

1 **SUBSTANCE USE TREATMENT AND ASSESSMENT**

2 **DECISIONS AMENDMENTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lawanna Shurtliff**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **Committee Note:**

10 The Judiciary Interim Committee recommended this bill.

11 Legislative Vote: 11 voting for 0 voting against 5 absent

12 **General Description:**

13 This bill relates to court-ordered assessment and treatment of an individual's substance
14 use disorder.

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ defines terms;
- 18 ▶ provides that in justice court a private entity that conducts a court-ordered
- 19 assessment of an individual to determine if the individual needs substance use
- 20 disorder treatment may not also provide court-ordered substance use disorder
- 21 treatment to the individual; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **32B-4-409**, as last amended by Laws of Utah 2017, Chapter 330

30 **32B-4-410**, as last amended by Laws of Utah 2017, Chapters 330 and 455

31 **41-6a-505**, as last amended by Laws of Utah 2019, Chapter 136

32 **41-6a-509**, as last amended by Laws of Utah 2017, Chapter 446

33 **41-6a-517**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

34 **53-3-231**, as last amended by Laws of Utah 2019, Chapter 77

35 **78A-6-103**, as last amended by Laws of Utah 2019, Chapter 300

36 **78A-7-106**, as last amended by Laws of Utah 2019, Chapter 136



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

39 Section 1. Section **32B-4-409** is amended to read:

40 **32B-4-409. Unlawful purchase, possession, consumption by minor -- Measurable**
41 **amounts in body.**

42 (1) Unless specifically authorized by this title, it is unlawful for a minor to:

43 (a) purchase an alcoholic product;

44 (b) attempt to purchase an alcoholic product;

45 (c) solicit another person to purchase an alcoholic product;

46 (d) possess an alcoholic product;

47 (e) consume an alcoholic product; or

48 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

49 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic
50 product for a minor for:

51 (a) a minor to misrepresent the minor's age; or

52 (b) any other person to misrepresent the age of a minor.

53 (3) It is unlawful for a minor to possess or consume an alcoholic product while riding
54 in a limousine or chartered bus.

55 (4) (a) If a minor is found by a court to have violated this section and the violation is
56 the minor's first violation of this section, the court may:

57 (i) order the minor to complete a screening as defined in Section **41-6a-501**;

58 (ii) order the minor to complete an assessment as defined in Section **41-6a-501** if the

59 screening indicates an assessment to be appropriate; and

60 (iii) subject to Subsection 78A-7-106(7), order the minor to complete an educational
61 series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an
62 assessment.

63 (b) If a minor is found by a court to have violated this section and the violation is the
64 minor's second or subsequent violation of this section, the court shall:

65 (i) order the minor to complete a screening as defined in Section 41-6a-501;

66 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
67 screening indicates an assessment to be appropriate; and

68 (iii) subject to Subsection 78A-7-106(7), order the minor to complete an educational
69 series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an
70 assessment.

71 (5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
72 found by a court to have violated this section, except as provided in Section 32B-4-411, the
73 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

74 (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the
75 suspension period required under Section 53-3-219 if:

76 (i) the violation is the minor's first violation of this section; and

77 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or

78 (B) subject to Subsection 78A-7-106(7), the minor demonstrates substantial progress in
79 substance use disorder treatment.

80 (c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the
81 requirements of Section 53-3-219, the court may reduce the suspension period required under
82 Section 53-3-219 if:

83 (i) the violation is the minor's second or subsequent violation of this section;

84 (ii) subject to Subsection 78A-7-106(7), the minor has completed an educational series
85 as defined in Section 41-6a-501 or demonstrated substantial progress in substance use disorder
86 treatment; and

87 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the
88 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
89 consecutive period during the suspension period imposed under Subsection (5)(a); or

90 (B) the person is under 18 years of age and has the person's parent or legal guardian
91 provide an affidavit or sworn statement to the court certifying that to the parent or legal
92 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
93 one-year consecutive period during the suspension period imposed under Subsection (5)(a).

94 (6) When a minor who is younger than 18 years old is found by the court to have
95 violated this section, Section 78A-6-606 applies to the violation.

96 (7) Notwithstanding Subsections [~~5~~] (4)(a) and (b), if a minor is adjudicated under
97 Section 78A-6-117, the court may only order substance use disorder treatment or an
98 educational series if the minor has an assessed need for the intervention on the basis of the
99 results of a validated assessment.

100 (8) When a court issues an order suspending a person's driving privileges for a
101 violation of this section, the Driver License Division shall suspend the person's license under
102 Section 53-3-219.

103 (9) When the Department of Public Safety receives the arrest or conviction record of a
104 person for a driving offense committed while the person's license is suspended pursuant to this
105 section, the Department of Public Safety shall extend the suspension for an additional like
106 period of time.

107 (10) This section does not apply to a minor's consumption of an alcoholic product in
108 accordance with this title:

109 (a) for medicinal purposes if:

110 (i) the minor is at least 18 years old; or

111 (ii) the alcoholic product is furnished by:

112 (A) the parent or guardian of the minor; or

113 (B) the minor's health care practitioner, if the health care practitioner is authorized by
114 law to write a prescription; or

115 (b) as part of a religious organization's religious services.

