



# HB0465S02 compared with HB0465S03

16 AMENDS:

17 **63I-2-280 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5**

18 **80-5-201 , as last amended by Laws of Utah 2025, Chapter 291**

17 ~~80-6-704 , as last amended by Laws of Utah 2024, Chapter 256}~~

18 ~~80-6-711 , as last amended by Laws of Utah 2022, Chapter 155}~~

19

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

21 Section 1. Section **63I-2-280** is amended to read:

22 **63I-2-280. Repeal dates: Title 80.**

[Reserved.]Subsection 80-5-201(6), regarding a requirement for the Division of Juvenile Justice and Youth Services to report to the Judiciary Interim Committee, is repealed January 1, 2027.

26 Section 2. Section **80-5-201** is amended to read:

27 **CHAPTER 5. Juvenile Justice and Youth Services**

28 **80-5-201. Division responsibilities.**

- 29 (1) The division is responsible for all minors committed to the division by juvenile courts under Sections 80-6-703 and 80-6-705.
- 31 (2) The division shall:
- 32 (a) establish and administer a continuum of community, secure, and nonsecure programs for all minors committed to the division;
- 34 (b) establish and maintain all detention and secure care facilities and set minimum standards for all detention and secure care facilities;
- 36 (c) establish and operate prevention and early intervention youth services programs for nonadjudicated minors placed with the division;
- 38 (d) establish observation and assessment programs necessary to serve minors in a nonresidential setting under Subsection 80-6-706(1);
- 40 (e) place minors committed to the division under Section 80-6-703 in the most appropriate program for supervision and treatment;
- 42 (f) employ staff necessary to:
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- 45 (i) supervise and control minors committed to the division for secure care or placement in the community;
- 47 (ii) supervise and coordinate treatment of minors committed to the division for placement in community-based programs; and
- 50 (iii) control and supervise adjudicated and nonadjudicated minors placed with the division for temporary services in juvenile receiving centers, youth services, and other programs established by the division;
- 53 (g) control or detain a minor committed to the division, or in the temporary custody of the division, in a manner that is consistent with public safety and rules made by the division;
- 55 (h) establish and operate work programs for minors committed to the division by the juvenile court that:
  - 56 (i) are not residential;
  - 58 (ii) provide labor to help in the operation, repair, and maintenance of public facilities, parks, highways, and other programs designated by the division;
  - 60 (iii) provide educational and prevocational programs in cooperation with the State Board of Education for minors placed in the program; and
  - 61 (iv) provide counseling to minors;
- 64 (i) establish minimum standards for the operation of all private residential and nonresidential rehabilitation facilities that provide services to minors who have committed an offense in this state or in any other state;
- 66 (j) provide regular training for secure care staff, detention staff, case management staff, and staff of the community-based programs;
- 68 (k) designate employees to obtain the saliva DNA specimens required under Section 53-10-403;
- 70 (l) ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol;
- 71 (m) register an individual with the Department of Public Safety who:
  - 74 (i) is adjudicated for an offense that would result in the individual being a child abuse offender under Subsection 53-29-202(2)(a) or a sex offender under Subsection 53-29-202(2)(b);
  - 75 (ii) is committed to the division for secure care; and
  - (iii)
    - (A) if the individual is a youth offender, remains in the division's custody 30 days before the individual's 21st birthday; or

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- 77 (B) if the individual is a serious youth offender, remains in the division's custody 30 days before the  
individual's 25th birthday; and
- 79 (n) ensure that a program delivered to a minor under this section is an evidence-based program in  
accordance with Section 63M-7-208.
- 81 (3)
- (a) The division is authorized to employ special function officers, as defined in Section 53-13-105, to:
- 83 (i) locate and apprehend minors who have absconded from division custody;
- 84 (ii) transport minors taken into custody in accordance with division policy;
- 85 (iii) investigate cases; and
- 86 (iv) carry out other duties as assigned by the division.
- 87 (b) A special function officer may be:
- 88 (i) employed through a contract with the Department of Public Safety, or any law enforcement agency  
certified by the Peace Officer Standards and Training Division; or
- 91 (ii) directly hired by the division.
- 92 (4) In the event of an unauthorized leave from secure care, detention, a community-based program,  
a juvenile receiving center, a home, or any other designated placement of a minor, a division  
employee has the authority and duty to locate and apprehend the minor, or to initiate action with a  
local law enforcement agency for assistance.
- 96 (5) The division may proceed with an initial medical screening or assessment of a child admitted to a  
detention facility to ensure the safety of the child and others in the detention facility if the division  
makes a good faith effort to obtain consent for the screening or assessment from the child's parent or  
guardian.
- 100 (6) On or before October 31, 2026, the division shall report to the Judiciary Interim Committee  
regarding the capacity and occupancy of each detention and secure care facility for each quarter of  
the preceding fiscal year, including:
- 103 (a) the total number of beds used or available for use by a minor;
- 104 (b) the average number of beds available for use by a minor that were unoccupied; and
- 105 (c) the average number of minors in custody at the detention or secure care facility.

