

Todd Weiler proposes the following substitute bill:

Criminal and Juvenile Justice Changes

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends statutory provisions related to the criminal and juvenile justice system.

Highlighted Provisions:

This bill:

- defines terms related to recidivism in the criminal and juvenile justice system;
- modifies the requirements for provisionally housing a minor, who is tried as an adult for aggravated murder, in a secure care facility;
- allows a prosecutor to file a motion with the Board of Pardons and Parole regarding the provisional housing of a minor in a secure care facility;
- addresses the appointment of counsel for a minor on a motion regarding provisional housing of the minor in a secure care facility; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63M-7-101.5, as last amended by Laws of Utah 2025, Chapter 360

63M-7-102, as last amended by Laws of Utah 2024, Chapter 208

63M-7-208, as last amended by Laws of Utah 2024, Chapter 240

77-27-7.1, as enacted by Laws of Utah 2024, Chapter 145

80-5-102, as last amended by Laws of Utah 2025, Chapter 88

80-6-104, as last amended by Laws of Utah 2025, Chapters 173, 208

80-6-507, as last amended by Laws of Utah 2025, Chapter 526

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

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

Section 1. Section **63M-7-101.5** is amended to read:

63M-7-101.5 . Definitions for chapter.

As used in this chapter:

(1) "Alternative recidivism metric" includes:

(a) the number of individuals who are incarcerated in a county jail or a state correctional facility:

(i) within three years after the day on which the individuals are released from incarceration in a county jail or state correctional facility for a prior conviction;

and

(ii) due to:

(A) a subsequent conviction; or

(B) an arrest for:

(I) a felony offense; or

(II) a misdemeanor offense when an element of the misdemeanor offense is the use or attempted use of physical force against an individual or property; and

(b) a recidivism measurement reported to the commission under Subsection 63M-7-102(3).

~~[(1)]~~ (2) "Commission" means, except as provided in Sections 63M-7-901 and 63M-7-1101, the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.

~~[(2)]~~ (3) "Desistance" means an individual's abstinence from further criminal activity after a previous criminal conviction.

~~[(3)]~~ (4) "Intervention" means a program, sanction, supervision, or event that may impact recidivism.

~~[(4)]~~ (5) "Recidivism" means a return to criminal activity after a previous criminal conviction.

~~[(5)]~~ (6) "Recidivism standard metric" means the number of individuals who are returned to prison for a new conviction within the three years after the day on which the individuals were released from prison.

Section 2. Section **63M-7-102** is amended to read:

63M-7-102 . Recidivism metrics -- Reporting.

(1)~~[(a)]~~ ~~The~~ When reporting data on statewide recidivism, the commission, the

Department of Corrections, and the Board of Pardons and Parole~~[-when reporting~~

- 63 data on statewide recidivism,] shall include data reflecting the recidivism standard
64 metric[-] and any available alternative recidivism metric.
- 65 [~~(b)(i) On or before August 1, 2024, the commission shall reevaluate the recidivism~~
66 ~~standard metric to determine whether new data streams allow for a broader~~
67 ~~definition, which may include criminal convictions that do not include prison time.]~~
- 68 [~~(ii) On or before November 1, 2024, the commission shall report to the Law~~
69 ~~Enforcement and Criminal Justice Interim Committee:]~~
- 70 [~~(A) the result of the reevaluation described in Subsection (1)(b)(i); and]~~
71 [~~(B) other recommendations regarding standardized recidivism metrics.]~~
- 72 (2) A report on statewide criminal recidivism may also include other information reflecting
73 available recidivism, intervention, or desistance data.
- 74 (3) A criminal justice institution, agency, or entity required to report adult recidivism data
75 to the commission:
- 76 (a) shall include:
- 77 (i) a clear description of the eligible individuals, including:
- 78 (A) the criminal population being evaluated for recidivism; and
79 (B) the interventions that are being evaluated;
- 80 (ii) a clear description of the beginning and end of the evaluation period; and
81 (iii) a clear description of the events that are considered as a recidivism-triggering
82 event; and
- 83 (b) may include supplementary data including:
- 84 (i) the length of time that elapsed before a recidivism-triggering event described in
85 Subsection (3)(a)(iii) occurred;
- 86 (ii) the severity of a recidivism-triggering event described in Subsection (3)(a)(iii);
87 (iii) measures of personal well-being, education, employment, housing, health, family
88 or social support, civic or community engagement, or legal involvement; or
89 (iv) other desistance metrics that may capture an individual's behavior following the
90 individual's release from an intervention.
- 91 (4) Unless otherwise specified in statute:
- 92 (a) the evaluation period described in Subsection (3)(a)(ii) is three years; and
93 (b) a recidivism-triggering event under Subsection (3)(a)(iii) shall include:
- 94 (i) an arrest;
95 (ii) an admission to prison;
96 (iii) a criminal charge; or

97 (iv) a criminal conviction.

