Chapter 7
Juvenile Justice Services

Part 1
Division of Juvenile Justice Services - Functions and Duties

62A-7-101 Definitions.
As used in this chapter:
(1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in Section 62A-7-112.
(2) "Authority" means the Youth Parole Authority, established in accordance with Section 62A-7-501.
(3) "Community-based program" means a nonsecure residential or nonresidential program designated to supervise and rehabilitate youth offenders in accordance with Subsection 78A-6-117(2) that prioritizes the least restrictive nonresidential setting, consistent with public safety, and designated or operated by or under contract with the division.
(4) "Control" means the authority to detain, restrict, and supervise a youth in a manner consistent with public safety and the well being of the youth and division employees.
(5) "Court" means the juvenile court.
(6) "Delinquent act" is an act which would constitute a felony or a misdemeanor if committed by an adult.
(7) "Detention" means secure detention or home detention.
(8) "Detention center" means a facility established in accordance with Title 62A, Chapter 7, Part 2, Detention Facilities.
(9) "Director" means the director of the Division of Juvenile Justice Services.
(10) "Discharge" means a written order of the Youth Parole Authority that removes a youth offender from its jurisdiction.
(11) "Division" means the Division of Juvenile Justice Services.
(12) "Home detention" means predispositional placement of a child in the child's home or a surrogate home with the consent of the child's parent, guardian, or custodian for conduct by a child who is alleged to have committed a delinquent act or postdispositional placement pursuant to Subsection 78A-6-117(2)(f) or 78A-6-1101(3).
(13) "Observation and assessment program" means a nonresidential service program operated or purchased by the division that is responsible only for diagnostic assessment of minors, including for substance use disorder, mental health, psychological, and sexual behavior risk assessments.
(14) "Parole" means a conditional release of a youth offender from residency in a secure facility to live outside that facility under the supervision of the Division of Juvenile Justice Services or other person designated by the division.
(15) "Performance-based contracting" means a system of contracting with service providers for the provision of residential or nonresidential services that:
(a) provides incentives for the implementation of evidence-based juvenile justice programs or programs rated as effective for reducing recidivism by a standardized tool pursuant to Section 63M-7-208; and
(b) provides a premium rate allocation for a minor who receives the evidence-based dosage of treatment and successfully completes the program within three months.
(16) "Receiving center" means a nonsecure, nonresidential program established by the division or under contract with the division that is responsible for juveniles taken into custody by a law enforcement officer for status offenses, infractions, or delinquent acts.

(17) "Rescission" means a written order of the Youth Parole Authority that rescinds a parole date.

(18) "Revocation of parole" means a written order of the Youth Parole Authority that terminates parole supervision of a youth offender and directs return of the youth offender to the custody of a secure facility after a hearing and a determination that there has been a violation of law or of a condition of parole that warrants a return to a secure facility in accordance with Section 62A-7-504.

(19) "Runaway" means a youth who willfully leaves the residence of a parent or guardian without the permission of the parent or guardian.

(20) "Secure detention" means predisposition placement in a facility operated by or under contract with the division, for conduct by a child who is alleged to have committed a delinquent act.

(21) "Secure facility" means any facility operated by or under contract with the division, that provides 24-hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation.

(22) "Shelter" means the temporary care of children in physically unrestricted facilities pending court disposition or transfer to another jurisdiction.

(23)
(a) "Temporary custody" means control and responsibility of nonadjudicated youth until the youth can be released to the parent, guardian, a responsible adult, or to an appropriate agency.
(b) "Temporary custody" does not include a placement in a secure facility, including secure detention, or a residential community-based program operated or contracted by the division, except pursuant to Subsection 78A-6-117(2).

(24) "Termination" means a written order of the Youth Parole Authority that terminates a youth offender from parole.

(25) "Ungovernable" means a youth in conflict with a parent or guardian, and the conflict:
(a) results in behavior that is beyond the control or ability of the youth, or the parent or guardian, to manage effectively;
(b) poses a threat to the safety or well-being of the youth, the family, or others; or
(c) results in the situations in both Subsections (25)(a) and (b).

(26) "Work program" means a nonresidential public or private service work project established and administered by the division for youth offenders for the purpose of rehabilitation, education, and restitution to victims.

(27) "Youth offender" means a person 12 years of age or older, and who has not reached 21 years of age, committed or admitted by the juvenile court to the custody, care, and jurisdiction of the division, for confinement in a secure facility or supervision in the community, following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult in accordance with Section 78A-6-117.

