

HB0048S01 compared with HB0048

~~Omitted text~~ shows text that was in HB0048 but was omitted in HB0048S01
inserted text shows text that was not in HB0048 but was inserted into HB0048S01

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LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- {amends the definition of "recidivism standard metric" for reporting} defines terms related to recidivism in the criminal and juvenile justice system;
 - {**defines juvenile recidivism and school-based referrals for juvenile programming and data reporting requirements;**}
 - {removes} modifies the prohibition on placing a minor in {an adult correctional facility as} an alternative to detention;
 - 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; and
 - makes technical and conforming changes.

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15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **63M-7-101.5** , as last amended by Laws of Utah 2025, Chapter 360

22 **63M-7-102** , as last amended by Laws of Utah 2024, Chapter 208

23 **63M-7-208** , as last amended by Laws of Utah 2024, Chapter 240

24 **80-5-102** , as last amended by Laws of Utah 2025, Chapter 88

25 **80-6-104** , as last amended by Laws of Utah 2025, Chapters 173, 208

26 **80-6-205** , as last amended by Laws of Utah 2024, Chapter 256

27 **80-6-507** , as last amended by Laws of Utah 2025, Chapter 526

28 **80-6-704** , as last amended by Laws of Utah 2024, Chapter 256

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

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

31 **63M-7-101.5. Definitions for chapter.**

32 As used in this chapter:

33 (1) "Alternative recidivism metric" includes:

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

35 (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

36 (ii) due to:

37 (A) a subsequent conviction; or

38 (B) an arrest for:

39 (I) a felony offense; or

40 (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

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

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~~[(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.

43 ~~[(2)]~~ (3) "Desistance" means an individual's abstinence from further criminal activity after a previous criminal conviction.

45 ~~[(3)]~~ (4) "Intervention" means a program, sanction, supervision, or event that may impact recidivism.

47 ~~[(4)]~~ (5) "Recidivism" means a return to criminal activity after a previous criminal conviction.

48 {(5) "Recidivism standard metric" means the number of individuals who are incarcerated in a county jail or a state correctional facility: }

50 {(a) 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 }

52 {(b) due to: }

53 {(i) a subsequent conviction; or }

54 {(ii) an arrest for: }

55 {(A) a felony offense; or }

56 {(B) a misdemeanor offense when an element of the misdemeanor offense is the use or attempted use of physical force against an individual or property. }

58 [{(5)] ~~(6)~~ (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. {}}

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

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

63 (1)

[{(a) The] When reporting data on statewide recidivism, the commission, the Department of Corrections, and the Board of Pardons and Parole[, when reporting data on statewide reecidivism,] ~~{}~~ shall include data reflecting the recidivism standard metric~~{-}~~ and any available alternative recidivism metric.

67 [(b)]

(i) On or before August 1, 2024, the commission shall reevaluate the reecidivism standard metric to determine whether new data streams allow for a broader definition, which may include criminal convictions that do not include prison time.]

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[~~(ii) On or before November 1, 2024, the commission shall report to the Law Enforcement and Criminal Justice Interim Committee:~~]

~~[(A) the result of the reevaluation described in Subsection (1)(b)(i); and]~~

~~[(B) other recommendations regarding standardized recidivism metrics.]~~

(2) A report on statewide criminal recidivism may also include other information reflecting available recidivism, intervention, or desistance data.

(3) A criminal justice institution, agency, or entity required to report adult recidivism data to the commission:

(a) shall include:

(i) a clear description of the eligible individuals, including:

(A) the criminal population being evaluated for recidivism; and

(B) the interventions that are being evaluated;

(ii) a clear description of the beginning and end of the evaluation period; and

(iii) a clear description of the events that are considered as a recidivism-triggering event; and

(b) may include supplementary data including:

(i) the length of time that elapsed before a recidivism-triggering event described in Subsection (3)(a)(iii) occurred;

(ii) the severity of a recidivism-triggering event described in Subsection (3)(a)(iii);

(iii) measures of personal well-being, education, employment, housing, health, family or social support, civic or community engagement, or legal involvement; or

(iv) other desistance metrics that may capture an individual's behavior following the individual's release from an intervention.

