

SB0186S01 compared with SB0186

~~{deleted text}~~ shows text that was in SB0186 but was deleted in SB0186S01.

inserted text shows text that was not in SB0186 but was inserted into SB0186S01.

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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 an adjudication of an offense in the juvenile court;
- { →
 - ▶ 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:

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AMENDS:

~~{ 80-6-701, as enacted by Laws of Utah 2021, Chapter 261~~

+ 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 ~~{80-6-701}~~80-6-710 is amended to read:

~~{ 80-6-701. Adjudication of an offense:~~

~~—— (1) (a) If the juvenile court finds, by beyond a reasonable doubt, that the allegations in a petition under Section 80-6-305, or a criminal information under Section 80-6-503, are true at the adjudication hearing, the juvenile court [may order a disposition for a minor under this part.]:~~

~~—— (i) upon request by a party, shall prepare written findings of fact and conclusions of law to support the court's decision; and~~

~~—— (ii) may order a disposition in accordance with this part.~~

~~—— (b) In determining the proper disposition for a minor under Subsection [(1)] (1)(a)(ii), the juvenile court may consider written reports and materials in accordance with Utah Rules of Juvenile Procedure, Rule 45.~~

~~—— (c) Except as otherwise provided by this chapter, the juvenile court may combine the dispositions under this part if the dispositions are compatible.~~

~~—— (d) If the juvenile court orders any disposition under this part, including an order for secure detention under Section 80-6-704, the disposition shall be served concurrently with any other disposition for detention or secure care.~~

~~—— (2) The juvenile court shall adjudicate a minor's case in accordance with the Utah Rules of Juvenile Procedure.~~

~~—— (3) (a) If an offense committed by a minor comes within the juvenile court's jurisdiction, the juvenile court is not required to make findings of fact upon which the juvenile court bases the juvenile court's jurisdiction for an offense described in Subsection 78A-6-103(1).~~

~~—— (b) For an offense not described in Subsection 78A-6-103(1), the juvenile court shall make findings of fact upon which the juvenile court bases the juvenile court's jurisdiction.~~

~~—— Section 2. Section 80-6-710 is amended to read:~~

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

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

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

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

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

- (a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket loss;
- (b) all documentation of any compensation or reimbursement from an insurance company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;
- (c) if available, the victim's proof of identification, including the victim's date of birth, social security number, or driver license number; and
- (d) the victim's contact information, including the victim's current home and work address and telephone number.

~~††(4) [A prosecuting attorney or victim shall submit a request for restitution to the juvenile court:]†~~

~~— } †(4) †(a) A prosecuting attorney, or a victim's attorney, shall file a motion for an order for restitution in the juvenile court:~~

- ~~[(a)] (i) if feasible, at the time of disposition; or~~
- ~~[(b)] (ii) within 90 days after disposition.~~

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

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

- (5) In an order for restitution under Subsection (1), the juvenile court:
 - (a) shall only order restitution for the victim's material loss;

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

(c) shall take into account:

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

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

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

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

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

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

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