(28)
(a) "Youth services" means services provided in an effort to resolve family conflict:
(i) for families in crisis when a minor is ungovernable or runaway; or
(ii) involving a minor and the minor's parent or guardian.
(b) These services include efforts to:
(i) resolve family conflict;
(ii) maintain or reunite minors with their families; and
(iii) divert minors from entering or escalating in the juvenile justice system.
(c) The services may provide:
(i) crisis intervention;
(ii) short-term shelter;
(iii) time out placement; and
(iv) family counseling.

Amended by Chapter 162, 2019 General Session
Amended by Chapter 246, 2019 General Session

62A-7-102 Creation of division -- Jurisdiction.
(1) There is created the Division of Juvenile Justice Services within the department, under the
administration and supervision of the executive director.
(2) The division has jurisdiction over all youth committed to the division under Section 78A-6-117.

Amended by Chapter 246, 2019 General Session

62A-7-103 Division director -- Qualifications -- Responsibility.
(1) The director of the division shall be appointed by the executive director.
(2) The director shall have a bachelor's degree from an accredited university or college, be
experienced in administration, and be knowledgeable in youth corrections.
(3) The director is the administrative head of the division.

Amended by Chapter 246, 2019 General Session

62A-7-104 Division responsibilities.
(1) The division is responsible for all youth offenders committed to the division by juvenile courts
for secure confinement or supervision and treatment in the community in accordance with
Section 78A-6-117.
(2) The division shall:
   (a) establish and administer a continuum of community, secure, and nonsecure programs for all
       youth offenders committed to the division;
   (b) establish and maintain all detention and secure facilities and set minimum standards for those
       facilities;
   (c) establish and operate prevention and early intervention youth services programs for
       nonadjudicated youth placed with the division; and
   (d) establish observation and assessment programs necessary to serve youth offenders in a
       nonresidential setting under Subsection 78A-6-117(2)(e).
(3) The division shall place youth offenders committed to it in the most appropriate program for
supervision and treatment.
(4) In any order committing a youth offender to the division, the juvenile court shall find whether the
    youth offender is being committed for secure confinement under Subsection 78A-6-117(2)(c), or
    placement in a community-based program under Subsection 78A-6-117(2)(c), and specify the
criteria under Subsection 78A-6-117(2)(c) or (d) underlying the commitment. The division shall
place the youth offender in the most appropriate program within the category specified by the
court.
(5) The division shall employ staff necessary to:
   (a) supervise and control youth offenders in secure facilities or in the community;
   (b) supervise and coordinate treatment of youth offenders committed to the division for
       placement in community-based programs; and
(c) control and supervise adjudicated and nonadjudicated youth placed with the division for temporary services in receiving centers, youth services, and other programs established by the division.

(6)

(a) Youth in the custody or temporary custody of the division are controlled or detained in a manner consistent with public safety and rules made by the division. In the event of an unauthorized leave from a secure facility, detention center, community-based program, receiving center, home, or any other designated placement, division employees have the authority and duty to locate and apprehend the youth, or to initiate action with local law enforcement agencies for assistance.

(b) A rule made by the division under this Subsection (6) may not permit secure detention based solely on the existence of multiple status offenses, misdemeanors, or infractions alleged in the same criminal episode.

(7) The division shall establish and operate compensatory-service work programs for youth offenders committed to the division by the juvenile court. The compensatory-service work program may not be residential and shall:

(a) provide labor to help in the operation, repair, and maintenance of public facilities, parks, highways, and other programs designated by the division;

(b) provide educational and prevocational programs in cooperation with the State Board of Education for youth offenders placed in the program; and

(c) provide counseling to youth offenders.

(8) The division shall establish minimum standards for the operation of all private residential and nonresidential rehabilitation facilities that provide services to juveniles who have committed a delinquent act or infraction in this state or in any other state.

(9) The division shall provide regular training for staff of secure facilities, detention staff, case management staff, and staff of the community-based programs.

(10)

(a) The division is authorized to employ special function officers, as defined in Section 53-13-105, to locate and apprehend minors who have absconded from division custody, transport minors taken into custody pursuant to division policy, investigate cases, and carry out other duties as assigned by the division.

(b) Special function officers may be employed through contract with the Department of Public Safety, any P.O.S.T. certified law enforcement agency, or directly hired by the division.

