	COURT JURISDICTION MODIFICATIONS
	2024 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Jen Plumb
	House Sponsor:
LON	G TITLE
Gene	ral Description:
	This bill addresses the jurisdiction of the juvenile and justice courts.
High	lighted Provisions:
	This bill:
	 clarifies the jurisdiction of the juvenile court and the justice court over offenses
comm	nitted by individuals who are 18 years old; and
	 makes technical and conforming changes.
Mone	ey Appropriated in this Bill:
	None
Othe	r Special Clauses:
	None
Utah	Code Sections Affected:
AME	NDS:
	63I-1-278 , as last amended by Laws of Utah 2022, Chapters 188, 318, 384, and 423
	78A-5-102, as last amended by Laws of Utah 2022, Chapters 155, 318
	78A-6-103, as last amended by Laws of Utah 2023, Chapters 115, 161, 264, and 330
	78A-6-103.5, as last amended by Laws of Utah 2022, Chapter 155
	78A-7-106, as last amended by Laws of Utah 2023, Chapter 34
	80-6-303, as last amended by Laws of Utah 2023, Chapter 161

28 *Be it enacted by the Legislature of the state of Utah:* 29 Section 1. Section 63I-1-278 is amended to read: 30 63I-1-278. Repeal dates: Title 78A and Title 78B. 31 (1) Subsections 78A-2-301(4) and 78A-2-301.5(12), regarding the suspension of filing 32 fees for petitions for expungement, are repealed on July 1, 2023. 33 (2) Section 78B-3-421, regarding medical malpractice arbitration agreements, is 34 repealed July 1, 2029. 35 (3) Subsection [78A-7-106(6)] 78A-7-106(7), regarding the transfer of a criminal 36 action involving a domestic violence offense from the justice court to the district court, is 37 repealed on July 1, 2024. 38 (4) Section 78B-4-518, regarding the limitation on employer liability for an employee 39 convicted of an offense, is repealed on July 1, 2025. 40 (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1, 41 2026. 42 (6) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child 43 Support Guidelines Advisory Committee, is repealed July 1, 2026. 44 (7) Section 78B-22-805, regarding the Interdisciplinary Parental Representation Pilot 45 Program, is repealed December 31, 2024. Section 2. Section 78A-5-102 is amended to read: 46 47 78A-5-102. Jurisdiction of the district court -- Appeals. (1) Except as otherwise provided by the Utah Constitution or by statute, the district 48 49 court has original jurisdiction in all matters civil and criminal. 50 (2) A district court judge may issue all extraordinary writs and other writs necessary to 51 carry into effect the district court judge's orders, judgments, and decrees. 52 (3) The district court has jurisdiction over matters of lawyer discipline consistent with 53 the rules of the Supreme Court. 54 (4) The district court has jurisdiction over all matters properly filed in the circuit court 55 prior to July 1, 1996. 56 (5) The district court has appellate jurisdiction over judgments and orders of the justice 57 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance with 58 Section 78A-8-106.

89	Findings Transfer of a case from another court.
88	78A-6-103. Original jurisdiction of the juvenile court Magistrate functions
87	Section 3. Section 78A-6-103 is amended to read:
86	district court dismissed the transferred case without prejudice.
85	jurisdiction over any refiled case of a criminal action transferred to the district court if the
84	(b) Notwithstanding Subsection 78A-7-106(1), the district court has original
83	justice court transfers to the district court.
82	(11) (a) The district court has subject matter jurisdiction over a criminal action that the
81	district court.
80	Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the
79	(10) The district court has subject matter jurisdiction over an action under Title 78B,
78	<u>78A-6-106(2)</u> even if the offense is committed by an individual who is 16 or 17 years old.
77	(8)(b), the district court has jurisdiction over an offense listed in Subsection [78A-7-106(2)]
76	(9) If a district court has jurisdiction in accordance with Subsection (5), (8)(a), or
75	18 years old or older .
74	episode alleging the commission of a felony or a class A misdemeanor by an individual who is
73	(c) the offense is included in an indictment or information covering a single criminal
72	dissolved, a justice court; or
71	courthouse is located and that municipality has not formed, or has not formed and then
70	(b) the offense occurred within the boundaries of the municipality in which the district
69	(a) there is no justice court with territorial jurisdiction;
68	which a justice court has original jurisdiction under Section 78A-7-106 if:
67	a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an ordinance for
66	(8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over
65	(b) municipal administrative proceedings in accordance with Section 10-3-703.7.
64	district court's review of agency adjudicative proceedings; and
63	Administrative Procedures Act, and shall comply with the requirements of that chapter in the
62	(a) agency adjudicative proceedings as set forth in Title 63G, Chapter 4,
61	(7) The district court has jurisdiction to review:
60	district court is described in Sections 78A-3-102 and 78A-4-103.
59	(6) Jurisdiction over appeals from the final orders, judgments, and decrees of the