21 ~~{Section 1. Section 80-6-704 is amended to read: }~~

22 **80-6-704. Detention or alternative to detention -- Limitations.**

23 (1)

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- (a) The juvenile court may order a minor to detention, or an alternative to detention, if the minor is adjudicated for:
- 25 (i) an offense under Section 80-6-701; or
- 26 (ii) contempt of court under Section 78A-6-353.
- 27 (b) Except as provided in Subsection 78A-6-353(4), and subject to the juvenile court retaining continuing jurisdiction over a minor's case, the juvenile court may order a minor to detention, or an alternative to detention, under Subsection (1)(a) for a period not to exceed 30 cumulative days for an adjudication.
- 31 (c) If a minor is held in detention before an adjudication, the time spent in detention before the adjudication shall be credited toward the 30 cumulative days eligible as a disposition under Subsection (1)(b).
- 34 (d) If a minor spent more than 30 days in detention before a disposition, the juvenile court may not order the minor to detention under this section.
- 36 (2)
- (a) ~~[An]~~ Except as provided in Subsection (2)(b), an order for detention under Subsection (1) may not be suspended upon conditions ordered by the juvenile court.
- 38 (b) If a minor is adjudicated for an offense and the juvenile court orders the minor to detention, the juvenile court may suspend:
- 40 (i) up to five days of that detention upon conditions ordered by the juvenile court; or
- 41 (ii) up to 30 days of that detention upon conditions ordered by the juvenile court if, for a prior adjudication of an offense, a juvenile court:
- 43 (A) ordered the minor to detention;
- 44 (B) suspended any portion of the detention in accordance with Subsection (2)(b)(i); and
- 46 (C) imposed any portion of the detention suspended under Subsection (2)(b)(i).
- 47 (c) A suspended disposition under Subsection (2)(b) may not be imposed without:
- 48 (i) notice to the minor and the minor's counsel; and
- 49 (ii) a hearing.
- 50 (3) A juvenile court may not order a minor to detention for:
- 51 (a) contempt of court, except to the extent permitted under Section 78A-6-353;
- 52 (b) a violation of probation;
- 53 (c) failure to pay a fine, fee, restitution, or other financial obligation;

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- 54 (d) unfinished compensatory or community service hours;
- 55 (e) an infraction; or
- 56 (f) a status offense.
- 57 (4) 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).
- 60 (5)
- (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.
- 62 (b) The rate of credit is one day of credit for good behavior for every three days spent in detention.
- 64 (6)
- (a) A minor may not be held in secure detention following a disposition by the juvenile court:
- 66 (i) under Chapter 3, Abuse, Neglect, and Dependency Proceedings; or
- 67 (ii) except as provided in Subsection (6)(b), for a community-based program.
- 68 (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.
- 71 (c) The period of detention under Subsection (6)(b) may be extended by the juvenile court for a  
cumulative total of seven calendar days if:
- 73 (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
- 75 (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.
- 77 (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:
- 79 (i) the division, or another agency responsible for placement, does not have space for the minor; and
- 81 (ii) the safety of the minor and community requires an extension of the period of detention.
- 83 (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.
- 86 (f) The division, or agency, requesting an extension shall promptly notify the detention facility that a  
written petition has been filed.

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(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.

91 ~~{Section 2. Section 80-6-711 is amended to read: }~~

92 **80-6-711. Suspending a disposition.**

93 (1) Except as [~~otherwise~~] provided in Subsection (2) ~~or Subsection 80-6-704(2)(b)~~, a juvenile court may  
not suspend a disposition ordered under this part.

95 (2)

(a) If a minor qualifies for commitment to the division under Section 80-6-703, the juvenile court may suspend a disposition for commitment to the division in lieu of immediate commitment, upon the condition that the minor commit no new misdemeanor or felony offense within 90 days after the day on which the juvenile court suspends the disposition for commitment.

100 (b) The duration of a suspended disposition under Subsection (2)(a) may not:

101 (i) exceed 90 days after the day on which the juvenile court suspends the disposition for commitment;  
and

103 (ii) be extended under any circumstance.

104 (3) The juvenile court may only lift a suspension of a disposition under Subsection (2)(a):

105 (a) following adjudication of a new misdemeanor or felony offense committed by the minor during the  
period of suspension set out under Subsection (2)(a);

107 (b) if a new assessment or evaluation has been completed and the assessment or evaluation recommends  
that a higher level of care is needed and nonresidential treatment options have been exhausted or  
nonresidential treatment options are not appropriate; or

111 (c) if, after a notice and a hearing, the juvenile court finds:

112 (i) a new or previous evaluation recommends a higher level of treatment; and

113 (ii) the minor willfully failed to comply with a lower level of treatment and has been unsuccessfully  
discharged from treatment.

115 (4) A suspended disposition under Subsection (1) may not be imposed without:

116 (a) notice to the minor and the minor's counsel; and

117 (b) a hearing.

106 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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