(4) Unless otherwise specified in statute:

(a) the evaluation period described in Subsection (3)(a)(ii) is three years; and

(b) a recidivism-triggering event under Subsection (3)(a)(iii) shall include:

(i) an arrest;

(ii) an admission to prison;

(iii) a criminal charge; or

(iv) a criminal conviction.

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

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

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- 102 (1) As used in this section, "juvenile recidivism" means the same as that term is defined in Section
80-6-104.
- 104 [(4)] (2) The [State Commission on Criminal and Juvenile Justice] commission shall:
- 105 (a) support implementation and expansion of evidence-based juvenile justice programs and practices, including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;
- 108 (b) examine and make recommendations on the use of third-party entities or an intermediary organization to assist with implementation and to support the performance-based contracting system authorized in Subsection [(4)(m)] (2)(m);
- 111 (c) oversee the development of performance measures to track juvenile justice reforms, and ensure early and ongoing stakeholder engagement in identifying the relevant performance measures;
- 114 (d) evaluate currently collected data elements throughout the juvenile justice system and contract reporting requirements to streamline reporting, reduce redundancies, eliminate inefficiencies, and ensure a focus on [recidivism reduction] the reduction of juvenile recidivism;
- 118 (e) review averted costs from reductions in out-of-home placements for juvenile justice youth placed with the Division of Juvenile Justice and Youth Services and the Division of Child and Family Services, and make recommendations to prioritize the reinvestment and realignment of resources into community-based programs for youth living at home, including the following:
- 123 (i) statewide expansion of:
- 124 (A) juvenile receiving centers, as defined in Section 80-1-102;
- 125 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;
- 126 (C) youth courts; and
- 127 (D) victim-offender mediation;
- 128 (ii) statewide implementation of nonresidential diagnostic assessment;
- 129 (iii) statewide availability of evidence-based programs and practices including cognitive behavioral and family therapy programs for minors assessed by a validated risk and needs assessment as moderate or high risk;
- 132 (iv) implementation and infrastructure to support the sustainability and fidelity of evidence-based juvenile justice programs, including resources for staffing, transportation, and flexible funds; and
- 135 (v) early intervention programs such as family strengthening programs, family wraparound services, and proven truancy interventions;

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- (f) assist the Administrative Office of the Courts in the development of a statewide sliding scale for the assessment of fines, fees, and restitution, based on the ability of the minor's family to pay;
- 140 (g) analyze the alignment of resources and the roles and responsibilities of agencies, such as the operation of early intervention services, receiving centers, and diversion, and make recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;
- 144 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 145 (i) develop a reasonable timeline within which all programming delivered to minors in the juvenile justice system must be evidence-based or consist of practices that are rated as effective for reducing juvenile recidivism by a standardized program evaluation tool;
- 149 (j) provide guidelines to be considered by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services in developing tools considered by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services in developing or selecting tools to be used for the evaluation of juvenile justice programs;
- 154 (k) develop a timeline to support improvements to juvenile justice programs to achieve reductions in juvenile recidivism and review reports from relevant state agencies on progress toward reaching that timeline;
- 157 (l) subject to Subsection [②] (3), assist in the development of training for juvenile justice stakeholders, including educators, law enforcement officers, probation staff, judges, Division of Juvenile Justice and Youth Services staff, Division of Child and Family Services staff, and program providers;
- 161 (m) subject to Subsection [③] (4), assist in the development of a performance-based contracting system, which shall be developed by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services for contracted services in the community and contracted out-of-home placement providers;
- 165 (n) assist in the development of a validated detention risk assessment tool that is developed or adopted and validated by the Administrative Office of the Courts and the Division of Juvenile Justice and Youth Services as provided in Section 80-5-203; and
- 169 (o) annually issue and make public a report to the governor, president of the Senate, speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the progress of the reforms and any additional areas in need of review.