116 Section 2. Section 32B-4-410 is amended to read:

117 **32B-4-410. Unlawful admittance or attempt to gain admittance by minor.**

118 (1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the
119 premises of:

120 (a) a tavern; or

- 121 (b) a bar licensee, except to the extent authorized by Section 32B-6-406.1.
- 122 (2) A minor who violates this section is guilty of a class C misdemeanor.
- 123 (3) (a) If a minor is found by a court to have violated this section and the violation is
124 the minor's first violation of this section, the court may:
- 125 (i) order the minor to complete a screening as defined in Section 41-6a-501;
- 126 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
127 screening indicates an assessment to be appropriate; and
- 128 (iii) subject to Subsection 78A-7-106(7), order the minor to complete an educational
129 series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an
130 assessment.
- 131 (b) If a minor is found by a court to have violated this section and the violation is the
132 minor's second or subsequent violation of this section, the court shall:
- 133 (i) order the minor to complete a screening as defined in Section 41-6a-501;
- 134 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
135 screening indicates an assessment to be appropriate; and
- 136 (iii) subject to Subsection 78A-7-106(7), order the minor to complete an educational
137 series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an
138 assessment.
- 139 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
140 found by a court to have violated this section, except as provided in Section 32B-4-411, the
141 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
- 142 (b) Notwithstanding Subsection (4)(a), the court may reduce the suspension period
143 required under Section 53-3-219 if:
- 144 (i) the violation is the minor's first violation of this section; and
- 145 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or
- 146 (B) subject to Subsection 78A-7-106(7), the minor demonstrates substantial progress in
147 substance use disorder treatment.
- 148 (c) Notwithstanding Subsection (4)(a) and in accordance with Section 53-3-219, the
149 court may reduce the suspension period required under Section 53-3-219 if:
- 150 (i) the violation is the minor's second or subsequent violation of this section;
- 151 (ii) subject to Subsection 78A-7-106(7), the minor has completed an educational series

152 as defined in Section 41-6a-501 or demonstrated substantial progress in substance use disorder
153 treatment; and

154 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the
155 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
156 consecutive period during the suspension period imposed under Subsection (4)(a); or

157 (B) the person is under 18 years of age and has the person's parent or legal guardian
158 provide an affidavit or sworn statement to the court certifying that to the parent or legal
159 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
160 one-year consecutive period during the suspension period imposed under Subsection (4)(a).

161 (5) When a minor who is younger than 18 years old is found by a court to have violated
162 this section, Section 78A-6-606 applies to the violation.

163 (6) Notwithstanding Subsections (3)(a) and (b), if a minor is adjudicated under Section
164 78A-6-117, the court may only order substance use disorder treatment or an educational series
165 if the minor has an assessed need for the intervention on the basis of the results of a validated
166 assessment.

167 (7) When a court issues an order suspending a person's driving privileges for a
168 violation of this section, the Driver License Division shall suspend the person's license under
169 Section 53-3-219.

170 (8) When the Department of Public Safety receives the arrest or conviction record of a
171 person for a driving offense committed while the person's license is suspended pursuant to this
172 section, the Department of Public Safety shall extend the suspension for an additional like
173 period of time.

174 Section 3. Section 41-6a-505 is amended to read:

175 **41-6a-505. Sentencing requirements for driving under the influence of alcohol,**
176 **drugs, or a combination of both violations.**

177 (1) As part of any sentence for a first conviction of Section 41-6a-502:

178 (a) the court shall:

179 (i) (A) impose a jail sentence of not less than 48 consecutive hours; or

180 (B) require the individual to work in a compensatory-service work program for not less
181 than 48 hours;

182 (ii) order the individual to participate in a screening;

- 183 (iii) order the individual to participate in an assessment, if it is found appropriate by a
184 screening under Subsection (1)(a)(ii);
- 185 (iv) order the individual to participate in an educational series if the court does not
186 order substance abuse treatment as described under Subsection (1)(b);
- 187 (v) impose a fine of not less than \$700;
- 188 (vi) order probation for the individual in accordance with Section 41-6a-507, if there is
189 admissible evidence that the individual had a blood alcohol level of .16 or higher;
- 190 (vii) (A) order the individual to pay the administrative impound fee described in
191 Section 41-6a-1406; or
- 192 (B) if the administrative impound fee was paid by a party described in Subsection
193 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to
194 reimburse the party; or
- 195 (viii) (A) order the individual to pay the towing and storage fees described in Section
196 72-9-603; or
- 197 (B) if the towing and storage fees were paid by a party described in Subsection
198 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to
199 reimburse the party; and
- 200 (b) the court may:
- 201 (i) subject to Subsection 78A-7-106(7), order the individual to obtain substance abuse
202 treatment if the substance abuse treatment program determines that substance abuse treatment
203 is appropriate;
- 204 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 205 (iii) order the individual to participate in a 24-7 sobriety program as defined in Section
206 41-6a-515.5 if the individual is 21 years of age or older; or
- 207 (iv) order a combination of Subsections (1)(b)(i) through (iii).
- 208 (2) If an individual has a prior conviction as defined in Subsection 41-6a-501(2) that is
209 within 10 years of the current conviction under Section 41-6a-502 or the commission of the
210 offense upon which the current conviction is based:
- 211 (a) the court shall:
- 212 (i) (A) impose a jail sentence of not less than 240 hours; or
- 213 (B) impose a jail sentence of not less than 120 hours in addition to home confinement

214 of not fewer than 720 consecutive hours through the use of electronic monitoring that includes
215 a substance abuse testing instrument in accordance with Section [41-6a-506](#);

216 (ii) order the individual to participate in a screening;

217 (iii) order the individual to participate in an assessment, if it is found appropriate by a
218 screening under Subsection (2)(a)(ii);

219 (iv) order the individual to participate in an educational series if the court does not
220 order substance abuse treatment as described under Subsection (2)(b);

221 (v) impose a fine of not less than \$800;

222 (vi) order probation for the individual in accordance with Section [41-6a-507](#);

223 (vii) (A) order the individual to pay the administrative impound fee described in
224 Section [41-6a-1406](#); or

225 (B) if the administrative impound fee was paid by a party described in Subsection
226 [41-6a-1406\(5\)\(a\)](#), other than the individual sentenced, order the individual sentenced to
227 reimburse the party; or

228 (viii) (A) order the individual to pay the towing and storage fees described in Section
229 [72-9-603](#); or

230 (B) if the towing and storage fees were paid by a party described in Subsection
231 [41-6a-1406\(5\)\(a\)](#), other than the individual sentenced, order the individual sentenced to
232 reimburse the party; and

233 (b) the court may:

234 (i) subject to Subsection [78A-7-106\(7\)](#), order the individual to obtain substance abuse
235 treatment if the substance abuse treatment program determines that substance abuse treatment
236 is appropriate;

237 (ii) order the individual to participate in a 24-7 sobriety program as defined in Section
238 [41-6a-515.5](#) if the individual is 21 years of age or older; or

239 (iii) order a combination of Subsections (2)(b)(i) and (ii).

