

Senator Jen Plumb proposes the following substitute bill:

COURT JURISDICTION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: _____

LONG TITLE

General Description:

This bill addresses the jurisdiction of the juvenile and justice courts.

Highlighted Provisions:

This bill:

- ▶ clarifies the jurisdiction of the juvenile court and the justice court; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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



26 ENACTS:

27 [78A-7-101.1](#), Utah Code Annotated 1953

28 RENUMBERS AND AMENDS:

29 [78A-7-101.5](#), (Renumbered from 78A-7-101, as last amended by Laws of Utah 2023,
30 Chapter 475)

31

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

33 Section 1. Section **63I-1-278** is amended to read:

34 **63I-1-278. Repeal dates: Title 78A and Title 78B.**

35 (1) Subsections [78A-2-301\(4\)](#) and [78A-2-301.5\(12\)](#), regarding the suspension of filing
36 fees for petitions for expungement, are repealed on July 1, 2023.

37 (2) Section [78B-3-421](#), regarding medical malpractice arbitration agreements, is
38 repealed July 1, 2029.

39 (3) Subsection [~~[78A-7-106\(6\)](#)~~ [78A-7-106\(7\)](#)], regarding the transfer of a criminal
40 action involving a domestic violence offense from the justice court to the district court, is
41 repealed on July 1, 2024.

42 (4) Section [78B-4-518](#), regarding the limitation on employer liability for an employee
43 convicted of an offense, is repealed on July 1, 2025.

44 (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
45 2026.

46 (6) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child
47 Support Guidelines Advisory Committee, is repealed July 1, 2026.

48 (7) Section [78B-22-805](#), regarding the Interdisciplinary Parental Representation Pilot
49 Program, is repealed December 31, 2024.

50 Section 2. Section **78A-5-102** is amended to read:

51 **78A-5-102. Jurisdiction of the district court -- Appeals.**

52 (1) Except as otherwise provided by the Utah Constitution or by statute, the district
53 court has original jurisdiction in all matters civil and criminal.

54 (2) A district court judge may issue all extraordinary writs and other writs necessary to
55 carry into effect the district court judge's orders, judgments, and decrees.

56 (3) The district court has jurisdiction over matters of lawyer discipline consistent with

57 the rules of the Supreme Court.

58 (4) The district court has jurisdiction over all matters properly filed in the circuit court
59 prior to July 1, 1996.

60 (5) The district court has appellate jurisdiction over judgments and orders of the justice
61 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance with
62 Section 78A-8-106.

63 (6) Jurisdiction over appeals from the final orders, judgments, and decrees of the
64 district court is described in Sections 78A-3-102 and 78A-4-103.

65 (7) The district court has jurisdiction to review:

66 (a) agency adjudicative proceedings as set forth in Title 63G, Chapter 4,
67 Administrative Procedures Act, and shall comply with the requirements of that chapter in the
68 district court's review of agency adjudicative proceedings; and

69 (b) municipal administrative proceedings in accordance with Section 10-3-703.7.

70 (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over
71 a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an ordinance for
72 which a justice court has original jurisdiction under Section 78A-7-106 if:

73 (a) there is no justice court with territorial jurisdiction;

74 (b) the offense occurred within the boundaries of the municipality in which the district
75 courthouse is located and that municipality has not formed, or has not formed and then
76 dissolved, a justice court; or

77 (c) the offense is included in an indictment or information covering a single criminal
78 episode alleging the commission of a felony or a class A misdemeanor by an individual who is
79 18 years old or older .

80 (9) If a district court has jurisdiction in accordance with Subsection (5), (8)(a), or
81 (8)(b), the district court has jurisdiction over an offense listed in Subsection [78A-7-106(2)]
82 78A-7-106(2) even if the offense is committed by an individual who is 16 or 17 years old.

83 (10) The district court has subject matter jurisdiction over an action under Title 78B,
84 Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the
85 district court.

86 (11) (a) The district court has subject matter jurisdiction over a criminal action that the
87 justice court transfers to the district court.

88 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original
89 jurisdiction over any refiled case of a criminal action transferred to the district court if the
90 district court dismissed the transferred case without prejudice.