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

- 175 (a) adolescent development;
- 176 (b) identifying and using local behavioral health resources;
- 177 (c) cross-cultural awareness;
- 178 (d) graduated responses;
- 179 (e) Utah juvenile justice system data and outcomes; and
- 180 (f) gangs.

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

- 182 (a) the use of evidence-based juvenile justice programs and practices rated as effective by the tools selected in accordance with Subsection [~~(1)(f)~~] (2)(j);
- 184 (b) the use of three-month timelines for program completion; and
- 185 (c) evidence-based programs and practices for minors living at home in rural areas.

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

188 Section 4. Section **80-5-102** is amended to read:

80-5-102. Definitions.

As used in this chapter:

- 193 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in Section 80-5-302.
- 195 (2)
 - 196 (a) "Adult" means an individual who is 18 years old or older.
 - 196 (b) "Adult" does not include a juvenile offender.
- 197 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R. 1351.1.
- 199 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 200 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a manner consistent with public safety and the well-being of the juvenile offender and division employees.
- 203 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section 26B-4-1001.
- 205 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.
- 206 (8) "Discharge" means the same as that term is defined in Section 80-6-102.

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- 207 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.
- 209 (10) "Homeless youth" means a child, other than an emancipated minor:
- 210 (a) who is a runaway; or
- 211 (b) who is:
- 212 (i) not accompanied by the child's parent or guardian; and
- 213 (ii) without care, as defined in Section 80-5-602.
- 214 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area space.
- 216 (12) "Minor room" means a secured room where an individual sleeps and uses restroom facilities.
- 218 (13) "Observation and assessment program" means a nonresidential service program operated or purchased by the division that is responsible only for diagnostic assessment of minors, including for substance use disorder, mental health, psychological, and sexual behavior risk assessments.
- 222 (14) "Performance based contracting" means a system of contracting with service providers for the provision of residential or nonresidential services that:
- 224 (a) provides incentives for the implementation of evidence-based juvenile justice programs or programs rated as effective for reducing juvenile recidivism, as defined in Section 80-6-104, by a standardized tool in accordance with Section 63M-7-208; and
- 228 (b) provides a premium rate allocation for a minor who receives the evidence-based dosage of treatment and successfully completes the program within three months.
- 230 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for effectuating or facilitating an individual's attempted sex change, any of the following alone or in combination with aromatase inhibitors:
- 233 (a) gonadotropin-releasing hormone agonists; or
- 234 (b) androgen receptor inhibitors.
- 235 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined in Section 26B-4-1001.
- 237 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 238 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 239 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 240 (20) "Secondary sex characteristic surgical procedure" means the same as that term is defined in Section 26B-4-1001.
- 242 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.

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- 243 (22) "Temporary homeless youth shelter" means a facility that:
- 244 (a) provides temporary shelter to homeless youth; and
- 245 (b) is licensed by the Department of Health and Human Services, created in Section 26B-1-201, as a
residential support program.
- 247 (23) "Termination" means the same as that term is defined in Section 80-6-102.
- 248 (24) "Victim" means the same as that term is defined in Section 80-6-102.
- 249 (25) "Work program" means a nonresidential public or private service work project established and
administered by the division for juvenile offenders for the purpose of rehabilitation, education, and
restitution to victims.
- 252 (26)
- 253 (a) "Youth services" means services provided in an effort to resolve family conflict:
- 254 (i) for families in crisis when a minor is ungovernable or a runaway; or
- 255 (ii) involving a minor and the minor's parent or guardian.
- 256 (b) "Youth services" include efforts to:
- 257 (i) resolve family conflict;
- 258 (ii) maintain or reunite minors with the minors' families; and
- 259 (iii) divert minors from entering or escalating in the juvenile justice system.
- 260 (c) "Youth services" may provide:
- 261 (i) crisis intervention;
- 262 (ii) short-term shelter;
- 263 (iii) time-out placement; and
- 264 (iv) family counseling.
- 264 (27) "Youth services center" means a center established by, or under contract with, the division to
provide youth services.
- 264 Section 5. Section **80-6-104** is amended to read:
- 265 **80-6-104. Data collection on offenses committed by minors -- Reporting requirement.**
- 269 (1) As used in this section:
- 270 (a) "Diversion" means an agreement between an individual and a prosecuting attorney or juvenile
probation officer that results in the dismissal of charges for an offense before an adjudication or
conviction.
- 273 [(a)] (b) "Firearm" means the same as that term is defined in Section 76-11-101.