240 (3) Under Subsection [41-6a-503\(2\)](#), if the court suspends the execution of a prison
241 sentence and places the defendant on probation, the court shall impose:

242 (a) a fine of not less than \$1,500;

243 (b) a jail sentence of not less than 1,500 hours; and

244 (c) supervised probation.

- 245 (4) For Subsection (3) or Subsection 41-6a-503(2)(b), the court:
246 (a) shall impose an order requiring the individual to obtain a screening and assessment
247 for alcohol and substance abuse, and treatment as appropriate; and
248 (b) may impose an order requiring the individual to participate in a 24-7 sobriety
249 program as defined in Section 41-6a-515.5 if the individual is 21 years of age or older.
- 250 (5) The requirements of Subsections (1)(a), (2)(a), (3), and (4) may not be suspended.
- 251 (6) If an individual is convicted of a violation of Section 41-6a-502 and there is
252 admissible evidence that the individual had a blood alcohol level of .16 or higher, the court
253 shall order the following, or describe on record why the order or orders are not appropriate:
254 (a) treatment as described under Subsection (1)(b), (2)(b), or (4); and
255 (b) one or more of the following:
256 (i) the installation of an ignition interlock system as a condition of probation for the
257 individual in accordance with Section 41-6a-518;
258 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
259 device as a condition of probation for the individual; or
260 (iii) the imposition of home confinement through the use of electronic monitoring in
261 accordance with Section 41-6a-506.
- 262 Section 4. Section 41-6a-509 is amended to read:
263 **41-6a-509. Driver license suspension or revocation for a driving under the**
264 **influence violation.**
- 265 (1) The Driver License Division shall, if the person is 21 years of age or older at the
266 time of arrest:
267 (a) suspend for a period of 120 days the operator's license of a person convicted for the
268 first time under Section 41-6a-502 of an offense committed on or after July 1, 2009; or
269 (b) revoke for a period of two years the license of a person if:
270 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
271 (ii) the current driving under the influence violation under Section 41-6a-502 is
272 committed:
273 (A) within a period of 10 years from the date of the prior violation; and
274 (B) on or after July 1, 2009.
- 275 (2) The Driver License Division shall, if the person is 19 years of age or older but

276 under 21 years of age at the time of arrest:

277 (a) suspend the person's driver license until the person is 21 years of age or for a period
278 of one year, whichever is longer, if the person is convicted for the first time of a driving under
279 the influence violation under Section 41-6a-502 of an offense that was committed on or after
280 July 1, 2011;

281 (b) deny the person's application for a license or learner's permit until the person is 21
282 years of age or for a period of one year, whichever is longer, if the person:

283 (i) is convicted for the first time of a driving under the influence violation under
284 Section 41-6a-502 of an offense committed on or after July 1, 2011; and

285 (ii) has not been issued an operator license;

286 (c) revoke the person's driver license until the person is 21 years of age or for a period
287 of two years, whichever is longer, if:

288 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

289 (ii) the current driving under the influence violation under Section 41-6a-502 is
290 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior
291 violation; or

292 (d) deny the person's application for a license or learner's permit until the person is 21
293 years of age or for a period of two years, whichever is longer, if:

294 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);

295 (ii) the current driving under the influence violation under Section 41-6a-502 is
296 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior
297 violation; and

298 (iii) the person has not been issued an operator license.

299 (3) The Driver License Division shall, if the person is under 19 years of age at the time
300 of arrest:

301 (a) suspend the person's driver license until the person is 21 years of age if the person
302 is convicted for the first time of a driving under the influence violation under Section
303 41-6a-502 of an offense that was committed on or after July 1, 2009;

304 (b) deny the person's application for a license or learner's permit until the person is 21
305 years of age if the person:

306 (i) is convicted for the first time of a driving under the influence violation under

307 Section 41-6a-502 of an offense committed on or after July 1, 2009; and
308 (ii) has not been issued an operator license;
309 (c) revoke the person's driver license until the person is 21 years of age if:
310 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
311 (ii) the current driving under the influence violation under Section 41-6a-502 is
312 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior
313 violation; or
314 (d) deny the person's application for a license or learner's permit until the person is 21
315 years of age if:
316 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
317 (ii) the current driving under the influence violation under Section 41-6a-502 is
318 committed on or after July 1, 2009, and within a period of 10 years from the date of the prior
319 violation; and
320 (iii) the person has not been issued an operator license.
321 (4) The Driver License Division shall suspend or revoke the license of a person as
322 ordered by the court under Subsection (10).
323 (5) The Driver License Division shall:
324 (a) deny, suspend, or revoke the operator's license of a person convicted under Section
325 41-6a-502 of an offense that was committed prior to July 1, 2009, for the denial, suspension, or
326 revocation periods in effect prior to July 1, 2009; or
327 (b) deny, suspend, or revoke the operator's license of a person for the denial,
328 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:
329 (i) the person was 20 years of age or older but under 21 years of age at the time of
330 arrest; and
331 (ii) the conviction under Section 41-6a-502 is for an offense that was committed on or
332 after July 1, 2009, and prior to July 1, 2011.
333 (6) The Driver License Division shall subtract from any suspension or revocation
334 period the number of days for which a license was previously suspended under Section
335 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
336 which the record of conviction is based.
337 (7) If a conviction recorded as impaired driving is amended to a driving under the

338 influence conviction under Section [41-6a-502](#) in accordance with Subsection
339 [41-6a-502.5\(3\)\(a\)\(ii\)](#), the Driver License Division:

340 (a) may not subtract from any suspension or revocation any time for which a license
341 was previously suspended or revoked under Section [53-3-223](#) or [53-3-231](#); and

342 (b) shall start the suspension or revocation time under Subsection (1) on the date of the
343 amended conviction.