(11) The division shall designate employees to obtain the saliva DNA specimens required under Section 53-10-403. The division shall ensure that the designated employees receive appropriate training and that the specimens are obtained in accordance with accepted protocol.

(12) The division shall register with the Department of Corrections any person who:

(a) has been adjudicated delinquent based on an offense listed in Subsection 77-41-102(17)(a) or 77-43-102(2);

(b) has been committed to the division for secure confinement; and

(c) remains in the division's custody 30 days before the person's 21st birthday.

(13) The division shall ensure that a program delivered to a youth offender under this section is evidence based in accordance with Section 63M-7-208.

Amended by Chapter 246, 2019 General Session

62A-7-104.5 Appropriation and funding of receiving centers.
Funding for receiving centers and youth services programs under this part is intended to be broad based, be provided by an appropriation by the Legislature to the division, and include federal grant money, local government money, and private donations.

Enacted by Chapter 452, 2013 General Session

62A-7-105.5 Information supplied to division.
(1) Juvenile court probation sections shall render full and complete cooperation to the division in supplying the division with all pertinent information relating to youth offenders who have been committed to the division.
(2) Information under Subsection (1) may include, but is not limited to, prior criminal history, social history, psychological evaluations, and identifying information specified by the division.

Renumbered and Amended by Chapter 13, 2005 General Session

62A-7-106.5 Annual review of programs and facilities.
(1) The division shall annually review all programs and facilities that provide services to juveniles who have committed a delinquent act, in this state or in any other state, which would constitute a felony or misdemeanor if committed by an adult, and license those programs and facilities that are in compliance with standards established by the division. The division shall provide written reviews to the managers of those programs and facilities.
(b) Programs or facilities that are unable or unwilling to comply with the standards established by the division may not be licensed.
(2) Any private facility or program providing services under this chapter that willfully fails to comply with the standards established by the division is guilty of a class B misdemeanor.

Amended by Chapter 246, 2019 General Session

62A-7-107.5 Contracts with private providers.
(1) This chapter does not prohibit the division from contracting with private providers or other agencies for the construction, operation, and maintenance of juvenile facilities or the provision of care, treatment, and supervision of youth offenders who have been committed to the care of the division.
(2) All programs for the care, treatment, and supervision of youth offenders committed to the division shall be licensed in compliance with division standards within six months after commencing operation.
(3) A contract for the care, treatment, and supervision of a youth offender committed to the division shall be executed in accordance with the performance-based contracting system developed under Section 63M-7-208.

Amended by Chapter 330, 2017 General Session

62A-7-108.5 Records -- Property of division.
(1) All records maintained by programs that are under contract with the division to provide services to youth offenders, are the property of the division and shall be returned to it when the youth offender is terminated from the program.
(2) The division shall maintain an accurate audit trail of information provided to other programs or agencies regarding youth offenders under its jurisdiction.

Renumbered and Amended by Chapter 13, 2005 General Session

62A-7-109.5 Restitution by youth offender.
(1) The division shall make reasonable efforts to ensure that restitution is made to the victim of a youth offender. Restitution shall be made through the employment of youth offenders in work programs. However, reimbursement to the victim of a youth offender is conditional upon that youth offender’s involvement in the work program.
(2) Restitution ordered by the court may be made a condition of release, placement, or parole by the division.
(3) The division shall notify the juvenile court of all restitution paid to victims through the employment of youth offenders in work programs.

Amended by Chapter 330, 2017 General Session

62A-7-111.5 Cost of support and maintenance of youth offender -- Responsibility.
On commitment of a youth offender to the division, and on recommendation of the division to the juvenile court, the juvenile court may order the youth offender or his parent, guardian, or custodian, to share in the costs of support and maintenance for the youth offender during his term of commitment.

