development;
- 444 (b) identifying and using local behavioral health resources;
- 445 (c) implicit bias;
- 446 (d) cultural competency;
- 447 (e) graduated responses;
- 448 (f) Utah juvenile justice system data and outcomes; and
- 449 (g) gangs.

450 (3) The system described in Subsection (1)(m) shall provide incentives for:

- 451 (a) the use of evidence-based juvenile justice programs and practices rated as effective  
452 by the tools selected in accordance with Subsection (1)(j);
- 453 (b) the use of three-month timelines for program completion; and
- 454 (c) evidence-based programs and practices for minors living at home in rural areas.

455 (4) The Commission on Criminal and Juvenile Justice may delegate the duties imposed  
456 under this section to a subcommittee or board established by the Commission on Criminal and  
457 Juvenile Justice in accordance with Subsection 63M-7-204(2).

458 (5) Subsections (1)(a) through (c) take effect August 1, 2017. The remainder of this  
459 section takes effect July 1, 2018.

460 Section 6. Section **76-10-105** is amended to read:

461 **76-10-105. Buying or possessing a tobacco product or an electronic cigarette**  
462 **product by a minor -- Penalty -- Compliance officer authority -- Juvenile court**  
463 **jurisdiction.**

464 (1) An individual who is 18 years old or older, but younger than 21 years old, and who  
465 buys or attempts to buy, accepts, or has in the individual's possession a tobacco product, an  
466 electronic cigarette product, or a nicotine product is:

467 (a) guilty of an infraction; and

468 (b) subject to~~[-(i) a minimum fine or penalty of \$60; and (ii)]~~ participation in a  
469 court-approved tobacco education or cessation program~~[-, which may include a participation~~  
470 ~~fee] at no cost to the individual.~~

471 (2) (a) An individual who is under 18 years old and who buys or attempts to buy,  
472 accepts, or has in the individual's possession a tobacco product, an electronic cigarette product,  
473 or a nicotine product is subject to a citation under Section **80-6-302**, unless the violation is  
474 committed on school property under Section **53G-8-211**.

475 (b) If a violation under this section is adjudicated under Section **80-6-701**, the minor  
476 may be subject to ~~[the following: (i) a fine or penalty, in accordance with Section **80-6-709**;~~  
477 ~~and (ii)]~~ participation in a court-approved tobacco education program~~[-, which may include a~~  
478 ~~participation fee] at no cost to the minor.~~

479 (3) (a) A compliance officer appointed by a board of education under Section  
480 **53G-4-402** may not issue a citation for a violation of this section committed on school  
481 property.

482 (b) A cited violation committed on school property shall be addressed in accordance  
483 with Section **53G-8-211**.

484 Section 7. Section **78A-2-601** is amended to read:

485 **78A-2-601. Security surcharge -- Application and exemptions -- Deposit into**  
486 **restricted account.**

487 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge  
488 of \$53 shall be assessed in all courts of record on all criminal convictions ~~[and juvenile~~  
489 ~~delinquency judgments]~~.

490 (2) The security surcharge may not be imposed upon:



- 491 (a) nonmoving traffic violations;
- 492 (b) community service; [~~and~~]
- 493 (c) [~~penalties assessed by the juvenile court as part of the~~] a nonjudicial adjustment of a
- 494 case under Section [80-6-304](#)[~~;~~]; or
- 495 (d) any juvenile delinquency judgment.

496 (3) (a) The security surcharge shall be collected after the surcharge under Section

497 [51-9-401](#), but before any fine, and deposited with the state treasurer.

498 (b) A fine that would otherwise have been charged may not be reduced due to the

499 imposition of the security surcharge.

500 (4) The state treasurer shall deposit the collected security surcharge [~~in~~] into the

501 restricted account, Court Security Account, as provided in Section [78A-2-602](#).

502 Section 8. Section [78A-6-209](#) is amended to read:

503 **[78A-6-209](#). Court records -- Inspection.**

504 (1) The juvenile court and the juvenile court's probation department shall keep records

505 as required by the board and the presiding judge.

506 (2) A court record shall be open to inspection by:

507 (a) the parents or guardian of a child, a minor who is at least 18 years old, other parties

508 in the case, the attorneys, and agencies to which custody of a minor has been transferred;

509 (b) for information relating to adult offenders alleged to have committed a sexual

510 offense, a felony or class A misdemeanor drug offense, or an offense against the person under

511 Title 76, Chapter 5, Offenses Against the Person, the State Board of Education for the purpose

512 of evaluating whether an individual should be permitted to obtain or retain a license as an

513 educator or serve as an employee or volunteer in a school, with the understanding that the State

514 Board of Education must provide the individual with an opportunity to respond to any

515 information gathered from the State Board of Education's inspection of the records before the

516 State Board of Education makes a decision concerning licensure or employment;

517 (c) the Criminal Investigations and Technical Services Division, established in Section

518 [53-10-103](#), for the purpose of a criminal history background check for the purchase of a firearm

519 and establishing good character for issuance of a concealed firearm permit as provided in

520 Section [53-5-704](#);

521 (d) the Division of Child and Family Services for the purpose of Child Protective

522 Services Investigations in accordance with Sections 62A-4a-403 and 62A-4a-409 and  
523 administrative hearings in accordance with Section 62A-4a-1009;

524 (e) the Office of Licensing for the purpose of conducting a background check in  
525 accordance with Section 62A-2-120;

526 (f) for information related to a minor who has committed a sexual offense, a felony, or  
527 an offense that if committed by an adult would be a misdemeanor, the Department of Health  
528 for the purpose of evaluating under the provisions of Subsection 26-39-404(3) whether a  
529 licensee should be permitted to obtain or retain a license to provide child care, with the  
530 understanding that the department must provide the individual who committed the offense with  
531 an opportunity to respond to any information gathered from the Department of Health's  
532 inspection of records before the Department of Health makes a decision concerning licensure;

533 (g) for information related to a minor who has committed a sexual offense, a felony, or  
534 an offense that if committed by an adult would be a misdemeanor, the Department of Health to  
535 determine whether an individual meets the background screening requirements of Title 26,  
536 Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that the  
537 department must provide the individual who committed the offense an opportunity to respond  
538 to any information gathered from the Department of Health's inspection of records before the  
539 Department of Health makes a decision under that part; and

540 (h) for information related to a minor who has committed a sexual offense, a felony, or  
541 an offense that if committed by an adult would be a misdemeanor, the Department of Health to  
542 determine whether to grant, deny, or revoke background clearance under Section 26-8a-310 for  
543 an individual who is seeking or who has obtained an emergency medical service personnel  
544 license under Section 26-8a-302, with the understanding that the Department of Health must  
545 provide the individual who committed the offense an opportunity to respond to any information  
546 gathered from the Department of Health's inspection of records before the Department of  
547 Health makes a determination.

548 (3) With the consent of the juvenile court, a court record may be inspected by the child,  
549 by persons having a legitimate interest in the proceedings, and by persons conducting pertinent  
550 research studies.

551 (4) If a petition is filed charging a minor who is 14 years old or older with an offense  
552 that would be a felony if committed by an adult, the juvenile court shall make available to any

553 person upon request the petition, any adjudication or disposition orders, and the delinquency  
554 history summary of the minor charged unless the records are closed by the juvenile court upon  
555 findings on the record for good cause.