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- 274 [({b})] (c) "Firearm-related offense" means a criminal offense involving a firearm.
- 275 (d) "Juvenile recidivism" means a diversion, adjudication, or conviction of an individual for an offense
within six months, one year, two years, and three years after the day on which:
- 278 (i) the individual accepted a nonjudicial adjustment; or
- 279 (ii) the juvenile court ordered a disposition for the individual resulting in secure care, community-based placement, formal probation, or intake probation.
- 281 (e) "School" means the same as that term is defined in Section 80-6-103.
- 282 (f) "School-based offense" means an offense that is committed, or allegedly committed, by a minor
enrolled in school when school is in session or at a school-sponsored activity.
- 285 {(g) {"School-based referral" means the referral of a minor under Section 53G-8-211 for a school-based offense to an evidence-based alternative intervention or for prevention and early intervention youth servicees, or to a law enforcement officer or agency or a court, within six months, one year, two years, and three years after the day on which:}} }
- 289 (i){(g)} {the} "School-based referral" means the referral of a minor {was referred} under Section 53G-8-211 for a school-based offense{:} .
- 285 (h) "School-based recidivism" means a diversion, adjudication, or conviction of an individual for a school-based offense within six months, one year, two years, and three years after the day on which:
- 290 (ii){(i)} the {minor} individual accepted a nonjudicial adjustment for a school-based offense; or
- 291 (iii){(ii)} the juvenile court ordered a disposition for {a school-based offense} the individual resulting in secure care, community-based placement, formal probation, or intake probation {for the minor} .
- 294 [({e})] (h){(i)} "School is in session" means the same as that term is defined in Section 53E-3-516.
- 296 [({d})] (i){(j)} "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.
- 298 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the following data to the State Commission on Criminal and Juvenile Justice, broken down by judicial district, for the preceding calendar year:
- 301 (a) the number of referrals to the juvenile court;
- 302 (b) the number of minors diverted to a nonjudicial adjustment;
- 303 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- 304 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
- 305 (e) the number of minors for whom an information is filed in the juvenile court;
- 306 (f) the number of minors bound over to the district court by the juvenile court;

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- 307 (g) the number of petitions for offenses committed by minors that were dismissed by the juvenile court;
- 309 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 310 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 311 (j) the number of dispositions resulting in secure care, community-based placement, formal probation,
and intake probation; and
- 313 (k) for each minor charged in the juvenile court with a firearm-related offense:
314 (i) the minor's age at the time the offense was committed or allegedly committed;
315 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
316 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or 76-11-303(4);
318 (iv) the type of offense for which the minor is charged;
319 (v) the outcome of the minor's case in juvenile court, including whether the minor was bound over to
the district court or adjudicated by the juvenile court; and
- 321 (vi) if a disposition was entered by the juvenile court, whether the disposition resulted in secure care,
community-based placement, formal probation, or intake probation.
- 324 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a case
resulting from a firearm-related offense committed, or allegedly committed, by a minor when the
minor is found in possession of a firearm while school is in session or during a school-sponsored
activity.
- 328 (4) In collaboration with the Administrative Office of the Courts, the division, and other agencies, the
State Commission on Criminal and Juvenile Justice shall collect data for the preceding calendar year
on:
- 331 (a) the length of time that minors spend in the juvenile justice system, including the total amount of
time minors spend under juvenile court jurisdiction, on community supervision, and in each out-of-
home placement;
- 334 (b) ~~recidivism of minors who are diverted to a nonjudicial adjustment and minors for whom
dispositions are ordered by the juvenile court~~ juvenile recidivism, including tracking minors into
the adult corrections system;
- 337 (c) **school-based recidivism;**
- 338 (c)(d) **school-based referrals;**
- [{e}] (d){(e)} changes in aggregate risk levels from the time minors receive services, are under
supervision, and are in out-of-home placement; and