Amended by Chapter 308, 2007 General Session

62A-7-112 Juvenile Justice Reinvestment Restricted Account.
(1) There is created in the General Fund a restricted account known as the "Juvenile Justice Reinvestment Restricted Account."
(2) The account shall be funded by savings calculated from General Fund appropriations by the Division of Finance as described in Subsection (3).
(3) At the end of the fiscal year, the Division of Finance shall:
   (a) use the formula established in Subsection 62A-7-113(1) to calculate the savings from General Fund appropriations; and
   (b) lapse the calculated savings into the account.
(4) Upon appropriation by the Legislature, the department may expend funds from the account:
   (a) for the statewide expansion of nonresidential community-based programs, including:
      (i) receiving centers;
      (ii) mobile crisis outreach teams as defined in Section 78A-6-105;
      (iii) youth courts; and
      (iv) victim-offender mediation;
   (b) for nonresidential evidence-based programs and practices in cognitive, behavioral, and family therapy;
   (c) to implement:
      (i) nonresidential diagnostic assessment; and
      (ii) nonresidential early intervention programs, including family strengthening programs, family wraparound services, and truancy interventions; or
   (d) for infrastructure in nonresidential evidence-based juvenile justice programs, including staffing and transportation.
62A-7-113 Rulemaking authority and division responsibilities.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules that establish a formula, in consultation with the Office of the Legislative Fiscal Analyst, to calculate savings from General Fund appropriations under 2017 Laws of Utah, Chapter 330 resulting from the reduction in out-of-home placements for youth offenders with the division.

(2) No later than December 31 of each year, the division shall provide to the Executive Offices and Criminal Justice Appropriations Subcommittee a written report of the division's activities under this section and Section 62A-7-112, including:

(a) for the report submitted in 2019, the formula used to calculate the savings from General Fund appropriations under Subsection (1);
(b) the amount of savings from General Fund appropriations calculated by the division for the previous fiscal year;
(c) an accounting of the money expended or committed to be expended under Subsection 62A-7-112(4); and
(d) the balance of the account.

Enacted by Chapter 162, 2019 General Session

Part 2
Detention Facilities

62A-7-201 Confinement -- Facilities -- Restrictions.

(1) Children under 18 years of age, who are apprehended by any officer or brought before any court for examination under any provision of state law, may not be confined in jails, lockups, or cells used for persons 18 years of age or older who are charged with crime, or in secure postadjudication correctional facilities operated by the division, except as provided in Subsection (2) or other specific statute.

(2) (a) Children charged with crimes under Section 78A-6-701, as a serious youth offender under Section 78A-6-702 and bound over to the jurisdiction of the district court, or certified to stand trial as an adult pursuant to Section 78A-6-703, if detained, shall be detained as provided in these sections.
(b) Children detained in adult facilities under Section 78A-6-702 or 78A-6-703 before a hearing before a magistrate, or under Subsection 78A-6-113(3), may only be held in certified juvenile detention accommodations in accordance with rules made by the Commission on Criminal and Juvenile Justice. Those rules shall include standards for acceptable sight and sound separation from adult inmates. The Commission on Criminal and Juvenile Justice certifies facilities that are in compliance with the Commission on Criminal and Juvenile Justice's standards. This Subsection (2)(b) does not apply to juveniles held in an adult detention facility in accordance with Subsection (2)(a).

(3) In areas of low density population, the Commission on Criminal and Juvenile Justice may, by rule, approve juvenile holding accommodations within adult facilities that have acceptable sight
and sound separation. Those facilities shall be used only for short-term holding purposes, with a maximum confinement of six hours, for children alleged to have committed an act which would be a criminal offense if committed by an adult. Acceptable short-term holding purposes are: identification, notification of juvenile court officials, processing, and allowance of adequate time for evaluation of needs and circumstances regarding release or transfer to a shelter or detention facility. This Subsection (3) does not apply to juveniles held in an adult detention facility in accordance with Subsection (2)(a).

(4) Children who are alleged to have committed an act that would be a criminal offense if committed by an adult, may be detained in holding rooms in local law enforcement agency facilities for a maximum of two hours, for identification or interrogation, or while awaiting release to a parent or other responsible adult. Those rooms shall be certified by the Commission on Criminal and Juvenile Justice, according to the Commission on Criminal and Juvenile Justice’s rules. Those rules shall include provisions for constant supervision and for sight and sound separation from adult inmates.

(5) Willful failure to comply with this section is a class B misdemeanor.

(6) The division is responsible for the custody and detention of children under 18 years of age who require detention care before trial or examination, or while awaiting assignment to a home or facility, as a dispositional placement under Subsection 78A-6-117(2)(f)(i), and of youth offenders under Subsection 62A-7-504(9). This Subsection (6)(a) does not apply to juveniles held in an adult detention facility in accordance with Subsection (2)(a).

(b) The Commission on Criminal and Juvenile Justice shall provide standards for custody or detention under Subsections (2)(b), (3), and (4).