90	(1) Except as otherwise provided by Sections 78A-5-102.5 and 78A-7-106, the juvenile
91	court has original jurisdiction over:
92	(a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
93	state, or federal law, that was committed by a child;
94	(b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
95	state, or federal law, that was committed by an individual:
96	(i) who is under 21 years old at the time of all court proceedings; and
97	(ii) who was under 18 years old at the time the offense was committed; and
98	(c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state
99	law, that was committed:
100	(i) by an individual:
101	(A) who was 18 years old and enrolled in high school at the time of the offense; and
102	(B) who is under 21 years old at the time of all court proceedings; and
103	(ii) on school property where the individual was enrolled:
104	(A) when school was in session; or
105	(B) during a school-sponsored activity, as defined in [Subsection] Section 53G-8-211.
106	(2) The juvenile court has original jurisdiction over:
107	(a) any proceeding concerning:
108	(i) a child who is an abused child, neglected child, or dependent child;
109	(ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
110	Protective Orders;
111	(iii) the appointment of a guardian of the individual or other guardian of a minor who
112	comes within the court's jurisdiction under other provisions of this section;
113	(iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;
114	(v) the termination of parental rights in accordance with Title 80, Chapter 4,
115	Termination and Restoration of Parental Rights, including termination of residual parental
116	rights and duties;
117	(vi) the treatment or commitment of a minor who has an intellectual disability;
118	(vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
119	accordance with Section 30-1-9;
120	(viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);

(ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
(x) the treatment or commitment of a child with a mental illness;
(xi) the commitment of a child to a secure drug or alcohol facility in accordance with
Section 26B-5-204;
(xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
Part 4, Competency;
(xiii) de novo review of final agency actions resulting from an informal adjudicative
proceeding as provided in Section 63G-4-402;
(xiv) adoptions conducted in accordance with the procedures described in Title 78B,
Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order
terminating the rights of a parent and finds that adoption is in the best interest of the child;
(xv) an ungovernable or runaway child who is referred to the juvenile court by the
Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the
Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:
(A) is beyond the control of the child's parent, guardian, or custodian to the extent that
the child's behavior or condition endangers the child's own welfare or the welfare of others; or
(B) has run away from home; and
(xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to
comply with a promise to appear and bring a child to the juvenile court;
(b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
Expungement; and
(c) the extension of a nonjudicial adjustment under Section 80-6-304.
(3) The juvenile court has original jurisdiction over a petition for special findings under
Section 80-3-505.
(4) It is not necessary for a minor to be adjudicated for an offense or violation of the
law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
(2)(a)(xvi), (b), or (c).
(5) This section does not restrict the right of access to the juvenile court by private
agencies or other persons.
(6) The juvenile court has jurisdiction of all magistrate functions relative to cases

