

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