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2 **Rule 23. Hearing to waive jurisdiction and certify under Section 78A-6-703; bind over**
3 **to district court.** ~~(a)(1) Upon the filing of a criminal indictment or information and motion to~~
4 ~~waive jurisdiction under Section 78A-6-703, the court shall order that a full investigation of the~~
5 ~~minor's social history and background be made by the court's probation department.~~

6 ~~(a)(2) The investigation may include, but shall not be limited to: the minor's delinquency~~
7 ~~history, the minor's response to rehabilitative and correctional efforts; the minor's educational~~
8 ~~history, social history and status; a psychological evaluation and assessment, and any other~~
9 ~~matter ordered by the court.~~

10 ~~(a)(3) A report of the investigation shall be prepared and made available to the parties or to~~
11 ~~counsel, if represented, and to the minor's parent, guardian or custodian, as early as feasible but~~
12 ~~in any case at least 48 hours prior to the hearing. Written reports and other materials relating to~~
13 ~~the minor's mental, physical, educational and social history and other relevant information are~~
14 ~~governed by the Rules of Evidence. The court may require, and shall require if requested by a~~
15 ~~party, that any person preparing the report or materials be present for direct and cross~~
16 ~~examination.~~

17 ~~(b)(1) After a finding of probable cause in accordance with Rule 22, the court shall hear~~
18 ~~evidence and determine whether it would be contrary to the best interests of the minor or of the~~
19 ~~public for the court to retain jurisdiction. The state has the burden to prove by a preponderance of~~
20 ~~the evidence the factors required in Section 78A-6-703 to be considered by the court.~~

21 ~~(b)(2) At the conclusion of the state's case, the minor may testify under oath, call witnesses,~~
22 ~~and present evidence on the factors required by Section 78A-6-703 to be considered by the court.~~
23 ~~The minor may cross-examine adverse witnesses.~~

24 ~~(c) The court shall make findings on each factor for which evidence is presented. If the~~
25 ~~motion to waive jurisdiction and certify is granted, the court shall indicate which factor or factors~~
26 ~~were relied upon as a basis for the decision. If the court finds by a preponderance of the evidence~~
27 ~~that it would be contrary to the best interests of the minor or of the public for the court to retain~~
28 ~~jurisdiction, the court shall enter an order directing the minor to answer the charges in district~~
29 ~~court.~~

30 ~~(d)(1) Upon entry of an order directing the minor to answer the charges in district court, the~~
31 ~~court shall comply with the requirements of Title 77, Chapter 20, Bail. By issuance of a warrant~~

32 of arrest or continuance of an existing warrant, the court may order the minor committed to jail
33 in accordance with Section 62A-7-201. The court shall enter the appropriate written order.

34 (d)(2) ~~Once the minor is bound over to district court, a determination regarding where the~~
35 ~~minor is held shall be made pursuant to Section 78A-6-703.~~

36 (d)(3) ~~The clerk of the juvenile court shall transmit to the clerk of the district court all~~
37 ~~pleadings in and records made of the proceedings in the juvenile court.~~

38 (d)(4) ~~The jurisdiction of the court shall terminate as provided by statute.~~

39 (e) ~~If the court finds probable cause to believe that a felony has been committed and that the~~
40 ~~minor committed it but does not find that it would be contrary to the best interests of the minor~~
41 ~~or of the public for the court to retain jurisdiction, the court shall proceed upon the information~~
42 ~~as if it were a petition. The court may order the minor held in a detention center or released in~~
43 ~~accordance with Rule 9.~~

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45 Repealed.