

Karianne Lisonbee 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

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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:

- 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; 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

**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

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

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

29           **63M-7-101.5 . Definitions for chapter.**

30           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  
33           facility:

34           (i) within three years after the day on which the individuals are released from  
35           incarceration in a county jail or state correctional facility for a prior conviction;  
36           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  
42           use or attempted use of physical force against an individual or property; and

43           (b) a recidivism measurement reported to the commission under Subsection  
44           63M-7-102(3).

45           [(1)] (2) "Commission" means, except as provided in Sections 63M-7-901 and 63M-7-1101,  
46           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  
48           previous criminal conviction.

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

51           [(4)] (5) "Recidivism" means a return to criminal activity after a previous criminal  
52           conviction.

53           [(5)] (6) "Recidivism standard metric" means the number of individuals who are returned to  
54           prison for a new conviction within the three years after the day on which the individuals  
55           were released from prison.

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

57           **63M-7-102 . Recidivism metrics -- Reporting.**

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

59           Department of Corrections, and the Board of Pardons and Parole[~~-, when reporting~~  
60           ~~data on statewide recidivism,~~] shall include data reflecting the recidivism standard  
61           metric[-] and any available alternative recidivism metric.

62           [(b)(i) On or before August 1, 2024, the commission shall reevaluate the recidivism

63 standard metric to determine whether new data streams allow for a broader  
 64 definition, which may include criminal convictions that do not include prison time.]

65 [~~(ii) On or before November 1, 2024, the commission shall report to the Law  
 66 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  
 70 available recidivism, intervention, or desistance data.

71 (3) A criminal justice institution, agency, or entity required to report adult recidivism data  
 72 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  
 79 event; and

80 (b) may include supplementary data including:

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

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  
 85 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  
 87 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.

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

96 **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  
98 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  
101 and practices, including assistance regarding implementation fidelity, quality  
102 assurance, and ongoing evaluation;
- 103 (b) examine and make recommendations on the use of third-party entities or an  
104 intermediary organization to assist with implementation and to support the  
105 performance-based contracting system authorized in Subsection [~~(1)(m)~~] (2)(m);
- 106 (c) oversee the development of performance measures to track juvenile justice reforms,  
107 and ensure early and ongoing stakeholder engagement in identifying the relevant  
108 performance measures;
- 109 (d) evaluate currently collected data elements throughout the juvenile justice system and  
110 contract reporting requirements to streamline reporting, reduce redundancies,  
111 eliminate inefficiencies, and ensure a focus on [~~recidivism reduction~~] the reduction of  
112 juvenile recidivism;
- 113 (e) review averted costs from reductions in out-of-home placements for juvenile justice  
114 youth placed with the Division of Juvenile Justice and Youth Services and the  
115 Division of Child and Family Services, and make recommendations to prioritize the  
116 reinvestment and realignment of resources into community-based programs for youth  
117 living at home, including the following:
- 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  
125 cognitive behavioral and family therapy programs for minors assessed by a  
126 validated risk and needs assessment as moderate or high risk;
- 127 (iv) implementation and infrastructure to support the sustainability and fidelity of  
128 evidence-based juvenile justice programs, including resources for staffing,  
129 transportation, and flexible funds; and
- 130 (v) early intervention programs such as family strengthening programs, family

- 131 wraparound services, and proven truancy interventions;
- 132 (f) assist the Administrative Office of the Courts in the development of a statewide  
133 sliding scale for the assessment of fines, fees, and restitution, based on the ability of  
134 the minor's family to pay;
- 135 (g) analyze the alignment of resources and the roles and responsibilities of agencies,  
136 such as the operation of early intervention services, receiving centers, and diversion,  
137 and make recommendations to reallocate functions as appropriate, in accordance with  
138 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  
141 the juvenile justice system must be evidence-based or consist of practices that are  
142 rated as effective for reducing juvenile recidivism by a standardized program  
143 evaluation tool;
- 144 (j) provide guidelines to be considered by the Administrative Office of the Courts and  
145 the Division of Juvenile Justice and Youth Services in developing tools considered  
146 by the Administrative Office of the Courts and the Division of Juvenile Justice and  
147 Youth Services in developing or selecting tools to be used for the evaluation of  
148 juvenile justice programs;
- 149 (k) develop a timeline to support improvements to juvenile justice programs to achieve  
150 reductions in juvenile recidivism and review reports from relevant state agencies on  
151 progress toward reaching that timeline;
- 152 (l) subject to Subsection [~~(2)~~] (3), assist in the development of training for juvenile  
153 justice stakeholders, including educators, law enforcement officers, probation staff,  
154 judges, Division of Juvenile Justice and Youth Services staff, Division of Child and  
155 Family Services staff, and program providers;
- 156 (m) subject to Subsection [~~(3)~~] (4), assist in the development of a performance-based  
157 contracting system, which shall be developed by the Administrative Office of the  
158 Courts and the Division of Juvenile Justice and Youth Services for contracted  
159 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  
161 developed or adopted and validated by the Administrative Office of the Courts and  
162 the Division of Juvenile Justice and Youth Services as provided in Section 80-5-203;  
163 and
- 164 (o) annually issue and make public a report to the governor, president of the Senate,