556 (5) A juvenile probation officer's records and reports of social and clinical studies are  
557 not open to inspection, except by consent of the juvenile court, given under rules adopted by  
558 the board.

559 ~~[(6) The juvenile court may charge a reasonable fee to cover the costs associated with~~  
560 ~~retrieving a requested record that has been archived.]~~

561 Section 9. Section **78A-6-353** is amended to read:

562 **78A-6-353. Contempt -- Penalty.**

563 (1) An individual who willfully violates or refuses to obey any order of the juvenile  
564 court may be proceeded against for contempt of court.

565 (2) If a juvenile court finds an individual who is 18 years old or older in contempt of  
566 court, the juvenile court may impose sanctions on the individual in accordance with Title 78B,  
567 Chapter 6, Part 3, Contempt.

568 (3) (a) Except as otherwise provided in this Subsection (3), if a juvenile court finds a  
569 child in contempt of court, the juvenile court may:

570 (i) place the child on probation in accordance with Section [80-6-702](#); or

571 (ii) order the child to detention, or an alternative to detention, in accordance with  
572 Section [80-6-704](#)~~[-or]~~.

573 ~~[(iii) require the child to pay a fine or fee in accordance with Section [80-6-709](#).]~~

574 (b) The juvenile court may only order a child to secure detention under Subsection  
575 (3)(a)(ii) for no longer than 72 hours, excluding weekends and legal holidays.

576 (c) The juvenile court may not suspend all or part of an order to secure detention upon  
577 compliance with conditions imposed by the juvenile court.

578 ~~[(d) The juvenile court may not enforce a disposition under Subsection (3)(a)(iii)~~  
579 ~~through an order for detention, a community-based program, or secure care.]~~

580 (4) On the sole basis of a child's absence from placement, a juvenile court may not hold  
581 a child in contempt under this section if the child:

582 (a) is in the legal custody of the Division of Child and Family Services; and

583 (b) is missing, has been abducted, or has run away.

584 Section 10. Section 78A-6-356 is amended to read:

585 **78A-6-356. Child support obligation when custody of a child is vested in an**  
586 **individual or institution.**

587 (1) As used in this section:

588 (a) "Office" means the Office of Recovery Services.

589 (b) "State custody" means that a child is in the custody of a state department, division,  
590 or agency~~[, including secure care]~~.

591 (2) Under this section, a juvenile court may not issue a child support order against an  
592 individual unless:

593 (a) the individual is served with notice that specifies the date and time of a hearing to  
594 determine the financial support of a specified child;

595 (b) the individual makes a voluntary appearance; or

596 (c) the individual submits a waiver of service.

597 (3) ~~(a)~~ Except as provided in ~~[Subsection]~~ Subsections (3)(b) and (11), when a juvenile  
598 court places a child in state custody or if the guardianship of the child has been granted to  
599 another party and an agreement for a guardianship subsidy has been signed by the guardian, the  
600 juvenile court:

601 ~~[(a)]~~ (i) shall order the child's parent, guardian, or other obligated individual to pay  
602 child support for each month the child is in state custody or cared for under a grant of  
603 guardianship;

604 ~~[(b)]~~ (ii) shall inform the child's parent, guardian, or other obligated individual,  
605 verbally and in writing, of the requirement to pay child support in accordance with Title 78B,  
606 Chapter 12, Utah Child Support Act; and

607 ~~[(c)]~~ (iii) may refer the establishment of a child support order to the office.

608 (b) If a child is committed to the Division of Juvenile Justice Services under Section  
609 80-6-703 or to secure care under Section 80-6-705, the juvenile court may only order the child's  
610 parent, guardian, or other obligated individual to pay child support under Subsection (3)(a)  
611 upon recommendation by the Division of Juvenile Justice Services.

612 (4) When a juvenile court chooses to refer a case to the office to determine support  
613 obligation amounts in accordance with Title 78B, Chapter 12, Utah Child Support Act, the  
614 juvenile court shall:

615 (a) make the referral within three working days after the day on which the juvenile  
616 court holds the hearing described in Subsection (2)(a); and

617 (b) inform the child's parent, guardian, or other obligated individual of:

618 (i) the requirement to contact the office within 30 days after the day on which the  
619 juvenile court holds the hearing described in Subsection (2)(a); and

620 (ii) the penalty described in Subsection (6) for failure to contact the office.

621 (5) Liability for child support ordered under Subsection (3) shall accrue:

622 (a) except as provided in Subsection (5)(b), beginning on day 61 after the day on which  
623 the juvenile court holds the hearing described in Subsection (2)(a) if there is no existing child  
624 support order for the child; or

625 (b) beginning on the day the child is removed from the child's home, including time  
626 spent in detention or sheltered care, if the child is removed after having been returned to the  
627 child's home from state custody.

628 (6) (a) If the child's parent, guardian, or other obligated individual contacts the office  
629 within 30 days after the day on which the court holds the hearing described in Subsection  
630 (2)(a), the child support order may not include a judgment for past due support for more than  
631 two months.

632 (b) Notwithstanding Subsections (5) and (6)(a), the juvenile court may order the  
633 liability of support to begin to accrue from the date of the proceeding referenced in Subsection  
634 (3) if:

635 (i) the court informs the child's parent, guardian, or other obligated individual, as  
636 described in Subsection (4)(b), and the parent, guardian, or other obligated individual fails to  
637 contact the office within 30 days after the day on which the court holds the hearing described in  
638 Subsection (2)(a); and

639 (ii) the office took reasonable steps under the circumstances to contact the child's  
640 parent, guardian, or other obligated individual within 30 days after the last day on which the  
641 parent, guardian, or other obligated individual was required to contact the office to facilitate the  
642 establishment of a child support order.

643 (c) For purposes of Subsection (6)(b)(ii), the office is presumed to have taken  
644 reasonable steps if the office:

645 (i) has a signed, returned receipt for a certified letter mailed to the address of the child's

646 parent, guardian, or other obligated individual regarding the requirement that a child support  
647 order be established; or

648 (ii) has had a documented conversation, whether by telephone or in person, with the  
649 child's parent, guardian, or other obligated individual regarding the requirement that a child  
650 support order be established.

651 (7) In collecting arrears, the office shall comply with Section [62A-11-320](#) in setting a  
652 payment schedule or demanding payment in full.

653 (8) (a) Unless a court orders otherwise, the child's parent, guardian, or other obligated  
654 individual shall pay the child support to the office.

655 (b) The clerk of the juvenile court, the office, or the Department of Human Services  
656 and the department's divisions shall have authority to receive periodic payments for the care  
657 and maintenance of the child, such as social security payments or railroad retirement payments  
658 made in the name of or for the benefit of the child.

659 (9) An existing child support order payable to a parent or other individual shall be  
660 assigned to the Department of Human Services as provided in Section [62A-1-117](#).

661 (10) (a) Subsections (4) through (9) do not apply if legal custody of a child is vested by  
662 the juvenile court in an individual.

663 (b) (i) If legal custody of a child is vested by the juvenile court in an individual, the  
664 court may order the child's parent, guardian, or other obligated individual to pay child support  
665 to the individual in whom custody is vested.

666 (ii) In the same proceeding, the juvenile court shall inform the child's parent, guardian,  
667 or other obligated individual, verbally and in writing, of the requirement to pay child support in  
668 accordance with Title 78B, Chapter 12, Utah Child Support Act.

