

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

State Custody Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Karianne Lisonbee
Senate Sponsor: Derrin R. Owens

Cosponsor:	Jon Hawkins	Michael J. Petersen
Tyler Clancy	Jason B. Kyle	Ryan D. Wilcox
Matthew H. Gwynn	Trevor Lee	

LONG TITLE

General Description:

This bill amends provisions related to individuals in state custody.

Highlighted Provisions:

This bill:

- defines terms;
 - enacts provisions related to treatments government entities may provide to individuals in state custody;
 - amends housing provisions related to youth juvenile detention and secure care facilities;
 - amends criminal laws related to improper relationships with individuals in state custody;
- and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 17-22-8**, as last amended by Laws of Utah 2023, Chapters 119, 420
- 76-5-413**, as last amended by Laws of Utah 2024, Chapter 240
- 80-5-102**, as last amended by Laws of Utah 2024, Chapter 240

24 **80-5-501**, as renumbered and amended by Laws of Utah 2021, Chapter 261

25 **80-5-503**, as renumbered and amended by Laws of Utah 2021, Chapter 261

26 ENACTS:

27 **17-22-8.2**, Utah Code Annotated 1953

28 **26B-4-901**, Utah Code Annotated 1953

29 **26B-4-903**, Utah Code Annotated 1953

30 **80-5-209**, Utah Code Annotated 1953

31 RENUMBERS AND AMENDS:

32 **26B-4-902**, (Renumbered from 26B-4-325, as last amended by Laws of Utah 2024,
33 Chapter 266)

34

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

36 Section 1. Section **17-22-8** is amended to read:

37 **17-22-8 . Care of prisoners -- Funding of services -- Private contractor.**

38 (1) As used in this section, "medication assisted treatment plan" means a prescription plan
39 to use buprenorphine, methadone, or naltrexone to treat substance use withdrawal
40 symptoms or an opioid use disorder.

41 (2) Except as provided in Subsection (7), a sheriff shall:

42 (a) receive each individual committed to jail by competent authority;

43 (b) provide each prisoner with necessary food, clothing, and bedding in the manner
44 prescribed by the county legislative body;

45 (c) subject to Section 17-22-8.2, provide each prisoner medical care when:

46 (i) the prisoner's symptoms evidence a serious disease or injury;

47 (ii) the prisoner's disease or injury is curable or may be substantially alleviated; and

48 (iii) the potential for harm to the person by reason of delay or the denial of medical
49 care would be substantial;

50 (d) provide each prisoner, as part of the intake process, with the option of continuing any
51 of the following medically prescribed methods of contraception:

52 (i) an oral contraceptive;

53 (ii) an injectable contraceptive;

54 (iii) a patch;

55 (iv) a vaginal ring; or

56 (v) an intrauterine device, if the prisoner was prescribed the intrauterine device

57 because the prisoner experiences serious and persistent adverse effects when using

- 58 the methods of contraception described in Subsections (2)(d)(i) and (ii); and
59 (e) cooperate with medical personnel to continue a medication assisted treatment plan
60 for an inmate if the inmate was an active client before arrest and commitment.
- 61 (3) A sheriff may provide the generic form of a contraceptive described in Subsection
62 (2)(d)(i) or (ii).
- 63 (4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in
64 postpartum recovery, including the reporting requirements in Subsection 64-13-45(2)(c).
- 65 (5)(a) Except as provided in Section 17-22-10 and Subsection (5)(b), the expense
66 incurred in providing the services required by this section to prisoners shall be paid
67 from the county treasury.
- 68 (b) The expense incurred in providing the services described in Subsection (2)(d) to
69 prisoners shall be paid by the Department of Health and Human Services.
- 70 (6) A medication used for a medication assisted treatment plan under Subsection (2)(e):
71 (a) shall be administered to an inmate in accordance with the inmate's prescription under
72 the direction of the sheriff;
73 (b) may be paid for by a county; and
74 (c) may be left or stored at a jail at the discretion of the sheriff.
- 75 (7) If the county executive contracts with a private contractor to provide the services
76 required by this section, the sheriff shall provide only those services required of the
77 sheriff by the contract between the county and the private contractor.

