

Representative V. Lowry Snow proposes the following substitute bill:

JUVENILE JUSTICE MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses treatment of minors who commit offenses or truancy.

Highlighted Provisions:

This bill:

- ▶ expands the uses of appropriations for the Enhancement for At-Risk Students Program;
- ▶ modifies provisions related to responses to school-based behavior;
- ▶ clarifies when a prosecutor may file a petition or review a referral;
- ▶ addresses the inquiry a prosecutor shall conduct before filing a petition;
- ▶ addresses victim related issues;
- ▶ creates a sunset review for certain provisions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



- 26 [53F-2-410](#), as renumbered and amended by Laws of Utah 2018, Chapter 2
- 27 [53G-8-211](#), as renumbered and amended by Laws of Utah 2018, Chapter 3
- 28 [53G-8-506](#), as renumbered and amended by Laws of Utah 2018, Chapter 3
- 29 [63I-1-253](#), as last amended by Laws of Utah 2017, Chapters 166 and 181
- 30 [78A-6-210](#), as last amended by Laws of Utah 2017, Chapter 186
- 31 [78A-6-602](#), as last amended by Laws of Utah 2017, Chapter 330
- 32 [78A-6-603](#), as last amended by Laws of Utah 2017, Chapter 330



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

35 Section 1. Section **53F-2-410** is amended to read:

36 **53F-2-410. Enhancement for At-Risk Students Program.**

37 (1) (a) Subject to [~~the requirements of~~] Subsection (1)(b), the State Board of Education
38 shall distribute money appropriated for the Enhancement for At-Risk Students Program to
39 school districts and charter schools according to a formula adopted by the State Board of
40 Education, after consultation with local education boards.

41 (b) (i) The State Board of Education shall appropriate \$1,200,000 from the
42 appropriation for Enhancement for At-Risk Students Program for a gang prevention and
43 intervention program designed to help students [~~at-risk~~] at risk for gang involvement stay in
44 school.

45 (ii) Money for the gang prevention and intervention program shall be distributed to
46 school districts and charter schools through a request for proposals process.

47 (2) In establishing a distribution formula under Subsection (1)(a), the State Board of
48 Education shall use the following criteria:

- 49 (a) low performance on statewide assessments described in Section [53E-4-301](#);
- 50 (b) poverty;
- 51 (c) mobility; and
- 52 (d) limited English proficiency.

53 (3) A local education board shall use money distributed under this section to improve
54 the academic achievement of students who are at risk of academic failure including addressing
55 truancy.

56 (4) The State Board of Education shall develop performance criteria to measure the

57 effectiveness of the Enhancement for At-Risk Students Program.

58 (5) If a school district or charter school receives an allocation of less than \$10,000
59 under this section, the school district or charter school may use the allocation as described in
60 Section [53F-2-206](#).

61 Section 2. Section **53G-8-211** is amended to read:

62 **53G-8-211. Responses to school-based behavior.**

63 (1) As used in this section:

64 [~~(a) "Class A misdemeanor person offense" means a class A misdemeanor described in~~
65 ~~Title 76, Chapter 5, Offenses Against the Person, or Title 76, Chapter 5b, Sexual Exploitation~~
66 ~~Act.]~~

67 (a) "Evidence-based" means a program or practice that has:

68 (i) had multiple randomized control studies or a meta-analysis demonstrating that the
69 program or practice is effective for a specific population;

70 (ii) been rated as effective by a standardized program evaluation tool; or

71 (iii) been approved by the State Board of Education.

72 (b) "Mobile crisis outreach team" means the same as that term is defined in Section
73 [78A-6-105](#).

74 [~~(c) "Nonperson class A misdemeanor" means a class A misdemeanor that is not a~~
75 ~~class A misdemeanor person offense.]~~

76 ~~[(d)]~~ (c) "Restorative justice program" means a school-based program or a program
77 used or adopted by a local education agency that is designed to enhance school safety, reduce
78 school suspensions, and limit referrals to court, and is designed to help minors take
79 responsibility for and repair the harm of behavior that occurs in school.