98 Section 3. Section **63M-7-208** is amended to read:

99 **63M-7-208 . Juvenile justice oversight -- Delegation -- Effective dates.**

100 (1) As used in this section, "juvenile recidivism" means the same as that term is defined in
101 Section 80-6-104.

102 [(1)] (2) The [~~State Commission on Criminal and Juvenile Justice~~] commission shall:

- 103 (a) support implementation and expansion of evidence-based juvenile justice programs
104 and practices, including assistance regarding implementation fidelity, quality
105 assurance, and ongoing evaluation;
- 106 (b) examine and make recommendations on the use of third-party entities or an
107 intermediary organization to assist with implementation and to support the
108 performance-based contracting system authorized in Subsection [(1)(m)] (2)(m);
- 109 (c) oversee the development of performance measures to track juvenile justice reforms,
110 and ensure early and ongoing stakeholder engagement in identifying the relevant
111 performance measures;
- 112 (d) evaluate currently collected data elements throughout the juvenile justice system and
113 contract reporting requirements to streamline reporting, reduce redundancies,
114 eliminate inefficiencies, and ensure a focus on [~~recidivism reduction~~] the reduction of
115 juvenile recidivism;
- 116 (e) review averted costs from reductions in out-of-home placements for juvenile justice
117 youth placed with the Division of Juvenile Justice and Youth Services and the
118 Division of Child and Family Services, and make recommendations to prioritize the
119 reinvestment and realignment of resources into community-based programs for youth
120 living at home, including the following:
- 121 (i) statewide expansion of:
- 122 (A) juvenile receiving centers, as defined in Section 80-1-102;
- 123 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;
- 124 (C) youth courts; and
- 125 (D) victim-offender mediation;
- 126 (ii) statewide implementation of nonresidential diagnostic assessment;
- 127 (iii) statewide availability of evidence-based programs and practices including
128 cognitive behavioral and family therapy programs for minors assessed by a
129 validated risk and needs assessment as moderate or high risk;
- 130 (iv) implementation and infrastructure to support the sustainability and fidelity of

- 131 evidence-based juvenile justice programs, including resources for staffing,
132 transportation, and flexible funds; and
- 133 (v) early intervention programs such as family strengthening programs, family
134 wraparound services, and proven truancy interventions;
- 135 (f) assist the Administrative Office of the Courts in the development of a statewide
136 sliding scale for the assessment of fines, fees, and restitution, based on the ability of
137 the minor's family to pay;
- 138 (g) analyze the alignment of resources and the roles and responsibilities of agencies,
139 such as the operation of early intervention services, receiving centers, and diversion,
140 and make recommendations to reallocate functions as appropriate, in accordance with
141 Section 80-5-401;
- 142 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 143 (i) develop a reasonable timeline within which all programming delivered to minors in
144 the juvenile justice system must be evidence-based or consist of practices that are
145 rated as effective for reducing juvenile recidivism by a standardized program
146 evaluation tool;
- 147 (j) provide guidelines to be considered by the Administrative Office of the Courts and
148 the Division of Juvenile Justice and Youth Services in developing tools considered
149 by the Administrative Office of the Courts and the Division of Juvenile Justice and
150 Youth Services in developing or selecting tools to be used for the evaluation of
151 juvenile justice programs;
- 152 (k) develop a timeline to support improvements to juvenile justice programs to achieve
153 reductions in juvenile recidivism and review reports from relevant state agencies on
154 progress toward reaching that timeline;
- 155 (l) subject to Subsection [~~(2)~~] (3), assist in the development of training for juvenile
156 justice stakeholders, including educators, law enforcement officers, probation staff,
157 judges, Division of Juvenile Justice and Youth Services staff, Division of Child and
158 Family Services staff, and program providers;
- 159 (m) subject to Subsection [~~(3)~~] (4), assist in the development of a performance-based
160 contracting system, which shall be developed by the Administrative Office of the
161 Courts and the Division of Juvenile Justice and Youth Services for contracted
162 services in the community and contracted out-of-home placement providers;
- 163 (n) assist in the development of a validated detention risk assessment tool that is
164 developed or adopted and validated by the Administrative Office of the Courts and

