

HB0048S04 compared with HB0048S03

{Omitted text} shows text that was in HB0048S03 but was omitted in HB0048S04
inserted text shows text that was not in HB0048S03 but was inserted into HB0048S04

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1 **Criminal and Juvenile Justice Changes**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Karianne Lisonbee
Senate Sponsor: Kirk A. Cullimore



2
3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms related to recidivism in the criminal and juvenile justice system;
- 9 ▶ modifies the requirements for provisionally housing a minor, who is tried as an adult for aggravated murder, in a secure care facility;
- 11 ▶ 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}
- 13 ▶ addresses the appointment of counsel for a minor on a motion regarding provisional housing of the minor in a secure care facility; and
- 13 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

HB0048S03 compared with HB0048S04

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63M-7-101.5** , as last amended by Laws of Utah 2025, Chapter 360

23 **63M-7-102** , as last amended by Laws of Utah 2024, Chapter 208

24 **63M-7-208** , as last amended by Laws of Utah 2024, Chapter 240

25 **77-27-7.1** , as enacted by **Laws of Utah 2024, Chapter 145**

26 **80-5-102** , as last amended by Laws of Utah 2025, Chapter 88

27 **80-6-104** , as last amended by Laws of Utah 2025, Chapters 173, 208

28 **80-6-507** , as last amended by Laws of Utah 2025, Chapter 526

29

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

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

32 **63M-7-101.5. Definitions for chapter.**

As used in this chapter:

31 (1) "Alternative recidivism metric" includes:

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

34 (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

37 (ii) due to:

38 (A) a subsequent conviction; or

39 (B) an arrest for:

40 (I) a felony offense; or

41 (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

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

45 [(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.

47 [(2)] (3) "Desistance" means an individual's abstinence from further criminal activity after a previous criminal conviction.

49 [(3)] (4) "Intervention" means a program, sanction, supervision, or event that may impact recidivism.

HB0048S03 compared with HB0048S04

- 51 ~~[(4)]~~ (5) "Recidivism" means a return to criminal activity after a previous criminal conviction.
- 53 ~~[(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.
- 59 Section 2. Section **63M-7-102** is amended to read:
- 60 **63M-7-102. Recidivism metrics -- Reporting.**
- 58 (1)
- 62 ~~[(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 recidivism,]~~ shall include
data reflecting the recidivism standard metric~~[-]~~ and any available alternative recidivism metric.
- 62 ~~[(b)~~
- 65 ~~(i) On or before August 1, 2024, the commission shall reevaluate the recidivism standard metric to
determine whether new data streams allow for a broader definition, which may include criminal
convictions that do not include prison time.]~~
- 67 ~~[(ii) On or before November 1, 2024, the commission shall report to the Law Enforcement and Criminal
Justice Interim Committee:]~~
- 67 ~~[(A) the result of the reevaluation described in Subsection (1)(b)(i); and]~~
- 68 ~~[(B) other recommendations regarding standardized recidivism metrics.]~~
- 69 (2) A report on statewide criminal recidivism may also include other information reflecting available
recidivism, intervention, or desistance data.
- 71 (3) A criminal justice institution, agency, or entity required to report adult recidivism data to the
commission:
- 73 (a) shall include:
- 74 (i) a clear description of the eligible individuals, including:
- 75 (A) the criminal population being evaluated for recidivism; and
- 76 (B) the interventions that are being evaluated;
- 77 (ii) a clear description of the beginning and end of the evaluation period; and
- 78 (iii) a clear description of the events that are considered as a recidivism-triggering event; and
- 80 (b) may include supplementary data including:
- 81 (i) the length of time that elapsed before a recidivism-triggering event described in Subsection (3)(a)(iii)
occurred;

HB0048S03 compared with HB0048S04

- 83 (ii) the severity of a recidivism-triggering event described in Subsection (3)(a)(iii);
84 (iii) measures of personal well-being, education, employment, housing, health, family or social support,
civic or community engagement, or legal involvement; or
86 (iv) other desistance metrics that may capture an individual's behavior following the individual's release
from an intervention.

88 (4) Unless otherwise specified in statute:

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

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

91 (i) an arrest;

92 (ii) an admission to prison;

93 (iii) a criminal charge; or

94 (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.**

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

99 [(1)] (2) The [~~State Commission on Criminal and Juvenile Justice~~] commission shall:

100 (a) support implementation and expansion of evidence-based juvenile justice programs and practices,
including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;

103 (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 [(1)(m)] (2)(m);

106 (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;

109 (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;

113 (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:

HB0048S03 compared with HB0048S04

- 118 (i) statewide expansion of:
- 119 (A) juvenile receiving centers, as defined in Section 80-1-102;
- 120 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;
- 121 (C) youth courts; and
- 122 (D) victim-offender mediation;
- 123 (ii) statewide implementation of nonresidential diagnostic assessment;
- 124 (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;
- 127 (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
- 130 (v) early intervention programs such as family strengthening programs, family wraparound services,
and proven truancy interventions;
- 132 (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;
- 135 (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;
- 139 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 140 (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;
- 144 (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;
- 149 (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;