80 (d) "School administrator" means a principal of a school.

81 (e) "School is in session" means a day during which the school conducts instruction for
82 which student attendance is counted toward calculating average daily membership.

83 (f) "School resource officer" means a law enforcement officer, as defined in Section
84 [53-13-103](#), who contracts with, is employed by, or whose law enforcement agency contracts
85 with a local education agency to provide law enforcement services for the local education
86 agency.

87 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,

88 clinic, or other event or activity that is authorized by a specific local education agency or public
89 school, according to local board policy, and satisfies at least one of the following conditions:

90 (A) the activity is managed or supervised by a local education agency or public school,
91 or local education agency or public school employee;

92 (B) the activity uses the local education agency or public school's facilities, equipment,
93 or other school resources; or

94 (C) the activity is supported or subsidized, more than inconsequentially, by public
95 funds, including the public school's activity funds or minimum school program dollars.

96 (ii) "School-sponsored activity" includes preparation for and involvement in a public
97 performance, contest, athletic competition, demonstration, display, or club activity.

98 (h) (i) "Status offense" means a violation of the law that would not be a violation but
99 for the age of the offender.

100 (ii) Notwithstanding Subsection (1)(h)(i), a status offense does not include a violation
101 that by statute is made a misdemeanor or felony.

102 (2) This section applies to a minor enrolled in school who is alleged to have committed
103 an offense at the school where the student is enrolled:

104 (a) on school property~~;~~ or where the student is enrolled:

105 (i) when school is in session; or

106 (ii) during a school-sponsored activity; or

107 (b) that is truancy.

108 (3) (a) If the alleged offense is a class C misdemeanor, an infraction, a status offense
109 on school property, or truancy, the minor may not be referred to law enforcement or court but
110 may be referred to alternative ~~[school-related]~~ evidence-based interventions, including:

111 ~~[(a)]~~ (i) a mobile crisis outreach team, as defined in Section [78A-6-105](#);

112 ~~[(b)]~~ (ii) a receiving center operated by the Division of Juvenile Justice Services in
113 accordance with Section [62A-7-104](#); ~~[and]~~

114 ~~[(c)]~~ (iii) a youth court or comparable restorative justice program~~[-];~~

115 (iv) evidence-based interventions created and developed by the school or school
116 district; and

117 (v) other evidence-based interventions that may be jointly created and developed by a
118 local education agency, the State Board of Education, the juvenile court, local counties and

119 municipalities, the Utah Department of Health, or the Utah Department of Human Services.

120 (b) Notwithstanding Subsection (3)(a), a school resource officer may:

121 (i) investigate possible offenses, including conducting probable cause searches;

122 (ii) consult with school administration about the conduct of a minor enrolled in a

123 school;

124 (iii) transport a minor enrolled in a school to a location if the location is permitted by

125 law;

126 (iv) take temporary custody of a minor pursuant to Subsection [78A-6-112\(1\)](#);

127 (v) protect the safety of students and the school community, including the use of

128 reasonable and necessary physical force when appropriate based on the totality of the

129 circumstances.

130 (c) Notwithstanding other provisions of this section, a law enforcement officer who has

131 cause to believe a minor has committed an offense on school property when school is not in

132 session nor during a school-sponsored activity, the law enforcement officer may refer the minor

133 to court or may refer the minor to alternative evidence-based interventions at the discretion of

134 the law enforcement officer.

135 (4) (a) Notwithstanding Subsection (3)(a) and subject to the requirements of this

136 Subsection (4), a school district or school may refer a minor to court for a class C misdemeanor

137 committed on school property or for being a habitual truant, as defined in Section [53G-6-201](#),

138 if the minor refuses to participate in an alternative evidence-based intervention described in

139 Subsection (3)(a).

140 (b) (i) When a minor is referred to court under Subsection (4)(a), the school shall

141 appoint a school representative to continue to engage with the minor and the minor's family

142 through the court process.