669 (11) The juvenile court may not order an individual to pay child support for a child in  
670 state custody if:

671 (a) the individual's only form of income is a government-issued disability benefit;

672 (b) the benefit described in Subsection (11)(a) is issued because of the individual's  
673 disability, and not the child's disability; and

674 (c) the individual provides the juvenile court and the office evidence that the individual  
675 meets the requirements of Subsections (11)(a) and (b).

676 (12) After the juvenile court or the office establishes an individual's child support

677 obligation ordered under Subsection (3), the office shall waive the obligation without further  
678 order of the juvenile court if:

679 (a) the individual's child support obligation is established under Subsection  
680 78B-12-205(6) or Section 78B-12-302; or

681 (b) the individual's only source of income is a means-tested, income replacement  
682 payment of aid, including:

683 (i) cash assistance provided under Title 35A, Chapter 3, Part 3, Family Employment  
684 Program; or

685 (ii) cash benefits received under General Assistance, social security income, or social  
686 security disability income.

687 Section 11. Section **80-3-403** is amended to read:

688 **80-3-403. Treatment for offender and victim -- Costs.**

689 (1) Upon adjudication in the juvenile court of an individual charged with child abuse,  
690 child sexual abuse, or sexual exploitation of a child, the juvenile court may order treatment for  
691 the adjudicated offender or the victim.

692 (2) The juvenile court shall require the adjudicated offender described in Subsection  
693 (1), who is 18 years old or older, to pay, to the extent that the adjudicated offender is able, the  
694 costs of the treatment described in Subsection (1) and the administrative costs incurred by the  
695 division in monitoring completion of the ordered therapy or treatment.

696 (3) If the adjudicated offender is unable to pay the full cost of treatment under  
697 Subsection (2), the juvenile court:

698 (a) may order the division to pay the costs, to the extent that funding is provided by the  
699 Legislature for that purpose; and

700 (b) shall order the adjudicated offender to perform public service work as  
701 compensation for the cost of the treatment.

702 Section 12. Section **80-6-102** is amended to read:

703 **80-6-102. Definitions.**

704 As used in this chapter:

705 (1) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.  
706 1351.1.

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

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

710 (4) "Compensatory service" means service or unpaid work performed by a minor in  
711 lieu of the payment of [~~a fine, fee, or~~] restitution.

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

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

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

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

719 (9) "Division" means the Division of Juvenile Justice Services created in Section  
720 80-5-103.

721 (10) "Formal referral" means a written report from a peace officer, or other person,  
722 informing the juvenile court that:

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

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

727 (11) "Material loss" means an uninsured:

728 (a) property loss;

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

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

732 (d) medical expense.

733 (12) "Referral" means a formal referral, a referral to the juvenile court under Section  
734 53G-8-211, or a citation issued to a minor for which the juvenile court receives notice under  
735 Section 80-6-302.

736 (13) "Rescission" means a written order of the authority that rescinds a date for parole.

737 (14) "Restitution" means money or services that the juvenile court, or a juvenile  
738 probation officer if the minor agrees to a nonjudicial adjustment, orders a minor to pay or



739 render to a victim for the minor's wrongful act or conduct.

740 (15) "Revocation" means a written order of the authority that, after a hearing and  
741 determination under Section 80-6-806:

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

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

744 (16) "Temporary custody" means the control and responsibility of a minor, before an  
745 adjudication under Section 80-6-701, until the minor is released to a parent, guardian,  
746 responsible adult, or to an appropriate agency.

747 (17) "Termination" means a written order of the authority that terminates a juvenile  
748 offender from parole.

749 (18) (a) "Victim" means a person that the juvenile court determines suffered a material  
750 loss as a result of a minor's wrongful act or conduct.

751 (b) "Victim" includes:

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

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

756 (19) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

757 (20) "Work program" means the same as that term is defined in Section 80-5-102.

758 (21) "Youth services" means the same as that term is defined in Section 80-5-102.

759 Section 13. Section 80-6-104 is enacted to read:

760 **80-6-104. Outstanding balances for fines, fees, costs, and other financial**

761 **obligations owed by minors.**

762 (1) The juvenile court shall vacate any portion of a judgment imposing a fine, fee, cost,  
763 or other financial obligation on a minor, or the minor's parent, guardian, or custodian, on or  
764 before May 4, 2022, for an adjudication of an offense if:

765 (a) there is a balance due for the fine, fee, cost, or other financial obligation, including  
766 postjudgment interest, penalties, or collection expenses, on the judgment on or after May 4,  
767 2022; and

768 (b) the underlying statutory authority that allowed the fine, fee, cost, or financial  
769 obligation is no longer in effect on or after May 4, 2022.

770 (2) Any balance of a fine, fee, cost, or other financial obligation imposed on a minor  
771 for an adjudication or nonjudicial adjustment is unenforceable and not collectable if the  
772 underlying statutory authority that allowed the fine, fee, cost, or financial obligation is no  
773 longer in effect on or after May 4, 2022.

774 (3) Nothing in this section creates a right for reimbursement to a minor or the minor's  
775 parent or guardian for a fine, fee, cost, or other financial obligation that was paid before May 4,  
776 2022.

777 (4) A fee may not be collected or charged with the vacation or satisfaction of a  
778 judgment under this section.

779 (5) The Utah Supreme Court or Judicial Council may make any order or adopt any  
780 rules to establish policies and procedures that are necessary to carry out the provisions of this  
781 section.

782 Section 14. Section **80-6-304** is amended to read:

783 **80-6-304. Nonjudicial adjustments.**

784 (1) If the juvenile court receives a referral for an offense committed by a minor that is,  
785 or appears to be, within the juvenile court's jurisdiction, a juvenile probation officer shall make  
786 a preliminary inquiry in accordance with Subsections (3), (4), and (5) to determine whether the  
787 minor is eligible to enter into a nonjudicial adjustment.

788 (2) If a minor is referred to the juvenile court for multiple offenses arising from a  
789 single criminal episode, and the minor is eligible under this section for a nonjudicial  
790 adjustment, the juvenile probation officer shall offer the minor one nonjudicial adjustment for  
791 all offenses arising from the single criminal episode.

792 (3) (a) The juvenile probation officer may:

793 (i) conduct a validated risk and needs assessment; and

794 (ii) request that a prosecuting attorney review a referral in accordance with Subsection  
795 (9) if:

796 (A) the results of the validated risk and needs assessment indicate the minor is high  
797 risk; or

798 (B) the results of the validated risk and needs assessment indicate the minor is  
799 moderate risk and the referral is for a class A misdemeanor violation under Title 76, Chapter 5,  
800 Offenses Against the Person, or Title 76, Chapter 9, Part 7, Miscellaneous Provisions.