91 Section 3. Section 78A-6-103 is amended to read:

92 **78A-6-103. Original jurisdiction of the juvenile court -- Magistrate functions --**
93 **Findings -- Transfer of a case from another court.**

94 (1) Except as [~~otherwise provided by Sections 78A-5-102.5 and 78A-7-106~~] provided
95 in Subsection (3), the juvenile court has original jurisdiction over:

96 (a) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
97 state, or federal law, that was committed by a child;

98 (b) a felony, misdemeanor, infraction, or violation of an ordinance, under municipal,
99 state, or federal law, that was committed by an individual:

100 (i) who is under 21 years old at the time of all court proceedings; and

101 (ii) who was under 18 years old at the time the offense was committed; and

102 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state
103 law, that was committed:

104 (i) by an individual:

105 (A) who was 18 years old and enrolled in high school at the time of the offense; and

106 (B) who is under 21 years old at the time of all court proceedings; and

107 (ii) on school property where the individual was enrolled:

108 (A) when school was in session; or

109 (B) during a school-sponsored activity, as defined in [~~Subsection~~] Section 53G-8-211.

110 (2) The juvenile court has original jurisdiction over:

111 (a) any proceeding concerning:

112 (i) a child who is an abused child, neglected child, or dependent child;

113 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2, Child
114 Protective Orders;

115 (iii) the appointment of a guardian of the individual or other guardian of a minor who
116 comes within the court's jurisdiction under other provisions of this section;

117 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7, Emancipation;

118 (v) the termination of parental rights in accordance with Title 80, Chapter 4,

119 Termination and Restoration of Parental Rights, including termination of residual parental
120 rights and duties;

121 (vi) the treatment or commitment of a minor who has an intellectual disability;

122 (vii) the judicial consent to the marriage of a minor who is 16 or 17 years old in
123 accordance with Section 30-1-9;

124 (viii) an order for a parent or a guardian of a child under Subsection 80-6-705(3);

125 (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;

126 (x) the treatment or commitment of a child with a mental illness;

127 (xi) the commitment of a child to a secure drug or alcohol facility in accordance with
128 Section 26B-5-204;

129 (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6,
130 Part 4, Competency;

131 (xiii) de novo review of final agency actions resulting from an informal adjudicative
132 proceeding as provided in Section 63G-4-402;

133 (xiv) adoptions conducted in accordance with the procedures described in Title 78B,
134 Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order
135 terminating the rights of a parent and finds that adoption is in the best interest of the child;

136 (xv) an ungovernable or runaway child who is referred to the juvenile court by the
137 Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the
138 Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:

139 (A) is beyond the control of the child's parent, guardian, or custodian to the extent that
140 the child's behavior or condition endangers the child's own welfare or the welfare of others; or
141 (B) has run away from home; and

142 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
143 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for failure to
144 comply with a promise to appear and bring a child to the juvenile court;

145 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
146 Expungement; ~~and~~

147 (c) the extension of a nonjudicial adjustment under Section 80-6-304[-]; and
148 ~~{3}~~ (d) ~~[The juvenile court has original jurisdiction over]~~ a petition for special
149 findings under Section 80-3-505.

150 (3) The juvenile court does not have original jurisdiction over an offense committed by
151 a minor as described in Subsection (1) if:

152 (a) the district court has original jurisdiction over the offense under Section
153 78A-5-102.5;

154 (b) the district court has original jurisdiction over the offense under Subsection
155 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense under
156 Section 78A-6-103.5; or

157 (c) the justice court has original jurisdiction over the offense under Subsection
158 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense under
159 Section 78A-6-103.5.

160 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the
161 law under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
162 (2)(a)(xvi), (b), or (c).

163 (5) This section does not restrict the right of access to the juvenile court by private
164 agencies or other persons.

165 (6) The juvenile court has jurisdiction of all magistrate functions relative to cases
166 arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

167 (7) The juvenile court has jurisdiction to make a finding of substantiated,
168 unsubstantiated, or without merit, in accordance with Section 80-3-404.

169 (8) The juvenile court has jurisdiction over matters transferred to the juvenile court by
170 another trial court in accordance with Subsection [~~78A-7-106(4)~~] 78A-7-106(6) and Section
171 80-6-303.

172 Section 4. Section 78A-6-103.5 is amended to read:

173 **78A-6-103.5. Exclusive jurisdiction of the juvenile court -- Transfer from district**
174 **court.**

175 (1) Except as provided in Subsection (3), the juvenile court has exclusive jurisdiction
176 over a felony, misdemeanor, infraction, or violation of an ordinance under municipal, state, or
177 federal law that is:

178 (a) committed by a child and that arises from a single criminal episode containing an
179 offense for which:

180 (i) a citation, petition, indictment, or criminal information is filed; and

181 (ii) the court has original jurisdiction as described in Subsection 78A-6-103(1)(a);
182 ~~[and] or~~

183 (b) committed by an individual who is under 21 years old at the time of all court
184 proceedings, but committed before the individual was 18 years old, and that arises from a
185 single criminal episode containing an offense for which:

186 (i) a citation, petition, indictment, or criminal information is filed; and

187 (ii) the court has original jurisdiction as described in Subsection 78A-6-103(1)(b).