143 (ii) A school representative appointed under this Subsection (4)(b) may not be a school

144 resource officer.

145 (c) A school district or school shall include the following in its referral to the court:

146 (i) attendance records for the minor;

147 (ii) a report of alternative evidence-based interventions used by the school before

148 referral, including outcomes;

149 (iii) the name and contact information of the school representative assigned to actively

150 participate in the court process with the minor and the minor's family; and
151 (iv) any other information the school district or school considers relevant.
152 (d) A minor referred to court under this Subsection (4), may not be ordered to or placed
153 in secure detention, including for a contempt charge or violation of a valid court order under
154 Section 78A-6-1101 when the underlying offense is a Class C misdemeanor occurring on
155 school property or habitual truancy.

156 (e) If a minor is referred to court under this Subsection (4), the court may use, when
157 available, the resources of the Division of Juvenile Justice Services or the Division of
158 Substance Abuse and Mental Health to address the minor.

159 ~~[(4)]~~ (5) If the alleged offense is a class B misdemeanor or a ~~[nonperson]~~ class A
160 misdemeanor, the minor may be referred directly to the juvenile court by the school
161 administrator ~~[or]~~, the school administrator's designee, or a school resource officer, or the
162 minor may be referred to the alternative evidence-based interventions in Subsection (3)(a).

163 Section 3. Section 53G-8-506 is amended to read:

164 **53G-8-506. Reporting of prohibited acts affecting a school -- Confidentiality.**

165 (1) A person who has reasonable cause to believe that an individual has committed a
166 prohibited act shall, in accordance with Section 53G-8-211, immediately notify:

- 167 (a) the principal;
- 168 (b) an administrator of the affected school;
- 169 (c) the superintendent of the affected school district; or
- 170 (d) an administrator of the affected school district.

171 (2) If notice is given to a school official, the official may authorize an investigation
172 into allegations involving school property, students, or school district employees.

173 (3) A school official may only refer a complaint of an alleged prohibited act reported as
174 occurring on school ~~[grounds]~~ property or in connection with school-sponsored activities to an
175 appropriate law enforcement agency in accordance with Section 53G-8-211.

176 (4) The identity of persons making reports pursuant to this section shall be kept
177 confidential.

178 Section 4. Section 63I-1-253 is amended to read:

179 **63I-1-253. Repeal dates, Titles 53, 53A, and 53B.**

180 The following provisions are repealed on the following dates:

- 181 (1) Subsection 53-10-202(18) is repealed July 1, 2018.
- 182 (2) Section 53-10-202.1 is repealed July 1, 2018.
- 183 (3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program, is
184 repealed July 1, 2020.
- 185 (4) Section 53A-13-106.5 is repealed July 1, 2019.
- 186 (5) Section 53A-15-106 is repealed July 1, 2019.
- 187 (6) Sections 53A-15-206 and 53A-15-207 are repealed January 1, 2023.
- 188 (7) Title 53A, Chapter 31, Part 4, American Indian and Alaskan Native Education State
189 Plan Pilot Program, is repealed July 1, 2022.
- 190 (8) Section 53B-24-402, Rural residency training program, is repealed July 1, 2020.
- 191 (9) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
192 from the Land Exchange Distribution Account to the Geological Survey for test wells, other
193 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.
- 194 (10) Subsection 53G-8-211(4) is repealed July 1, 2020.
- 195 Section 5. Section 78A-6-210 is amended to read:
- 196 **78A-6-210. Fines -- Fees -- Deposit with state treasurer -- Restricted account.**
- 197 (1) There is created within the General Fund a restricted account known as the
198 "Nonjudicial Adjustment Account."
- 199 (2) (a) The account shall be funded from the financial penalty established under
200 Subsection 78A-6-602(2)~~(d)~~(e)(i).
- 201 (b) The court shall deposit all money collected as a result of penalties assessed as part
202 of the nonjudicial adjustment of a case in the account.
- 203 (c) The account shall be used to pay the expenses of juvenile compensatory service,
204 victim restitution, and diversion programs.
- 205 (3) (a) Except under Subsections (3)(b), (4), and as otherwise provided by law, all
206 fines, fees, penalties, and forfeitures imposed and collected by the juvenile court shall be paid
207 to the state treasurer for deposit in the General Fund.
- 208 (b) Not more than 50% of any fine or forfeiture collected may be paid to a state
209 rehabilitative employment program for delinquent minors that provides for employment of the
210 minor in the county of the minor's residence if:
- 211 (i) reimbursement for the minor's labor is paid to the victim of the minor's delinquent