(ii) The division shall determine and set standards for conditions of care and confinement of children in detention facilities.

(c) All other custody or detention shall be provided by the division, or by contract with a public or private agency willing to undertake temporary custody or detention upon agreed terms, or in suitable premises distinct and separate from the general jails, lockups, or cells used in law enforcement and corrections systems. This Subsection (6)(c) does not apply to juveniles held in an adult detention facility in accordance with Subsection (2)(a).

Amended by Chapter 246, 2019 General Session

62A-7-202 Location of detention facilities and services.

(1) The division shall provide detention facilities and services in each county, or group of counties, as the population demands, in accordance with this chapter.

(2) The division is responsible for development, implementation, and administration of home detention services available in every judicial district, and shall establish criteria for placement on home detention.

(3) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing standards for admission to secure detention and home detention programs.

(b) The rules made under this Subsection (3) shall prioritize use of home detention for a minor who might otherwise be held in secure detention.
(4) The division shall provide training regarding implementation of the rules to law enforcement agencies, division employees, juvenile court employees, and other affected agencies and individuals upon their request.

Amended by Chapter 330, 2017 General Session

62A-7-203 Detention -- Physical facilities.
The division may issue requests for proposals to allow for the private construction of facilities suitable to meet the detention requirements of any county or group of counties, subject to approval by the governor. The governor shall furnish an analysis of the benefits of the proposals received to the Infrastructure and General Government Appropriations Subcommittee for its review.

Amended by Chapter 242, 2012 General Session

Part 4 Secure Facilities

62A-7-401.5 Secure facilities.
(1) The division shall maintain and operate secure facilities for the custody and rehabilitation of youth offenders who pose a danger of serious bodily harm to others, who cannot be controlled in a less secure setting, or who have engaged in a pattern of conduct characterized by persistent and serious criminal offenses which, as demonstrated through the use of other alternatives, cannot be controlled in a less secure setting.

(2) The director shall appoint an administrator for each secure facility. An administrator of a secure facility shall have experience in social work, law, criminology, corrections, or a related field, and also in administration.

(3)
(a) The division, in cooperation with the State Board of Education, shall provide instruction, or make instruction available, to youth offenders in secure facilities. The instruction shall be appropriate to the age, needs, and range of abilities of the youth offender.

(b) An assessment shall be made of each youth offender by the appropriate secure facility to determine the offender's abilities, possible learning disabilities, interests, attitudes, and other attributes related to appropriate educational programs.

(c) Prevocational education shall be provided to acquaint youth offenders with vocations, and vocational requirements and opportunities.

(4) The division shall place youth offenders who have been committed to the division for secure confinement and rehabilitation in a secure facility, operated by the division or by a private entity, that is appropriate to ensure that humane care and rehabilitation opportunities are afforded to the youth offender.

(5) The division shall adopt standards, policies, and procedures for the regulation and operation of secure facilities, consistent with state and federal law.

Amended by Chapter 246, 2019 General Session

62A-7-402 Aiding or concealing youth offender -- Trespass -- Criminal penalties.
(1) A person who commits any of the following offenses is guilty of a class A misdemeanor:
(a) entering, or attempting to enter, a building or enclosure appropriated to the use of youth offenders, without permission;
(b) entering any premises belonging to a secure facility and committing or attempting to commit a trespass or damage on those premises; or
(c) willfully annoying or disturbing the peace and quiet of a secure facility or of a youth offender in a secure facility.

(2) A person is guilty of a third degree felony who:
(a) knowingly harbors or conceals a youth offender who has:
   (i) escaped from a secure facility; or
   (ii) absconded from:
      (A) a facility or supervision; or
      (B) supervision of the Division of Juvenile Justice Services; or
(b) willfully aided or assisted a youth offender who has been lawfully committed to a secure facility in escaping or attempting to escape from that facility.

(3) As used in this section:
(a) a youth offender absconds from a facility when he:
   (i) leaves the facility without permission; or
   (ii) fails to return at a prescribed time.
(b) A youth offender absconds from supervision when he:
   (i) changes his residence from the residence that he reported to the division as his correct address to another residence, without notifying the Division of Juvenile Justice Services or obtaining permission; or
   (ii) for the purpose of avoiding supervision:
      (A) hides at a different location from his reported residence; or
      (B) leaves his reported residence.