- 801 (b) If a minor violates Section 41-6a-502, the minor shall:
- 802 (i) undergo a drug and alcohol screening;
- 803 (ii) if found appropriate by the screening, participate in an assessment; and
- 804 (iii) if warranted by the screening and assessment, follow the recommendations of the
- 805 assessment.
- 806 (4) Except as provided in Subsection (5)(b), the juvenile probation officer shall request
- 807 that a prosecuting attorney review a referral in accordance with Subsection (9) if:
- 808 (a) the referral involves:
- 809 (i) a felony offense; or
- 810 (ii) a violation of:
- 811 (A) Section 41-6a-502, driving under the influence;
- 812 (B) Section 76-5-112, reckless endangerment creating a substantial risk of death or
- 813 serious bodily injury;
- 814 (C) Section 76-5-206, negligent homicide;
- 815 (D) Section 76-9-702.1, sexual battery;
- 816 (E) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled
- 817 shotgun on or about school premises; or
- 818 (F) Section 76-10-509, possession of a dangerous weapon by minor, but only if the
- 819 dangerous weapon is a firearm;
- 820 (b) the minor has a current suspended order for custody under Section 80-6-711; or
- 821 (c) the referral involves an offense alleged to have occurred before an individual was
- 822 12 years old and the offense is a felony violation of:
- 823 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 824 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 825 (iii) Section 76-5-203, murder or attempted murder;
- 826 (iv) Section 76-5-302, aggravated kidnapping;
- 827 (v) Section 76-5-405, aggravated sexual assault;
- 828 (vi) Section 76-6-103, aggravated arson;
- 829 (vii) Section 76-6-203, aggravated burglary;
- 830 (viii) Section 76-6-302, aggravated robbery; or
- 831 (ix) Section 76-10-508.1, felony discharge of a firearm.

832 (5) (a) Except as provided in Subsections (3) and (4), the juvenile probation officer  
833 shall offer a nonjudicial adjustment to a minor if the minor:

834 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;

835 (ii) has no more than two prior adjudications; and

836 (iii) has no more than three prior unsuccessful nonjudicial adjustment attempts.

837 (b) If the juvenile court receives a referral for an offense that is alleged to have  
838 occurred before an individual was 12 years old, the juvenile probation officer shall offer a  
839 nonjudicial adjustment to the individual, unless the referral includes an offense described in  
840 Subsection (4)(c).

841 (c) (i) For purposes of determining a minor's eligibility for a nonjudicial adjustment  
842 under this Subsection (5), the juvenile probation officer shall treat all offenses arising out of a  
843 single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial  
844 adjustment.

845 (ii) For purposes of determining a minor's eligibility for a nonjudicial adjustment under  
846 this Subsection (5), the juvenile probation officer shall treat all offenses arising out of a single  
847 criminal episode that resulted in one or more prior adjudications as a single adjudication.

848 (d) Except as provided in Subsection (4), the juvenile probation officer may offer a  
849 nonjudicial adjustment to a minor who does not meet the criteria provided in Subsection (5)(a).

850 (6) (a) ~~[For a nonjudicial adjustment,]~~ Except as provided in Subsection (6)(b), the  
851 juvenile probation officer may require a minor for a nonjudicial adjustment to:

852 ~~[(a) pay a financial penalty of no more than \$250 to the juvenile court, subject to the~~  
853 ~~terms established under Subsection (8)(c);]~~

854 ~~[(b)]~~ (i) pay restitution to any victim;

855 ~~[(c)]~~ (ii) complete community or compensatory service;

856 ~~[(d)]~~ (iii) attend counseling or treatment with an appropriate provider;

857 ~~[(e)]~~ (iv) attend substance abuse treatment or counseling;

858 ~~[(f)]~~ (v) comply with specified restrictions on activities or associations;

859 ~~[(g)]~~ (vi) attend victim-offender mediation if requested by the victim; and

860 ~~[(h)]~~ (vii) comply with any other reasonable action that is in the interest of the minor,  
861 the community, or the victim.

862 (b) The juvenile probation officer may not require a minor or the minor's parent or

863 guardian to pay a financial penalty, cost, surcharge, or fee for a nonjudicial adjustment.

864 (7) (a) Within seven days of receiving a referral that appears to be eligible for a  
865 nonjudicial adjustment in accordance with Subsection (5), the juvenile probation officer shall  
866 provide an initial notice to reasonably identifiable and locatable victims of the offense  
867 contained in the referral.

868 (b) The victim shall be responsible to provide to the juvenile probation officer upon  
869 request:

870 (i) invoices, bills, receipts, and any other evidence of injury, loss of earnings, and  
871 out-of-pocket loss;

872 (ii) documentation and evidence of compensation or reimbursement from an insurance  
873 company or an agency of the state, any other state, or the federal government received as a  
874 direct result of the crime for injury, loss of earnings, or out-of-pocket loss; and

875 (iii) proof of identification, including home and work address and telephone numbers.

876 (c) The inability, failure, or refusal of the victim to provide all or part of the requested  
877 information shall result in the juvenile probation officer determining restitution based on the  
878 best information available.

879 (8) (a) The juvenile probation officer may not predicate acceptance of an offer of a  
880 nonjudicial adjustment on an admission of guilt.

881 ~~[(b) The juvenile probation officer may not deny a minor an offer of a nonjudicial  
882 adjustment due to a minor's inability to pay a financial penalty under Subsection (6).]~~

883 ~~[(e)]~~ (b) The juvenile probation officer shall base a fee, fine, or the restitution for a  
884 nonjudicial adjustment under Subsection (6) upon the ability of the minor's family to pay as  
885 determined by a statewide sliding scale developed in accordance with Section 63M-7-208.

886 ~~[(d)]~~ (c) A nonjudicial adjustment may not extend for more than 90 days, unless a  
887 juvenile court judge extends the nonjudicial adjustment for an additional 90 days.

888 ~~[(e)]~~ (d) (i) Notwithstanding Subsection (8)~~[(d)]~~(c), a juvenile court judge may extend  
889 a nonjudicial adjustment beyond the 180 days permitted under Subsection (8)~~[(d)]~~(c) for a  
890 minor who is offered a nonjudicial adjustment under Subsection (5)(b) for a sexual offense  
891 under Title 76, Chapter 5, Part 4, Sexual Offenses, or is referred under Subsection (9)(b)(ii) for  
892 a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, that the minor committed  
893 before the minor was 12 years old, if the judge determines that:

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

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

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

899 (ii) If a juvenile court judge extends a minor's nonjudicial adjustment under Subsection  
900 (8)~~(e)~~(d)(i), the judge may extend the nonjudicial adjustment until the minor completes the  
901 treatment under this Subsection (8)~~(e)~~(d), but the judge may only grant each extension for 90  
902 days at a time.

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

906 (9) If a prosecuting attorney is requested to review a referral in accordance with  
907 Subsection (3) or (4), a minor fails to substantially comply with a condition agreed upon as part  
908 of the nonjudicial adjustment, or a minor is not offered or declines a nonjudicial adjustment in  
909 accordance with Subsection (5), the prosecuting attorney shall:

910 (a) review the case; and

911 (b) (i) dismiss the case;

912 (ii) refer the case back to the juvenile probation officer for a new attempt at nonjudicial  
913 adjustment; or

914 (iii) except as provided in Subsections (10)(b), (11), and 80-6-305(2), file a petition  
915 with the juvenile court.

916 (10) ~~(a)~~ A prosecuting attorney may file a petition only upon reasonable belief that:

917 ~~(i)~~ (a) the charges are supported by probable cause;

918 ~~(ii)~~ (b) admissible evidence will be sufficient to support adjudication beyond a  
919 reasonable doubt; and

920 ~~(iii)~~ (c) the decision to charge is in the interests of justice.