212 behavior;

213 (ii) the amount earned and paid is set by court order;

214 (iii) the minor is not paid more than the hourly minimum wage; and

215 (iv) no payments to victims are made without the minor's involvement in a
216 rehabilitative work program.

217 (c) Fines withheld under Subsection (3)(b) and any private contributions to the
218 rehabilitative employment program are accounted for separately and are subject to audit at any
219 time by the state auditor.

220 (d) Funds withheld under Subsection (3)(b) and private contributions are nonlapsing.
221 The Board of Juvenile Court Judges shall establish policies for the use of the funds described
222 in this subsection.

223 (4) For fines and forfeitures collected by the court for a violation of Section
224 [41-6a-1302](#) in instances where evidence of the violation was obtained by an automated traffic
225 enforcement safety device as described in Section [41-6a-1310](#), the court shall allocate 20% to
226 the school district or private school that owns or contracts for the use of the bus, and the state
227 treasurer shall allocate 80% to the General Fund.

228 (5) No fee may be charged by any state or local public officer for the service of process
229 in any proceedings initiated by a public agency.

230 Section 6. Section **78A-6-602** is amended to read:

231 **78A-6-602. Petition -- Preliminary inquiry -- Nonjudicial adjustments -- Formal**
232 **referral -- Citation -- Failure to appear.**

233 (1) A proceeding in a minor's case is commenced by petition, except as provided in
234 Sections [78A-6-701](#), [78A-6-702](#), and [78A-6-703](#).

235 (2) (a) A peace officer or a public official of the state, a county, city, or town charged
236 with the enforcement of the laws of the state or local jurisdiction shall file a formal referral
237 with the juvenile court within 10 days of a minor's arrest. If the arrested minor is taken to a
238 detention facility, the formal referral shall be filed with the juvenile court within 72 hours,
239 excluding weekends and holidays. A formal referral under Section [~~53A-11-911~~] [53G-8-211](#)
240 may not be filed with the juvenile court on an offense unless the offense is subject to referral
241 under Section [~~53A-11-911~~] [53G-8-211](#).

242 (b) (i) When the court is informed by a peace officer or other person that a minor is or

243 appears to be within the court's jurisdiction, the probation department shall make a preliminary
244 inquiry to determine whether the minor is eligible to enter into a written consent agreement
245 with the probation department and, if the minor is a child, the minor's parent, guardian, or
246 custodian for the nonjudicial adjustment of the case pursuant to this Subsection (2). [~~The~~]

247 (ii) Except as provided in Subsection (2)(k), the court's probation department shall
248 offer a nonjudicial adjustment if the minor:

249 [(i)] (A) is referred with a misdemeanor, infraction, or status offense;

250 [(ii)] (B) has [~~fewer than three~~] no more than two prior adjudications; and

251 [(iii)] (C) has no more than three prior unsuccessful nonjudicial adjustment attempts.

252 (iii) For purposes of this Subsection (2)(b), an adjudication or nonjudicial adjustment
253 means an action based on a single episode of conduct that is closely related in time and is
254 incident to an attempt or an accomplishment of a single objective.