Renumbered and Amended by Chapter 13, 2005 General Session

62A-7-403 Care of pregnant youth offender.
(1) When a youth offender in a secure facility is pregnant, the division shall ensure that adequate prenatal and postnatal care is provided, and shall place her in an accredited hospital before delivery. As soon as her condition after delivery will permit, the youth offender may be returned to the secure facility.

(2) If the division has concern regarding the youth offender’s fitness to raise her child, the division shall petition the juvenile court to hold a custody hearing.

Renumbered and Amended by Chapter 13, 2005 General Session

62A-7-404 Commitment -- Termination and review.
(1) A youth offender who has been committed to a secure facility shall remain until the offender reaches the age of 21, is paroled, or is discharged.
(2) A youth offender who has been committed to a secure facility shall appear before the authority within 45 days after commitment for review of treatment plans and establishment of parole release guidelines.
(3) (a) For a youth offender committed to a secure facility, except a youth offender excluded under Subsection (5), the authority shall set a presumptive term of commitment that does not exceed three to six months.
(b) The authority shall release the minor onto parole at the end of the presumptive term of commitment unless at least one the following circumstances exists:
   (i) termination would interrupt the completion of a necessary treatment program; or
   (ii) the youth commits a new misdemeanor or felony offense.
(c) Completion of a program under Subsection (3)(b)(i) shall be determined by a minor’s consistent attendance and completing the goals of the necessary treatment program as determined by the Youth Parole Authority after consideration of the recommendations of a licensed service provider.
(d) The authority may extend the length of commitment and delay parole release for the time needed to address the specific circumstance only if one of the circumstances under Subsection (3)(b) exists.
(e) The length of the extension and the grounds for the extension shall be recorded and reported annually to the Commission on Criminal and Juvenile Justice.

(4)
(a) For a youth offender committed to a secure facility, except a youth offender excluded under Subsection (5), the authority shall set a presumptive term of parole supervision that does not exceed three to four months.
(b) A minor whom the authority determines is unable to return home immediately upon release may serve the term of parole in the home of a qualifying relative or guardian, or at an independent living program contracted or operated by the division.
(c) The authority shall release the minor from parole and terminate jurisdiction at the end of the presumptive term of parole unless at least one the following circumstances exists:
   (i) termination would interrupt the completion of a necessary treatment program;
   (ii) the youth commits a new misdemeanor or felony offense; or
   (iii) service hours have not been completed.
(d) Completion of a program under Subsection (4)(c) shall be determined by a minor’s consistent attendance and completing the goals of the necessary treatment program as determined by the Youth Parole Authority after consideration of the recommendations of a licensed service provider.
(e) If one of the circumstances under Subsection (4)(c) exists, the authority may delay parole release only for the time needed to address the specific circumstance.
(f) Grounds for extension of the presumptive length of parole and the length of the extension shall be recorded and reported annually to the Commission on Criminal and Juvenile Justice.
(g) In the event of an unauthorized leave lasting more than 24 hours, the term of parole shall toll until the minor returns.

(5) Subsections (3) and (4) do not apply to a youth offender committed to a secure facility for:
(a) Section 76-5-202, attempted aggravated murder;
(b) Section 76-5-203, murder or attempted murder;
(c) Section 76-5-405, aggravated sexual assault;
(d) a felony violation of:
   (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
   (ii) Section 76-5-302, aggravated kidnapping; or
   (iii) Section 76-6-103, aggravated arson;
(e) Section 76-6-203, aggravated burglary;
(f) Section 76-6-302, aggravated robbery;
(g) Section 76-10-508.1, felony discharge of a firearm; or
(h) an offense other than those listed in Subsections (5)(a) through (g) involving the use of a dangerous weapon that would be a felony if committed by an adult, and the minor has been
previously adjudicated or convicted of an offense involving the use of a dangerous weapon that also would have been a felony if committed by an adult.

(6)
(a) The division may continue to have responsibility for any minor discharged under this section from parole until 21 years of age for the purposes of specific educational or rehabilitative programs, under conditions agreed upon by both the division and the minor and terminable by either.
(b) The division shall offer the educational or rehabilitative program before the minor’s discharge date as provided in this section.
(c) Notwithstanding Subsection (6)(b), a minor may request and the division shall consider any such request for the services described in this section, for up to 90 days after the minor’s effective date of discharge, even when the minor has previously declined services or services were terminated for noncompliance, and may reach an agreement with the minor, terminable by either, to provide the services described in this section until the minor attains the age of 21.

