

1 **Criminal and Juvenile Justice Changes**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

Sponsor:

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 recidivism in the criminal justice system;
- ▶ defines juvenile recidivism and school-based referrals for juvenile programming and data reporting requirements;
- ▶ removes 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

25 **63M-7-101.5**, as last amended by Laws of Utah 2025, Chapter 360

26 **63M-7-102**, as last amended by Laws of Utah 2024, Chapter 208

27 **63M-7-208**, as last amended by Laws of Utah 2024, Chapter 240

28 **80-5-102**, as last amended by Laws of Utah 2025, Chapter 88

29 **80-6-104**, as last amended by Laws of Utah 2025, Chapters 173, 208

30 **80-6-205**, as last amended by Laws of Utah 2024, Chapter 256

31 **80-6-507**, as last amended by Laws of Utah 2025, Chapter 526

32 **80-6-704**, as last amended by Laws of Utah 2024, Chapter 256

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

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

36 **63M-7-101.5 . Definitions for chapter.**

37 As used in this chapter:

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

40 (2) "Desistance" means an individual's abstinence from further criminal activity after a
41 previous criminal conviction.

42 (3) "Intervention" means a program, sanction, supervision, or event that may impact
43 recidivism.

44 (4) "Recidivism" means a return to criminal activity after a previous criminal conviction.

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

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

49 (b) due to:

50 (i) a subsequent conviction; or

51 (ii) an arrest for:

52 (A) a felony offense; or

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

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

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

59 **63M-7-102 . Recidivism metrics -- Reporting.**

60 (1)[(a) When reporting data on statewide recidivism, the commission, the
61 Department of Corrections, and the Board of Pardons and Parole[, when reporting
62 data on statewide recidivism,]shall include data reflecting the recidivism standard
63 metric.

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

65 standard metric to determine whether new data streams allow for a broader
66 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
68 Enforcement and Criminal Justice Interim Committee:]

69 [(A) the result of the reevaluation described in Subsection (1)(b)(i); and]
70 [(B) other recommendations regarding standardized recidivism metrics.]

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

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

75 (a) shall include:

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

77 (A) the criminal population being evaluated for recidivism; and
78 (B) the interventions that are being evaluated;

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

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

82 (b) may include supplementary data including:

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

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

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

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

90 (4) Unless otherwise specified in statute:

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

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

93 (i) an arrest;

94 (ii) an admission to prison;

95 (iii) a criminal charge; or

96 (iv) a criminal conviction.

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

98 **63M-7-208 . Juvenile justice oversight -- Delegation -- Effective dates.**

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

101 [(1)] (2) The [State Commission on Criminal and Juvenile Justice] commission shall:

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

133 wraparound services, and proven truancy interventions;

134 (f) assist the Administrative Office of the Courts in the development of a statewide
135 sliding scale for the assessment of fines, fees, and restitution, based on the ability of
136 the minor's family to pay;

137 (g) analyze the alignment of resources and the roles and responsibilities of agencies,
138 such as the operation of early intervention services, receiving centers, and diversion,
139 and make recommendations to reallocate functions as appropriate, in accordance with
140 Section 80-5-401;

141 (h) comply with the data collection and reporting requirements under Section 80-6-104;

142 (i) develop a reasonable timeline within which all programming delivered to minors in
143 the juvenile justice system must be evidence-based or consist of practices that are
144 rated as effective for reducing juvenile recidivism by a standardized program
145 evaluation tool;

146 (j) provide guidelines to be considered by the Administrative Office of the Courts and
147 the Division of Juvenile Justice and Youth Services in developing tools considered
148 by the Administrative Office of the Courts and the Division of Juvenile Justice and
149 Youth Services in developing or selecting tools to be used for the evaluation of
150 juvenile justice programs;

151 (k) develop a timeline to support improvements to juvenile justice programs to achieve
152 reductions in juvenile recidivism and review reports from relevant state agencies on
153 progress toward reaching that timeline;

154 (l) subject to Subsection [({2})] (3), assist in the development of training for juvenile
155 justice stakeholders, including educators, law enforcement officers, probation staff,
156 judges, Division of Juvenile Justice and Youth Services staff, Division of Child and
157 Family Services staff, and program providers;

158 (m) subject to Subsection [({3})] (4), assist in the development of a performance-based
159 contracting system, which shall be developed by the Administrative Office of the
160 Courts and the Division of Juvenile Justice and Youth Services for contracted
161 services in the community and contracted out-of-home placement providers;

162 (n) assist in the development of a validated detention risk assessment tool that is
163 developed or adopted and validated by the Administrative Office of the Courts and
164 the Division of Juvenile Justice and Youth Services as provided in Section 80-5-203;
165 and

166 (o) annually issue and make public a report to the governor, president of the Senate,

167 speaker of the House of Representatives, and chief justice of the Utah Supreme Court
168 on the progress of the reforms and any additional areas in need of review.