165 the Division of Juvenile Justice and Youth Services as provided in Section 80-5-203;
166 and

167 (o) annually issue and make public a report to the governor, president of the Senate,
168 speaker of the House of Representatives, and chief justice of the Utah Supreme Court
169 on the progress of the reforms and any additional areas in need of review.

170 [(2)] (3) Training described in Subsection [(1)(4)] (2)(1) should include instruction on
171 evidence-based programs and principles of juvenile justice, such as risk, needs,
172 responsiveness, and fidelity, and shall be supplemented by the following topics:

173 (a) adolescent development;

174 (b) identifying and using local behavioral health resources;

175 (c) cross-cultural awareness;

176 (d) graduated responses;

177 (e) Utah juvenile justice system data and outcomes; and

178 (f) gangs.

179 [(3)] (4) The system described in Subsection [(1)(m)] (2)(m) shall provide incentives for:

180 (a) the use of evidence-based juvenile justice programs and practices rated as effective
181 by the tools selected in accordance with Subsection [(1)(j)] (2)(j);

182 (b) the use of three-month timelines for program completion; and

183 (c) evidence-based programs and practices for minors living at home in rural areas.

184 [(4)] (5) The [~~State Commission on Criminal and Juvenile Justice~~] commission may delegate
185 the duties imposed under this section to a subcommittee or board established by the [
186 ~~State Commission on Criminal and Juvenile Justice~~] commission in accordance with
187 Subsection 63M-7-204(2).

188 Section 4. Section **77-27-7.1** is amended to read:

189 **77-27-7.1 . Appointment of counsel or lay representative -- Procedures.**

- 190 (1) If the board in the board's discretion determines that an offender within the board's
191 jurisdiction is unable, due to physical, mental, or other circumstances, to meaningfully
192 participate in a board hearing or other board proceeding, the board may appoint, at the
193 board's own expense, legal counsel or a lay representative to assist the offender.
- 194 (2) If a prosecuting attorney brings a motion under Subsection 80-6-507(7) to have the
195 board review the status of a minor who is provisionally housed in a secure care facility ~~§~~ , ~~←~~ ~~§~~
196 as defined in Section 80-1-102 ~~§~~ → and the board agrees to review the status of the minor ← ~~§~~
196a , the board ~~§~~ → [shall] may ← ~~§~~ appoint counsel to assist the minor, at the
197 board's own expense, before a hearing on the motion.

- 198 ~~[(2)]~~ (3) The board shall determine the scope of the representation described in Subsection
 199 (1) based on a review of the totality of the circumstances.
- 200 ~~[(3)]~~ (4) This section does not prevent the board from:
- 201 (a) appointing a licensed mental health professional in accordance with Section 77-27-7;
 202 or
- 203 (b) otherwise seeking information concerning the offender from the department or
 204 another entity.
- 205 Section 5. Section **80-5-102** is amended to read:
- 206 **80-5-102 . Definitions.**
- 207 As used in this chapter:
- 208 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in
 209 Section 80-5-302.
- 210 (2)(a) "Adult" means an individual who is 18 years old or older.
- 211 (b) "Adult" does not include a juvenile offender.
- 212 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.
 213 1351.1.
- 214 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 215 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a
 216 manner consistent with public safety and the well-being of the juvenile offender and
 217 division employees.
- 218 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section
 219 26B-4-1001.
- 220 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.
- 221 (8) "Discharge" means the same as that term is defined in Section 80-6-102.
- 222 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section
 223 80-5-103.
- 224 (10) "Homeless youth" means a child, other than an emancipated minor:
- 225 (a) who is a runaway; or
- 226 (b) who is:
- 227 (i) not accompanied by the child's parent or guardian; and
- 228 (ii) without care, as defined in Section 80-5-602.
- 229 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area
 230 space.
- 231 (12) "Minor room" means a secured room where an individual sleeps and uses restroom