344 (8) A court that reported a conviction of a violation of Section [41-6a-502](#) for a
345 violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the
346 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to
347 completion of the suspension period if the person:

348 (a) completes at least six months of the license suspension;

349 (b) completes a screening;

350 (c) completes an assessment, if it is found appropriate by a screening under Subsection
351 (8)(b);

352 (d) subject to Subsection [78A-7-106\(7\)](#), completes substance abuse treatment if it is
353 found appropriate by the assessment under Subsection (8)(c);

354 (e) completes an educational series if substance abuse treatment is not required by an
355 assessment under Subsection (8)(c) or the court does not order substance abuse treatment;

356 (f) has not been convicted of a violation of any motor vehicle law in which the person
357 was involved as the operator of the vehicle during the suspension period imposed under
358 Subsection (2)(a) or (b) or Subsection (3)(a) or (b);

359 (g) has complied with all the terms of the person's probation or all orders of the court if
360 not ordered to probation; and

361 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
362 person has not unlawfully consumed alcohol during the suspension period imposed under
363 Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or

364 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
365 affidavit or sworn statement to the court certifying that to the parent or legal guardian's
366 knowledge the person has not unlawfully consumed alcohol during the suspension period
367 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b).

368 (9) If the court shortens a person's license suspension period in accordance with the

369 requirements of Subsection (8), the court shall forward the order shortening the person's
370 suspension period prior to the completion of the suspension period imposed under Subsection
371 (2)(a) or (b) or Subsection (3)(a) or (b) to the Driver License Division.

372 (10) (a) (i) In addition to any other penalties provided in this section, a court may order
373 the operator's license of a person who is convicted of a violation of Section 41-6a-502 to be
374 suspended or revoked for an additional period of 90 days, 120 days, 180 days, one year, or two
375 years to remove from the highways those persons who have shown they are safety hazards.

376 (ii) The additional suspension or revocation period provided in this Subsection (10)
377 shall begin the date on which the individual would be eligible to reinstate the individual's
378 driving privilege for a violation of Section 41-6a-502.

379 (b) If the court suspends or revokes the person's license under this Subsection (10), the
380 court shall prepare and send to the Driver License Division an order to suspend or revoke that
381 person's driving privileges for a specified period of time.

382 (11) (a) The court shall notify the Driver License Division if a person fails to:

383 (i) complete all court ordered:

384 (A) screening;

385 (B) assessment;

386 (C) educational series;

387 (D) substance abuse treatment; and

388 (E) hours of work in a compensatory-service work program; or

389 (ii) pay all fines and fees, including fees for restitution and treatment costs.

390 (b) Upon receiving the notification described in Subsection (11)(a), the division shall
391 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

392 (12) (a) A court that reported a conviction of a violation of Section 41-6a-502 to the
393 Driver License Division may shorten the suspension period imposed under Subsection (1)
394 before completion of the suspension period if the person is participating in or has successfully
395 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

396 (b) If the court shortens a person's license suspension period in accordance with the
397 requirements of this Subsection (12), the court shall forward to the Driver License Division the
398 order shortening the person's suspension period.

399 (c) The court shall notify the Driver License Division if a person fails to complete all

400 requirements of a 24-7 sobriety program.

401 (d) Upon receiving the notification described in Subsection (12)(c), the division shall
402 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

403 Section 5. Section 41-6a-517 is amended to read:

404 **41-6a-517. Definitions -- Driving with any measurable controlled substance in the**
405 **body -- Penalties -- Arrest without warrant.**

406 (1) As used in this section:

407 (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

408 (b) "Practitioner" means the same as that term is defined in Section 58-37-2.

409 (c) "Prescribe" means the same as that term is defined in Section 58-37-2.

410 (d) "Prescription" means the same as that term is defined in Section 58-37-2.

411 (2) In cases not amounting to a violation of Section 41-6a-502, a person may not
412 operate or be in actual physical control of a motor vehicle within this state if the person has any
413 measurable controlled substance or metabolite of a controlled substance in the person's body.

414 (3) It is an affirmative defense to prosecution under this section that the controlled
415 substance was:

416 (a) involuntarily ingested by the accused;

417 (b) prescribed by a practitioner for use by the accused;

418 (c) cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage
419 form that the accused ingested in accordance with Title 26, Chapter 61a, Utah Medical
420 Cannabis Act; or

421 (d) otherwise legally ingested.

422 (4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B
423 misdemeanor.

424 (b) A person who violates this section is subject to conviction and sentencing under
425 both this section and any applicable offense under Section 58-37-8.

426 (5) A peace officer may, without a warrant, arrest a person for a violation of this
427 section when the officer has probable cause to believe the violation has occurred, although not
428 in the officer's presence, and if the officer has probable cause to believe that the violation was
429 committed by the person.

430 (6) The Driver License Division shall, if the person is 21 years of age or older on the

431 date of arrest:

432 (a) suspend, for a period of 120 days, the driver license of a person convicted under
433 Subsection (2) of an offense committed on or after July 1, 2009; or

434 (b) revoke, for a period of two years, the driver license of a person if:

435 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

436 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
437 and within a period of 10 years after the date of the prior violation.

438 (7) The Driver License Division shall, if the person is 19 years of age or older but
439 under 21 years of age on the date of arrest:

440 (a) suspend, until the person is 21 years of age or for a period of one year, whichever is
441 longer, the driver license of a person convicted under Subsection (2) of an offense committed
442 on or after July 1, 2011; or

443 (b) revoke, until the person is 21 years of age or for a period of two years, whichever is
444 longer, the driver license of a person if:

445 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

446 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
447 and within a period of 10 years after the date of the prior violation.