78 Section 2. Section **17-22-8.2** is enacted to read:

79 **17-22-8.2 . Jail health care.**

- 80 (1) As used in this section:
- 81 (a) "Cross-sex hormone treatment" means the same as that term is defined in Section
82 26B-4-901.
- 83 (b) "Primary sex characteristic surgical procedure" means the same as that term is
84 defined in Section 26B-4-901.
- 85 (c) "Secondary sex characteristic surgical procedure" means the same as that term is
86 defined in Section 26B-4-901.
- 87 (2) A sheriff may not initiate any of the following procedures or treatments for a prisoner:
- 88 (a) a cross-sex hormone treatment;
89 (b) a primary sex characteristic surgical procedure; or
90 (c) a secondary sex characteristic surgical procedure.
- 91 (3) Subject to Subsection (1) and Section 17-22-5, to treat a prisoner's gender dysphoria and

92 any co-occurring mental health disorder, the sheriff may provide psychotherapy, mental
93 health care, or any other necessary and appropriate treatment.

94 Section 3. Section **26B-4-901** is enacted to read:

95 **Part 9. Inmate Health**

96 **26B-4-901 . Definitions.**

97 As used in this part:

- 98 (1) "Correctional facility" means a facility operated to house inmates in a secure or
99 nonsecure setting:
100 (a) by the Department of Corrections; or
101 (b) under a contract with the Department of Corrections.
- 102 (2) "Cross-sex hormone treatment" means administering, prescribing, or supplying for
103 effectuating or facilitating an individual's attempted sex change:
104 (a) to an individual whose biological sex at birth is female, a dose of testosterone or
105 other androgens at levels above those normally found in an individual whose
106 biological sex at birth is female; or
107 (b) to an individual whose biological sex at birth is male, a dose of estrogen or a
108 synthetic compound with estrogenic activity or effect at levels above those normally
109 found in an individual whose biological sex at birth is male.
- 110 (3) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- 111 (4) "Inmate" means an individual who is:
112 (a) committed to the custody of the Department of Corrections; and
113 (b) housed at a correctional facility or at a county jail at the request of the Department of
114 Corrections.
- 115 (5) "Medical monitoring technology" means a device, application, or other technology that
116 can be used to improve health outcomes and the experience of care for patients,
117 including evidence-based clinically evaluated software and devices that can be used to
118 monitor and treat diseases and disorders.
- 119 (6)(a) "Primary sex characteristic surgical procedure" means any of the following if
120 done for the purpose of effectuating or facilitating an individual's attempted sex
121 change:
122 (i) for an individual whose biological sex at birth is male, castration, orchiectomy,
123 penectomy, vaginoplasty, or vulvoplasty;
124 (ii) for an individual whose biological sex at birth is female, hysterectomy,
125 oophorectomy, metoidioplasty, or phalloplasty; or

- 126 (iii) any surgical procedure that is related to or necessary for a procedure described in
127 Subsection (6)(a)(i) or (ii), that would result in the sterilization of an individual
128 who is not sterile.
- 129 (b) "Primary sex characteristic surgical procedure" does not include:
- 130 (i) surgery or other procedures or treatments performed on an individual who:
- 131 (A) is born with external biological sex characteristics that are irresolvably
132 ambiguous;
- 133 (B) is born with 46, XX chromosomes with virilization;
- 134 (C) is born with 46, XY chromosomes with undervirilization;
- 135 (D) has both ovarian and testicular tissue; or
- 136 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
137 with a sex development disorder characterized by abnormal sex chromosome
138 structure, sex steroid hormone production, or sex steroid hormone action for a
139 male or female; or
- 140 (ii) removing a body part:
- 141 (A) because the body part is cancerous or diseased; or
- 142 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
143 individual's attempted sex change.
- 144 (7)(a) "Secondary sex characteristic surgical procedure" means any of the following if
145 done for the purpose of effectuating or facilitating an individual's attempted sex
146 change:
- 147 (i) for an individual whose biological sex at birth is male, breast augmentation
148 surgery, chest feminization surgery, or facial feminization surgery; or
- 149 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
150 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 151 (b) "Secondary sex characteristic surgical procedure" does not include:
- 152 (i) surgery or other procedures or treatments performed on an individual who:
- 153 (A) is born with external biological sex characteristics that are irresolvably
154 ambiguous;
- 155 (B) is born with 46, XX chromosomes with virilization;
- 156 (C) is born with 46, XY chromosomes with undervirilization;
- 157 (D) has both ovarian and testicular tissue; or
- 158 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
159 with a sex development disorder characterized by abnormal sex chromosome

160 structure, sex steroid hormone production, or sex steroid hormone action for a
 161 male or female; or

162 (ii) removing a body part:

163 (A) because the body part is cancerous or diseased; or

164 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
 165 individual's attempted sex change.