169 [②] ③ Training described in Subsection [(1)(l)] (2)(l) should include instruction on
170 evidence-based programs and principles of juvenile justice, such as risk, needs,
171 responsibility, and fidelity, and shall be supplemented by the following topics:
172 (a) adolescent development;
173 (b) identifying and using local behavioral health resources;
174 (c) cross-cultural awareness;
175 (d) graduated responses;
176 (e) Utah juvenile justice system data and outcomes; and
177 (f) gangs.

178 [③] ④ The system described in Subsection [(1)(m)] (2)(m) shall provide incentives for:
179 (a) the use of evidence-based juvenile justice programs and practices rated as effective
180 by the tools selected in accordance with Subsection [(1)(j)] (2)(j);
181 (b) the use of three-month timelines for program completion; and
182 (c) evidence-based programs and practices for minors living at home in rural areas.

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

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

188 **80-5-102 . Definitions.**

189 As used in this chapter:

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

201 26B-4-1001.

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

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

204 (9) "Division" means the Division of Juvenile Justice and Youth Services created in Section
205 80-5-103.

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

207 (a) who is a runaway; or

208 (b) who is:

209 (i) not accompanied by the child's parent or guardian; and

210 (ii) without care, as defined in Section 80-5-602.

211 (11) "Housing unit" means an area with secured entrances, minor rooms, and common area
212 space.

213 (12) "Minor room" means a secured room where an individual sleeps and uses restroom
214 facilities.

215 (13) "Observation and assessment program" means a nonresidential service program
216 operated or purchased by the division that is responsible only for diagnostic assessment
217 of minors, including for substance use disorder, mental health, psychological, and sexual
218 behavior risk assessments.

219 (14) "Performance based contracting" means a system of contracting with service providers
220 for the provision of residential or nonresidential services that:

221 (a) provides incentives for the implementation of evidence-based juvenile justice
222 programs or programs rated as effective for reducing juvenile recidivism, as defined
223 in Section 80-6-104, by a standardized tool in accordance with Section 63M-7-208;
224 and

225 (b) provides a premium rate allocation for a minor who receives the evidence-based
226 dosage of treatment and successfully completes the program within three months.

227 (15) "Puberty inhibition drug treatment" means administering, prescribing, or supplying for
228 effectuating or facilitating an individual's attempted sex change, any of the following
229 alone or in combination with aromatase inhibitors:

230 (a) gonadotropin-releasing hormone agonists; or
231 (b) androgen receptor inhibitors.

232 (16) "Primary sex characteristic surgical procedure" means the same as that term is defined
233 in Section 26B-4-1001.

234 (17) "Rescission" means the same as that term is defined in Section 80-6-102.

235 (18) "Restitution" means the same as that term is defined in Section 80-6-102.

236 (19) "Revocation" means the same as that term is defined in Section 80-6-102.

237 (20) "Secondary sex characteristic surgical procedure" means the same as that term is

238 defined in Section 26B-4-1001.

239 (21) "Temporary custody" means the same as that term is defined in Section 80-6-102.

240 (22) "Temporary homeless youth shelter" means a facility that:

241 (a) provides temporary shelter to homeless youth; and

242 (b) is licensed by the Department of Health and Human Services, created in Section

243 26B-1-201, as a residential support program.

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

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

246 (25) "Work program" means a nonresidential public or private service work project

247 established and administered by the division for juvenile offenders for the purpose of

248 rehabilitation, education, and restitution to victims.

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

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

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

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

253 (i) resolve family conflict;

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

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

256 (c) "Youth services" may provide:

257 (i) crisis intervention;

258 (ii) short-term shelter;

259 (iii) time-out placement; and

260 (iv) family counseling.