Amended by Chapter 330, 2017 General Session

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 the member's appointment, a member may not:
(a) be an employee of the department, other than in the member's 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 in accordance with Section 62A-7-404.

(10) Youth offenders may be paroled to their own homes, to an independent living program contracted or operated by the division, to an approved independent living setting, or to other appropriate residences of qualifying relatives or guardians, but shall remain on parole until parole is terminated by the authority in accordance with Section 62A-7-404.

(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 246, 2019 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 the youth offender's case.

(4) The authority shall establish policies and procedures 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.

Amended by Chapter 246, 2019 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 only after a hearing and upon determination that there has been a violation of law or of a condition of parole by the youth offender that warrants the youth offender's 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 or rescission hearing, the division shall provide a prerevocation or prerecission 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 the youth offender’s parole. Upon a finding of probable cause, the youth offender may be remanded to a secure facility, pending a revocation hearing.

(3) The authority shall only proceed with the parole revocation or rescission process in accordance with the system of appropriate responses developed pursuant to Section 78A-6-123 on and after July 1, 2018.

(4) A paroled youth offender is entitled to legal representation at the parole revocation hearing, and if the youth offender or the youth offender’s family has requested but cannot afford legal representation, the authority shall appoint legal counsel.

(5) 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.

(6) 
(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.

(7) Decisions in parole revocation or rescission hearings shall be reached by a majority vote of the present members of the authority.

(8) 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.

(9) 
(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 in accordance with Section 78A-6-123 on and after July 1, 2018.
(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 (9), 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 or prerecission hearing of the alleged parole violation, or in the case of an escapee, arrangement for transportation to the secure facility.

Amended by Chapter 330, 2017 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) A youth offender shall be discharged in accordance with Section 62A-7-404.
(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.

Amended by Chapter 246, 2019 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

Part 6
Prevention and Early Intervention

62A-7-601 Youth services for prevention and early intervention -- Program standards -- Program services.
(1) The division shall establish and operate prevention and early intervention youth services programs.
(2) The division shall adopt statewide policies and procedures, including minimum standards for the organization and operation of youth services programs.
(3) The division shall establish housing, programs, and procedures to ensure that youth who are receiving services under this section and who are not in the custody of the division are served separately from youth who are in custody of the division.
(4) The division may enter into contracts with state and local governmental entities and private providers to provide the youth services.
(5) The division shall establish and administer juvenile receiving centers and other programs to provide temporary custody, care, risk-needs assessments, evaluations, and control for nonadjudicated and adjudicated youth placed with the division.
(6) The division shall prioritize use of evidence-based juvenile justice programs and practices.

Amended by Chapter 246, 2019 General Session

Part 7
Community-Based Programs

62A-7-701 Community-based programs.
(1)
(a) The division shall operate residential and nonresidential community-based programs to provide care, treatment, and supervision for youth offenders committed to the division by juvenile courts.
(b) The division shall operate or contract for nonresidential community-based programs and independent living programs to provide care, treatment, and supervision of paroled youth offenders.

(2) The division shall adopt minimum standards for the organization and operation of community-based corrections programs for youth offenders.

(3) The division shall place youth offenders committed to it for community-based programs in the most appropriate program based upon the division's evaluation of the youth offender's needs and the division's available resources in accordance with Sections 62A-7-404 and 78A-6-117.

Amended by Chapter 246, 2019 General Session

62A-7-702 Case management staff.

(1) The division shall provide a sufficient number of case management staff members to provide care, treatment, and supervision for youth offenders on parole and for youth offenders committed to the division by the juvenile courts for community-based programs.

(2)

(a) Case management staff shall develop treatment programs for each youth offender in the community, provide appropriate services, and monitor individual progress.

(b) Progress reports shall be filed every three months with the juvenile court for each youth offender committed to the division for community-based programs and with the authority for each parolee.

(c) The authority, in the case of parolees, or the juvenile court, in the case of youth committed to the division for placement in community programs, shall be immediately notified, in writing, of any violation of law or of conditions of parole or placement.

(3) Case management staff shall:

(a) conduct investigations and make reports requested by the courts to aid them in determining appropriate case dispositions; and

(b) conduct investigations and make reports requested by the authority to aid it in making appropriate dispositions in cases of parole, revocation, and termination.

Renumbered and Amended by Chapter 13, 2005 General Session