166 (8) "Terminally ill" means the same as that term is defined in Section 31A-36-102.

167 Section 4. Section **26B-4-902**, which is renumbered from Section 26B-4-325 is renumbered
 168 and amended to read:

169 **[26B-4-325] 26B-4-902 . Medical care for inmates -- Reporting of statistics.**

170 [As used in this section:]

171 [(1) ~~"Correctional facility" means a facility operated to house inmates in a secure or~~
 172 ~~nonsecure setting:]~~

173 [(a) ~~by the Department of Corrections; or]~~

174 [(b) ~~under a contract with the Department of Corrections.]~~

175 [(2) ~~"Health care facility" means the same as that term is defined in Section 26B-2-201.]~~

176 [(3) ~~"Inmate" means an individual who is:]~~

177 [(a) ~~committed to the custody of the Department of Corrections; and]~~

178 [(b) ~~housed at a correctional facility or at a county jail at the request of the Department~~
 179 ~~of Corrections.]~~

180 [(4) ~~"Medical monitoring technology" means a device, application, or other technology that~~
 181 ~~can be used to improve health outcomes and the experience of care for patients,~~
 182 ~~including evidence-based clinically evaluated software and devices that can be used to~~
 183 ~~monitor and treat diseases and disorders.]~~

184 [(5) ~~"Terminally ill" means the same as that term is defined in Section 31A-36-102.]~~

185 [(6) (1) The department shall:

186 (a) for each health care facility owned or operated by the Department of Corrections,
 187 assist the Department of Corrections in complying with Section 64-13-39;

188 (b) in coordination with the Department of Corrections, and as the Department of
 189 Correction's agent:

190 (i) create policies and procedures for providing comprehensive health care to inmates;

191 (ii) provide inmates with comprehensive health care; and

192 (iii) develop standard population indicators and performance measures relating to the
 193 health of inmates; and

194 (c) collaborate with the Department of Corrections to comply with Section 64-13-25.1.
195 [(7)] (2) In providing the comprehensive health care described in Subsection [(6)(b)(ii)]
196 (1)(b)(ii), the department may not, without entering into an agreement with the
197 Department of Corrections, provide, operate, or manage any treatment plans for inmates
198 that are:

199 (a) required to be provided, operated, or managed by the Department of Corrections in
200 accordance with Section 64-13-6; and

201 (b) not related to the comprehensive health care provided by the department.

202 [(8)] (3) Beginning July 1, 2023, and ending June 30, 2024, the department shall:

203 (a) evaluate and study the use of medical monitoring technology and create a plan for a
204 pilot program that identifies:

205 (i) the types of medical monitoring technology that will be used during the pilot
206 program; and

207 (ii) eligibility for participation in the pilot program; and

208 (b) make the indicators and performance measures described in Subsection [(6)(b)(iii)]
209 (1)(b)(iii) available to the public through the Department of Corrections and the
210 department websites.

211 [(9)] (4) Beginning July 1, 2024, and ending June 30, 2029, the department shall implement
212 the pilot program.

213 [(10)] (5) The department shall submit to the Health and Human Services Interim
214 Committee and the Law Enforcement and Criminal Justice Interim Committee:

215 (a) a report on or before October 1 of each year regarding the costs and benefits of the
216 pilot program;

217 (b) a report that summarizes the indicators and performance measures described in
218 Subsection [(6)(b)(iii)] (1)(b)(iii) on or before October 1, 2024; and

219 (c) an updated report before October 1 of each year that compares the indicators and
220 population measures of the most recent year to the initial report described in
221 Subsection [(10)(b)] (5)(b).

222 [(11)] (6) An inmate receiving comprehensive health care from the department remains in
223 the custody of the Department of Corrections.