921 ~~(b) Failure to pay a fine or fee may not serve as a basis for filing of a petition under~~  
922 ~~Subsection (9)(b)(iii) if the minor has substantially complied with the other conditions agreed~~  
923 ~~upon in accordance with Subsection (6) or conditions imposed through any other court~~  
924 ~~diversion program.]~~

- 925 (11) A prosecuting attorney may not file a petition against a minor unless:
- 926 (a) the prosecuting attorney has statutory authority to file the petition under Section
- 927 80-6-305; and
- 928 (b) (i) the minor does not qualify for a nonjudicial adjustment under Subsection (5);
- 929 (ii) the minor declines a nonjudicial adjustment;
- 930 (iii) the minor fails to substantially comply with the conditions agreed upon as part of
- 931 the nonjudicial adjustment;
- 932 (iv) the minor fails to respond to the juvenile probation officer's inquiry regarding
- 933 eligibility for or an offer of a nonjudicial adjustment after being provided with notice for
- 934 preliminary inquiry; or
- 935 (v) the prosecuting attorney is acting under Subsection (9).

936 (12) If the prosecuting attorney files a petition in a juvenile court, or a proceeding is

937 commenced against a minor under Section 80-6-302, the juvenile court may refer the case to

938 the juvenile probation officer for another offer of nonjudicial adjustment.

939 Section 15. Section 80-6-608 is amended to read:

940 **80-6-608. When photographs, fingerprints, or HIV infection tests may be taken --**

941 **Distribution -- DNA collection -- Reimbursement.**

- 942 (1) The division shall take a photograph and fingerprints of a minor who is:
- 943 (a) 14 years old or older at the time of the alleged commission of an offense that would
- 944 be a felony if the minor were 18 years old or older; and
- 945 (b) admitted to a detention facility for the alleged commission of the offense.
- 946 (2) The juvenile court shall order a minor who is 14 years old or older at the time that
- 947 the minor is alleged to have committed an offense described in Subsection (2)(a) or (b) to have
- 948 the minor's fingerprints taken at a detention facility or a local law enforcement agency if the
- 949 minor is:
- 950 (a) adjudicated for an offense that would be a class A misdemeanor if the minor were
- 951 18 years old or older; or
- 952 (b) adjudicated for an offense that would be a felony if the minor were 18 years old or
- 953 older and the minor was not admitted to a detention facility.
- 954 (3) The juvenile court shall take a photograph of a minor who is:
- 955 (a) 14 years old or older at the time the minor was alleged to have committed an

956 offense that would be a felony or a class A misdemeanor if the minor were 18 years old or  
957 older; and

958 (b) adjudicated for the offense described in Subsection (3)(a).

959 (4) If a minor's fingerprints are taken under this section, the minor's fingerprints shall  
960 be forwarded to the Bureau of Criminal Identification and may be stored by electronic medium.

961 (5) HIV testing shall be conducted on a minor who is taken into custody after having  
962 been adjudicated for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, upon  
963 the request of:

964 (a) the victim;

965 (b) the parent or guardian of a victim who is younger than 14 years old; or

966 (c) the guardian of the alleged victim if the victim is a vulnerable adult as defined in  
967 Section 62A-3-301.

968 (6) HIV testing shall be conducted on a minor against whom a petition has been filed  
969 or a pickup order has been issued for the commission of any offense under Title 76, Chapter 5,  
970 Part 4, Sexual Offenses:

971 (a) upon the request of:

972 (i) the victim;

973 (ii) the parent or guardian of a victim who is younger than 14 years old; or

974 (iii) the guardian of the alleged victim if the victim is a vulnerable adult as defined in  
975 Section 62A-3-301; and

976 (b) in which:

977 (i) the juvenile court has signed an accompanying arrest warrant, pickup order, or any  
978 other order based upon probable cause regarding the alleged offense; and

979 (ii) the juvenile court has found probable cause to believe that the alleged victim has  
980 been exposed to HIV infection as a result of the alleged offense.

981 (7) HIV tests, photographs, and fingerprints may not be taken of a child who is younger  
982 than 14 years old without the consent of the juvenile court.

983 (8) (a) Photographs taken under this section may be distributed or disbursed to:

984 (i) state and local law enforcement agencies;

985 (ii) the judiciary; and

986 (iii) the division.



987 (b) Fingerprints may be distributed or disbursed to:

988 (i) state and local law enforcement agencies;

989 (ii) the judiciary;

990 (iii) the division; and

991 (iv) agencies participating in the Western Identification Network.

992 (9) (a) A DNA specimen shall be obtained from a minor who is under the jurisdiction  
993 of the juvenile court as described in Subsection 53-10-403(3).

994 (b) The DNA specimen shall be obtained, in accordance with Subsection 53-10-404(4),  
995 by:

996 (i) designated employees of the juvenile court; or

997 (ii) if the minor is committed to the division, designated employees of the division.

998 (c) The responsible agency under Subsection (9)(b) shall ensure that an employee  
999 designated to collect the saliva DNA specimens receives appropriate training and that the  
1000 specimens are obtained in accordance with accepted protocol.

1001 [~~(d) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the  
1002 DNA Specimen Restricted Account created in Section 53-10-407.~~]

1003 [~~(e) Payment of the reimbursement is second in priority to payments the minor is  
1004 ordered to make for restitution under Section 80-6-710 and for treatment ordered under Section  
1005 80-3-403.~~]

1006 Section 16. Section 80-6-703 is amended to read:

1007 **80-6-703. Placement of a child -- Commitment of a minor to the division --**  
1008 **Limitations.**

1009 (1) (a) If a child is adjudicated for an offense under Section 80-6-701, the juvenile  
1010 court may:

1011 (i) place the child in the legal custody of a relative or other suitable individual  
1012 regardless of whether the minor is placed on probation under Subsection 80-6-702(1); or

1013 (ii) appoint a guardian for the child if it appears that a guardian is necessary in the  
1014 interest of the child.

1015 (b) The juvenile court may not assume the function of developing foster home services  
1016 in placing a child in the legal custody of a relative or other suitable individual under Subsection  
1017 (1)(a).

1018 (c) (i) If the juvenile court appoints a guardian for a child under Subsection (1)(a)(ii),  
1019 the juvenile court:

1020 (A) may appoint a public or private institution or agency as the guardian of the child;  
1021 and

1022 (B) may not appoint a nonsecure residential placement provider for which legal  
1023 custody of the child is vested.

1024 (d) In placing a child under the guardianship or legal custody of an individual or  
1025 private agency or institution under Subsection (1)(a)(ii), the juvenile court:

1026 (i) shall give primary consideration to the welfare of the child; and

1027 (ii) may take into consideration the religious preferences of the child and the child's  
1028 parent.

1029 (2) If a minor is adjudicated under Section 80-6-701, the juvenile court shall only  
1030 commit the minor to the division and order the division to provide recommendations and  
1031 services if:

1032 (a) nonresidential treatment options have been exhausted or nonresidential treatment  
1033 options are not appropriate; and

1034 (b) the minor is adjudicated under this chapter for:

1035 (i) a felony;

1036 (ii) a misdemeanor when the minor has five prior misdemeanors or felony  
1037 adjudications arising from separate criminal episodes; or

1038 (iii) a misdemeanor involving the use of a dangerous weapon as defined in Section  
1039 76-1-601.

1040 (3) A juvenile court may not commit a minor to the division:

1041 (a) for residential observation and evaluation or residential observation and  
1042 assessment;

1043 (b) for contempt of court, except to the extent permitted under Section 78A-6-353;

1044 (c) for a violation of probation;

1045 (d) for failure to pay [~~a fine, fee, restitution, or other financial obligation~~] restitution or  
1046 another financial obligation;

1047 (e) for unfinished compensatory or community service hours;

1048 (f) for an infraction; or

1049 (g) for a status offense.