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- 340 [({d})] (e){(f)} dosages of programming.
- 341 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile Justice shall
342 prepare and submit a written report to the Judiciary Interim Committee and the Law Enforcement
343 and Criminal Justice Interim Committee that includes:
344 (a) data collected by the State Commission on Criminal and Juvenile Justice under this section;
345 (b) data collected by the State Board of Education under Section 53E-3-516; and
346 (c) recommendations for legislative action with respect to the data described in this Subsection (5).
347 (6) After submitting the written report described in Subsection (5), the State Commission on Criminal
348 and Juvenile Justice may supplement the report at a later time with updated data and information the
349 State Board of Education collects under Section 53E-3-516.
350 (7) Nothing in this section shall be construed to require the disclosure of information or data that is
351 classified as controlled, private, or protected under Title 63G, Chapter 2, Government Records
352 Access and Management Act.
- 353 Section 6. Section **80-6-205** is amended to read:
- 354 **80-6-205. Admission to detention -- Rights of a minor in detention.**
- 355 (1)
- 356 (a) If a minor is taken to a detention facility under Section 80-6-203, a designated staff member of
357 the detention facility shall immediately review the form and determine, based on the results of the
358 detention risk assessment tool and Subsection (2), whether to:
359 [({a})] (i) admit the minor to secure detention;
360 [({b})] (ii) admit the minor to home detention;
361 [({c})] (iii) subject to Subsection (1)(b), place the minor in an alternative to detention[,-except that the
362 staff member may not place the minor in a correctional facility that is intended to hold adults
363 accused or convicted of offenses as an alternative to detention]; or
364 [({d})] (iv) if the minor is a child, return the minor home upon a written promise by the minor's parent,
365 guardian, or custodian to bring the minor to the juvenile court at a time set or without restriction.
366 (b) If a minor is younger than 18 years old, a staff member may not place the minor under Subsection
367 (1)(a)(iii) in a correctional facility as an alternative to detention.
368 (2) The designated staff member may not admit a minor to detention under Subsection (1) unless:
369 (a) the minor is detainable based on the detention guidelines; or
370 (b) the minor has been brought to detention in accordance with:

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- 372 (i) a court order;
- 373 (ii) a warrant described in Section 80-6-202; or
- 374 (iii) a division warrant described in Section 80-6-806.
- 375 (3) If the designated staff member determines to admit a minor to home detention, the staff member shall notify the juvenile court of that determination.
- 377 (4) Even if a minor is eligible for secure detention, a peace officer or other person who takes a minor to a detention facility, or the designated staff member of the detention facility, may release a minor to a less restrictive alternative than secure detention.
- 380 (5)
- 384 (a) If a minor taken to a detention facility does not qualify for admission under detention guidelines or this section, a designated staff member of the detention facility shall arrange an appropriate alternative, including admitting a minor to a juvenile receiving center or a shelter facility.
- 386 (b)
- 389 (i) Except as otherwise provided by this section, a minor may not be placed or kept in secure detention while court proceedings are pending.
- 391 (ii) A child may not be placed or kept in a shelter facility while court proceedings are pending, unless the child is in protective custody in accordance with Chapter 3, Abuse, Neglect, and Dependency Proceedings.
- 393 (6) If a minor is taken into temporary custody and admitted to a secure detention, or another alternative to detention, a designated staff member of the detention facility shall:
- 398 (a) immediately notify the minor's parent, guardian, or custodian; and
- 399 (b) promptly notify the juvenile court of the placement.
- 398 (8)
- 399 (a) Subject to Subsection (8)(b), a minor admitted to detention has a right to:
- 399 (i) phone the minor's parent, guardian, or attorney immediately after the minor is admitted to detention; and

