

Effective 5/12/2015

78A-6-705 Youth prison commitment.

- (1) Before sentencing a minor who is under the jurisdiction of the district court under Section 78A-6-701, 78A-6-702, or 78A-6-703, to prison the court shall request a report from the Division of Juvenile Justice Services regarding the potential risk to other juveniles if the minor were to be committed to the custody of the division. The division shall submit the requested report to the court as part of the pre-sentence report or as a separate report.
- (2) If, after receiving the report described in Subsection (1), the court determines that probation is not appropriate and commitment to prison is an appropriate sentence, the court shall order the minor committed to prison and the minor shall be provisionally housed in a secure facility operated by the Division of Juvenile Justice Services until the minor reaches 18 years of age, unless released earlier from incarceration by the Board of Pardons and Parole.
- (3) The court may order the minor committed directly to the custody of the Department of Corrections if the court finds that:
 - (a) the minor would present an unreasonable risk to others while in the division's custody;
 - (b) the minor has previously been committed to a prison for adult offenders; or
 - (c) housing the minor in a secure facility operated by the Division of Juvenile Justice Services would be contrary to the interests of justice.
- (4) The Division of Juvenile Justice Services shall adopt procedures by rule, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the transfer of a minor provisionally housed in a division facility under Subsection (2) to the custody of the Department of Corrections. If, in accordance with those rules, the division determines that housing the minor in a division facility presents an unreasonable risk to others or that it is not in the best interest of the minor, it shall transfer the physical custody of the minor to the Department of Corrections.
- (5) When a minor is committed to prison but ordered by a court to be housed in a Division of Juvenile Justice Services facility under this section, the court and the division shall immediately notify the Board of Pardons and Parole so that the minor may be scheduled for a hearing according to board procedures. If a minor who is provisionally housed in a division facility under this section has not been paroled or otherwise released from incarceration by the time the minor reaches 18 years of age, the division shall as soon as reasonably possible, but not later than when the minor reaches 18 years and 6 months of age, transfer the minor to the physical custody of the Department of Corrections.
- (6) Upon the commitment of a minor to the custody of the Division of Juvenile Justice Services or the Department of Corrections under this section, the Board of Pardons and Parole has authority over the minor for purposes of parole, pardon, commutation, termination of sentence, remission of fines or forfeitures, orders of restitution, and all other purposes authorized by law.
- (7) The Youth Parole Authority may hold hearings, receive reports, or otherwise keep informed of the progress of a minor in the custody of the Division of Juvenile Justice Services under this section and may forward to the Board of Pardons and Parole any information or recommendations concerning the minor.
- (8) Commitment of a minor under this section is a prison commitment for all sentencing purposes.

Enacted by Chapter 338, 2015 General Session