1050 (4) If the juvenile court commits a minor to the division, the juvenile court shall:

1051 (a) find whether the minor is being committed to the division for placement in a  
1052 community-based program, secure detention under Section 80-6-704, or secure care under  
1053 Section 80-6-705;

1054 (b) specify the criteria under Subsection (3) for which the juvenile court is committing  
1055 the minor to the division; and

1056 (c) establish the period of time that the minor is committed to the division in  
1057 accordance with Section 80-6-712.

1058 (5) (a) Except for an order for secure care under Section 80-6-705, if the juvenile court  
1059 commits a minor to the division, or places the minor with an individual under this section, the  
1060 juvenile court shall include in the order a date for a review and presumptive termination of the  
1061 minor's case by the juvenile court in accordance with Section 80-6-712.

1062 (b) For each review of a minor's case under Subsection (5)(a), the juvenile court shall  
1063 set a new date for a review and presumptive termination of the minor's case.

1064 (6) If a minor is adjudicated for an offense under Section 80-6-701, a juvenile court  
1065 may not commit a minor to:

1066 (a) except as provided in Subsection (7), the Division of Child and Family Services; or

1067 (b) a correctional facility.

1068 (7) The juvenile court may not commit a minor to the Division of Child and Family  
1069 Services to address the minor's ungovernable or other behavior, mental health, or disability,  
1070 unless the Division of Child and Family Services:

1071 (a) engages other relevant divisions of the department in conducting an assessment of  
1072 the minor and the minor's family's needs;

1073 (b) based on an assessment under Subsection (7)(a), determines that committing the  
1074 minor to the Division of Child and Family Services is the least restrictive intervention for the  
1075 minor that meets the minor's needs; and

1076 (c) consents to the minor being committed to the Division of Child and Family  
1077 Services.

1078 (8) If a minor is committed to the division under this section, the division may not  
1079 transfer custody of the minor to a correctional facility.

1080 Section 17. Section **80-6-704** is amended to read:

1081 **80-6-704. Detention or alternative to detention -- Limitations.**

1082 (1) (a) The juvenile court may order a minor to detention, or an alternative to detention,  
1083 if the minor is adjudicated for:

1084 (i) an offense under Section [80-6-701](#); or

1085 (ii) contempt of court under Section [78A-6-353](#).

1086 (b) Except as provided in Subsection [78A-6-353](#)(3), and subject to the juvenile court  
1087 retaining continuing jurisdiction over a minor's case, the juvenile court may order a minor to  
1088 detention, or an alternative to detention, under Subsection (1) for a period not to exceed 30  
1089 cumulative days for an adjudication.

1090 (c) If a minor is held in detention before an adjudication, the time spent in detention  
1091 before the adjudication shall be credited toward the 30 cumulative days eligible as a disposition  
1092 under Subsection (1)(a).

1093 (d) If a minor spent more than 30 days in detention before a disposition under  
1094 Subsection (1), the juvenile court may not order the minor to detention under this section.

1095 (2) An order for detention under Subsection (1) may not be suspended upon conditions  
1096 ordered by the juvenile court.

1097 (3) A juvenile court may not order a minor to detention for:

1098 (a) contempt of court, except to the extent permitted under Section [78A-6-353](#);

1099 (b) a violation of probation;

1100 (c) failure to pay [~~a fine, fee, restitution, or other financial obligation~~] restitution or  
1101 another financial obligation;

1102 (d) unfinished compensatory or community service hours;

1103 (e) an infraction; or

1104 (f) a status offense.

1105 (4) (a) If a minor is held in detention under this section, the minor is eligible to receive  
1106 credit for good behavior against the period of detention.

1107 (b) The rate of credit is one day of credit for good behavior for every three days spent  
1108 in detention.

1109 (5) (a) A minor may not be held in secure detention following a disposition by the  
1110 juvenile court:

- 1111 (i) under Chapter 3, Abuse, Neglect, and Dependency Proceedings; or  
1112 (ii) except as provided in Subsection (5)(b), for a community-based program.
- 1113 (b) If a minor is awaiting placement by the division under Section 80-6-703, a minor  
1114 may not be held in secure detention for longer than 72 hours, excluding weekends and  
1115 holidays.
- 1116 (c) The period of detention under Subsection (5)(b) may be extended by the juvenile  
1117 court for a cumulative total of seven calendar days if:
- 1118 (i) the division, or another agency responsible for placement, files a written petition  
1119 with the juvenile court requesting the extension and setting forth good cause; and  
1120 (ii) the juvenile court enters a written finding that it is in the best interests of both the  
1121 minor and the community to extend the period of detention.
- 1122 (d) The juvenile court may extend the period of detention beyond the seven calendar  
1123 days if the juvenile court finds, by clear and convincing evidence, that:
- 1124 (i) the division, or another agency responsible for placement, does not have space for  
1125 the minor; and  
1126 (ii) the safety of the minor and community requires an extension of the period of  
1127 detention.
- 1128 (e) The division, or the agency with custody of the minor, shall report to the juvenile  
1129 court every 48 hours, excluding weekends and holidays, regarding whether the division, or  
1130 another agency responsible for placement, has space for the minor.
- 1131 (f) The division, or agency, requesting an extension shall promptly notify the detention  
1132 facility that a written petition has been filed.
- 1133 (g) The juvenile court shall promptly notify the detention facility regarding the juvenile  
1134 court's initial disposition and any ruling on a petition for an extension, whether granted or  
1135 denied.
- 1136 Section 18. Section **80-6-705** is amended to read:
- 1137 **80-6-705. Secure care -- Limitations -- Order for therapy for parent with minor**  
1138 **in secure care.**
- 1139 (1) If a minor is adjudicated for an offense under Section 80-6-701, the juvenile court  
1140 may order the minor to secure care if the juvenile court finds that:
- 1141 (a) (i) the minor poses a risk of harm to others; or

1142 (ii) the minor's conduct resulted in the victim's death; and  
1143 (b) the minor is adjudicated for:  
1144 (i) a felony offense;  
1145 (ii) a misdemeanor offense if the minor has five prior misdemeanor or felony  
1146 adjudications arising from separate criminal episodes; or  
1147 (iii) a misdemeanor offense involving use of a dangerous weapon as defined in Section  
1148 76-1-601.

1149 (2) A juvenile court may not order a minor to secure care for:  
1150 (a) contempt of court;  
1151 (b) a violation of probation;  
1152 (c) failure to pay [~~a fine, fee, restitution, or other financial obligation~~] restitution or  
1153 another financial obligation;  
1154 (d) unfinished compensatory or community service hours;  
1155 (e) an infraction; or  
1156 (f) a status offense.

1157 (3) The juvenile court may, on the recommendation of the division, order a parent of a  
1158 minor in secure care to undergo group rehabilitation therapy under the direction of a therapist,  
1159 who has supervision of the minor in secure care, or any other therapist for a period  
1160 recommended by the division.