- 232 facilities.
- 233 (13) "Observation and assessment program" means a nonresidential service program
234 operated or purchased by the division that is responsible only for diagnostic assessment
235 of minors, including for substance use disorder, mental health, psychological, and sexual
236 behavior risk assessments.
- 237 (14) "Performance based contracting" means a system of contracting with service providers
238 for the provision of residential or nonresidential services that:
- 239 (a) provides incentives for the implementation of evidence-based juvenile justice
240 programs or programs rated as effective for reducing juvenile recidivism, as defined
241 in Section 80-6-104, by a standardized tool in accordance with Section 63M-7-208;
242 and
- 243 (b) provides a premium rate allocation for a minor who receives the evidence-based
244 dosage of treatment and successfully completes the program within three months.
- 245 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for
246 effectuating or facilitating an individual's attempted sex change, any of the following
247 alone or in combination with aromatase inhibitors:
- 248 (a) gonadotropin-releasing hormone agonists; or
249 (b) androgen receptor inhibitors.
- 250 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined
251 in Section 26B-4-1001.
- 252 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 253 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 254 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 255 (20) "Secondary sex characteristic surgical procedure" means the same as that term is
256 defined in Section 26B-4-1001.
- 257 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- 258 (22) "Temporary homeless youth shelter" means a facility that:
- 259 (a) provides temporary shelter to homeless youth; and
260 (b) is licensed by the Department of Health and Human Services, created in Section
261 26B-1-201, as a residential support program.
- 262 (23) "Termination" means the same as that term is defined in Section 80-6-102.
- 263 (24) "Victim" means the same as that term is defined in Section 80-6-102.
- 264 (25) "Work program" means a nonresidential public or private service work project
265 established and administered by the division for juvenile offenders for the purpose of

- 266 rehabilitation, education, and restitution to victims.
- 267 (26)(a) "Youth services" means services provided in an effort to resolve family conflict:
- 268 (i) for families in crisis when a minor is ungovernable or a runaway; or
- 269 (ii) involving a minor and the minor's parent or guardian.
- 270 (b) "Youth services" include efforts to:
- 271 (i) resolve family conflict;
- 272 (ii) maintain or reunite minors with the minors' families; and
- 273 (iii) divert minors from entering or escalating in the juvenile justice system.
- 274 (c) "Youth services" may provide:
- 275 (i) crisis intervention;
- 276 (ii) short-term shelter;
- 277 (iii) time-out placement; and
- 278 (iv) family counseling.
- 279 (27) "Youth services center" means a center established by, or under contract with, the
- 280 division to provide youth services.

281 Section 6. Section **80-6-104** is amended to read:

282 **80-6-104 . Data collection on offenses committed by minors -- Reporting**
 283 **requirement.**

- 284 (1) As used in this section:
- 285 (a) "Diversion" means:
- 286 (i) an agreement between an individual and a juvenile probation officer that results in
 287 the resolution of a referral for an offense before a petition is filed; or
- 288 (ii) an agreement between an individual and a prosecuting attorney that results in the
 289 dismissal of charges for an offense before a conviction.
- 290 [(a)] (b) "Firearm" means the same as that term is defined in Section 76-11-101.
- 291 [(b)] (c) "Firearm-related offense" means a criminal offense involving a firearm.
- 292 (d) "Juvenile recidivism" means a diversion, adjudication, or conviction of an individual
 293 for an offense within six months, one year, two years, and three years after the day on
 294 which:
- 295 (i) the individual accepted a nonjudicial adjustment; or
- 296 (ii) the juvenile court ordered a disposition for the individual resulting in secure care,
 297 community-based placement, formal probation, or intake probation.
- 298 (e) "School" means the same as that term is defined in Section 80-6-103.
- 299 (f) "School-based offense" means any infraction, misdemeanor, or felony offense that

300 occurs at school when school is in session, at the location of a school-sponsored
301 activity during the activity, or on school district transportation, including a school bus.

302 (g) "School-based referral" means the referral of a minor under Section 53G-8-211 for a
303 school-based offense.