224 Section 5. Section **26B-4-903** is enacted to read:

225 **26B-4-903 . Requirements for certain treatments for inmates.**

226 (1) The department may not initiate any of the following procedures or treatments for an
227 inmate:

- 228 (a) a cross-sex hormone treatment;
 229 (b) a primary sex characteristic surgical procedure; or
 230 (c) a secondary sex characteristic surgical procedure.
 231 (2) Subject to Subsection (1) and Section 63-14-45, to treat an inmate's gender dysphoria
 232 and any co-occurring mental health disorder, the department may provide
 233 psychotherapy, mental health care, or any other necessary and appropriate treatment.

234 Section 6. Section **76-5-413** is amended to read:

235 **76-5-413 . Custodial sexual relations with youth receiving state services --**

236 **Penalties -- Defenses and limitations.**

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

238 (i) "Actor" means:

239 (A) an individual employed by the Department of Health and Human Services
 240 created in Section 26B-1-201, or an employee of a private provider or
 241 contractor; or

242 (B) an individual employed by the juvenile court of the state, or an employee of a
 243 private provider or contractor.

244 (ii) "Department" means the Department of Health and Human Services created in
 245 Section 26B-1-201.

246 (iii) "Juvenile court" means the juvenile court of the state created in Section
 247 78A-6-102.

248 (iv) "Private provider or contractor" means a person that contracts with the:

249 (A) department to provide services or functions that are part of the operation of
 250 the department; or

251 (B) juvenile court to provide services or functions that are part of the operation of
 252 the juvenile court.

253 (v) "Youth receiving state services" means an individual:

254 (A) younger than 18 years old, except as provided under Subsection (1)(a)(v)(B),
 255 who is:

256 (I) in the custody of the department under Section 80-6-703; or

257 (II) receiving services from any division of the department if any portion of the
 258 costs of these services is covered by public money; or

259 (B) younger than [24] 25 years old:

260 (I) who is in the custody of the Division of Juvenile Justice and Youth
 261 Services, or the Division of Child and Family Services; or

- 262 (II) whose case is under the jurisdiction of the juvenile court.
- 263 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 264 (2)(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor
- 265 commits custodial sexual relations with a youth receiving state services if:
- 266 (i) the actor commits any of the acts described in Subsection (2)(b); and
- 267 (ii)(A) the actor knows that the individual is a youth receiving state services; or
- 268 (B) a reasonable person in the actor's position should have known under the
- 269 circumstances that the individual was a youth receiving state services.
- 270 (b) Acts referred to in Subsection (2)(a)(i) are:
- 271 (i) having sexual intercourse with a youth receiving state services;
- 272 (ii) engaging in any sexual act with a youth receiving state services involving the
- 273 genitals of one individual and the mouth or anus of another individual; or
- 274 (iii)(A) causing the penetration, however slight, of the genital or anal opening of a
- 275 youth receiving state services by any foreign object, substance, instrument, or
- 276 device, including a part of the human body; and
- 277 (B) with the intent to cause substantial emotional or bodily pain to any individual
- 278 or with the intent to arouse or gratify the sexual desire of any individual.
- 279 (c) Any touching, even if accomplished through clothing, is sufficient to constitute the
- 280 relevant element of a violation of Subsection (2)(a).
- 281 (3)(a) A violation of Subsection (2) is a third degree felony.
- 282 (b) Notwithstanding Subsection (3)(a), if the youth receiving state services is younger
- 283 than 18 years old, a violation of Subsection (2) is a second degree felony.
- 284 (c) If the act committed under Subsection (2) amounts to an offense subject to a greater
- 285 penalty under another provision of state law than is provided under this Subsection (3),
- 286 this Subsection (3) does not prohibit prosecution and sentencing for the more serious
- 287 offense.
- 288 (4) The offenses referred to in Subsection (2) are:
- 289 (a) unlawful sexual activity with a minor, in violation of Section 76-5-401;
- 290 (b) rape, in violation of Section 76-5-402;
- 291 (c) rape of a child, in violation of Section 76-5-402.1;
- 292 (d) object rape, in violation of Section 76-5-402.2;
- 293 (e) object rape of a child, in violation of Section 76-5-402.3;
- 294 (f) forcible sodomy, in violation of Section 76-5-403;
- 295 (g) sodomy on a child, in violation of Section 76-5-403.1;