255 (c) (i) Within seven days of receiving a referral that appears to be eligible for a
256 nonjudicial adjustment pursuant to Subsection (2)(b), the probation department shall provide
257 an initial notice to reasonably identifiable and locatable victims of the offense contained in the
258 referral.

259 (ii) The victim shall be responsible to provide to the division upon request:

260 (A) invoices, bills, receipts, and other evidence of injury, loss of earnings, and
261 out-of-pocket loss;

262 (B) documentation and evidence of compensation or reimbursement from insurance
263 companies or agencies of Utah, any other state, or federal government received as a direct
264 result of the crime for injury, loss of earnings, or out-of-pocket loss; and

265 (C) proof of identification, including home and work address and telephone numbers.

266 (iii) The inability, failure, or refusal of the victim to provide all or part of the requested
267 information shall result in the probation department determining restitution based on the best
268 information available.

269 [(e)] (d) (i) Notwithstanding Subsection (2)(b), the probation department may conduct
270 a validated risk and needs assessment and may request that the prosecutor review the referral
271 pursuant to Subsection (2)[~~(g)~~](h) to determine whether to dismiss the referral or file a petition
272 instead of offering a nonjudicial adjustment if:

273 (A) the results of the assessment indicate the youth is high risk; or

274 (B) the results of the assessment indicate the youth is moderate risk and the referral is
275 for a class A misdemeanor violation under Title 76, Chapter 5, Offenses Against the Person, or
276 Title 76, Chapter 9, Part 7, Miscellaneous Provisions.

277 (ii) ~~[The]~~ Except as provided in Subsection (2)(k), the court's probation department,
278 may offer a nonjudicial adjustment to any other minor who does not meet the criteria provided
279 in Subsection (2)(b).

280 (iii) Acceptance of an offer of nonjudicial adjustment may not be predicated on an
281 admission of guilt.

282 (iv) A minor may not be denied an offer of nonjudicial adjustment due to an inability to
283 pay a financial penalty under Subsection (2)~~(d)~~(e).

284 (v) Efforts to effect a nonjudicial adjustment may not extend for a period of more than
285 90 days without leave of a judge of the court, who may extend the period for an additional 90
286 days.

287 (vi) A prosecutor may not file a petition against a minor unless:

288 (A) the minor does not qualify for nonjudicial adjustment under Subsection (2)(b) or
289 (d)(ii);

290 (B) the minor declines nonjudicial adjustment;

291 (C) the minor fails to substantially comply with the conditions agreed upon as part of
292 the nonjudicial adjustment;

293 (D) the minor fails to respond to the probation department's inquiry regarding
294 eligibility for or an offer of a nonjudicial adjustment after being provided with notice for
295 preliminary inquiry; or

296 (E) the prosecutor is acting under Subsection (2)(k).

297 ~~(d)~~ (e) The nonjudicial adjustment of a case may include the following conditions
298 agreed upon as part of the nonjudicial closure:

299 (i) payment of a financial penalty of not more than \$250 to the juvenile court subject to
300 the terms established under Subsection (2)~~(e)~~(f);

301 (ii) payment of victim restitution;

302 (iii) satisfactory completion of compensatory service;

303 (iv) referral to an appropriate provider for counseling or treatment;

304 (v) attendance at substance use disorder programs or counseling programs;

305 (vi) compliance with specified restrictions on activities and associations; ~~[and]~~
 306 (vii) victim-offender mediation, if requested by the victim; and
 307 ~~[(vii)]~~ (viii) other reasonable actions that are in the interest of the child or minor ~~[and]~~,
 308 the community, and the victim.

309 ~~[(e)]~~ (f) A fee, fine, or restitution included in a nonjudicial closure in accordance with
 310 Subsection (2)~~[(f)]~~(e) shall be based upon the ability of the minor's family to pay as determined
 311 by a statewide sliding scale developed as provided in Section [63M-7-208](#) on and after July 1,
 312 2018.