448 (8) The Driver License Division shall, if the person is under 19 years of age on the date
449 of arrest:

450 (a) suspend, until the person is 21 years of age, the driver license of a person convicted
451 under Subsection (2) of an offense committed on or after July 1, 2009; or

452 (b) revoke, until the person is 21 years of age, the driver license of a person if:

453 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

454 (ii) the current violation under Subsection (2) is committed on or after July 1, 2009,
455 and within a period of 10 years after the date of the prior violation.

456 (9) The Driver License Division shall subtract from any suspension or revocation
457 period the number of days for which a license was previously suspended under Section
458 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon
459 which the record of conviction is based.

460 (10) The Driver License Division shall:

461 (a) deny, suspend, or revoke a person's license for the denial and suspension periods in

462 effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was
463 committed prior to July 1, 2009; or

464 (b) deny, suspend, or revoke the operator's license of a person for the denial,
465 suspension, or revocation periods in effect from July 1, 2009, through June 30, 2011, if:

466 (i) the person was 20 years of age or older but under 21 years of age at the time of
467 arrest; and

468 (ii) the conviction under Subsection (2) is for an offense that was committed on or after
469 July 1, 2009, and prior to July 1, 2011.

470 (11) A court that reported a conviction of a violation of this section for a violation that
471 occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension
472 period imposed under Subsection (7)(a) or (8)(a) prior to completion of the suspension period
473 if the person:

474 (a) completes at least six months of the license suspension;

475 (b) completes a screening;

476 (c) completes an assessment, if it is found appropriate by a screening under Subsection
477 (11)(b);

478 (d) subject to Subsection 78A-7-106(7), completes substance abuse treatment if it is
479 found appropriate by the assessment under Subsection (11)(c);

480 (e) completes an educational series if substance abuse treatment is not required by the
481 assessment under Subsection (11)(c) or the court does not order substance abuse treatment;

482 (f) has not been convicted of a violation of any motor vehicle law in which the person
483 was involved as the operator of the vehicle during the suspension period imposed under
484 Subsection (7)(a) or (8)(a);

485 (g) has complied with all the terms of the person's probation or all orders of the court if
486 not ordered to probation; and

487 (h) (i) is 18 years of age or older and provides a sworn statement to the court that the
488 person has not consumed a controlled substance not prescribed by a practitioner for use by the
489 person or unlawfully consumed alcohol during the suspension period imposed under
490 Subsection (7)(a) or (8)(a); or

491 (ii) is under 18 years of age and has the person's parent or legal guardian provide an
492 affidavit or other sworn statement to the court certifying that to the parent or legal guardian's

493 knowledge the person has not consumed a controlled substance not prescribed by a practitioner
494 for use by the person or unlawfully consumed alcohol during the suspension period imposed
495 under Subsection (7)(a) or (8)(a).

496 (12) If the court shortens a person's license suspension period in accordance with the
497 requirements of Subsection (11), the court shall forward the order shortening the person's
498 license suspension period prior to the completion of the suspension period imposed under
499 Subsection (7)(a) or (8)(a) to the Driver License Division.

500 (13) (a) The court shall notify the Driver License Division if a person fails to:

501 (i) complete all court ordered screening and assessment, educational series, and
502 substance abuse treatment; or

503 (ii) pay all fines and fees, including fees for restitution and treatment costs.

504 (b) Upon receiving the notification, the division shall suspend the person's driving
505 privilege in accordance with Subsections 53-3-221(2) and (3).

506 (14) The court:

507 (a) shall order supervised probation in accordance with Section 41-6a-507 for a person
508 convicted under Subsection (2); and

509 (b) may order a person convicted under Subsection (2) to participate in a 24-7 sobriety
510 program as defined in Section 41-6a-515.5 if the person is 21 years of age or older.

511 (15) (a) A court that reported a conviction of a violation of this section to the Driver
512 License Division may shorten the suspension period imposed under Subsection (6) before
513 completion of the suspension period if the person is participating in or has successfully
514 completed a 24-7 sobriety program as defined in Section 41-6a-515.5.

515 (b) If the court shortens a person's license suspension period in accordance with the
516 requirements of this Subsection (15), the court shall forward to the Driver License Division the
517 order shortening the person's suspension period.

518 (c) The court shall notify the Driver License Division if a person fails to complete all
519 requirements of a 24-7 sobriety program.

520 (d) Upon receiving the notification described in Subsection (15)(c), the division shall
521 suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

522 Section 6. Section 53-3-231 is amended to read:

523 **53-3-231. Person under 21 may not operate a vehicle or motorboat with**

524 **detectable alcohol in body -- Chemical test procedures -- Temporary license -- Hearing**
525 **and decision -- Suspension of license or operating privilege -- Fees -- Judicial review --**
526 **Referral to local substance abuse authority or program.**

527 (1) (a) As used in this section:

528 (i) "Local substance abuse authority" has the same meaning as provided in Section
529 [62A-15-102](#).

530 (ii) "Substance abuse program" means any substance abuse program licensed by the
531 Department of Human Services or the Department of Health and approved by the local
532 substance abuse authority.

533 (b) Calculations of blood, breath, or urine alcohol concentration under this section shall
534 be made in accordance with the procedures in Subsection [41-6a-502](#)(1).

535 (2) (a) A person younger than 21 years of age may not operate or be in actual physical
536 control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol
537 concentration in the person's body as shown by a chemical test.

538 (b) A person who violates Subsection (2)(a), in addition to any other applicable
539 penalties arising out of the incident, shall have the person's operator license denied or
540 suspended as provided in Subsection (7).

541 (3) (a) When a peace officer has reasonable grounds to believe that a person may be
542 violating or has violated Subsection (2), the peace officer may, in connection with arresting the
543 person for a violation of Section [32B-4-409](#), request that the person submit to a chemical test
544 or tests to be administered in compliance with the standards under Section [41-6a-520](#).