152

HB0048S03 compared with HB0048S04

- (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;
- 156 (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;
- 160 (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
- 164 (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.
- 167 [(2)] (3) Training described in Subsection [(1)(1)] (2)(1) 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:
- 170 (a) adolescent development;
- 171 (b) identifying and using local behavioral health resources;
- 172 (c) cross-cultural awareness;
- 173 (d) graduated responses;
- 174 (e) Utah juvenile justice system data and outcomes; and
- 175 (f) gangs.
- 176 [(3)] (4) The system described in Subsection [(1)(m)] (2)(m) shall provide incentives for:
- 177 (a) the use of evidence-based juvenile justice programs and practices rated as effective by the tools selected in accordance with Subsection [(1)(j)] (2)(j);
- 179 (b) the use of three-month timelines for program completion; and
- 180 (c) evidence-based programs and practices for minors living at home in rural areas.
- 181 [(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 77-27-7.1 is amended to read:

HB0048S03 compared with HB0048S04

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 jurisdiction
is unable, due to physical, mental, or other circumstances, to meaningfully participate in a board
hearing or other board proceeding, the board may appoint, at the 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 board review
the status of a minor who is provisionally housed in a secure care facility as defined in Section
80-1-102, the board shall appoint counsel to assist the minor, at the 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 (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; or

203 (b) otherwise seeking information concerning the offender from the department or another entity.

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

206 **80-5-102. Definitions.**

As used in this chapter:

188 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in Section 80-5-302.

190 (2)

(a) "Adult" means an individual who is 18 years old or older.

191 (b) "Adult" does not include a juvenile offender.

192 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R. 1351.1.

194 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.

195 (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.

198 (6) "Cross-sex hormone treatment" means the same as that term is defined in Section 26B-4-1001.

200 (7) "Director" means the director of the Division of Juvenile Justice and Youth Services.

201 (8) "Discharge" means the same as that term is defined in Section 80-6-102.

202 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.

204 (10) "Homeless youth" means a child, other than an emancipated minor:

205 (a) who is a runaway; or

HB0048S03 compared with HB0048S04

- 206 (b) who is:
- 207 (i) not accompanied by the child's parent or guardian; and
- 208 (ii) without care, as defined in Section 80-5-602.
- 209 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area space.
- 211 (12) "Minor room" means a secured room where an individual sleeps and uses restroom facilities.
- 213 (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.
- 217 (14) "Performance based contracting" means a system of contracting with service providers for the
provision of residential or nonresidential services that:
- 219 (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
- 223 (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.
- 225 (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:
- 228 (a) gonadotropin-releasing hormone agonists; or
- 229 (b) androgen receptor inhibitors.
- 230 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined in Section
26B-4-1001.
- 232 (17) "Rescission" means the same as that term is defined in Section 80-6-102.
- 233 (18) "Restitution" means the same as that term is defined in Section 80-6-102.
- 234 (19) "Revocation" means the same as that term is defined in Section 80-6-102.
- 235 (20) "Secondary sex characteristic surgical procedure" means the same as that term is defined in Section
26B-4-1001.
- 237 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- 238 (22) "Temporary homeless youth shelter" means a facility that:
- 239 (a) provides temporary shelter to homeless youth; and
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HB0048S03 compared with HB0048S04

(b) is licensed by the Department of Health and Human Services, created in Section 26B-1-201, as a residential support program.

242 (23) "Termination" means the same as that term is defined in Section 80-6-102.

243 (24) "Victim" means the same as that term is defined in Section 80-6-102.

244 (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.

247 (26)

(a) "Youth services" means services provided in an effort to resolve family conflict:

248 (i) for families in crisis when a minor is ungovernable or a runaway; or

249 (ii) involving a minor and the minor's parent or guardian.

250 (b) "Youth services" include efforts to:

251 (i) resolve family conflict;

252 (ii) maintain or reunite minors with the minors' families; and

253 (iii) divert minors from entering or escalating in the juvenile justice system.

254 (c) "Youth services" may provide:

255 (i) crisis intervention;

256 (ii) short-term shelter;

257 (iii) time-out placement; and

258 (iv) family counseling.

259 (27) "Youth services center" means a center established by, or under contract with, the 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 requirement.**

264 (1) As used in this section:

265 (a) "Diversion" means:

266 (i) an agreement between an individual and a juvenile probation officer that results in the resolution of a referral for an offense before a petition is filed; or

268 (ii) an agreement between an individual and a prosecuting attorney that results in the dismissal of charges for an offense before a conviction.

270 [(a)] (b) "Firearm" means the same as that term is defined in Section 76-11-101.