313 ~~[(f)]~~ (g) If a prosecutor learns of a referral involving an offense identified in Subsection
 314 (2)(k), if a minor fails to substantially comply with the conditions agreed upon as part of the
 315 nonjudicial closure, or if a minor is not offered or declines a nonjudicial adjustment pursuant to
 316 Subsection (2)(b) ~~[or]~~, (2)(c)(ii), or (2)(d)(vi), the prosecutor shall review the case and take one
 317 of the following actions:

318 (i) dismiss the case;
 319 (ii) refer the case back to the probation department for a new attempt at nonjudicial
 320 adjustment; or

321 (iii) in accordance with Subsections (2)~~[(h)]~~(i), file a petition with the court.

322 ~~[(g)]~~ (h) Notwithstanding Subsection (2)~~[(f)]~~(g), a petition may only be filed upon
 323 reasonable belief that:

324 (i) the charges are supported by probable cause;
 325 (ii) admissible evidence will be sufficient to support ~~[conviction]~~ adjudication beyond
 326 a reasonable doubt; and

327 (iii) the decision to charge is in the interests of justice.

328 ~~[(h)]~~ (i) Failure to ~~[a]~~ pay a fine or fee may not serve as a basis for filing of a petition
 329 under Subsection (2)~~[(f)]~~(g)(iii) if the minor has substantially complied with the other
 330 conditions agreed upon in accordance with Subsection (2)~~[(f)]~~(e) or those imposed through any
 331 other court diversion program.

332 ~~[(i)-A]~~ (j) Notwithstanding Subsection (2)(h), a violation of Section [76-10-105](#) that is
 333 subject to the jurisdiction of the juvenile court may include a fine or penalty and participation
 334 in a court-approved tobacco education program, which may include a participation fee.

335 (k) Notwithstanding the other provisions of this section, the probation department shall

336 request that a prosecutor review a referral in accordance with Subsection (2)(g) if the referral
337 involves a violation of:

338 (i) Section 76-5-206, negligent homicide;

339 (ii) Section 76-5-112, reckless endangerment creating a substantial risk of death or
340 serious bodily injury;

341 (iii) Section 76-10-505.5, possession of a dangerous weapon, firearm, or short barreled
342 shotgun on or about school premises;

343 (iv) Section 76-10-509, possession of dangerous weapon by minor, but only if the
344 dangerous weapon is a firearm;

345 (v) Section 76-9-702.1, sexual battery; or

346 (vi) Section 41-6a-502, driving under the influence, if the driver license of the minor is
347 not suspended or revoked by the Driver License Division.

348 ~~[(j)]~~ (l) If the prosecutor files a petition in court, the court may refer the case to the
349 probation department for another offer of nonjudicial adjustment.

350 (m) If a minor violates Section 41-6a-502, regardless of whether a prosecutor reviews a
351 referral under Subsection (2)(d)(vi), the minor shall be subject to a drug and alcohol assessment
352 and, if warranted, provided drug and alcohol treatment.

353 (3) Except as provided in Sections 78A-6-701 and 78A-6-702, in the case of a minor
354 14 years of age or older, the county attorney, district attorney, or attorney general may
355 commence an action by filing a criminal information and a motion requesting the juvenile court
356 to waive its jurisdiction and certify the minor to the district court.

357 (4) (a) In cases of violations of wildlife laws, boating laws, class B and class C
358 misdemeanors, other infractions or misdemeanors as designated by general order of the Board
359 of Juvenile Court Judges, and violations of Section 76-10-105 subject to the jurisdiction of the
360 juvenile court, a petition is not required and the issuance of a citation as provided in Section
361 78A-6-603 is sufficient to invoke the jurisdiction of the court. A preliminary inquiry in
362 accordance with Subsection (2)(b)(i) is required.

363 (b) Any failure to comply with the time deadline on a formal referral may not be the
364 basis of dismissing the formal referral.