1161 Section 19. Section **80-6-709** is amended to read:

1162 **80-6-709. Community or compensatory service -- Property damage -- Unpaid**  
1163 **balances.**

1164 (1) (a) If a minor is adjudicated for an offense under Section 80-6-701, the juvenile  
1165 court may order a minor to:

- 1166 [~~(i) pay a fine, fee, or other cost;~~]  
1167 [(~~ii~~)] (i) pay restitution in accordance with Section 80-6-710; or  
1168 [(~~iii~~)] (ii) complete community or compensatory service hours.

1169 (b) (i) If the juvenile court orders the minor to pay restitution under Subsection (1)(a), a  
1170 juvenile probation officer may permit the minor to complete a work program in lieu of paying  
1171 part or all of the restitution by the juvenile court.

1172 (ii) If the juvenile court orders the minor to complete community or compensatory

1173 service hours, a juvenile probation officer may permit the minor to complete a work program to  
1174 help the minor complete the community or compensatory service hours.

1175 (c) The juvenile court may, through a juvenile probation officer, encourage the  
1176 development of nonresidential employment or a work program to enable a minor to fulfill the  
1177 minor's obligations under Subsection (1)(a).

1178 (d) Notwithstanding this section, a juvenile court may not place a minor on a ranch,  
1179 forestry camp, or other residential work program for care or work.

1180 (2) If the juvenile court orders a minor to pay [~~a fine, fee, restitution, or other cost,~~]  
1181 restitution or to complete community or compensatory service hours, the juvenile court shall  
1182 consider the dispositions collectively to ensure that an order:

1183 (a) is reasonable;

1184 (b) prioritizes restitution; and

1185 (c) takes into account the minor's ability to satisfy the order within the presumptive  
1186 period of supervision under Section [80-6-712](#)[;] or the presumptive period of commitment for  
1187 secure care under Section [80-6-802](#) if the minor is ordered to secure care.

1188 (3) [~~(a)~~] If the juvenile court orders a minor to [~~pay a fine, fee, or other cost, or~~]  
1189 complete community or compensatory service hours, the cumulative order shall be limited per  
1190 criminal episode as follows:

1191 [~~(i)~~] (a) for a minor who is under 16 years old at the time of adjudication, the juvenile  
1192 court may impose [~~up to \$190 or~~] up to 24 hours of community or compensatory service; and

1193 [~~(ii)~~] (b) for a minor who is 16 years old or older at the time of adjudication, the  
1194 juvenile court may impose [~~up to \$280 or~~] up to 36 hours of community or compensatory  
1195 service.

1196 [~~(b) The cumulative order under Subsection (3)(a) does not include restitution.~~]

1197 (4) (a) If the juvenile court converts a [~~fine, fee, or~~] restitution amount to compensatory  
1198 service hours, the rate of conversion shall be no less than the minimum wage.

1199 (b) If the juvenile court orders a minor to complete community service, the  
1200 presumptive service order shall include between five and 10 hours of service.

1201 (c) If a minor completes an approved substance use disorder prevention or treatment  
1202 program or other court-ordered condition, the minor may be credited with compensatory  
1203 service hours for the completion of the program or condition by the juvenile court.

1204 (5) (a) If a minor commits an offense involving the use of graffiti under Section  
1205 76-6-106 or 76-6-206, the juvenile court may order the minor to clean up graffiti created by the  
1206 minor or any other individual at a time and place within the jurisdiction of the juvenile court.

1207 (b) The minor may complete the order of the juvenile court under Subsection (5)(a) in  
1208 the presence and under the direct supervision of the minor's parent, guardian, or custodian.

1209 (c) The minor's parent, guardian, or custodian shall report completion of the order to  
1210 the juvenile court.

1211 (d) The juvenile court may also require the minor to perform other alternative forms of  
1212 restitution or repair to the damaged property in accordance with Section 80-6-710.

1213 ~~[(6) (a) Except as provided in Subsection (6)(b), the juvenile court may issue orders  
1214 necessary for the collection of restitution and fines ordered under this section, including  
1215 garnishments, wage withholdings, and executions.]~~

1216 ~~[(b) The juvenile court may not issue an order under Subsection (6)(a) if the juvenile  
1217 court orders a disposition that changes custody of a minor, including detention, secure care, or  
1218 any other secure or nonsecure residential placement.]~~

1219 ~~[(7) Any information necessary to collect unpaid fines, fees, assessments, bail, or  
1220 restitution may be forwarded to employers, financial institutions, law enforcement, constables,  
1221 the Office of Recovery Services, or other agencies for purposes of enforcing an order under this  
1222 section.]~~

1223 (6) (a) The juvenile court may issue orders necessary for the collection of restitution  
1224 ordered under this section, including garnishments, wage withholdings, and executions.

1225 (b) The juvenile court may not order the minor to be detained in secure or nonsecure  
1226 residential placements in order to collect restitution.

1227 ~~[(8)]~~ (7) (a) If, before the entry of any order terminating the juvenile court's continuing  
1228 jurisdiction over a minor's case, there remains an unpaid balance for any [~~fine, fee, or~~]  
1229 restitution ordered by the juvenile court, the juvenile court shall record all pertinent  
1230 information for the unpaid balance in the minor's file.

1231 (b) The juvenile court may not transfer responsibility to collect [~~unpaid fines, fees,~~  
1232 ~~surcharges, and~~] restitution for a minor's case to the Office of State Debt Collection created in  
1233 Section 63A-3-502.

1234 (c) The juvenile court shall reduce a restitution order to a judgment and list the victim,



1235 or the estate of the victim, as the judgment creditor in the judgment.

1236 Section 20. Section **80-6-710** is amended to read:

1237 **80-6-710. Restitution -- Requirements.**

1238 (1) If a minor is adjudicated under Section **80-6-701**, the juvenile court may order the  
1239 minor to repair, replace, or otherwise make restitution for:

1240 (a) material loss caused by an offense listed in the petition; or

1241 (b) conduct for which the minor agrees to make restitution.

1242 (2) Within seven days after the day on which a petition is filed under this chapter, the  
1243 prosecuting attorney or a juvenile probation officer shall provide notification of the restitution  
1244 process to all reasonably identifiable and locatable victims of an offense listed in the petition.

1245 (3) A victim that receives notice under Subsection (2) is responsible for providing the  
1246 prosecutor with:

1247 (a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket  
1248 loss;

1249 (b) all documentation of any compensation or reimbursement from an insurance  
1250 company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

1251 (c) if available, the victim's proof of identification, including the victim's date of birth,  
1252 social security number, or driver license number; and

1253 (d) the victim's contact information, including the victim's current home and work  
1254 address and telephone number.

1255 (4) A prosecuting attorney or victim shall submit a request for restitution to the  
1256 juvenile court:

1257 (a) if feasible, at the time of disposition; or

1258 (b) within 90 days after disposition.

1259 (5) The juvenile court shall order a financial disposition that prioritizes the payment of  
1260 restitution.

1261 (6) To determine whether restitution, or the amount of restitution, is appropriate under  
1262 Subsection (1), the juvenile court:

1263 (a) shall only order restitution for the victim's material loss;

1264 (b) may not order restitution if the juvenile court finds that the minor is unable to pay  
1265 or acquire the means to pay;

1266 (c) shall credit any amount paid by the minor to the victim in a civil suit against  
1267 restitution owed by the minor;

1268 (d) shall take into account the presumptive period of supervision for the minor's case  
1269 under Section 80-6-712, or the presumptive period of commitment for secure care under  
1270 Section ~~[80-6-804]~~ 80-6-802 if the minor is ordered to secure care, in determining the minor's  
1271 ability to satisfy the restitution order within that presumptive term; and

1272 (e) shall credit any amount paid to the victim in restitution against liability in a civil  
1273 suit.

