

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 over offenses committed by individuals who are 18 years old; 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

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

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

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

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and [78A-2-301.5\(12\)](#), regarding the suspension of filing fees for petitions for expungement, are repealed on July 1, 2023.

(2) Section [78B-3-421](#), regarding medical malpractice arbitration agreements, is repealed July 1, 2029.

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transfer of a criminal action involving a domestic violence offense from the justice court to the district court, is repealed on July 1, 2024.

(4) Section [78B-4-518](#), regarding the limitation on employer liability for an employee convicted of an offense, is repealed on July 1, 2025.

(5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1, 2026.

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Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child Support Guidelines Advisory Committee, is repealed July 1, 2026.

(7) Section [78B-22-805](#), regarding the Interdisciplinary Parental Representation Pilot Program, is repealed December 31, 2024.

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

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

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

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

(3) The district court has jurisdiction over matters of lawyer discipline consistent with the rules of the Supreme Court.

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

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

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

(7) The district court has jurisdiction to review:

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

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

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

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

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

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

(9) If a district court has jurisdiction in accordance with Subsection (5), (8)(a), or (8)(b), the district court has jurisdiction over an offense listed in Subsection [78A-7-106(2)] 78A-6-106(2) even if the offense is committed by an individual who is 16 or 17 years old.

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

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

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

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

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

(1) Except as otherwise provided by Sections 78A-5-102.5 and 78A-7-106, the juvenile court has original jurisdiction over:

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

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

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

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

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

(i) by an individual:

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

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

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

(A) when school was in session; or

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

(2) The juvenile court has original jurisdiction over:

(a) any proceeding concerning:

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

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

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

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

(v) the termination of parental rights in accordance with Title 80, Chapter 4, Termination and Restoration of Parental Rights, including termination of residual parental rights and duties;

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

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

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

- (ix) a minor under Title 80, Chapter 6, Part 11, Interstate Compact for Juveniles;
- (x) the treatment or commitment of a child with a mental illness;
- (xi) the commitment of a child to a secure drug or alcohol facility in accordance with Section [26B-5-204](#);
- (xii) a minor found not competent to proceed in accordance with Title 80, Chapter 6, Part 4, Competency;
- (xiii) de novo review of final agency actions resulting from an informal adjudicative proceeding as provided in Section [63G-4-402](#);
- (xiv) adoptions conducted in accordance with the procedures described in Title 78B, Chapter 6, Part 1, Utah Adoption Act, if the juvenile court has previously entered an order terminating the rights of a parent and finds that adoption is in the best interest of the child;
- (xv) an ungovernable or runaway child who is referred to the juvenile court by the Division of Juvenile Justice and Youth Services if, despite earnest and persistent efforts by the Division of Juvenile Justice and Youth Services, the child has demonstrated that the child:
- (A) is beyond the control of the child's parent, guardian, or custodian to the extent that the child's behavior or condition endangers the child's own welfare or the welfare of others; or
- (B) has run away from home; and
- (xvi) a criminal information filed under Part 4a, Adult Criminal Proceedings, for an adult alleged to have committed an offense under Subsection [78A-6-352\(4\)\(b\)](#) for failure to comply with a promise to appear and bring a child to the juvenile court;
- (b) a petition for expungement under Title 80, Chapter 6, Part 10, Juvenile Records and Expungement; and
- (c) the extension of a nonjudicial adjustment under Section [80-6-304](#).
- (3) The juvenile court has original jurisdiction over a petition for special findings under Section [80-3-505](#).
- (4) It is not necessary for a minor to be adjudicated for an offense or violation of the law under Section [80-6-701](#) for the juvenile court to exercise jurisdiction under Subsection (2)(a)(xvi), (b), or (c).
- (5) This section does not restrict the right of access to the juvenile court by private agencies or other persons.
- (6) The juvenile court has jurisdiction of all magistrate functions relative to cases

arising under Title 80, Chapter 6, Part 5, Transfer to District Court.

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

(8) The juvenile court has jurisdiction over matters transferred to the juvenile court by another trial court in accordance with Subsection [~~78A-7-106(4)~~] 78A-7-106(5) and Section 80-6-303.

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

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

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

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

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

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

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

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

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

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

(a) is committed by an individual:

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

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

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

(i) when school was in session; or

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. Section 78A-7-106 is amended to read:

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

(1) ~~[(a)]~~ Except for an offense for which the district court has original jurisdiction under Subsection 78A-5-102(8) or an offense for which the juvenile court has original jurisdiction under Subsection 78A-6-103(1)(c), a justice court has original jurisdiction over class B and C misdemeanors, violation of ordinances, and infractions committed within the

justice court's territorial jurisdiction by an individual who is 18 years old or older.

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

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

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

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

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

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

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

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

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

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

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

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

(2) (a) Notwithstanding the original jurisdiction of the juvenile court described in Subsection 78A-6-103(1)(c), a justice court has original jurisdiction over an offense that is:

(i) committed by an individual:

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

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

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

(A) when school was in session; or

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

(iii) a class C misdemeanor or infraction violation of Title 53, Chapter 3, Part 2, Driver Licensing Act, or a class B or C misdemeanor or infraction violation of:

(A) Title 23A, Wildlife Resources Act;

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

(C) Title 41, Chapter 6a, Traffic Code, except for an offense described in Title 41,

Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

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

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

(F) Title 73, Chapter 18, State Boating Act, except for an offense described in Section 73-18-12;

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

(H) Title 73, Chapter 18b, Water Safety; or

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

(b) A justice court does not have original jurisdiction over an offense under Subsection (2)(a) if the juvenile court has exclusive jurisdiction over the offense under Section 78A-6-103.5.

[~~(2)~~] (3) Except for an offense for which the district court has exclusive jurisdiction under Section 78A-5-102.5 or an offense for which the juvenile court has exclusive jurisdiction under Section 78A-6-103.5, a justice court has original jurisdiction over the following offenses committed within the justice court's territorial jurisdiction by an individual who is 16 or 17 years old:

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

(b) class B and C misdemeanor and infraction violations of:

(i) Title 23A, Wildlife Resources Act;

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

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

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

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

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

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

(viii) Title 73, Chapter 18b, Water Safety; and
(ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators Act.

~~[(3)]~~ (4) (a) As used in this Subsection ~~[(3)]~~ (4), "body of water" includes any stream, river, lake, or reservoir, whether natural or man-made.

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

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

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

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

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

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

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

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

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

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

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

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

(viii) jurisdiction is otherwise specifically provided by law.

~~[(4)]~~ (5) If in a criminal case the defendant is 16 or 17 years old, a justice court judge may transfer the case to the juvenile court for further proceedings if the justice court judge

determines and the juvenile court concurs that the best interests of the defendant would be served by the continuing jurisdiction of the juvenile court.

~~[(5)]~~ (6) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter 8, Small Claims Courts, if a defendant resides in or the debt arose within the territorial jurisdiction of the justice court.

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

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

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

Section 6. Section 80-6-303 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. Effective date.

This bill takes effect on May 1, 2024.