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- (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or custodian.
 - (b) The division may:
 - (i) establish a schedule for which a minor in detention may visit or phone a person described in Subsection (8)(a);
 - (ii) allow a minor in detention to visit or call persons described in Subsection (8)(a) in special circumstances;
 - (iii) limit the number and length of calls and visits for a minor in detention to persons described in Subsection (8)(a) on account of scheduling, facility, or personnel constraints; or
 - (iv) limit the minor's rights described in Subsection (8)(a) if a compelling reason exists to limit the minor's rights.
 - (c) A minor admitted to detention shall be immediately advised of the minor's rights described in this Subsection (8).

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

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

 - (1) When sentencing a minor, the district court shall order the minor to make restitution in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act.
 - [~~(1)~~] (2)
 - (a) If the district court determines that probation is not appropriate and commitment to prison is an appropriate sentence when sentencing a minor:
 - (i) the district court shall order the minor committed to prison; and
 - (ii) except as provided in Subsection (3) or (7), the minor shall be provisionally housed in a secure care facility[-] until the minor reaches 25 years old, unless released earlier from incarceration by the Board of Pardons and Parole.
 - (b) [Subsection (1)] This Subsection (2) applies to any minor being provisionally housed in a secure care facility as described in Subsection (1)(a) (2)(a) on or after May 4, 2022.
 - [~~(e) The district court shall, as a part of sentencing, order the minor to make restitution in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act.]~~
 - (3) The district court may order a minor to be committed to the physical custody of the Department of Corrections and housed in a correctional facility rather than secure care facility under Subsection (2)(a)(ii) if:

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- 434 (a) the minor is convicted of aggravated murder under Section 76-5-202;
435 (b) the minor was 17 years old at the time that the aggravated murder occurred; and
436 (c) the minor is 18 years old or older at the time of sentencing.
437 [(2)]
438 (a) ~~The division shall adopt procedures by rule, in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, regarding the transfer of a minor provisionally housed in a secure
care facility under Subsection (1) to the physical custody of the Department of Corrections.]~~
441 [(b)] If, in accordance with the rules adopted under Subsection (2)(a), the division determines that
housing the minor in a secure care facility presents an unreasonable risk to others or that it is not
in the best interest of the minor, the division shall transfer the physical custody of the minor to the
Department of Corrections.]
445 [(3)] (4)
446 (a) When a minor is committed to prison but provisionally housed in a secure care facility [-]under this
section, the district court and the division shall immediately notify the Board of Pardons and Parole
so that the minor may be scheduled for a hearing according to board procedures.
449 (b) If a minor who is provisionally housed in a secure care facility [-]under this section has not been
paroled or otherwise released from incarceration by the time the minor reaches 25 years old, the
division shall as soon as reasonably possible, but not later than when the minor reaches 25 years and
6 months old, transfer the minor to the physical custody of the Department of Corrections.
454 [(4)] (5) Upon the commitment of a minor to the custody of the division or the Department of
Corrections under this section, the Board of Pardons and Parole has authority over the minor for
purposes of parole, pardon, commutation, termination of sentence, remission of restitution, fines or
forfeitures, and all other purposes authorized by law.
458 [(5)] (6) The authority[-] shall:
459 (a) hold hearings, receive reports, or otherwise keep informed of the progress of a minor in the custody
of the division under this section; and
461 (b) forward to the Board of Pardons and Parole any information or recommendations concerning the
minor.
463 (7) Upon a motion by a prosecuting attorney, the Board of Pardons and Parole may:
464 (a) review the status of a minor who is provisionally housed in a secure care facility as described in
Subsection (2)(a)(ii); and