188 (2) The juvenile court has exclusive jurisdiction over a misdemeanor, infraction, or
189 violation of an ordinance under municipal or state law that:

190 (a) is committed by an individual:

191 (i) who was 18 years old and enrolled in high school at the time of the offense; and

192 (ii) who is under 21 years old at the time of all court proceedings;

193 (b) is committed on school property where the individual was enrolled:

194 (i) when school was in session; or

195 (ii) during a school-sponsored activity, as defined in Section 53G-8-211; and

196 (c) arises from a single criminal episode containing an offense for which:

197 (i) a citation, petition, indictment, or criminal information is filed; and

198 (ii) the court has original jurisdiction as described in Subsection 78A-6-103(1)(c).

199 ~~[(2) For purposes of this section, the juvenile court has jurisdiction over the following~~
200 ~~offenses committed by an individual who is under 21 years old at the time of all court~~
201 ~~proceedings, but was under 18 years old at the time the offense was committed:]~~

202 ~~[(a) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and~~
203 ~~Reckless Driving; and]~~

204 ~~[(b) an offense for operation in willful or wanton disregard for safety, as described in~~
205 ~~Section 73-18-12:]~~

206 (3) If a juvenile court transfers jurisdiction of an offense to the district court under
207 Section 80-6-504, the exclusive jurisdiction of the juvenile court over that offense is
208 terminated.

209 (4) Upon entry of an order transferring an offense to the juvenile court in accordance
210 with Subsection 78A-5-102.5(6) or (7), the juvenile court gains or regains jurisdiction over any
211 offense for which the juvenile court has original or exclusive jurisdiction.

212 (5) After a district court transfers an offense to the juvenile court under Subsection
213 [78A-5-102.5](#)(6) or (7), the juvenile court shall:

214 (a) proceed upon the criminal information as if the criminal information were a petition
215 under Section [80-6-305](#); and

216 (b) if the minor was convicted of the transferred offense, enter the conviction as an
217 adjudication and proceed with disposition in accordance with Title 80, Chapter 6, Part 7,
218 Adjudication and Disposition.

219 (6) For purposes of this section and Section [78A-5-102.5](#), an offense transferred to the
220 juvenile court from the district court under Subsection [78A-5-102.5](#)(6) or (7) is an adjudication
221 and not a conviction.

222 Section 5. Section [78A-7-101.1](#) is enacted to read:

223 **78A-7-101.1. Definitions for chapter.**

224 As used in this chapter:

225 (1) "Adult high school student" means an individual who:

226 (a) is 18 years old and enrolled in high school at the time of the offense;

227 (b) is under 21 years old at the time of all court proceedings; and

228 (c) committed the offense on school property where the individual is enrolled:

229 (i) when school was in session; or

230 (ii) during a school-sponsored activity, as defined in Section [53G-8-211](#).

231 (2) "Body of water" includes any stream, river, lake, or reservoir, whether natural or
232 man-made.

233 (3) "Domestic violence offense" means the same as that term is defined in Section
234 [77-36-1](#).

235 (4) "Minor" means an individual who is 16 or 17 years old.

236 Section 6. Section [78A-7-101.5](#), which is renumbered from Section 78A-7-101 is
237 renumbered and amended to read:

238 ~~[[78A-7-101](#)].~~ **[78A-7-101.5. Creation of justice court -- Not of record --](#)**
239 **Independent branch of local government -- Classes of justice courts.**

240 (1) (a) Under Article VIII, Section 1, Utah Constitution, there is created a court not of
241 record known as the justice court.

242 (b) The judges of this court are justice court judges.

- 243 (2) A justice court is:
- 244 (a) a court of this state in accordance with Section 78A-1-101;
- 245 (b) a part of the state judiciary even though the justice court is funded and staffed by a
- 246 municipality or county; and
- 247 (c) independent from the other branches of government for a municipality or county.
- 248 (3) A justice court may not be treated as part of the executive or legislative branches or
- 249 offices of a municipality or county.
- 250 (4) A municipality or county may only operate a justice court as authorized by this
- 251 chapter.
- 252 (5) Justice courts shall be divided into the following classes:
- 253 (a) Class I: 501 or more case filings per month;
- 254 (b) Class II: 201-500 case filings per month;
- 255 (c) Class III: 61-200 case filings per month; and
- 256 (d) Class IV: 60 or fewer case filings per month.

