

## Part 5 Youth Parole Authority

### **62A-7-501 Youth Parole Authority -- Expenses -- Responsibilities -- Procedures.**

- (1) There is created within the division a Youth Parole Authority.
- (2)
  - (a) The authority is composed of 10 part-time members and five pro tempore members who are residents of this state. No more than three pro tempore members may serve on the authority at any one time.
  - (b) Throughout this section, the term "member" refers to both part-time and pro tempore members of the Youth Parole Authority.
- (3)
  - (a) Except as required by Subsection (3)(b), members shall be appointed to four-year terms by the governor with the consent of the Senate.
  - (b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.
- (4) Each member shall have training or experience in social work, law, juvenile or criminal justice, or related behavioral sciences.
- (5) When a vacancy occurs in the membership for any reason, the replacement member shall be appointed for the unexpired term.
- (6) During the tenure of his appointment, a member may not:
  - (a) be an employee of the department, other than in his capacity as a member of the authority;
  - (b) hold any public office;
  - (c) hold any position in the state's juvenile justice system; or
  - (d) be an employee, officer, advisor, policy board member, or subcontractor of any juvenile justice agency or its contractor.
- (7) In extraordinary circumstances or when a regular member is absent or otherwise unavailable, the chair may assign a pro tempore member to act in the absent member's place.
- (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9) The authority shall determine appropriate parole dates for youth offenders, based on guidelines established by the board. The board shall review and update policy guidelines annually.
- (10) Youth offenders may be paroled to their own homes, to a residential community-based program, to a nonresidential community-based treatment program, to an approved independent living setting, or to other appropriate residences, but shall remain on parole until parole is terminated by the authority.
- (11) The division's case management staff shall implement parole release plans and shall supervise youth offenders while on parole.
- (12) The division shall permit the authority to have reasonable access to youth offenders in secure facilities and shall furnish all pertinent data requested by the authority in matters of parole, revocation, and termination.

Amended by Chapter 286, 2010 General Session

**62A-7-502 Youth Parole Authority -- Parole procedures.**

- (1) The authority has responsibility for parole release, rescission, revocation, and termination for youth offenders who have been committed to the division for secure confinement. The authority shall determine when and under what conditions youth offenders who have been committed to a secure facility are eligible for parole.
- (2) Each youth offender shall be served with notice of parole hearings, and has the right to personally appear before the authority for parole consideration.
- (3) Orders and decisions of the authority shall be in writing, and each youth offender shall be provided written notice of the authority's reasoning and decision in his case.
- (4) The authority shall establish policies and procedures, subject to board approval, for the authority's governance, meetings, hearings, the conduct of proceedings before it, the parole of youth offenders, and the general conditions under which parole may be granted, rescinded, revoked, modified, and terminated.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-503 Administrative officer of Youth Parole Authority.**

The director shall appoint an administrative officer of the authority, who is responsible for the day-to-day operations of the authority.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-504 Parole revocation -- Hearing -- Procedures.**

- (1) The authority may revoke the parole of a youth offender after a hearing and upon determination that there has been a violation of law or of a condition of parole by the youth offender which warrants his return to a secure facility. The parole revocation hearing shall be held at a secure facility.
- (2) Before returning a youth offender to a secure facility for a parole revocation hearing, the division shall provide a prerevocation hearing within the vicinity of the alleged violation, to determine whether there is probable cause to believe that the youth offender violated the conditions of his parole. Upon a finding of probable cause, the youth offender may be remanded to a secure facility, pending a revocation hearing.
- (3) A paroled youth offender is entitled to legal representation at the parole revocation hearing, and if the youth offender or his family has requested but cannot afford legal representation, the authority shall appoint legal counsel.
- (4) The authority and the administrative officer have power to issue subpoenas, compel attendance of witnesses, compel production of books, papers and other documents, administer oaths, and take testimony under oath for the purposes of conducting the hearings.
- (5)
  - (a) A youth offender shall receive timely advance notice of the date, time, place, and reason for the hearing, and has the right to appear at the hearing.
  - (b) The authority shall provide the youth offender an opportunity to be heard, to present witnesses and evidence, and to confront and cross-examine adverse witnesses, unless there is good cause for disallowing that confrontation.
- (6) Decisions in parole revocation hearings shall be reached by a majority vote of the present members of the authority.

- (7) The administrative officer shall maintain summary records of all hearings and provide written notice to the youth offender of the decision and reason for the decision.
- (8)
- (a) The authority may issue a warrant to order any peace officer or division employee to take into custody a youth offender alleged to be in violation of parole conditions.
  - (b) The division may issue a warrant to any peace officer or division employee to retake a youth offender who has escaped from a secure facility.
  - (c) Based upon the warrant issued under this Subsection (8), a youth offender may be held in a local detention facility for no longer than 48 hours, excluding weekends and legal holidays, to allow time for a prerevocation hearing of the alleged parole violation, or in the case of an escapee, arrangement for transportation to the secure facility.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-505 Conditions of parole.**

Conditions of parole shall be specified in writing and agreed to by the youth offender. That agreement shall be evidenced by the signature of the youth offender, which shall be affixed to the parole document.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-506 Discharge of youth offender.**

- (1) A youth offender may be discharged from the jurisdiction of the division at any time, by written order of the Youth Parole Authority, upon a finding that no further purpose would be served by secure confinement or supervision in a community setting.
- (2) Discharge of a youth offender shall be in accordance with policies approved by the board.
- (3) Discharge of a youth offender is a complete release of all penalties incurred by adjudication of the offense for which the youth offender was committed.

Renumbered and Amended by Chapter 13, 2005 General Session

**62A-7-507 Appeal regarding parole release or revocation.**

- (1) A youth offender, or the parent or legal guardian of a youth offender, may appeal to the executive director or his designee any decision of the authority regarding parole release, rescission, or revocation.
- (2) The executive director or his designee may set aside or remand the authority's decision only if it is arbitrary, capricious, an abuse of discretion, or contrary to law.

Renumbered and Amended by Chapter 13, 2005 General Session