165 speaker of the House of Representatives, and chief justice of the Utah Supreme Court  
 166 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  
 168 evidence-based programs and principles of juvenile justice, such as risk, needs,  
 169 responsiveness, 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  
 178 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  
 182 the duties imposed under this section to a subcommittee or board established by the [  
 183 ~~State Commission on Criminal and Juvenile Justice~~] commission in accordance with  
 184 Subsection 63M-7-204(2).

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

186 **80-5-102 . Definitions.**

187 As used in this chapter:

188 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in  
 189 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.  
 193 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  
 196 manner consistent with public safety and the well-being of the juvenile offender and  
 197 division employees.

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

- 199 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  
203 80-5-103.
- 204 (10) "Homeless youth" means a child, other than an emancipated minor:
- 205 (a) who is a runaway; or
- 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  
210 space.
- 211 (12) "Minor room" means a secured room where an individual sleeps and uses restroom  
212 facilities.
- 213 (13) "Observation and assessment program" means a nonresidential service program  
214 operated or purchased by the division that is responsible only for diagnostic assessment  
215 of minors, including for substance use disorder, mental health, psychological, and sexual  
216 behavior risk assessments.
- 217 (14) "Performance based contracting" means a system of contracting with service providers  
218 for the provision of residential or nonresidential services that:
- 219 (a) provides incentives for the implementation of evidence-based juvenile justice  
220 programs or programs rated as effective for reducing juvenile recidivism, as defined  
221 in Section 80-6-104, by a standardized tool in accordance with Section 63M-7-208;  
222 and
- 223 (b) provides a premium rate allocation for a minor who receives the evidence-based  
224 dosage of treatment and successfully completes the program within three months.
- 225 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for  
226 effectuating or facilitating an individual's attempted sex change, any of the following  
227 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  
231 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  
236 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
- 240 (b) is licensed by the Department of Health and Human Services, created in Section  
241 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  
245 established and administered by the division for juvenile offenders for the purpose of  
246 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  
260 division to provide youth services.
- 261 Section 5. Section **80-6-104** is amended to read:
- 262 **80-6-104 . Data collection on offenses committed by minors -- Reporting**  
263 **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

- 267                    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
- 269                    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.
- 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
- 273                    for an offense within six months, one year, two years, and three years after the day on
- 274                    which:
- 275                    (i) the individual accepted a nonjudicial adjustment; or
- 276                    (ii) the juvenile court ordered a disposition for the individual resulting in secure care,
- 277                    community-based placement, formal probation, or intake probation.
- 278                    (e) "School" means the same as that term is defined in Section 80-6-103.
- 279                    (f) "School-based offense" means any infraction, misdemeanor, or felony offense that
- 280                    occurs at school when school is in session, at the location of a school-sponsored
- 281                    activity during the activity, or on school district transportation, including a school bus.
- 282                    (g) "School-based referral" means the referral of a minor under Section 53G-8-211 for a
- 283                    school-based offense.
- 284                    (h) "School-based recidivism" means a diversion, adjudication, or conviction of an
- 285                    individual for a school-based offense within six months, one year, two years, and
- 286                    three years after the day on which:
- 287                    (i) the individual accepted a nonjudicial adjustment for a school-based offense; or
- 288                    (ii) the juvenile court ordered a disposition for the individual resulting in secure care,
- 289                    community-based placement, formal probation, or intake probation.
- 290                    [(e)] (i) "School is in session" means the same as that term is defined in Section
- 291                    53E-3-516.
- 292                    [(d)] (j) "School-sponsored activity" means the same as that term is defined in Section
- 293                    53E-3-516.
- 294                    (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
- 295                    following data to the State Commission on Criminal and Juvenile Justice, broken down
- 296                    by judicial district, for the preceding calendar year:
- 297                    (a) the number of referrals to the juvenile court;
- 298                    (b) the number of minors diverted to a nonjudicial adjustment;
- 299                    (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- 300                    (d) the number of minors for whom a petition for an offense is filed in the juvenile court;