152	arising under Title 80, Chapter 6, Part 5, Transfer to District Court.
153	(7) The juvenile court has jurisdiction to make a finding of substantiated,
154	unsubstantiated, or without merit, in accordance with Section 80-3-404.
155	(8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
156	another trial court in accordance with Subsection [78A-7-106(4)] 78A-7-106(5) and Section
157	80-6-303.
158	Section 4. Section 78A-6-103.5 is amended to read:
159	78A-6-103.5. Exclusive jurisdiction of the juvenile court Transfer from district
160	court.
161	(1) Except as provided in Subsection (3), the juvenile court has exclusive jurisdiction
162	over a felony, misdemeanor, infraction, or violation of an ordinance under municipal, state, or
163	federal law that is:
164	(a) committed by a child and that arises from a single criminal episode containing an
165	offense for which:
166	(i) a citation, petition, indictment, or criminal information is filed; and
167	(ii) the court has original jurisdiction as described in Subsection 78A-6-103(1)(a);
168	[and] or
169	(b) committed by an individual who is under 21 years old at the time of all court
170	proceedings, but committed before the individual was 18 years old, and that arises from a
171	single criminal episode containing an offense for which:
172	(i) a citation, petition, indictment, or criminal information is filed; and
173	(ii) the court has original jurisdiction as described in Subsection 78A-6-103(1)(b).
174	(2) The juvenile court has exclusive jurisdiction over a misdemeanor, infraction, or
175	violation of an ordinance under municipal or state law that:
176	(a) is committed by an individual:
177	(i) who was 18 years old and enrolled in high school at the time of the offense;
178	(ii) who is under 21 years old at the time of all court proceedings; and
179	(b) is committed on school property where the individual was enrolled:
180	(i) when school was in session; or
181	(ii) during a school-sponsored activity, as defined in Section 53G-8-211; and
182	(c) arises from a single criminal episode containing an offense for which:

183	(i) a citation, petition, indictment, or criminal information is filed; and
184	(ii) the court has original jurisdiction as described in Subsection 78A-6-103(1)(c).
185	[(2) For purposes of this section, the juvenile court has jurisdiction over the following
186	offenses committed by an individual who is under 21 years old at the time of all court
187	proceedings, but was under 18 years old at the time the offense was committed:]
188	[(a) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and
189	Reckless Driving; and]
190	[(b) an offense for operation in willful or wanton disregard for safety, as described in
191	Section 73-18-12.]
192	(3) If a juvenile court transfers jurisdiction of an offense to the district court under
193	Section 80-6-504, the exclusive jurisdiction of the juvenile court over that offense is
194	terminated.
195	(4) Upon entry of an order transferring an offense to the juvenile court in accordance
196	with Subsection 78A-5-102.5(6) or (7), the juvenile court gains or regains jurisdiction over any
197	offense for which the juvenile court has original or exclusive jurisdiction.
198	(5) After a district court transfers an offense to the juvenile court under Subsection
199	78A-5-102.5(6) or (7), the juvenile court shall:
200	(a) proceed upon the criminal information as if the criminal information were a petition
201	under Section 80-6-305; and
202	(b) if the minor was convicted of the transferred offense, enter the conviction as an
203	adjudication and proceed with disposition in accordance with Title 80, Chapter 6, Part 7,
204	Adjudication and Disposition.
205	(6) For purposes of this section and Section 78A-5-102.5, an offense transferred to the
206	juvenile court from the district court under Subsection 78A-5-102.5(6) or (7) is an adjudication
207	and not a conviction.
208	Section 5. Section 78A-7-106 is amended to read:
209	78A-7-106. Original jurisdiction of a justice court.
210	(1) $[(a)]$ Except for an offense for which the district court has original jurisdiction
211	under Subsection 78A-5-102(8) or an offense for which the juvenile court has original
212	jurisdiction under Subsection 78A-6-103(1)(c), a justice court has original jurisdiction over
213	class B and C misdemeanors, violation of ordinances, and infractions committed within the