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

258 **78A-7-106. Original jurisdiction of a justice court -- Territorial jurisdiction --**
 259 **Transfer of a case.**

260 ~~[(1)(a) Except for an offense for which the district court has original jurisdiction under~~
 261 ~~Subsection 78A-5-102(8) or an offense for which the juvenile court has original jurisdiction~~
 262 ~~under Subsection 78A-6-103(1)(c), a justice court has original jurisdiction over class B and C~~
 263 ~~misdemeanors, violation of ordinances, and infractions committed within the justice court's~~
 264 ~~territorial jurisdiction by an individual who is 18 years old or older.]~~

265 ~~[(b) A justice court has original jurisdiction over the following offenses committed~~
 266 ~~within the justice court's territorial jurisdiction by an individual who is 18 years old or older:]~~

267 ~~[(i) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver~~
 268 ~~Licensing Act; and]~~

269 ~~[(ii) class B and C misdemeanor and infraction violations of:]~~

270 ~~[(A) Title 23A, Wildlife Resources Act;]~~

271 ~~[(B) Title 41, Chapter 1a, Motor Vehicle Act;]~~

272 ~~[(C) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving~~
 273 ~~Under the Influence and Reckless Driving;]~~

274 ~~[(D) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and~~
275 ~~Operators Act;]~~

276 ~~[(E) Title 41, Chapter 22, Off-highway Vehicles;]~~

277 ~~[(F) Title 73, Chapter 18, State Boating Act, except Section 73-18-12;]~~

278 ~~[(G) Title 73, Chapter 18a, Boating - Litter and Pollution Control;]~~

279 ~~[(H) Title 73, Chapter 18b, Water Safety; and]~~

280 ~~[(I) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and~~
281 ~~Operators Act.]~~

282 ~~[(2) Except for an offense for which the district court has exclusive jurisdiction under~~
283 ~~Section 78A-5-102.5 or an offense for which the juvenile court has exclusive jurisdiction under~~
284 ~~Section 78A-6-103.5, a justice court has original jurisdiction over the following offenses~~
285 ~~committed within the justice court's territorial jurisdiction by an individual who is 16 or 17~~
286 ~~years old:]~~

287 ~~[(a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2,~~
288 ~~Driver Licensing Act; and]~~

289 ~~[(b) class B and C misdemeanor and infraction violations of:]~~

290 ~~[(i) Title 23A, Wildlife Resources Act;]~~

291 ~~[(ii) Title 41, Chapter 1a, Motor Vehicle Act;]~~

292 ~~[(iii) Title 41, Chapter 6a, Traffic Code, except Title 41, Chapter 6a, Part 5, Driving~~
293 ~~Under the Influence and Reckless Driving;]~~

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

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

297 ~~[(vi) Title 73, Chapter 18, State Boating Act, except for an offense under Section~~
298 ~~73-18-12;]~~

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

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

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

303 (1) A justice court has original jurisdiction over class B and C misdemeanors,
304 violations of ordinances, and infractions committed within the justice court's territorial

305 jurisdiction by an individual who is 18 years old or older.

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

308 (a) class C misdemeanor and infraction violations described in Title 53, Chapter 3, Part
309 2, Driver Licensing Act; and

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

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

312 (ii) Title 41, Chapter 6a, Traffic Code;

313 (iii) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
314 Operators Act;

315 (iv) Title 41, Chapter 22, Off-highway Vehicles;

316 (v) Title 73, Chapter 18, State Boating Act;

317 (vi) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

318 (vii) Title 73, Chapter 18b, Water Safety; and

319 (viii) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and
320 Operators Act.

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

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

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

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

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

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

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

333 (4) A justice court has jurisdiction over a small claims case under Chapter 8, Small
334 Claims Courts, if a defendant resides in or the debt arose within the territorial jurisdiction of
335 the justice court.

336 ~~[(3)] (5) [(a) As used in this Subsection (3), "body of water" includes any stream, river,~~
337 ~~lake, or reservoir, whether natural or man-made.]~~

338 [(b)] An offense is committed within the territorial jurisdiction of a justice court if:

339 [(i)] (a) conduct constituting an element of the offense or a result constituting an
340 element of the offense occurs within the court's jurisdiction, regardless of whether the conduct
341 or result is itself unlawful;

342 [(ii)] (b) either an individual committing an offense or a victim of an offense is located
343 within the court's jurisdiction at the time the offense is committed;

344 [(iii)] (c) either a cause of injury occurs within the court's jurisdiction or the injury
345 occurs within the court's jurisdiction;

346 [(iv)] (d) an individual commits any act constituting an element of an inchoate offense
347 within the court's jurisdiction, including an agreement in a conspiracy;