545 (b) The peace officer shall advise a person prior to the person's submission to a
546 chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or
547 suspension of the person's license to operate a motor vehicle or a refusal to issue a license.

548 (c) If the person submits to a chemical test and the test results indicate a blood, breath,
549 or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a
550 determination, based on reasonable grounds, that the person is otherwise in violation of
551 Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the
552 arrest, give notice of the division's intention to deny or suspend the person's license to operate a
553 vehicle or refusal to issue a license under this section.

554 (4) When a peace officer gives notice on behalf of the division, the peace officer shall

555 supply to the operator, in a manner specified by the division, basic information regarding how
556 to obtain a prompt hearing before the division.

557 (5) As a matter of procedure, a peace officer shall send to the division within 10
558 calendar days after the day on which notice is provided:

559 (a) a copy of the citation issued for the offense;

560 (b) a signed report in a manner specified by the Driver License Division indicating the
561 chemical test results, if any; and

562 (c) any other basis for a peace officer's determination that the person has violated
563 Subsection (2).

564 (6) (a) (i) Upon request in a manner specified by the division, the Driver License
565 Division shall grant to the person an opportunity to be heard within 29 days after the date of
566 arrest under Section [32B-4-409](#).

567 (ii) The request shall be made within 10 calendar days of the day on which notice is
568 provided.

569 (b) (i) Except as provided in Subsection (6)(b)(ii), a hearing, if held, shall be before the
570 division in:

571 (A) the county in which the arrest occurred; or

572 (B) a county that is adjacent to the county in which the arrest occurred.

573 (ii) The division may hold a hearing in some other county if the division and the person
574 both agree.

575 (c) The hearing shall be documented and shall cover the issues of:

576 (i) whether a peace officer had reasonable grounds to believe the person was operating
577 a motor vehicle or motorboat in violation of Subsection (2)(a);

578 (ii) whether the person refused to submit to the test; and

579 (iii) the test results, if any.

580 (d) In connection with a hearing, the division or its authorized agent may administer
581 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant
582 books and papers and records as defined in Section [46-4-102](#).

583 (e) One or more members of the division may conduct the hearing.

584 (f) Any decision made after a hearing before any number of the members of the
585 division is as valid as if made after a hearing before the full membership of the division.

586 (7) If, after a hearing, the division determines that a peace officer had reasonable
587 grounds to believe that the person was driving a motor vehicle in violation of Subsection (2)(a),
588 if the person fails to appear before the division as required in the notice, or if the person does
589 not request a hearing under this section, the division shall for a person under 21 years of age on
590 the date of arrest:

591 (a) deny the person's license until the person complies with Subsection (11)(b)(i) but
592 for a period of not less than six months beginning on the 45th day after the date of arrest for a
593 first offense under Subsection (2)(a) committed on or after May 14, 2013;

594 (b) suspend the person's license until the person complies with Subsection (11)(b)(i)
595 and until the person is 21 years of age or for a period of two years, whichever is longer,
596 beginning on the 45th day after the date of arrest for a second or subsequent offense under
597 Subsection (2)(a) committed on or after July 1, 2009, and within 10 years of a prior denial or
598 suspension;

599 (c) deny the person's application for a license or learner's permit until the person
600 complies with Subsection (11)(b)(i) but for a period of not less than six months if:

601 (i) the person has not been issued an operator license; and

602 (ii) the suspension is for a first offense under Subsection (2)(a) committed on or after
603 July 1, 2009;

604 (d) deny the person's application for a license or learner's permit until the person
605 complies with Subsection (11)(b)(i) and until the person is 21 years of age or for a period of
606 two years, whichever is longer, if:

607 (i) the person has not been issued an operator license; and

608 (ii) the suspension is for a second or subsequent offense under Subsection (2)(a)
609 committed on or after July 1, 2009, and within 10 years of a prior denial or suspension; or

610 (e) deny or suspend a person's license for the denial and suspension periods in effect:

611 (i) prior to July 1, 2009, for a violation under Subsection (2)(a) that was committed
612 prior to July 1, 2009;

613 (ii) from July 1, 2009, through June 30, 2011, if the person was 20 years 6 months of
614 age or older but under 21 years of age at the time of arrest and the conviction under Subsection
615 (2) is for an offense that was committed on or after July 1, 2009, and prior to July 1, 2011; or

616 (iii) prior to May 14, 2013, for a violation under Subsection (2)(a) that was committed

617 prior to May 14, 2013.

618 (8) (a) Notwithstanding the provisions in Subsection (7)(e)(iii), the division shall
619 shorten a person's one-year license suspension or denial period that is currently in effect to a
620 six-month suspension or denial period if:

621 (i) the driver was under the age of 19 at the time of arrest;

622 (ii) the offense was a first offense that was committed prior to May 14, 2013; and

623 (iii) the suspension or denial under Subsection (7)(e)(iii) was based on the same
624 occurrence upon which the following written verifications are based:

625 (A) a court order shortening the driver license suspension for a violation of Section
626 41-6a-502 pursuant to Subsection 41-6a-509(8);

627 (B) a court order shortening the driver license suspension for a violation of Section
628 41-6a-517 pursuant to Subsection 41-6a-517(11);

629 (C) a court order shortening the driver license suspension for a violation of Section
630 32B-4-409;

631 (D) a dismissal for a violation of Section 41-6a-502, Section 41-6a-517, or Section
632 32B-4-409;

633 (E) a notice of declination to prosecute for a charge under Section 41-6a-502, Section
634 41-6a-517, or Section 32B-4-409;

635 (F) a reduction of a charge under Section 41-6a-502, Section 41-6a-517, or Section
636 32B-4-409; or

637 (G) other written documentation acceptable to the division.

638 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
639 division may make rules establishing requirements for acceptable documentation to shorten a
640 person's driver license suspension or denial period under this Subsection (8).

641 (c) If a person's license sanction is shortened under this Subsection (8), the person is
642 required to pay the license reinstatement fees under Subsections 53-3-105(24) and (25).

