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**Justice Court Jurisdiction**  
2024 FOURTH SPECIAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Jen Plumb**  
Sponsor: Anthony E. Loubet

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**LONG TITLE**

**General Description:**

This bill addresses justice court jurisdiction.

**Highlighted Provisions:**

This bill:

- amends the jurisdiction of the justice court; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

This bill has retrospective operation.

**Utah Code Sections Affected:**

AMENDS:

**78A-7-106**, as last amended by Laws of Utah 2024, Chapter 158

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

Section 1. Section **78A-7-106** is amended to read:

**78A-7-106 . Original jurisdiction of a justice court -- Territorial jurisdiction --**

**Transfer of a domestic violence case.**

- (1) A justice court has original jurisdiction over class B and C misdemeanors, violations of ordinances, and infractions committed within the justice court's territorial jurisdiction by an individual who is 18 years old or older.
- (2) A justice court has original jurisdiction over the following offenses committed within the justice court's territorial jurisdiction by a minor or an adult high school student:
  - (a) class C misdemeanor and infraction violations described in Title 53, Chapter 3, Part

- 29           2, Driver Licensing Act; and
- 30           (b) class B and C misdemeanor and infraction violations described in:
- 31           (i) Title 23A, Wildlife Resources Act;
- 32           (ii) Title 41, Chapter 1a, Motor Vehicle Act;
- 33           ~~[(ii)]~~ (iii) Title 41, Chapter 6a, Traffic Code;
- 34           ~~[(iii)]~~ (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners
- 35           and Operators Act;
- 36           ~~[(iv)]~~ (v) Title 41, Chapter 22, Off-highway Vehicles;
- 37           ~~[(v)]~~ (vi) Title 73, Chapter 18, State Boating Act;
- 38           ~~[(vi)]~~ (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
- 39           ~~[(vii)]~~ (viii) Title 73, Chapter 18b, Water Safety; and
- 40           ~~[(viii)]~~ (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and
- 41           Operators Act.
- 42           (3) Notwithstanding Subsection (1) or (2), a justice court does not have original jurisdiction
- 43           over:
- 44           (a) an offense described in Subsection (1) or (2) if:
- 45           (i) the district court has exclusive jurisdiction over the offense in accordance with
- 46           Subsection 78A-5-102(8) or Section 78A-5-102.5; or
- 47           (ii) the juvenile court has exclusive jurisdiction over the offense in accordance with
- 48           Section 78A-6-103.5; or
- 49           (b) the following offenses committed within the justice court's territorial jurisdiction by
- 50           a minor or an adult high school student:
- 51           (i) class B and C misdemeanor violations described in Title 41, Chapter 6a, Part 5,
- 52           Driving Under the Influence and Reckless Driving; and
- 53           (ii) a class B misdemeanor violation described in Section 73-18-12.
- 54           (4) A justice court has jurisdiction over:
- 55           (a) a small claims case under Chapter 8, Small Claims Courts, if a defendant resides in
- 56           or the debt arose within the territorial jurisdiction of the justice court; and
- 57           (b) a petition for expungement as described in Title 77, Chapter 40a, Expungement of
- 58           Criminal Records.
- 59           (5) An offense is committed within the territorial jurisdiction of a justice court if:
- 60           (a) conduct constituting an element of the offense or a result constituting an element of
- 61           the offense occurs within the court's jurisdiction, regardless of whether the conduct or
- 62           result is itself unlawful;

- 63 (b) either an individual committing an offense or a victim of an offense is located within  
64 the court's jurisdiction at the time the offense is committed;
- 65 (c) either a cause of injury occurs within the court's jurisdiction or the injury occurs  
66 within the court's jurisdiction;
- 67 (d) an individual commits any act constituting an element of an inchoate offense within  
68 the court's jurisdiction, including an agreement in a conspiracy;
- 69 (e) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another  
70 individual in the planning or commission of an offense within the court's jurisdiction;
- 71 (f) the investigation of the offense does not readily indicate in which court's jurisdiction  
72 the offense occurred, and:
- 73 (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft  
74 passing within the court's jurisdiction;
- 75 (ii) the offense is committed on or in any body of water bordering on or within this  
76 state if the territorial limits of the justice court are adjacent to the body of water;
- 77 (iii) an individual who commits theft exercises control over the affected property  
78 within the court's jurisdiction; or
- 79 (iv) the offense is committed on or near the boundary of the court's jurisdiction;
- 80 (g) the offense consists of an unlawful communication that was initiated or received  
81 within the court's jurisdiction; or
- 82 (h) jurisdiction is otherwise specifically provided by law.
- 83 (6) If a defendant in a criminal case before a justice court is a minor, the justice court may  
84 transfer the case to the juvenile court for further proceedings if the justice court  
85 determines and the juvenile court concurs that the best interests of the defendant would  
86 be served by the continuing jurisdiction of the juvenile court.
- 87 (7)(a) If a justice court has jurisdiction over a criminal action involving a domestic  
88 violence offense and the criminal action is set for trial, the prosecuting attorney or the  
89 defendant may file a notice of transfer in the justice court to transfer the criminal  
90 action from the justice court to the district court.
- 91 (b) If a prosecuting attorney files a notice of transfer, the prosecuting attorney shall  
92 certify in the notice of transfer that the prosecuting attorney, or a representative from  
93 the prosecuting attorney's office, has consulted with, or notified, all of the alleged  
94 victims about transferring the criminal action to the district court.
- 95 (c) The justice court shall transfer a criminal action to the district court if the justice  
96 court receives a notice of transfer from:

- 97 (i) the defendant as described in Subsection (7)(b); or
- 98 (ii) the prosecuting attorney as described in Subsection (7)(b) and the prosecuting
- 99 attorney's notice of intent complies with Subsection (7)(c).

100 Section 2. **Effective date.**

101 If approved by two-thirds of all the members elected to each house, this bill takes  
102 effect upon approval by the governor, or the day following the constitutional time  
103 limit of Utah Constitution, Article VII, Section 8, without the governor's  
104 signature, or in the case of a veto, the date of veto override.

105 Section 3. **Retrospective operation.**

106 This bill has retrospective operation to May 1, 2024.

8-21-24 8:36 AM