304 (h) "School-based recidivism" means a diversion, adjudication, or conviction of an
305 individual for a school-based offense within six months, one year, two years, and
306 three years after the day on which:

307 (i) the individual accepted a nonjudicial adjustment for a school-based offense; or

308 (ii) the juvenile court ordered a disposition for the individual resulting in secure care,
309 community-based placement, formal probation, or intake probation.

310 [(e)] (i) "School is in session" means the same as that term is defined in Section
311 53E-3-516.

312 [(d)] (j) "School-sponsored activity" means the same as that term is defined in Section
313 53E-3-516.

314 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
315 following data to the State Commission on Criminal and Juvenile Justice, broken down
316 by judicial district, for the preceding calendar year:

317 (a) the number of referrals to the juvenile court;

318 (b) the number of minors diverted to a nonjudicial adjustment;

319 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;

320 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;

321 (e) the number of minors for whom an information is filed in the juvenile court;

322 (f) the number of minors bound over to the district court by the juvenile court;

323 (g) the number of petitions for offenses committed by minors that were dismissed by the
324 juvenile court;

325 (h) the number of adjudications in the juvenile court for offenses committed by minors;

326 (i) the number of guilty pleas entered into by minors in the juvenile court;

327 (j) the number of dispositions resulting in secure care, community-based placement,
328 formal probation, and intake probation; and

329 (k) for each minor charged in the juvenile court with a firearm-related offense:

330 (i) the minor's age at the time the offense was committed or allegedly committed;

331 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;

332 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or
333 76-11-303(4);

- 334 (iv) the type of offense for which the minor is charged;
- 335 (v) the outcome of the minor's case in juvenile court, including whether the minor
- 336 was bound over to the district court or adjudicated by the juvenile court; and
- 337 (vi) if a disposition was entered by the juvenile court, whether the disposition
- 338 resulted in secure care, community-based placement, formal probation, or intake
- 339 probation.
- 340 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a
- 341 case resulting from a firearm-related offense committed, or allegedly committed, by a
- 342 minor when the minor is found in possession of a firearm while school is in session or
- 343 during a school-sponsored activity.
- 344 (4) In collaboration with the Administrative Office of the Courts, the division, and other
- 345 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for
- 346 the preceding calendar year on:
- 347 (a) the length of time that minors spend in the juvenile justice system, including the total
- 348 amount of time minors spend under juvenile court jurisdiction, on community
- 349 supervision, and in each out-of-home placement;
- 350 (b) ~~[recidivism of minors who are diverted to a nonjudicial adjustment and minors for~~
- 351 ~~whom dispositions are ordered by the juvenile court]~~ juvenile recidivism, including
- 352 tracking minors into the adult corrections system;
- 353 (c) school-based recidivism;
- 354 (d) school-based referrals;
- 355 ~~[(e)]~~ (e) changes in aggregate risk levels from the time minors receive services, are under
- 356 supervision, and are in out-of-home placement; and
- 357 ~~[(d)]~~ (f) dosages of programming.
- 358 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile
- 359 Justice shall prepare and submit a written report to the Judiciary Interim Committee and
- 360 the Law Enforcement and Criminal Justice Interim Committee that includes:
- 361 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
- 362 section;
- 363 (b) data collected by the State Board of Education under Section 53E-3-516; and
- 364 (c) recommendations for legislative action with respect to the data described in this
- 365 Subsection (5).
- 366 (6) After submitting the written report described in Subsection (5), the State Commission
- 367 on Criminal and Juvenile Justice may supplement the report at a later time with updated

368 data and information the State Board of Education collects under Section 53E-3-516.
 369 (7) Nothing in this section shall be construed to require the disclosure of information or
 370 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
 371 Government Records Access and Management Act.

372 Section 7. Section **80-6-507** is amended to read:

373 **80-6-507 . Commitment of a minor by a district court -- Provisional housing of a**
 374 **minor in a secure care facility.**

375 (1) When sentencing a minor, the district court shall order the minor to make restitution in
 376 accordance with Title 77, Chapter 38b, Crime Victims Restitution Act.

377 [~~(1)~~] (2)(a) If the district court determines that probation is not appropriate and
 378 commitment to prison is an appropriate sentence when sentencing a minor:

379 (i) the district court shall order the minor committed to prison; and

380 (ii) except as provided in Subsection (3) or (7), the minor shall be provisionally
 381 housed in a secure care facility[-] until the minor reaches 25 years old, unless
 382 released earlier from incarceration by the Board of Pardons and Parole.

