

JUVENILE OFFENSE AND JURISDICTION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses offenses committed by a juvenile.

Highlighted Provisions:

This bill:

- ▶ provides the age at which a juvenile is tried as an adult for the murder or aggravated murder of a law enforcement officer on duty; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-6-701, as last amended by Laws of Utah 2017, Chapter 330

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

Section 1. Section **78A-6-701** is amended to read:

78A-6-701. Jurisdiction of district court.

(1) (a) [~~The~~] Except as provided in Subsection (1)(b), the district court has exclusive original jurisdiction over [~~all persons~~] a person who is:



28 (i) 16 years of age or older at the time of the offense; and
29 (ii) charged with an offense that would be murder or aggravated murder if committed
30 by an adult.

31 **(b) The district court has exclusive original jurisdiction over a person who is:**
32 (i) 15 years of age or older at the time of the offense; and
33 (ii) charged with an offense that, if committed by an adult, would be murder or
34 aggravated murder of a law enforcement officer, as defined in Section 53-13-103, while the law
35 enforcement officer is on duty.

36 (2) When the district court has exclusive original jurisdiction over a minor under this
37 section, it also has exclusive original jurisdiction over the minor regarding all offenses joined
38 with the qualifying offense, and any other offenses, including misdemeanors, arising from the
39 same criminal episode. The district court is not divested of jurisdiction by virtue of the fact
40 that the minor is allowed to enter a plea to, or is found guilty of, a lesser or joined offense.

41 (3) (a) A felony, misdemeanor, or infraction committed after the offense over which
42 the district court takes jurisdiction under Subsection (1) or (2) shall be tried against the
43 defendant as an adult in the district court or justice court having jurisdiction.

44 (b) If the qualifying charge under Subsection (1) results in an acquittal, a finding of not
45 guilty, or a dismissal of the charge in the district court, the juvenile court under Section
46 78A-6-103 and the Division of Juvenile Justice Services regain any jurisdiction and authority
47 previously exercised over the minor.

48 (4) A minor arrested under this section shall be held in a juvenile detention facility
49 until the district court determines where the minor shall be held until the time of trial, except
50 for defendants who are otherwise subject to the authority of the Board of Pardons and Parole.

51 (5) The district court shall consider the following when determining where the minor
52 will be held until the time of trial:

- 53 (a) the age of the minor;
- 54 (b) the nature, seriousness, and circumstances of the alleged offense;
- 55 (c) the minor's history of prior criminal acts;
- 56 (d) whether detention in a juvenile detention facility will adequately serve the need for
57 community protection pending the outcome of any criminal proceedings;
- 58 (e) whether the minor's placement in a juvenile detention facility will negatively impact

59 the functioning of the facility by compromising the goals of the facility to maintain a safe,
60 positive, and secure environment for all minors within the facility;

61 (f) the relative ability of the facility to meet the needs of the minor and protect the
62 public;

63 (g) whether the minor presents an imminent risk of harm to the minor or others within
64 the facility;

65 (h) the physical maturity of the minor;

66 (i) the current mental state of the minor as evidenced by relevant mental health or
67 psychological assessments or screenings that are made available to the court; and

68 (j) any other factors the court considers relevant.

69 (6) A minor ordered to a juvenile detention facility under Subsection (5) shall remain
70 in the facility until released by a district court judge, or if convicted, until sentencing.

71 (7) A minor held in a juvenile detention facility under this section shall have the same
72 right to bail as any other criminal defendant.

73 (8) If the minor ordered to a juvenile detention facility under Subsection (5) attains the
74 age of 18 years, the minor shall be transferred within 30 days to an adult jail until released by
75 the district court judge, or if convicted, until sentencing.

76 (9) A minor 16 years of age or older for purposes of Subsection (1)(a) or who is 15
77 years of age or older for purposes of Subsection (1)(b), whose conduct or condition endangers
78 the safety or welfare of others in the juvenile detention facility may, by court order that
79 specifies the reasons, be detained in another place of confinement considered appropriate by
80 the court, including jail or other place of pretrial confinement for adults.

Legislative Review Note
Office of Legislative Research and General Counsel