

JUVENILE COURT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Andrew Stoddard

LONG TITLE

General Description:

This bill amends provisions related to the juvenile court.

Highlighted Provisions:

This bill:

- ▶ amends the requirements for requesting restitution in the juvenile court; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-6-710, as last amended by Laws of Utah 2022, Chapters 155, 334

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

Section 1. Section **80-6-710** is amended to read:

80-6-710. Determination of restitution -- Requirements.

(1) If a minor is adjudicated under Section **80-6-701**, the juvenile court may order the minor to repair, replace, or otherwise make restitution for:

- (a) material loss caused by an offense listed in the petition; or
- (b) conduct for which the minor agrees to make restitution.

(2) Within seven days after the day on which a petition is filed under this chapter, the

prosecuting attorney or a juvenile probation officer shall provide notification of the restitution process to all reasonably identifiable and locatable victims of an offense listed in the petition.

(3) A victim that receives notice under Subsection (2) is responsible for providing the prosecuting attorney with:

(a) all invoices, bills, receipts, and any other evidence of the injury or out-of-pocket loss;

(b) all documentation of any compensation or reimbursement from an insurance company or a local, state, or federal agency that is related to the injury or out-of-pocket loss;

(c) if available, the victim's proof of identification, including the victim's date of birth, social security number, or driver license number; and

(d) the victim's contact information, including the victim's current home and work address and telephone number.

~~(4) [A prosecuting attorney or victim shall submit a request for restitution to the juvenile court:]~~

(a) A prosecuting attorney, or a victim's attorney, shall make a request for an order for restitution in the juvenile court:

~~[(a)]~~ (i) if feasible, at the time of disposition; or

~~[(b)]~~ (ii) within 90 days after disposition.

(b) If a prosecuting attorney's request for restitution includes an amount that is less than the amount requested by the victim, the prosecuting attorney shall include a copy of the victim's request with the prosecuting attorney's request.

(c) A written request for an order for restitution under Subsection (4)(a) shall be served on all parties to the minor's case.

(5) In an order for restitution under Subsection (1), the juvenile court:

(a) shall only order restitution for the victim's material loss;

(b) may not order restitution if the juvenile court finds that the minor is unable to pay or acquire the means to pay;

(c) shall take into account:

58 (i) the minor's ability to satisfy the restitution order within six months from the day on
59 which restitution is ordered; or

60 (ii) if the minor participates in a restorative justice program under Subsection (6), the
61 amount or conditions of restitution agreed upon by the minor and the victim of the adjudicated
62 offense;

63 (d) shall credit any amount paid by the minor to the victim in a civil suit against
64 restitution owed by the minor; and

65 (e) shall credit any amount paid to the victim in restitution against liability in a civil
66 suit.

67 (6) If the minor and the victim of the adjudicated offense agree to participate, the
68 juvenile court may refer the minor's case to a restorative justice program, such as victim
69 offender mediation, to address how loss resulting from the adjudicated offense may be
70 addressed.

71 (7) (a) The juvenile court may require a minor to reimburse an individual, entity, or
72 governmental agency who offered and paid a reward to a person for providing information
73 resulting in an adjudication of a minor for the commission of an offense.

74 (b) If a minor is returned to this state in accordance with Part 11, Interstate Compact
75 for Juveniles, the juvenile court may order the minor to make restitution for costs expended by
76 any governmental entity for the return of the minor.