643 (9) (a) (i) Following denial or suspension the division shall assess against a person, in
644 addition to any fee imposed under Subsection 53-3-205(12), a fee under Section 53-3-105,
645 which shall be paid before the person's driving privilege is reinstated, to cover administrative
646 costs.

647 (ii) This fee shall be canceled if the person obtains an unappealed division hearing or

648 court decision that the suspension was not proper.

649 (b) A person whose operator license has been denied, suspended, or postponed by the
650 division under this section following an administrative hearing may file a petition within 30
651 days after the suspension for a hearing on the matter which, if held, is governed by Section
652 [53-3-224](#).

653 (10) After reinstatement of an operator license for a first offense under this section, a
654 report authorized under Section [53-3-104](#) may not contain evidence of the denial or suspension
655 of the person's operator license under this section if the person has not been convicted of any
656 other offense for which the denial or suspension may be extended.

657 (11) (a) In addition to the penalties in Subsection (9), a person who violates Subsection
658 (2)(a) shall:

659 (i) obtain an assessment and recommendation for appropriate action from a substance
660 abuse program, but any associated costs shall be the person's responsibility; or

661 (ii) be referred by the division to the local substance abuse authority for an assessment
662 and recommendation for appropriate action.

663 (b) (i) Reinstatement of the person's operator license or the right to obtain an operator
664 license within five years of the effective date of the license sanction under Subsection (7) is
665 contingent upon successful completion of the action recommended by the local substance
666 abuse authority or the substance abuse program.

667 (ii) The local substance abuse authority's or the substance abuse program's
668 recommended action shall be determined by an assessment of the person's alcohol abuse and
669 may include:

670 (A) a targeted education and prevention program;

671 (B) an early intervention program; or

672 (C) a substance abuse treatment program.

673 (iii) Successful completion of the recommended action shall be determined by
674 standards established by the Division of Substance Abuse and Mental Health.

675 (c) At the conclusion of the penalty period imposed under Subsection (2), the local
676 substance abuse authority or the substance abuse program shall notify the division of the
677 person's status regarding completion of the recommended action.

678 (d) The local substance abuse authorities and the substance abuse programs shall

679 cooperate with the division in:

680 (i) conducting the assessments;

681 (ii) making appropriate recommendations for action; and

682 (iii) notifying the division about the person's status regarding completion of the

683 recommended action.

684 (e) (i) The local substance abuse authority is responsible for the cost of the assessment
685 of the person's alcohol abuse, if the assessment is conducted by the local substance abuse
686 authority.

687 (ii) The local substance abuse authority or a substance abuse program selected by a
688 person is responsible for:

689 (A) conducting an assessment of the person's alcohol abuse; and

690 (B) subject to Subsection 78A-7-106(7), for making a referral to an appropriate
691 program on the basis of the findings of the assessment.

692 (iii) (A) The person who violated Subsection (2)(a) is responsible for all costs and fees
693 associated with the recommended program to which the person selected or is referred.

694 (B) The costs and fees under Subsection (11)(e)(iii)(A) shall be based on a sliding scale
695 consistent with the local substance abuse authority's policies and practices regarding fees for
696 services or determined by the substance abuse program.

697 Section 7. Section **78A-6-103** is amended to read:

698 **78A-6-103. Jurisdiction of juvenile court -- Original -- Exclusive.**

699 (1) Except as otherwise provided by law, the juvenile court has exclusive original
700 jurisdiction in proceedings concerning:

701 (a) a child who has violated any federal, state, or local law or municipal ordinance or a
702 person younger than 21 years of age who has violated any law or ordinance before becoming
703 18 years of age, regardless of where the violation occurred, excluding offenses:

704 (i) in Section 53G-8-211 until such time that the child is referred to the courts under
705 Section 53G-8-211; and

706 (ii) in Subsection 78A-7-106[(2)](3);

707 (b) a child who is an abused child, neglected child, or dependent child, as those terms
708 are defined in Section 78A-6-105;

709 (c) a protective order for a child pursuant to Title 78B, Chapter 7, Part 2, Child

710 Protective Orders, which the juvenile court may transfer to the district court if the juvenile
711 court has entered an ex parte protective order and finds that:

- 712 (i) the petitioner and the respondent are the natural parent, adoptive parent, or step
713 parent of the child who is the object of the petition;
- 714 (ii) the district court has a petition pending or an order related to custody or parent-time
715 entered under Title 30, Chapter 3, Divorce, Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act,
716 or Title 78B, Chapter 15, Utah Uniform Parentage Act, in which the petitioner and the
717 respondent are parties; and
- 718 (iii) the best interests of the child will be better served in the district court;
- 719 (d) appointment of a guardian of the person or other guardian of a minor who comes
720 within the court's jurisdiction under other provisions of this section;
- 721 (e) the emancipation of a minor in accordance with Part 8, Emancipation;
- 722 (f) the termination of the legal parent-child relationship in accordance with Part 5,
723 Termination of Parental Rights Act, including termination of residual parental rights and
724 duties;
- 725 (g) the treatment or commitment of a minor who has an intellectual disability;
- 726 (h) the judicial consent to the marriage of a minor 16 or 17 years old upon a
727 determination of voluntariness or where otherwise required by law;
- 728 (i) any parent or parents of a child committed to a secure youth facility, to order, at the
729 discretion of the court and on the recommendation of a secure facility, the parent or parents of a
730 child committed to a secure facility for a custodial term, to undergo group rehabilitation
731 therapy under the direction of a secure facility therapist, who has supervision of that parent's or
732 parents' child, or any other therapist the court may direct, for a period directed by the court as
733 recommended by a secure facility;
- 734 (j) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;
- 735 (k) subject to Subsection (8), the treatment or commitment of a child with a mental
736 illness;
- 737 (l) the commitment of a child to a secure drug or alcohol facility in accordance with
738 Section [62A-15-301](#);
- 739 (m) a minor found not competent to proceed pursuant to Section [78A-6-1301](#);
- 740 (n) de novo review of final agency actions resulting from an informal adjudicative

741 proceeding as provided in Section 63G-4-402; and

742 (o) adoptions conducted in accordance with the procedures described in Title 78B,
743 Chapter 6, Part 1, Utah Adoption Act, when the juvenile court has previously entered an order
744 terminating the rights of a parent and finds that adoption is in the best interest of the child.