383 (b) [~~Subsection (1)~~] This Subsection (2) applies to any minor being provisionally housed
 384 in a secure care facility as described in Subsection [~~(1)(a)~~] (2)(a) on or after May 4,
 385 2022.

386 [~~(e) The district court shall, as a part of sentencing, order the minor to make restitution~~
 387 ~~in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act.]~~

388 (3) The district court may order a minor to be committed to the physical custody of the
 389 Department of Corrections and housed in a correctional facility rather than secure care
 390 facility under Subsection (2)(a)(ii) if:

391 (a) the minor is convicted of aggravated murder under Section 76-5-202;

392 (b) the minor was 17 years old at the time that the aggravated murder occurred;

393 (c) the minor is 18 years old or older at the time of sentencing; and

394 (d) the court determines that the minor would present a security risk to other individuals
 395 in a secure care facility.

396 [~~(2)(a) The division shall adopt procedures by rule, in accordance with Title 63G,~~
 397 ~~Chapter 3, Utah Administrative Rulemaking Act, regarding the transfer of a minor~~
 398 ~~provisionally housed in a secure care facility under Subsection (1) to the physical~~
 399 ~~eustody of the Department of Corrections.]~~

400 [(b) If, in accordance with the rules adopted under Subsection (2)(a), the division
 401 determines that housing the minor in a secure care facility presents an unreasonable

402 ~~risk to others or that it is not in the best interest of the minor, the division shall~~
 403 ~~transfer the physical custody of the minor to the Department of Corrections.]~~

404 [(3)] (4)(a) When a minor is committed to prison but provisionally housed in a secure
 405 care facility [-]under this section, the district court and the division shall immediately
 406 notify the Board of Pardons and Parole so that the minor may be scheduled for a
 407 hearing according to board procedures.

408 (b) If a minor who is provisionally housed in a secure care facility [-]under this section
 409 has not been paroled or otherwise released from incarceration by the time the minor
 410 reaches 25 years old, the division shall as soon as reasonably possible, but not later
 411 than when the minor reaches 25 years and 6 months old, transfer the minor to the
 412 physical custody of the Department of Corrections.

413 [(4)] (5) Upon the commitment of a minor to the custody of the division or the Department
 414 of Corrections under this section, the Board of Pardons and Parole has authority over the
 415 minor for purposes of parole, pardon, commutation, termination of sentence, remission
 416 of restitution, fines or forfeitures, and all other purposes authorized by law.

417 [(5)] (6) The authority[-] shall:

418 (a) hold hearings, receive reports, or otherwise keep informed of the progress of a minor
 419 in the custody of the division under this section; and

420 (b) forward to the Board of Pardons and Parole any information or recommendations
 421 concerning the minor.

422 (7)(a) Upon a motion by a prosecuting attorney, the Board of Pardons and Parole may:

423 (i) review the status of a minor who is provisionally housed in a secure care facility
 424 as described in Subsection (2)(a)(ii); and

425 (ii) order that the minor be committed to the physical custody of the Department of
 426 Corrections and housed in a correctional facility if:

427 (A) the minor meets the requirements described in Subsections (3)(a) through (c);

428 and

429 (B) the Board of Pardons and Parole finds that the commitment and transfer is
 430 warranted.

431 (b) For a motion described in Subsection (7)(a), the board shall appoint counsel for the
 432 minor as described in Section 77-27-7.1.

433 (8)(a) The division shall adopt procedures by rule, in accordance with Title 63G,

434 Chapter 3, Utah Administrative Rulemaking Act, regarding the transfer of a minor
 435 provisionally housed in a secure care facility as described in Subsection (2)(a)(ii).

436 (b) The division shall transfer the physical custody of a minor to the Department of
437 Corrections if, in accordance with the rules adopted under Subsection (8)(a), the
438 division determines that housing a minor in a secure care facility:

439 (i) presents an unreasonable risk to others; or

440 (ii) it is not in the best interest of the minor.

441 [(6)] (9) Commitment of a minor under this section is a prison commitment for all
442 sentencing purposes.

443 Section 8. **Effective Date.**

444 This bill takes effect on May 6, 2026.