

Senator Stephanie Pitcher proposes the following substitute bill:

JUVENILE COURT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to the juvenile court.

Highlighted Provisions:

This bill:

- ▶ amends the requirements for requesting restitution in the juvenile court; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-6-710, as last amended by Laws of Utah 2022, Chapters 155, 334

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

Section 1. Section **80-6-710** is amended to read:

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

(1) If a minor is adjudicated under Section **80-6-701**, the juvenile court may order the



26 minor to repair, replace, or otherwise make restitution for:

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

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

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

32 (3) A victim that receives notice under Subsection (2) is responsible for providing the
33 prosecuting attorney with:

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

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

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

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

42 (4) ~~[A prosecuting attorney or victim shall submit a request for restitution to the~~
43 ~~juvenile court:]~~ (a) A prosecuting attorney, or a victim's attorney, shall file a motion for an
44 order for restitution in the juvenile court:

45 ~~[(a)]~~ (i) if feasible, at the time of disposition; or

46 ~~[(b)]~~ (ii) within 90 days after disposition.

47 (b) If a prosecuting attorney's motion for restitution includes an amount that is less than
48 the amount requested by the victim, the prosecuting attorney shall include a copy of the
49 victim's request with the motion.

50 (c) A motion for an order for restitution under Subsection (4)(a) shall be served on all
51 parties to the minor's case.

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

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

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

56 (c) shall take into account:

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

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

62 (d) shall credit any amount paid by the minor to the victim in a civil suit against
63 restitution owed by the minor; and

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

66 (6) If the minor and the victim of the adjudicated offense agree to participate, the
67 juvenile court may refer the minor's case to a restorative justice program, such as victim
68 offender mediation, to address how loss resulting from the adjudicated offense may be
69 addressed.

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

73 (b) If a minor is returned to this state in accordance with Part 11, Interstate Compact
74 for Juveniles, the juvenile court may order the minor to make restitution for costs expended by
75 any governmental entity for the return of the minor.