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

350 [(vi)] (f) the investigation of the offense does not readily indicate in which court's
351 jurisdiction the offense occurred, and:

352 [(A)] (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or
353 aircraft passing within the court's jurisdiction;

354 [(B)] (ii) the offense is committed on or in any body of water bordering on or within
355 this state if the territorial limits of the justice court are adjacent to the body of water;

356 [(C)] (iii) an individual who commits theft exercises control over the affected property
357 within the court's jurisdiction; or

358 [(D)] (iv) the offense is committed on or near the boundary of the court's jurisdiction;

359 [(vii)] (g) the offense consists of an unlawful communication that was initiated or
360 received within the court's jurisdiction; or

361 [(viii)] (h) jurisdiction is otherwise specifically provided by law.

362 [(4)] (6) If ~~[in a criminal case the defendant is 16 or 17 years old, a justice court judge]~~
363 a defendant in a criminal case before a justice court is a minor, the justice court may transfer
364 the case to the juvenile court for further proceedings if the justice court [judge] determines and
365 the juvenile court concurs that the best interests of the defendant would be served by the
366 continuing jurisdiction of the juvenile court.

367 ~~[(5) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter 8,~~
 368 ~~Small Claims Courts, if a defendant resides in or the debt arose within the territorial~~
 369 ~~jurisdiction of the justice court.]~~

370 ~~[(6) (7) [(a) As used in this Subsection (6), "domestic violence offense" means the~~
 371 ~~same as that term is defined in Section 77-36-1.]~~

372 ~~[(b) (a) If a justice court has jurisdiction over a criminal action involving a domestic~~
 373 ~~violence offense and the criminal action is set for trial, the prosecuting attorney or the~~
 374 ~~defendant may file a notice of transfer in the justice court to transfer the criminal action from~~
 375 ~~the justice court to the district court.~~

376 ~~[(c) (b) If a justice court receives a notice of transfer from the prosecuting attorney or~~
 377 ~~the defendant as described in Subsection [(6)(b) (7)(a), the justice court shall transfer the~~
 378 ~~criminal action to the district court.~~

379 Section 8. Section **80-6-303** is amended to read:

380 **80-6-303. Criminal proceedings involving minors -- Transfer to juvenile court --**
 381 **Exception.**

382 (1) (a) If while a criminal or quasi-criminal proceeding is pending, a district court or
 383 justice court determines that ~~[an individual being charged is under 21 years old and was~~
 384 ~~younger than 18 years old at the time of committing the alleged offense]~~ the juvenile court has
 385 jurisdiction over the offense, the district court or justice court shall transfer the case to the
 386 juvenile court with all the papers, documents, and transcripts of any testimony.

387 (b) (i) Notwithstanding Subsection (1)(a), a district court may not transfer an offense
 388 that is:

389 (A) filed in the district court in accordance with Section [80-6-502](#); or

390 (B) transferred to the district court in accordance with Section [80-6-504](#).

391 (ii) ~~[Notwithstanding Subsection (1)(a), a]~~ A justice court may decline to transfer an
 392 offense for which the justice court has original jurisdiction under ~~[Subsection 78A-7-106(2)]~~
 393 Section [78A-7-106](#).

394 (2) (a) Except as provided in Subsection (2)(b), the district court or justice court
 395 making the transfer shall:

396 (i) order the individual to be taken immediately to the juvenile court or to a place of
 397 detention designated by the juvenile court; or

398 (ii) release the individual to the custody of the individual's parent or guardian or other
399 person legally responsible for the individual, to be brought before the juvenile court at a time
400 designated by the juvenile court.

401 (b) If the alleged offense under Subsection (1) occurred before the individual was 12
402 years old:

403 (i) the district court or justice court making the transfer shall release the individual to
404 the custody of the individual's parent or guardian, or other person legally responsible for the
405 individual;

406 (ii) the juvenile court shall treat the transfer as a referral under Section 80-6-301; and

407 (iii) a juvenile probation officer shall make a preliminary inquiry to determine whether
408 the individual is eligible for a nonjudicial adjustment in accordance with Section 80-6-303.5.

409 (c) If the case is transferred to the juvenile court under this section, the juvenile court
410 shall then proceed in accordance with this chapter.

411 (3) A district court or justice court does not have to transfer a case under Subsection
412 (1) if the district court or justice court would have had jurisdiction over the case at the time the
413 individual committed the offense in accordance with Sections 78A-5-102 and 78A-7-106.

414 Section 9. **Effective date.**

415 This bill takes effect on May 1, 2024.