1274 (7) If the minor and the victim of the adjudicated offense agree to participate, the  
1275 juvenile court may refer the minor's case to a restorative justice program, such as victim  
1276 offender mediation, to address how loss resulting from the adjudicated offense may be  
1277 addressed.

1278 (8) The juvenile court may not require a minor or the minor's parent or guardian to  
1279 reimburse an individual, entity, or governmental agency who offered and paid a reward to a  
1280 person for providing information resulting in an adjudication of a minor for the commission of  
1281 an offense.

1282 (9) If a minor is returned to this state in accordance with Title 55, Chapter 12, Interstate  
1283 Compact for Juveniles, the juvenile court may not order the minor ~~[to make restitution for]~~ or  
1284 the minor's parent or guardian to pay the costs expended by any governmental entity for the  
1285 return of the minor.

1286 Section 21. Section **80-6-712** is amended to read:

1287 **80-6-712. Time periods for supervision of probation or placement -- Termination**  
1288 **of continuing jurisdiction.**

1289 (1) If the juvenile court places a minor on probation under Section 80-6-702, the  
1290 juvenile court shall establish a period of time for supervision for the minor that is:

- 1291 (a) if the minor is placed on intake probation, no more than three months; or  
1292 (b) if the minor is placed on formal probation, from four to six months, but may not  
1293 exceed six months.

1294 (2) (a) If the juvenile court commits a minor to the division under Section 80-6-703,  
1295 and the minor's case is under the jurisdiction of the court, the juvenile court shall establish:

- 1296 (i) for a minor placed out of the home, a period of custody from three to six months,

1297 but may not exceed six months; and

1298 (ii) for aftercare services if the minor was placed out of the home, a period of  
1299 supervision from three to four months, but may not exceed four months.

1300 (b) A minor may be supervised for aftercare under Subsection (2)(a)(ii) in the home of  
1301 a qualifying relative or guardian, or at an independent living program contracted or operated by  
1302 the division.

1303 (3) If the juvenile court orders a minor to secure care, the authority shall:

1304 (a) have jurisdiction over the minor's case; and

1305 (b) apply the provisions of Part 8, Commitment and Parole.

1306 (4) (a) In accordance with Section 80-6-711 and Subsections (1) and (2), the juvenile  
1307 court shall terminate continuing jurisdiction over a minor's case at the end of the time period  
1308 described in Subsection (1) for probation, or Subsection (2) for commitment to the division,  
1309 unless:

1310 (i) termination would interrupt the completion of the treatment program determined to  
1311 be necessary by the results of a validated risk and needs assessment under Section 80-6-606;

1312 (ii) the minor commits a new misdemeanor or felony offense;

1313 (iii) community or compensatory service hours have not been completed; or

1314 [~~(iv) there is an outstanding fine; or~~]

1315 [~~(v)~~] (iv) there is a failure to pay restitution in full.

1316 (b) The juvenile court shall determine whether a minor has completed a treatment  
1317 program under Subsection (4)(a)(i) by considering:

1318 (i) the recommendations of the licensed service provider for the treatment program;

1319 (ii) the minor's record in the treatment program; and

1320 (iii) the minor's completion of the goals of the treatment program.

1321 (5) Subject to Subsection (8), if one of the circumstances under Subsection (4) exists  
1322 the juvenile court may extend supervision for the time needed to address the specific  
1323 circumstance.

1324 (6) If a circumstance under Subsection (4)(a)(iii)[~~(iv)~~, ~~or~~ (~~v~~)] or (iv) exists, the  
1325 juvenile court may extend supervision for no more than three months.

1326 (7) If the juvenile court extends supervision under this section, the grounds for the  
1327 extension and the length of any extension shall be recorded in the court records and tracked in

1328 the data system used by the Administrative Office of the Courts and the division.

1329 (8) For a minor who is under the continuing jurisdiction of the juvenile court and  
1330 whose supervision is extended under Subsection (4)(a)(iii)[~~(iv)~~, or ~~(v)~~] or (iv), supervision  
1331 may only be extended as intake probation.

1332 (9) If a minor leaves supervision without authorization for more than 24 hours, the  
1333 supervision period for the minor shall toll until the minor returns.

1334 (10) This section does not apply to any minor adjudicated under this chapter for:

1335 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;

1336 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;

1337 (c) Section 76-5-203, murder or attempted murder;

1338 (d) Section 76-5-205, manslaughter;

1339 (e) Section 76-5-206, negligent homicide;

1340 (f) Section 76-5-207, automobile homicide;

1341 (g) Section 76-5-207.5, automobile homicide involving handheld wireless  
1342 communication device;

1343 (h) Section 76-5-208, child abuse homicide;

1344 (i) Section 76-5-209, homicide by assault;

1345 (j) Section 76-5-302, aggravated kidnapping;

1346 (k) Section 76-5-405, aggravated sexual assault;

1347 (l) a felony violation of Section 76-6-103, aggravated arson;

1348 (m) Section 76-6-203, aggravated burglary;

1349 (n) Section 76-6-302, aggravated robbery;

1350 (o) Section 76-10-508.1, felony discharge of a firearm;

1351 (p) (i) an offense other than an offense listed in Subsections (10)(a) through (o)

1352 involving the use of a dangerous weapon, as defined in Section 76-1-601, that is a felony; and

1353 (ii) the minor has been previously adjudicated or convicted of an offense involving the  
1354 use of a dangerous weapon; or

1355 (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and  
1356 the minor has been previously committed to the division for secure care.

1357 Section 22. Section 80-6-906 is amended to read:

1358 **80-6-906. Fees.**

1359 ~~[(1) (a) A youth court may require that a minor pay a reasonable fee, not to exceed \$50,~~  
1360 ~~to participate in the youth court.]~~

1361 ~~[(b) A fee under Subsection (1) may be reduced or waived by the youth court in exigent~~  
1362 ~~circumstances:]~~

1363 ~~[(c) A fee under Subsection (1) shall be paid to and accounted for by the sponsoring~~  
1364 ~~entity:]~~

1365 ~~[(d) Any fees collected shall be used for supplies and any training requirements:]~~

1366 (1) A youth court may not require a minor or the minor's parent or guardian to pay a  
1367 fee, cost, or surcharge as a condition to participate in a youth court.

1368 (2) ~~[A minor who participates in youth court]~~ A youth court is responsible for the all  
1369 expenses of any classes, counseling, treatment, or other educational programs that are the  
1370 disposition of the youth court.

1371 Section 23. Section **80-6-1007** is amended to read:

1372 **80-6-1007. Fees.**

1373 (1) ~~[Except for a filing fee for a petition under this part, the]~~ The juvenile court may  
1374 not charge a fee for:

1375 (a) an issuance of an expungement order under this part; or

1376 (b) an expungement of a record under this part.

1377 (2) An agency may not charge a fee for the expungement of a record under this part.

1378 Section 24. **Repealer.**

1379 This bill repeals:

1380 Section **80-6-803, Cost of support and maintenance of a juvenile offender --**

1381 **Responsibility.**

1382 Section 25. **Effective date.**

1383 This bill takes effect on January 1, 2023.