365 Section 7. Section 78A-6-603 is amended to read:

366 **78A-6-603. Citation procedure -- Citation -- Offenses -- Time limits -- Failure to**

367 **appear.**

368 (1) As used in this section, "citation" means an abbreviated referral and is sufficient to
369 invoke the jurisdiction of the court in lieu of a petition.

370 (2) A citation shall be submitted to the court within five days of issuance.

371 (3) A copy of the citation shall contain:

372 (a) the name and address of the juvenile court before which the minor may be required
373 to appear;

374 (b) the name of the minor cited;

375 (c) the statute or local ordinance that is alleged to have been violated;

376 (d) a brief description of the offense charged;

377 (e) the date, time, and location at which the offense is alleged to have occurred;

378 (f) the date the citation was issued;

379 (g) the name and badge or identification number of the peace officer or public official
380 who issued the citation;

381 (h) the name of the arresting person if an arrest was made by a private party and the
382 citation was issued in lieu of taking the arrested minor into custody as provided in Section
383 [78A-6-112](#);

384 (i) the date and time when the minor is to appear, or a statement that the minor and
385 parent or legal guardian are to appear when notified by the juvenile court; and

386 (j) the signature of the minor and the parent or legal guardian, if present, agreeing to
387 appear at the juvenile court as designated on the citation.

388 (4) A copy of the citation shall contain space for the following information to be
389 entered if known:

390 (a) the minor's address;

391 (b) the minor's date of birth;

392 (c) the name and address of the child's custodial parent or legal guardian, if different
393 from the child; and

394 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that
395 this information shall be removed from the documents the minor receives.

396 (5) A citation received by the court beyond the time designated in Subsection (2) shall
397 include a written explanation for the delay.

398 (6) In accordance with Section [~~53A-11-911~~] 53G-8-211, the following offenses may
399 be sent to the juvenile court as a citation:

- 400 (a) violations of wildlife laws;
- 401 (b) violations of boating laws;
- 402 (c) violations of curfew laws;
- 403 (d) any class B misdemeanor or less traffic violations where the person is under the age
404 of 16;
- 405 (e) any class B or class C misdemeanor or infraction;
- 406 (f) any other infraction or misdemeanor as designated by general order of the Board of
407 Juvenile Court Judges; and
- 408 (g) violations of Section 76-10-105 subject to the jurisdiction of the juvenile court.

409 (7) A minor offense defined under Section 78A-6-1202, alleged to have been
410 committed by an enrolled child on school property or related to school attendance, may only be
411 sent to the prosecutor or the juvenile court in accordance with Section [~~53A-11-911~~]
412 53G-8-211.

413 [~~(8) A preliminary inquiry by the prosecutor, and]~~

414 (8) An inquiry shall be conducted:

415 (a) by the prosecutor to determine upon reasonable belief that:

- 416 (i) the charges are supported by probable cause;
- 417 (ii) admissible evidence will be sufficient to support adjudication beyond a reasonable
418 doubt; and
- 419 (iii) the decision to charge is in the interests of justice; and

420 (b) if appropriate, by the court[;] under Section 78A-6-117 [~~is required~~].

421 (9) Subsection (5) may not apply to a runaway child.

422 (10) (a) A minor receiving a citation described in this section shall appear at the
423 juvenile court designated in the citation on the time and date specified in the citation or when
424 notified by the juvenile court.

425 (b) A citation may not require a minor to appear sooner than five days following its
426 issuance.

427 (11) A minor who receives a citation and willfully fails to appear before the juvenile
428 court pursuant to a citation may be found in contempt of court. The court may proceed against

429 the minor as provided in Section 78A-6-1101.

430 (12) When a citation is issued under this section, bail may be posted and forfeited

431 under Section 78A-6-113 with the consent of:

432 (a) the court; and

433 (b) if the minor is a child, the parent or legal guardian of the child cited.

434 Section 8. **Effective date.**

435 If approved by two-thirds of all the members elected to each house, this bill takes effect

436 upon approval by the governor, or the day following the constitutional time limit of Utah

437 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

438 the date of veto override.