214	justice court's territorial jurisdiction by an individual who is 18 years old or older.
215	[(b) A justice court has original jurisdiction over the following offenses committed
216	within the justice court's territorial jurisdiction by an individual who is 18 years old or older:]
217	[(i) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
218	Licensing Act; and]
219	[(ii) class B and C misdemeanor and infraction violations of:]
220	[(A) Title 23A, Wildlife Resources Act;]
221	[(B) Title 41, Chapter 1a, Motor Vehicle Act;]
222	[(C) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
223	Under the Influence and Reckless Driving;]
224	[(D) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
225	Operators Act;]
226	[(E) Title 41, Chapter 22, Off-highway Vehicles;]
227	[(F) Title 73, Chapter 18, State Boating Act, except Section 73-18-12;]
228	[(G) Title 73, Chapter 18a, Boating - Litter and Pollution Control;]
229	[(II) Title 73, Chapter 18b, Water Safety; and]
230	[(I) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and
231	Operators Act.]
232	(2) (a) Notwithstanding the original jurisdiction of the juvenile court described in
233	Subsection 78A-6-103(1)(c), a justice court has original jurisdiction over an offense that is:
234	(i) committed by an individual:
235	(A) who was 18 years old and enrolled in high school at the time of the offense;
236	(B) who is under 21 years old at the time of all court proceedings; and
237	(ii) committed on school property where the individual was enrolled:
238	(A) when school was in session; or
239	(B) during a school-sponsored activity, as defined in Section 53G-8-211; and
240	(iii) a class C misdemeanor or infraction violation of Title 53, Chapter 3, Part 2, Driver
241	Licensing Act, or a class B or C misdemeanor or infraction violation of:
242	(A) Title 23A, Wildlife Resources Act;
243	(B) Title 41, Chapter 1a, Motor Vehicle Act;
244	(C) Title 41, Chapter 6a, Traffic Code, except for an offense described in Title 41,

245	Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
246	(D) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
247	Operators Act;
248	(E) Title 41, Chapter 22, Off-highway Vehicles;
249	(F) Title 73, Chapter 18, State Boating Act, except for an offense described in Section
250	<u>73-18-12;</u>
251	(G) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
252	(H) Title 73, Chapter 18b, Water Safety; or
253	(I) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators
254	<u>Act.</u>
255	(b) A justice court does not have original jurisdiction over an offense under Subsection
256	(2)(a) if the juvenile court has exclusive jurisdiction over the offense under Section
257	<u>78A-6-103.5.</u>
258	[(2)] (3) Except for an offense for which the district court has exclusive jurisdiction
259	under Section 78A-5-102.5 or an offense for which the juvenile court has exclusive jurisdiction
260	under Section 78A-6-103.5, a justice court has original jurisdiction over the following offenses
261	committed within the justice court's territorial jurisdiction by an individual who is 16 or 17
262	years old:
263	(a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
264	Licensing Act; and
265	(b) class B and C misdemeanor and infraction violations of:
266	(i) Title 23A, Wildlife Resources Act;
267	(ii) Title 41, Chapter 1a, Motor Vehicle Act;
268	(iii) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving
269	Under the Influence and Reckless Driving;
270	(iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
271	Operators Act;
272	(v) Title 41, Chapter 22, Off-highway Vehicles;
273	(vi) Title 73, Chapter 18, State Boating Act, except for an offense under Section
274	73-18-12;
275	(vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

276	(viii) Title 73, Chapter 18b, Water Safety; and
277	(ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and
278	Operators Act.
279	[(3)] (4) (a) As used in this Subsection $[(3)]$ (4), "body of water" includes any stream,
280	river, lake, or reservoir, whether natural or man-made.
281	(b) An offense is committed within the territorial jurisdiction of a justice court if:
282	(i) conduct constituting an element of the offense or a result constituting an element of
283	the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is
284	itself unlawful;
285	(ii) either an individual committing an offense or a victim of an offense is located
286	within the court's jurisdiction at the time the offense is committed;
287	(iii) either a cause of injury occurs within the court's jurisdiction or the injury occurs
288	within the court's jurisdiction;
289	(iv) an individual commits any act constituting an element of an inchoate offense
290	within the court's jurisdiction, including an agreement in a conspiracy;
291	(v) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another
292	individual in the planning or commission of an offense within the court's jurisdiction;
293	(vi) the investigation of the offense does not readily indicate in which court's
294	jurisdiction the offense occurred, and:
295	(A) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft
296	passing within the court's jurisdiction;
297	(B) the offense is committed on or in any body of water bordering on or within this
298	state if the territorial limits of the justice court are adjacent to the body of water;
299	(C) an individual who commits theft exercises control over the affected property within
300	the court's jurisdiction; or
301	(D) the offense is committed on or near the boundary of the court's jurisdiction;
302	(vii) the offense consists of an unlawful communication that was initiated or received
303	within the court's jurisdiction; or
304	(viii) jurisdiction is otherwise specifically provided by law.
305	$\left[\frac{(4)}{(5)}\right]$ If in a criminal case the defendant is 16 or 17 years old, a justice court judge
306	may transfer the case to the juvenile court for further proceedings if the justice court judge