261 (27) "Youth services center" means a center established by, or under contract with, the

262 division to provide youth services.

263 Section 5. Section **80-6-104** is amended to read:

264 **80-6-104 . Data collection on offenses committed by minors -- Reporting**

265 **requirement.**

266 (1) As used in this section:

267 (a) Diversion means an agreement between an individual and a prosecuting attorney or

268 juvenile probation officer that results in the dismissal of charges for an offense before

269 an adjudication or 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 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,
276 community-based 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 an offense that is committed, or allegedly committed,
279 by a minor enrolled in school when school is in session or at a school-sponsored
280 activity.

281 (g) "School-based referral" means the referral of a minor under Section 53G-8-211 for a
282 school-based offense to an evidence-based alternative intervention or for prevention
283 and early intervention youth services, or to a law enforcement officer or agency or a
284 court, within three years after the day on which:

285 (i) the minor was referred under Section 53G-8-211 for a school-based offense;

286 (ii) the minor accepted a nonjudicial adjustment for a school-based offense; or

287 (iii) the juvenile court ordered a disposition for a school-based offense resulting in
288 secure care, community-based placement, formal probation, or intake probation
289 for the minor.

290 [(e)] (h) "School is in session" means the same as that term is defined in Section
291 53E-3-516.

292 [(d)] (i) "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) [reidivism 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 referrals;

334 [(e)] (d) changes in aggregate risk levels from the time minors receive services, are under
335 supervision, and are in out-of-home placement; and

336 [(d)] (e) dosages of programming.

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

340 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
341 section;
342 (b) data collected by the State Board of Education under Section 53E-3-516; and
343 (c) recommendations for legislative action with respect to the data described in this
344 Subsection (5).

345 (6) After submitting the written report described in Subsection (5), the State Commission
346 on Criminal and Juvenile Justice may supplement the report at a later time with updated
347 data and information the State Board of Education collects under Section 53E-3-516.

348 (7) Nothing in this section shall be construed to require the disclosure of information or
349 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
350 Government Records Access and Management Act.

351 Section 6. Section **80-6-205** is amended to read:

352 **80-6-205 . Admission to detention -- Rights of a minor in detention.**

353 (1) If a minor is taken to a detention facility under Section 80-6-203, a designated staff
354 member of the detention facility shall immediately review the form and determine,
355 based on the results of the detention risk assessment tool and Subsection (2), whether to:
356 (a) admit the minor to secure detention;
357 (b) admit the minor to home detention;
358 (c) place the minor in an alternative to detention[~~, except that the staff member may not~~
359 ~~place the minor in a correctional facility that is intended to hold adults accused or~~
360 ~~convicted of offenses as an alternative to detention~~]; or
361 (d) if the minor is a child, return the minor home upon a written promise by the minor's
362 parent, guardian, or custodian to bring the minor to the juvenile court at a time set or
363 without restriction.

364 (2) The designated staff member may not admit a minor to detention under Subsection (1)
365 unless:

366 (a) the minor is detainable based on the detention guidelines; or
367 (b) the minor has been brought to detention in accordance with:
368 (i) a court order;
369 (ii) a warrant described in Section 80-6-202; or
370 (iii) a division warrant described in Section 80-6-806.

371 (3) If the designated staff member determines to admit a minor to home detention, the staff
372 member shall notify the juvenile court of that determination.

373 (4) Even if a minor is eligible for secure detention, a peace officer or other person who
374 takes a minor to a detention facility, or the designated staff member of the detention
375 facility, may release a minor to a less restrictive alternative than secure detention.

376 (5)(a) If a minor taken to a detention facility does not qualify for admission under
377 detention guidelines or this section, a designated staff member of the detention
378 facility shall arrange an appropriate alternative, including admitting a minor to a
379 juvenile receiving center or a shelter facility.

380 (b)(i) Except as otherwise provided by this section, a minor may not be placed or
381 kept in secure detention while court proceedings are pending.
382 (ii) A child may not be placed or kept in a shelter facility while court proceedings are
383 pending, unless the child is in protective custody in accordance with Chapter 3,
384 Abuse, Neglect, and Dependency Proceedings.

385 (6) If a minor is taken into temporary custody and admitted to a secure detention, or another
386 alternative to detention, a designated staff member of the detention facility shall:
387 (a) immediately notify the minor's parent, guardian, or custodian; and
388 (b) promptly notify the juvenile court of the placement.

