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COURT JURISDICTION MODIFICATIONS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jen Plumb
House Sponsor: Anthony E. Loubet

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

ENACTS:

- 78A-7-101.1**, as Utah Code Annotated 1953

RENUMBERS AND AMENDS:

- 78A-7-101.5**, (Renumbered from 78A-7-101, as last amended by Laws of Utah 2023, Chapter 475)



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 fees
32 for petitions for expungement, are repealed on July 1, 2023.

33 (2) Section 78B-3-421, regarding medical malpractice arbitration agreements, is repealed
34 July 1, 2029.

35 (3) Subsection [~~78A-7-106(6)~~] 78A-7-106(7), regarding the transfer of a criminal action
36 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37 repealed on July 1, 2024.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39 convicted of an offense, is repealed on July 1, 2025.

40 (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,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 Support
43 Guidelines Advisory Committee, is repealed July 1, 2026.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45 Program, is repealed December 31, 2024.

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

47 **78A-5-102 . Jurisdiction of the district court -- Appeals.**

48 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court
49 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 the
53 rules of the Supreme Court.

54 (4) The district court has jurisdiction over all matters properly filed in the circuit court prior
55 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
58 with Section 78A-8-106.

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

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

62 (a) agency adjudicative proceedings as set forth in Title 63G, Chapter 4, Administrative

63 Procedures Act, and shall comply with the requirements of that chapter in the district
64 court's review of agency adjudicative proceedings; and

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

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

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

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

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

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

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

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

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

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

89 **78A-6-103 . Original jurisdiction of the juvenile court -- Magistrate functions --**
90 **Findings -- Transfer of a case from another court.**

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

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

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

- 97 (i) who is under 21 years old at the time of all court proceedings; and
98 (ii) who was under 18 years old at the time the offense was committed; and
99 (c) a misdemeanor, infraction, or violation of an ordinance, under municipal or state law,
100 that was committed:
101 (i) by an individual:
102 (A) who was 18 years old and enrolled in high school at the time of the offense;
103 and
104 (B) who is under 21 years old at the time of all court proceedings; and
105 (ii) on school property where the individual was enrolled:
106 (A) when school was in session; or
107 (B) during a school-sponsored activity, as defined in ~~[Subsection]~~Section
108 53G-8-211.
- 109 (2) The juvenile court has original jurisdiction over:
110 (a) any proceeding concerning:
111 (i) a child who is an abused child, neglected child, or dependent child;
112 (ii) a protective order for a child in accordance with Title 78B, Chapter 7, Part 2,
113 Child Protective Orders;
114 (iii) the appointment of a guardian of the individual or other guardian of a minor who
115 comes within the court's jurisdiction under other provisions of this section;
116 (iv) the emancipation of a minor in accordance with Title 80, Chapter 7,
117 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
120 parental 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
135 an order terminating the rights of a parent and finds that adoption is in the best
136 interest of the child;
- 137 (xv) an ungovernable or runaway child who is referred to the juvenile court by the
138 Division of Juvenile Justice and Youth Services if, despite earnest and persistent
139 efforts by the Division of Juvenile Justice and Youth Services, the child has
140 demonstrated that the child:
- 141 (A) is beyond the control of the child's parent, guardian, or custodian to the extent
142 that the child's behavior or condition endangers the child's own welfare or the
143 welfare of others; or
- 144 (B) has run away from home; and
- 145 (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an
146 adult alleged to have committed an offense under Subsection 78A-6-352(4)(b) for
147 failure to comply with a promise to appear and bring a child to the juvenile court;
- 148 (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and
149 Expungement; ~~and~~
- 150 (c) the extension of a nonjudicial adjustment under Section 80-6-304[-] ; and
- 151 ~~[(3)] (d) [The juvenile court has original jurisdiction over-]~~a petition for special findings
152 under Section 80-3-505.
- 153 (3) The juvenile court does not have original jurisdiction over an offense committed by a
154 minor as described in Subsection (1) if:
- 155 (a) the district court has original jurisdiction over the offense under Section 78A-5-102.5;
156 (b) the district court has original jurisdiction over the offense under Subsection
157 78A-5-102(8), unless the juvenile court has exclusive jurisdiction over the offense
158 under Section 78A-6-103.5; or
- 159 (c) the justice court has original jurisdiction over the offense under Subsection
160 78A-7-106(2), unless the juvenile court has exclusive jurisdiction over the offense
161 under Section 78A-6-103.5.
- 162 (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law
163 under Section 80-6-701 for the juvenile court to exercise jurisdiction under Subsection
164 (2)(a)(xvi), (b), or (c).

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

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

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

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

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

175 **78A-6-103.5 . Exclusive jurisdiction of the juvenile court -- Transfer from district**
176 **court.**

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

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

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

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

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

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

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

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

192 (a) is committed by an individual:

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

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

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

196 (i) when school was in session; or

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

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

- 199 (i) a citation, petition, indictment, or criminal information is filed; and
 200 (ii) the court has original jurisdiction as described in Subsection 78A-6-103(1)(c).
- 201 [~~(2) For purposes of this section, the juvenile court has jurisdiction over the following~~
 202 ~~offenses committed by an individual who is under 21 years old at the time of all court~~
 203 ~~proceedings, but was under 18 years old at the time the offense was committed:]~~
- 204 [~~(a) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and~~
 205 ~~Reckless Driving; and]~~
- 206 [~~(b) an offense for operation in willful or wanton disregard for safety, as described in~~
 207 ~~Section 73-18-12.]~~
- 208 (3) If a juvenile court transfers jurisdiction of an offense to the district court under Section
 209 80-6-504, the exclusive jurisdiction of the juvenile court over that offense is terminated.
- 210 (4) Upon entry of an order transferring an offense to the juvenile court in accordance with
 211 Subsection 78A-5-102.5(6) or (7), the juvenile court gains or regains jurisdiction over
 212 any offense for which the juvenile court has original or exclusive jurisdiction.
- 213 (5) After a district court transfers an offense to the juvenile court under Subsection
 214 78A-5-102.5(6) or (7), the juvenile court shall:
- 215 (a) proceed upon the criminal information as if the criminal information were a petition
 216 under Section 80-6-305; and
- 217 (b) if the minor was convicted of the transferred offense, enter the conviction as an
 218 adjudication and proceed with disposition in accordance with Title 80, Chapter 6,
 219 Part 7, Adjudication and Disposition.
- 220 (6) For purposes of this section and Section 78A-5-102.5, an offense transferred to the
 221 juvenile court from the district court under Subsection 78A-5-102.5(6) or (7) is an
 222 adjudication and not a conviction.
- 223 Section 5. Section **78A-7-101.1** is enacted to read:
- 224 **78A-7-101.1 . Definitions for chapter.**
- 225 As used in this chapter:
- 226 (1) "Adult high school student" means an individual who:
- 227 (a) is 18 years old and enrolled in high school at the time of the offense;
 228 (b) is under 21 years old at the time of all court proceedings; and
 229 (c) committed the offense on school property where the individual is enrolled:
 230 (i) when school was in session; or
 231 (ii) during a school-sponsored activity, as defined in Section 53G-8-211.
- 232 (2) "Body of water" includes any stream, river, lake, or reservoir, whether natural or

233 man-made.

234 (3) "Domestic violence offense" means the same as that term is defined in Section 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 renumbered
237 and amended to read:

238 ~~[78A-7-101]~~ **78A-7-101.5. . Creation of justice court -- Not of record -- Independent branch**
239 **of**

239 **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 chapter.

251 (5) Justice courts shall be divided into the following classes:

252 (a) Class I: 501 or more case filings per month;

253 (b) Class II: 201-500 case filings per month;

254 (c) Class III: 61-200 case filings per month; and

255 (d) Class IV: 60 or fewer case filings per month.

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

257 **78A-7-106 . Original jurisdiction of a justice court -- Territorial jurisdiction --**

258 **Transfer of a case.**

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

265 [(b) A justice court has original jurisdiction over the following offenses committed within

- 266 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 Under
- 273 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 Operators
- 281 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
- 284 jurisdiction under Section 78A-6-103.5, a justice court has original jurisdiction over the
- 285 following offenses committed within the justice court's territorial jurisdiction by an
- 286 individual who is 16 or 17 years old:]
- 287 [(a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver
- 288 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 Under
- 293 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 73-18-12;]
- 298 [(vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;]
- 299 [(viii) Title 73, Chapter 18b, Water Safety; and]

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

302 (1) A justice court has original jurisdiction over class B and C misdemeanors, violations of
303 ordinances, and infractions committed within the justice court's territorial jurisdiction by
304 an individual who is 18 years old or older.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

331 (ii) a class B misdemeanor violation described in Section 73-18-12.

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

334 justice court.

335 ~~[(3)]~~ (5) ~~[(a) As used in this Subsection (3), "body of water" includes any stream, river,~~
336 ~~lake, or reservoir, whether natural or man-made. (b)]~~ An offense is committed within the
337 territorial jurisdiction of a justice court if:

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

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

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

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

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

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

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

353 ~~[(B)]~~ (ii) the offense is committed on or in any body of water bordering on or within
354 this state if the territorial limits of the justice court are adjacent to the body of
355 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]~~ a
363 defendant in a criminal case before a justice court is a minor, the justice court may
364 transfer the case to the juvenile court for further proceedings if the justice court ~~[judge]~~
365 determines and the juvenile court concurs that the best interests of the defendant would
366 be served by the 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 same~~
 371 ~~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
 375 action from the justice court to the district court.

376 ~~[(e)] (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
 378 the 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~~
 384 ~~was younger than 18 years old at the time of committing the alleged offense]~~ the
 385 juvenile court has jurisdiction over the offense, the district court or justice court shall
 386 transfer the case to the juvenile court with all the papers, documents, and transcripts
 387 of any testimony.

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

390 (A) filed in the district court in accordance with Section 80-6-502; or

391 (B) transferred to the district court in accordance with Section 80-6-504.

392 (ii) ~~[Notwithstanding Subsection (1)(a), a]~~ A justice court may decline to transfer an
 393 offense for which the justice court has original jurisdiction under ~~[Subsection~~
 394 ~~78A-7-106(2)]~~ Section 78A-7-106.

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

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

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

- 402 (b) If the alleged offense under Subsection (1) occurred before the individual was 12
403 years old:
- 404 (i) the district court or justice court making the transfer shall release the individual to
405 the custody of the individual's parent or guardian, or other person legally
406 responsible for the individual;
- 407 (ii) the juvenile court shall treat the transfer as a referral under Section 80-6-301; and
408 (iii) a juvenile probation officer shall make a preliminary inquiry to determine
409 whether the individual is eligible for a nonjudicial adjustment in accordance with
410 Section 80-6-303.5.
- 411 (c) If the case is transferred to the juvenile court under this section, the juvenile court
412 shall then proceed in accordance with this chapter.
- 413 (3) A district court or justice court does not have to transfer a case under Subsection (1) if
414 the district court or justice court would have had jurisdiction over the case at the time the
415 individual committed the offense in accordance with Sections 78A-5-102 and 78A-7-106.
- 416 **Section 9. Effective date.**
- 417 This bill takes effect on May 1, 2024.