- 296 (h) forcible sexual abuse, in violation of Section 76-5-404;
 297 (i) sexual abuse of a child, in violation of Section 76-5-404.1;
 298 (j) aggravated sexual abuse of a child, in violation of Section 76-5-404.3;
 299 (k) aggravated sexual assault, in violation of Section 76-5-405; or
 300 (l) an attempt to commit an offense listed in Subsections (4)(a) through (4)(k).
 301 (5)(a) It is not a defense to the commission of, or an attempt to commit, the offense
 302 described in Subsection (2) if the youth receiving state services is younger than 18
 303 years old, that the actor:
 304 (i) mistakenly believed the youth receiving state services to be 18 years old or older
 305 at the time of the alleged offense; or
 306 (ii) was unaware of the true age of the youth receiving state services.
 307 (b) Consent of the youth receiving state services is not a defense to any violation or
 308 attempted violation of Subsection (2).
 309 (6) It is a defense that the commission by the actor of an act under Subsection (2) is the
 310 result of compulsion, as the defense is described in Subsection 76-2-302(1).

311 Section 7. Section **80-5-102** is amended to read:

312 **80-5-102 . Definitions.**

313 As used in this chapter:

- 314 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in
 315 Section 80-5-302.
 316 (2)(a) "Adult" means an individual who is 18 years old or older.
 317 (b) "Adult" does not include a juvenile offender.
 318 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
 319 1351.1.
 320 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
 321 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a
 322 manner consistent with public safety and the well-being of the juvenile offender and
 323 division employees.
 324 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section
 325 26B-4-901.
 326 [~~6~~] (7) "Director" means the director of the Division of Juvenile Justice and Youth
 327 Services.
 328 [~~7~~] (8) "Discharge" means the same as that term is defined in Section 80-6-102.
 329 [~~8~~] (9) "Division" means the Division of Juvenile Justice and Youth Services created in

- 330 Section 80-5-103.
- 331 ~~[(9)]~~ (10) "Homeless youth" means a child, other than an emancipated minor:
- 332 (a) who is a runaway; or
- 333 (b) who is:
- 334 (i) not accompanied by the child's parent or guardian; and
- 335 (ii) without care, as defined in Section 80-5-602.
- 336 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area
- 337 space.
- 338 (12) "Minor room" means a secured room where an individual sleeps and uses restroom
- 339 facilities.
- 340 ~~[(10)]~~ (13) "Observation and assessment program" means a nonresidential service program
- 341 operated or purchased by the division that is responsible only for diagnostic assessment
- 342 of minors, including for substance use disorder, mental health, psychological, and sexual
- 343 behavior risk assessments.
- 344 ~~[(11)]~~ (14) "Performance based contracting" means a system of contracting with service
- 345 providers for the provision of residential or nonresidential services that:
- 346 (a) provides incentives for the implementation of evidence-based juvenile justice
- 347 programs or programs rated as effective for reducing recidivism by a standardized
- 348 tool in accordance with Section 63M-7-208; and
- 349 (b) provides a premium rate allocation for a minor who receives the evidence-based
- 350 dosage of treatment and successfully completes the program within three months.
- 351 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for
- 352 effectuating or facilitating an individual's attempted sex change, any of the following
- 353 alone or in combination with aromatase inhibitors:
- 354 (a) gonadotropin-releasing hormone agonists; or
- 355 (b) androgen receptor inhibitors.
- 356 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined
- 357 in Section 26B-4-901.
- 358 ~~[(12)]~~ (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 359 ~~[(13)]~~ (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 360 ~~[(14)]~~ (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 361 (20) "Secondary sex characteristic surgical procedure" means the same as that term is
- 362 defined in Section 26B-4-901.
- 363 ~~[(15)]~~ (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.