307	determines and the juvenile court concurs that the best interests of the defendant would be
308	served by the continuing jurisdiction of the juvenile court.
309	[(5)] (6) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter
310	8, Small Claims Courts, if a defendant resides in or the debt arose within the territorial
311	jurisdiction of the justice court.
312	[(6)] (1) (a) As used in this Subsection $[(6)]$ (7), "domestic violence offense" means the
313	same as that term is defined in Section 77-36-1.
314	(b) If a justice court has jurisdiction over a criminal action involving a domestic
315	violence offense and the criminal action is set for trial, the prosecuting attorney or the
316	defendant may file a notice of transfer in the justice court to transfer the criminal action from
317	the justice court to the district court.
318	(c) If a justice court receives a notice of transfer from the prosecuting attorney or the
319	defendant as described in Subsection $[(6)(b)]$ (7)(b), the justice court shall transfer the criminal
320	action to the district court.
321	Section 6. Section 80-6-303 is amended to read:
322	80-6-303. Criminal proceedings involving minors Transfer to juvenile court
323	Exception.
324	(1) (a) If while a criminal or quasi-criminal proceeding is pending, a district court or
325	justice court determines that [an individual being charged is under 21 years old and was
326	younger than 18 years old at the time of committing the alleged offense] the juvenile court has
327	jurisdiction over the offense, the district court or justice court shall transfer the case to the
328	juvenile court with all the papers, documents, and transcripts of any testimony.
329	(b) (i) Notwithstanding Subsection (1)(a), a district court may not transfer an offense
330	that is:
331	(A) filed in the district court in accordance with Section 80-6-502; or
332	(B) transferred to the district court in accordance with Section 80-6-504.
333	(ii) [Notwithstanding Subsection (1)(a), a] A justice court may decline to transfer an
334	offense for which the justice court has original jurisdiction under [Subsection 78A-7-106(2)]
335	<u>Section 78A-7-106</u> .
336	(2) (a) Except as provided in Subsection (2)(b), the district court or justice court
337	making the transfer shall:

338	(i) order the individual to be taken immediately to the juvenile court or to a place of
339	detention designated by the juvenile court; or
340	(ii) release the individual to the custody of the individual's parent or guardian or other
341	person legally responsible for the individual, to be brought before the juvenile court at a time
342	designated by the juvenile court.
343	(b) If the alleged offense under Subsection (1) occurred before the individual was 12
344	years old:
345	(i) the district court or justice court making the transfer shall release the individual to
346	the custody of the individual's parent or guardian, or other person legally responsible for the
347	individual;
348	(ii) the juvenile court shall treat the transfer as a referral under Section 80-6-301; and
349	(iii) a juvenile probation officer shall make a preliminary inquiry to determine whether
350	the individual is eligible for a nonjudicial adjustment in accordance with Section 80-6-303.5.
351	(c) If the case is transferred to the juvenile court under this section, the juvenile court
352	shall then proceed in accordance with this chapter.
353	(3) A district court or justice court does not have to transfer a case under Subsection
354	(1) if the district court or justice court would have had jurisdiction over the case at the time the
355	individual committed the offense in accordance with Sections 78A-5-102 and 78A-7-106.
356	Section 7. Effective date.
357	This bill takes effect on May 1, 2024.