HB0048S03 compared with HB0048S04

- 271 [~~(b)~~] (c) "Firearm-related offense" means a criminal offense involving a firearm.
- 272 (d) "Juvenile recidivism" means a diversion, adjudication, or conviction of an individual for an offense
273 within six months, one year, two years, and three years after the day on which:
- 274 (i) the individual accepted a nonjudicial adjustment; or
- 275 (ii) the juvenile court ordered a disposition for the individual resulting in secure care, community-based
276 placement, formal probation, or intake probation.
- 277 (e) "School" means the same as that term is defined in Section 80-6-103.
- 278 (f) "School-based offense" means any infraction, misdemeanor, or felony offense that occurs at school
279 when school is in session, at the location of a school-sponsored activity during the activity, or on
280 school district transportation, including a school bus.
- 281 (g) "School-based referral" means the referral of a minor under Section 53G-8-211 for a school-based
282 offense.
- 283 (h) "School-based recidivism" means a diversion, adjudication, or conviction of an individual for a
284 school-based offense within six months, one year, two years, and three years after the day on which:
- 285 (i) the individual accepted a nonjudicial adjustment for a school-based offense; or
- 286 (ii) the juvenile court ordered a disposition for the individual resulting in secure care, community-based
287 placement, formal probation, or intake probation.
- 288 [~~(e)~~] (i) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 289 [~~(f)~~] (j) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.
- 290 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the following data
291 to the State Commission on Criminal and Juvenile Justice, broken down by judicial district, for the
292 preceding calendar year:
- 293 (a) the number of referrals to the juvenile court;
- 294 (b) the number of minors diverted to a nonjudicial adjustment;
- 295 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- 296 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
- 297 (e) the number of minors for whom an information is filed in the juvenile court;
- 298 (f) the number of minors bound over to the district court by the juvenile court;
- 299 (g) the number of petitions for offenses committed by minors that were dismissed by the juvenile court;
- 300 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 301 (i) the number of guilty pleas entered into by minors in the juvenile court;
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HB0048S03 compared with HB0048S04

- 307 (j) the number of dispositions resulting in secure care, community-based placement, formal probation,
and intake probation; and
- 309 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 310 (i) the minor's age at the time the offense was committed or allegedly committed;
- 311 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 312 (iii) whether the minor is a restricted person under Subsection 76-11-302(4) or 76-11-303(4);
- 314 (iv) the type of offense for which the minor is charged;
- 315 (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
- 317 (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.
- 320 (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.
- 324 (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:
- 327 (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;
- 330 (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;
- 333 (c) school-based recidivism;
- 334 (d) school-based referrals;
- 335 ~~[(e)]~~ (e) changes in aggregate risk levels from the time minors receive services, are under supervision,
and are in out-of-home placement; and
- 337 ~~[(f)]~~ (f) dosages of programming.
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HB0048S03 compared with HB0048S04

(5) On and before October 1 of each year, the State Commission on Criminal and Juvenile Justice shall prepare and submit a written report to the Judiciary Interim Committee and the Law Enforcement and Criminal Justice Interim Committee that includes:

- 341 (a) data collected by the State Commission on Criminal and Juvenile Justice under this section;
343 (b) data collected by the State Board of Education under Section 53E-3-516; and
344 (c) recommendations for legislative action with respect to the data described in this Subsection (5).
346 (6) After submitting the written report described in Subsection (5), the State Commission on Criminal and Juvenile Justice may supplement the report at a later time with updated data and information the State Board of Education collects under Section 53E-3-516.
349 (7) Nothing in this section shall be construed to require the disclosure of information or data that is classified as controlled, private, or protected under Title 63G, Chapter 2, 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 minor in a secure care facility.**

355 (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.

357 [~~(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:

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

360 (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.

363 (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.

366 [~~(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.~~]

368 (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:

HB0048S03 compared with HB0048S04

- 371 (a) the minor is convicted of aggravated murder under Section 76-5-202;
372 (b) the minor was 17 years old at the time that the aggravated murder occurred; { and }
373 (c) the minor is 18 years old or older at the time of sentencing{-}; and
374 {(2)}
{(a) }
- 394 (d) the court determines that the minor would present a security risk to other individuals in a secure care facility.
- (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.]
- 378 [~~(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.]~~
- 382 [~~(3)~~] (4)
- (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.
- 386 (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.
- 391 [~~(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.
- 395 [~~(5)~~] (6) The authority[-] shall:
- 396 (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
- 398 (b) forward to the Board of Pardons and Parole any information or recommendations concerning the minor.

HB0048S03 compared with HB0048S04

- 422 (7)
- 400 (7){(a)} Upon a motion by a prosecuting attorney, the Board of Pardons and Parole may:
- 401 (a){(i)} review the status of a minor who is provisionally housed in a secure care facility as described in
Subsection (2)(a)(ii); and
- 403 (b){(ii)} order that the minor be committed to the physical custody of the Department of Corrections
and housed in a correctional facility if:
- 405 (i){(A)} the minor meets the requirements described in Subsections (3)(a) through (c); and
- 406 (ii){(B)} the Board of Pardons and Parole finds that the commitment and transfer is warranted.
- 431 (b) For a motion described in Subsection (7)(a), the board shall appoint counsel for the minor as
described in Section 77-27-7.1.
- 408 (8)
- (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).
- 411 (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:
- 414 (i) presents an unreasonable risk to others; or
- 415 (ii) it is not in the best interest of the minor.
- 416 [(6)] (9) Commitment of a minor under this section is a prison commitment for all sentencing purposes.

443 Section 8. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-27-26 10:20 AM