

JUSTICE COURT JURISDICTION

2024 FOURTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Anthony E. Loubet

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

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,



28 violations of ordinances, and infractions committed within the justice court's territorial
29 jurisdiction by an individual who is 18 years old or older.

30 (2) A justice court has original jurisdiction over the following offenses committed
31 within the justice court's territorial jurisdiction by a minor or an adult high school student:

32 (a) class C misdemeanor and infraction violations described in Title 53, Chapter 3, Part
33 2, Driver Licensing Act; and

34 (b) class B and C misdemeanor and infraction violations described in:

35 (i) Title 23A, Wildlife Resources Act;

36 (ii) Title 41, Chapter 1a, Motor Vehicle Act;

37 [~~(ii)~~] (iii) Title 41, Chapter 6a, Traffic Code;

38 [~~(iii)~~] (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners
39 and Operators Act;

40 [~~(iv)~~] (v) Title 41, Chapter 22, Off-highway Vehicles;

41 [~~(v)~~] (vi) Title 73, Chapter 18, State Boating Act;

42 [~~(vi)~~] (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

43 [~~(vii)~~] (viii) Title 73, Chapter 18b, Water Safety; and

44 [~~(viii)~~] (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and
45 Operators Act.

46 (3) Notwithstanding Subsection (1) or (2), a justice court does not have original
47 jurisdiction over:

48 (a) an offense described in Subsection (1) or (2) if:

49 (i) the district court has exclusive jurisdiction over the offense in accordance with
50 Subsection [78A-5-102\(8\)](#) or Section [78A-5-102.5](#); or

51 (ii) the juvenile court has exclusive jurisdiction over the offense in accordance with
52 Section [78A-6-103.5](#); or

53 (b) the following offenses committed within the justice court's territorial jurisdiction by
54 a minor or an adult high school student:

55 (i) class B and C misdemeanor violations described in Title 41, Chapter 6a, Part 5,
56 Driving Under the Influence and Reckless Driving; and

57 (ii) a class B misdemeanor violation described in Section [73-18-12](#).

58 (4) A justice court has jurisdiction over:

59 (a) a small claims case under Chapter 8, Small Claims Courts, if a defendant resides in
60 or the debt arose within the territorial jurisdiction of the justice court; and

61 (b) a petition for expungement as described in Title 77, Chapter 40a, Expungement of
62 Criminal Records.

63 (5) An offense is committed within the territorial jurisdiction of a justice court if:

64 (a) conduct constituting an element of the offense or a result constituting an element of
65 the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is
66 itself unlawful;

67 (b) either an individual committing an offense or a victim of an offense is located
68 within the court's jurisdiction at the time the offense is committed;

69 (c) either a cause of injury occurs within the court's jurisdiction or the injury occurs
70 within the court's jurisdiction;

71 (d) an individual commits any act constituting an element of an inchoate offense within
72 the court's jurisdiction, including an agreement in a conspiracy;

73 (e) an individual solicits, aids, or abets, or attempts to solicit, aid, or abet another
74 individual in the planning or commission of an offense within the court's jurisdiction;

75 (f) the investigation of the offense does not readily indicate in which court's
76 jurisdiction the offense occurred, and:

77 (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft
78 passing within the court's jurisdiction;

79 (ii) the offense is committed on or in any body of water bordering on or within this
80 state if the territorial limits of the justice court are adjacent to the body of water;

81 (iii) an individual who commits theft exercises control over the affected property
82 within the court's jurisdiction; or

83 (iv) the offense is committed on or near the boundary of the court's jurisdiction;

84 (g) the offense consists of an unlawful communication that was initiated or received
85 within the court's jurisdiction; or

86 (h) jurisdiction is otherwise specifically provided by law.

87 (6) If a defendant in a criminal case before a justice court is a minor, the justice court
88 may transfer the case to the juvenile court for further proceedings if the justice court
89 determines and the juvenile court concurs that the best interests of the defendant would be

90 served by the continuing jurisdiction of the juvenile court.

91 (7) (a) If a justice court has jurisdiction over a criminal action involving a domestic
92 violence offense and the criminal action is set for trial, the prosecuting attorney or the
93 defendant may file a notice of transfer in the justice court to transfer the criminal action from
94 the justice court to the district court.

95 (b) If a prosecuting attorney files a notice of transfer, the prosecuting attorney shall
96 certify in the notice of transfer that the prosecuting attorney, or a representative from the
97 prosecuting attorney's office, has consulted with, or notified, all of the alleged victims about
98 transferring the criminal action to the district court.

99 (c) The justice court shall transfer a criminal action to the district court if the justice
100 court receives a notice of transfer from:

101 (i) the defendant as described in Subsection (7)(b); or

102 (ii) the prosecuting attorney as described in Subsection (7)(b) and the prosecuting
103 attorney's notice of intent complies with Subsection (7)(c).

104 **Section 2. Effective date.**

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

109 **Section 3. Retrospective operation.**

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