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- 466 (b) order that the minor be committed to the physical custody of the Department of Corrections and
housed in a correctional facility if:
- 468 (i) the minor meets the requirements described in Subsections (3)(a) through (c); and
469 (ii) the Board of Pardons and Parole finds that the commitment and transfer is warranted.
- 471 (8)
- 472 (a) The division shall adopt procedures by rule, in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, regarding the transfer of a minor provisionally housed in a secure
care facility as described in Subsection (2)(a)(ii).
- 473 (b) The division shall transfer the physical custody of a minor to the Department of Corrections if, in
accordance with the rules adopted under Subsection (8)(a), the division determines that housing a
minor in a secure care facility:
- 474 (i) presents an unreasonable risk to others; or
475 (ii) it is not in the best interest of the minor.
- 476 [¶] (9) Commitment of a minor under this section is a prison commitment for all sentencing purposes.
- 477 Section 8. Section **80-6-704** is amended to read:
- 478 **80-6-704. Detention or alternative to detention -- Limitations.**
- 479 (1)
- 480 (a) The juvenile court may order a minor to detention, or an alternative to detention, if the minor is
481 adjudicated for:
- 482 (i) an offense under Section 80-6-701; or
483 (ii) contempt of court under Section 78A-6-353.
- 484 (b) Except as provided in Subsection 78A-6-353(4), and subject to the juvenile court retaining
485 continuing jurisdiction over a minor's case, the juvenile court may order a minor to detention, or an
486 alternative to detention, under Subsection (1)(a) for a period not to exceed 30 cumulative days for an
487 adjudication.
- 488 (c) If a minor is held in detention before an adjudication, the time spent in detention before the
489 adjudication shall be credited toward the 30 cumulative days eligible as a disposition under
490 Subsection (1)(b).
- 491 (d) If a minor spent more than 30 days in detention before a disposition, the juvenile court may not
492 order the minor to detention under this section.

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(2) An order for detention under Subsection (1) may not be suspended upon conditions ordered by the juvenile court.

498 (3) A juvenile court may not order a minor to detention for:

499 (a) contempt of court, except to the extent permitted under Section 78A-6-353;

500 (b) a violation of probation;

501 (c) failure to pay a fine, fee, restitution, or other financial obligation;

502 (d) unfinished compensatory or community service hours;

503 (e) an infraction; or

504 (f) a status offense.

505 ~~[A juvenile court may not order a minor be placed in a correctional facility that is intended to hold adults accused or convicted of offenses as an alternative to detention under Subsection (1).]~~

508 ~~[5]~~ (4)

(a) If a minor is held in detention under this section, the minor is eligible to receive credit for good behavior against the period of detention.

510 (b) The rate of credit is one day of credit for good behavior for every three days spent in detention.

512 ~~[6]~~ (5)

(a) A minor may not be held in secure detention following a disposition by the juvenile court:

514 (i) under Chapter 3, Abuse, Neglect, and Dependency Proceedings; or

515 (ii) except as provided in Subsection ~~[6](b)~~ (5)(b), for a community-based program.

516 (b) If a minor is awaiting placement by the division under Section 80-6-703, a minor may not be held in secure detention for longer than 72 hours, excluding weekends and holidays.

519 (c) The period of detention under Subsection ~~[6](b)~~ (5)(b) may be extended by the juvenile court for a cumulative total of seven calendar days if:

521 (i) the division, or another agency responsible for placement, files a written petition with the juvenile court requesting the extension and setting forth good cause; and

523 (ii) the juvenile court enters a written finding that it is in the best interests of both the minor and the community to extend the period of detention.

525 (d) The juvenile court may extend the period of detention beyond the seven calendar days if the juvenile court finds, by clear and convincing evidence, that:

527 (i) the division, or another agency responsible for placement, does not have space for the minor; and

529 (ii) the safety of the minor and community requires an extension of the period of detention.

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- 531 (e) The division, or the agency with custody of the minor, shall report to the juvenile court every
48 hours, excluding weekends and holidays, regarding whether the division, or another agency
responsible for placement, has space for the minor.
- 534 (f) The division, or agency, requesting an extension shall promptly notify the detention facility that a
written petition has been filed.
- 536 (g) The juvenile court shall promptly notify the detention facility regarding the juvenile court's initial
disposition and any ruling on a petition for an extension, whether granted or denied.

541 **Section 9. Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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