389 (7) If a minor is admitted to secure detention, or another alternative to detention, outside the
390 county of the minor's residence and a juvenile court determines, in a detention hearing,
391 that secure detention, or an alternative to detention, of the minor shall continue, the
392 juvenile court shall direct the sheriff of the county of the minor's residence to transport
393 the minor to secure detention or another alternative to detention in that county.

394 (8)(a) Subject to Subsection (8)(b), a minor admitted to detention has a right to:
395 (i) phone the minor's parent, guardian, or attorney immediately after the minor is
396 admitted to detention; and
397 (ii) confer in private, at any time, with an attorney, cleric, parent, guardian, or
398 custodian.
399 (b) The division may:
400 (i) establish a schedule for which a minor in detention may visit or phone a person
401 described in Subsection (8)(a);
402 (ii) allow a minor in detention to visit or call persons described in Subsection (8)(a)
403 in special circumstances;
404 (iii) limit the number and length of calls and visits for a minor in detention to persons

405 described in Subsection (8)(a) on account of scheduling, facility, or personnel
406 constraints; or

407 (iv) limit the minor's rights described in Subsection (8)(a) if a compelling reason
408 exists to limit the minor's rights.

409 (c) A minor admitted to detention shall be immediately advised of the minor's rights
410 described in this Subsection (8).

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

412 **80-6-507 . Commitment of a minor by a district court -- Provisional housing of a
413 minor in a secure care facility.**

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

416 [(1)] (2)(a) If the district court determines that probation is not appropriate and
417 commitment to prison is an appropriate sentence when sentencing a minor:

418 (i) the district court shall order the minor committed to prison; and
419 (ii) except as provided in Subsection (3) or (7), the minor shall be provisionally
420 housed in a secure care facility[-] until the minor reaches 25 years old, unless
421 released earlier from incarceration by the Board of Pardons and Parole.

422 (b) [Subsection (1)] This Subsection (2) applies to any minor being provisionally housed
423 in a secure care facility as described in Subsection [(1)(a)] (2)(a) on or after May 4,
424 2022.

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

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

430 (a) the minor is convicted of aggravated murder under Section 76-5-202;
431 (b) the minor was 17 years old at the time that the aggravated murder occurred; and
432 (c) the minor is 18 years old or older at the time of sentencing.

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

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

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

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

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

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

454 [⑤] ⑥ The authority[-] shall:

455 (a) hold hearings, receive reports, or otherwise keep informed of the progress of a minor
456 in the custody of the division under this section; and
457 (b) forward to the Board of Pardons and Parole any information or recommendations
458 concerning the minor.

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

460 (a) review the status of a minor who is provisionally housed in a secure care facility as
461 described in Subsection (2)(a)(ii); and
462 (b) order that the minor be committed to the physical custody of the Department of
463 Corrections and housed in a correctional facility if:
464 (i) the minor meets the requirements described in Subsections (3)(a) through (c); and
465 (ii) the Board of Pardons and Parole finds that the commitment and transfer is
466 warranted.

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

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

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

- (i) presents an unreasonable risk to others; or
- (ii) it is not in the best interest of the minor.

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

Section 8. Section **80-6-704** is amended to read:

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

(1)(a) The juvenile court may order a minor to detention, or an alternative to detention, if the minor is adjudicated for:

- (i) an offense under Section 80-6-701; or
- (ii) contempt of court under Section 78A-6-353.

(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.

(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).

(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.

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

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

- (a) contempt of court, except to the extent permitted under Section 78A-6-353;
- (b) a violation of probation;
- (c) failure to pay a fine, fee, restitution, or other financial obligation;
- (d) unfinished compensatory or community service hours;
- (e) an infraction; or
- (f) a status offense.

[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).]

[~~(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.

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

detention.

[~~(6)~~] (5)(a) A minor may not be held in secure detention following a disposition by the juvenile court:

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

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

(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.

(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:

- (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
- (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.

(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:

- (i) the division, or another agency responsible for placement, does not have space for the minor; and
- (ii) the safety of the minor and community requires an extension of the period of

detention.

(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.

(f) The division, or agency, requesting an extension shall promptly notify the detention facility that a written petition has been filed.

(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.

Section 9. Effective Date.

This bill takes effect on May 6, 2026.