- 301 (e) the number of minors for whom an information is filed in the juvenile court;
- 302 (f) the number of minors bound over to the district court by the juvenile court;
- 303 (g) the number of petitions for offenses committed by minors that were dismissed by the  
304 juvenile court;
- 305 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 306 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 307 (j) the number of dispositions resulting in secure care, community-based placement,  
308 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  
313 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  
316 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  
318 resulted in secure care, community-based placement, formal probation, or intake  
319 probation.
- 320 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a  
321 case resulting from a firearm-related offense committed, or allegedly committed, by a  
322 minor when the minor is found in possession of a firearm while school is in session or  
323 during a school-sponsored activity.
- 324 (4) In collaboration with the Administrative Office of the Courts, the division, and other  
325 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for  
326 the preceding calendar year on:
- 327 (a) the length of time that minors spend in the juvenile justice system, including the total  
328 amount of time minors spend under juvenile court jurisdiction, on community  
329 supervision, and in each out-of-home placement;
- 330 (b) ~~[recidivism of minors who are diverted to a nonjudicial adjustment and minors for~~  
331 ~~whom dispositions are ordered by the juvenile court]~~ juvenile recidivism, including  
332 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  
 336 supervision, and are in out-of-home placement; and

337 ~~[(d)]~~ (f) dosages of programming.

338 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile  
 339 Justice shall prepare and submit a written report to the Judiciary Interim Committee and  
 340 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  
 342 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  
 345 Subsection (5).

346 (6) After submitting the written report described in Subsection (5), the State Commission  
 347 on Criminal and Juvenile Justice may supplement the report at a later time with updated  
 348 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  
 350 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,  
 351 Government Records Access and Management Act.

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

353 **80-6-507 . Commitment of a minor by a district court -- Provisional housing of a**  
 354 **minor in a secure care facility.**

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

357 ~~[(4)]~~ (2)(a) If the district court determines that probation is not appropriate and  
 358 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  
 361 housed in a secure care facility~~[-]~~ until the minor reaches 25 years old, unless  
 362 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  
 364 in a secure care facility as described in Subsection ~~[(1)(a)]~~ (2)(a) on or after May 4,  
 365 2022.

366 ~~[(e)]~~ ~~The district court shall, as a part of sentencing, order the minor to make restitution~~  
 367 ~~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

369 Department of Corrections and housed in a correctional facility rather than secure care  
370 facility under Subsection (2)(a)(ii) if:

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.

374 [~~(2)(a) The division shall adopt procedures by rule, in accordance with Title 63G,~~

375 ~~Chapter 3, Utah Administrative Rulemaking Act, regarding the transfer of a minor~~

376 ~~provisionally housed in a secure care facility under Subsection (1) to the physical~~

377 ~~custody of the Department of Corrections.]~~

378 [~~(b) If, in accordance with the rules adopted under Subsection (2)(a), the division~~

379 ~~determines that housing the minor in a secure care facility presents an unreasonable~~

380 ~~risk to others or that it is not in the best interest of the minor, the division shall~~

381 ~~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

383 care facility [-]under this section, the district court and the division shall immediately

384 notify the Board of Pardons and Parole so that the minor may be scheduled for a

385 hearing according to board procedures.

386 (b) If a minor who is provisionally housed in a secure care facility [-]under this section

387 has not been paroled or otherwise released from incarceration by the time the minor

388 reaches 25 years old, the division shall as soon as reasonably possible, but not later

389 than when the minor reaches 25 years and 6 months old, transfer the minor to the

390 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

392 of Corrections under this section, the Board of Pardons and Parole has authority over the

393 minor for purposes of parole, pardon, commutation, termination of sentence, remission

394 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  
397 in the custody of the division under this section; and

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

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

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

403           **(b)** order that the minor be committed to the physical custody of the Department of  
404           Corrections and housed in a correctional facility if:  
405           **(i)** the minor meets the requirements described in Subsections (3)(a) through (c); and  
406           **(ii)** the Board of Pardons and Parole finds that the commitment and transfer is  
407           warranted.

408 **(8)(a)** The division shall adopt procedures by rule, in accordance with Title 63G,  
409           Chapter 3, Utah Administrative Rulemaking Act, regarding the transfer of a minor  
410           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  
412           Corrections if, in accordance with the rules adopted under Subsection (8)(a), the  
413           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  
417           sentencing purposes.

418           **Section 7. Effective Date.**

419           This bill takes effect on May 6, 2026.