- 364 ~~[(16)]~~ (22) "Temporary homeless youth shelter" means a facility that:
- 365 (a) provides temporary shelter to homeless youth; and
- 366 (b) is licensed by the Department of Health and Human Services, created in Section
- 367 26B-1-201, as a residential support program.
- 368 ~~[(17)]~~ (23) "Termination" means the same as that term is defined in Section 80-6-102.
- 369 ~~[(18)]~~ (24) "Victim" means the same as that term is defined in Section 80-6-102.
- 370 ~~[(19)]~~ (25) "Work program" means a nonresidential public or private service work project
- 371 established and administered by the division for juvenile offenders for the purpose of
- 372 rehabilitation, education, and restitution to victims.
- 373 ~~[(20)]~~ (26)(a) "Youth services" means services provided in an effort to resolve family
- 374 conflict:
- 375 (i) for families in crisis when a minor is ungovernable or a runaway; or
- 376 (ii) involving a minor and the minor's parent or guardian.
- 377 (b) "Youth services" include efforts to:
- 378 (i) resolve family conflict;
- 379 (ii) maintain or reunite minors with the minors' families; and
- 380 (iii) divert minors from entering or escalating in the juvenile justice system.
- 381 (c) "Youth services" may provide:
- 382 (i) crisis intervention;
- 383 (ii) short-term shelter;
- 384 (iii) time-out placement; and
- 385 (iv) family counseling.
- 386 ~~[(21)]~~ (27) "Youth services center" means a center established by, or under contract with,
- 387 the division to provide youth services.
- 388 Section 8. Section **80-5-209** is enacted to read:
- 389 **80-5-209 . Health care for minors in custody.**
- 390 (1) The division may not initiate any of the following procedures or treatments for a minor:
- 391 (a) puberty inhibition drug treatment;
- 392 (b) a cross-sex hormone treatment;
- 393 (c) a primary sex characteristic surgical procedure; or
- 394 (d) a secondary sex characteristic surgical procedure.
- 395 (2) Subject to Subsection (1) and Sections 80-5-501 and 80-5-503 regarding housing a
- 396 minor, to treat a minor's gender dysphoria and any co-occurring mental health disorder,
- 397 the division may provide psychotherapy, mental health care, or any other necessary and

398 appropriate treatment.

399 Section 9. Section **80-5-501** is amended to read:

400 **80-5-501 . Detention facilities and services.**

401 (1) The division shall provide detention facilities and services in each county, or group of
402 counties, as the population demands, in accordance with this chapter.

403 (2)(a) The division is responsible for development, implementation, and administration
404 of home detention services available in every judicial district.

405 (b) The division shall establish criteria for placement in home detention.

406 (3) The division shall provide training regarding implementation of the rules made under
407 Subsection 80-5-202(1)(a) to law enforcement agencies, division employees, juvenile
408 court employees, and other affected agencies and individuals upon their request.

409 (4) The division may not allow a male individual and female individual to share a minor
410 room in a detention facility.

411 Section 10. Section **80-5-503** is amended to read:

412 **80-5-503 . Secure care facilities.**

413 (1) The division shall maintain and operate secure care facilities for the custody and
414 rehabilitation of juvenile offenders:

415 (a) who pose a danger of serious bodily harm to others;

416 (b) who cannot be controlled in a less secure setting; or

417 (c) who have engaged in a pattern of conduct characterized by persistent and serious
418 criminal offenses that, as demonstrated through the use of other alternatives, cannot
419 be controlled in a less secure setting.

420 (2)(a) The director shall appoint an administrator for each secure care facility.

421 (b) An administrator of a secure care facility shall have experience in social work, law,
422 criminology, corrections, or a related field, and in administration.

423 (3)(a)(i) The division, in cooperation with the State Board of Education, shall provide
424 instruction, or make instruction available, to juvenile offenders in secure care
425 facilities.

426 (ii) The instruction shall be appropriate to the age, needs, and range of abilities of the
427 juvenile offender.

428 (b) A secure care facility shall:

429 (i) assess each juvenile offender to determine the juvenile offender's abilities,
430 possible learning disabilities, interests, attitudes, and other attributes related to
431 appropriate educational programs; and

432 (ii) provide prevocational education to juvenile offenders to acquaint juvenile
433 offenders with vocations, and vocational requirements and opportunities.

434 (4)(a) The division shall place juvenile offenders who have been committed to the
435 division for secure care in a secure care facility, operated by the division or by a
436 private entity, that is appropriate to ensure that humane care and rehabilitation
437 opportunities are afforded to the juvenile offender.

438 (b) The division shall have separate housing units for male individuals and female
439 individuals in secure care facilities.

440 (5) The division shall adopt standards, policies, and procedures for the regulation and
441 operation of secure care facilities, consistent with state and federal law.

442 Section 11. **Effective Date.**

443 This bill takes effect on May 7, 2025.