745 (2) (a) Notwithstanding Section 78A-7-106 and Subsection 78A-5-102(9), the juvenile
746 court has exclusive jurisdiction over the following offenses committed by a child:

747 (i) Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

748 (ii) Section 73-18-12, reckless operation; and

749 (iii) class B and C misdemeanors, infractions, or violations of ordinances that are part
750 of a single criminal episode filed in a petition that contains an offense over which the court has
751 jurisdiction.

752 (b) A juvenile court may only order substance use disorder treatment or an educational
753 series if the minor has an assessed need for the intervention on the basis of the results of a
754 validated assessment.

755 (3) The juvenile court has jurisdiction over an ungovernable or runaway child who is
756 referred to it by the Division of Child and Family Services or by public or private agencies that
757 contract with the division to provide services to that child when, despite earnest and persistent
758 efforts by the division or agency, the child has demonstrated that the child:

759 (a) is beyond the control of the child's parent, guardian, or lawful custodian to the
760 extent that the child's behavior or condition endangers the child's own welfare or the welfare of
761 others; or

762 (b) has run away from home.

763 (4) This section does not restrict the right of access to the juvenile court by private
764 agencies or other persons.

765 (5) The juvenile court has jurisdiction of all magistrate functions relative to cases
766 arising under Section 78A-6-702.

767 (6) The juvenile court has jurisdiction to make a finding of substantiated,
768 unsubstantiated, or without merit, in accordance with Section 78A-6-323.

769 (7) The juvenile court has jurisdiction of matters transferred to it by another trial court
770 pursuant to Subsection 78A-7-106(5) and subject to Section 53G-8-211.

771 (8) The court may commit a child to the physical custody of a local mental health

772 authority in accordance with Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age
773 18 to Division of Substance Abuse and Mental Health, but not directly to the Utah State
774 Hospital.

775 Section 8. Section **78A-7-106** is amended to read:

776 **78A-7-106. Jurisdiction.**

777 (1) As used in this section:

778 (a) "Body of water" includes any stream, river, lake, or reservoir, whether natural or
779 man-made.

780 (b) "The court's jurisdiction" means the territorial jurisdiction of a justice court.

781 (c) (i) "Private entity" means a for-profit entity, or a non-profit entity that qualifies as
782 being tax exempt under Section 501(c)(3) of the Internal Revenue Code, that is licensed by the
783 state as a substance abuse program to provide substance use disorder treatment.

784 (ii) "Private entity" does not include:

785 (A) a political subdivision, as defined in Section [11-50-102](#);

786 (B) a local mental health authority; or

787 (C) an entity that is contracted by a political subdivision or local mental health
788 authority to provide substance use disorder treatment.

789 (d) "Substance use disorder treatment" includes substance abuse treatment.

790 [(+)] (2) Justice courts have jurisdiction over class B and C misdemeanors, violation of
791 ordinances, and infractions committed within their territorial jurisdiction by [~~a person~~] an
792 individual 18 years of age or older.

793 [(-)] (3) Except those offenses over which the juvenile court has exclusive jurisdiction,
794 justice courts have jurisdiction over the following offenses committed within their territorial
795 jurisdiction by [~~a person~~] an individual who is 16 or 17 years of age:

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

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

799 (i) Title 23, Wildlife Resources Code of Utah;

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

801 (iii) Title 41, Chapter 6a, Traffic Code;

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

803 Operators Act;

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

805 (vi) Title 73, Chapter 18, State Boating Act;

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

807 (viii) Title 73, Chapter 18b, Water Safety; and

808 (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and

809 Operators Act.

810 ~~[(3) As used in this section, "the court's jurisdiction" means the territorial jurisdiction~~
811 ~~of a justice court.]~~

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

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

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

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

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

822 (e) ~~[a person]~~ an individual solicits, aids, or abets, or attempts to solicit, aid, or abet
823 another ~~[person]~~ individual in the planning or commission of an offense within the court's
824 jurisdiction;

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

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

829 (ii) ~~[(A)]~~ the offense is committed on or in any body of water bordering on or within
830 this state if the territorial limits of the justice court are adjacent to the body of water; ~~[and]~~

831 ~~[(B) as used in Subsection(4)(f)(ii)(A), "body of water" includes any stream, river,~~
832 ~~lake, or reservoir, whether natural or man-made;]~~

833 (iii) ~~[a person]~~ an individual who commits theft exercises control over the affected

834 property within the court's jurisdiction; or

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

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

838 (h) jurisdiction is otherwise specifically provided by law.

839 (5) A justice court judge may transfer a criminal matter in which the defendant is a
840 child to the juvenile court for further proceedings if the justice court judge determines and the
841 juvenile court concurs that the best interests of the minor would be served by the continuing
842 jurisdiction of the juvenile court, subject to Section [78A-6-602](#).

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

846 (7) In a county of the first or second class, as classified in Section [17-50-501](#), if a
847 justice court orders an individual to complete substance use disorder treatment, a private entity
848 may not provide the substance use disorder treatment to the individual if:

849 (a) the private entity conducts the initial assessment of the individual to determine if
850 the individual needs substance use disorder treatment; and

851 (b) the justice court orders the individual to complete the substance use disorder
852 treatment based on:

853 (i) the individual's first or second violation of Section [32B-4-409](#), [32B-4-410](#),
854 [41-6a-502](#), or [41-6a-517](#); and

855 (ii) the initial assessment described in Subsection (7)(a).