

JUVENILE DETENTION AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon J. Greiner

House Sponsor: Richard A. Greenwood

LONG TITLE

General Description:

This bill allows juveniles to be held in secure facilities with adults under certain conditions.

Highlighted Provisions:

This bill:

▶ allows juveniles bound over for trial in the district court to be held in a jail or other place of confinement used for adults.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-7-201, as last amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **62A-7-201** is amended to read:

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,



28 lockups, or cells used for persons 18 years of age or older who are charged with crime, or in
29 secure postadjudication correctional facilities operated by the division, except as provided [by]
30 in Subsection (2), other specific statute [~~and~~], or in conformance with standards approved by
31 the board.

32 (2) (a) Children charged by information or indictment with crimes as a serious youth
33 offender under Section 78A-6-702, and bound over to the jurisdiction of the district court, or
34 certified to stand trial as an adult pursuant to Section 78A-6-703 [~~may~~] shall be detained in a
35 jail or other place of detention used for adults. Children charged by information or indictment
36 with crimes under Section 78A-6-701, except for offenses committed in a secure facility as
37 described in Subsection 78A-6-701(1)(b), shall be detained in a jail or other place of detention
38 used for adults.

39 (b) Children detained in adult facilities under Section 78A-6-702 or 78A-6-703 prior to
40 a hearing before a magistrate, or under Subsection 78A-6-113(3), may only be held in certified
41 juvenile detention accommodations in accordance with rules promulgated by the division.
42 Those rules shall include standards for acceptable sight and sound separation from adult
43 inmates. The division certifies facilities that are in compliance with the division's standards.
44 The provisions of this Subsection (2)(b) do not apply to children held in an adult detention
45 facility in accordance with Subsection (2)(a).

46 (3) In areas of low density population, the division may, by rule, approve juvenile
47 holding accommodations within adult facilities that have acceptable sight and sound
48 separation. Those facilities shall be used only for short-term holding purposes, with a
49 maximum confinement of six hours, for children alleged to have committed an act which
50 would be a criminal offense if committed by an adult. Acceptable short-term holding purposes
51 are: identification, notification of juvenile court officials, processing, and allowance of
52 adequate time for evaluation of needs and circumstances regarding release or transfer to a
53 shelter or detention facility. The provisions of this Subsection (3) do not apply to children held
54 in an adult detention facility in accordance with Subsection (2)(a).

55 (4) Children who are alleged to have committed an act which would be a criminal
56 offense if committed by an adult, may be detained in holding rooms in local law enforcement
57 agency facilities for a maximum of two hours, for identification or interrogation, or while
58 awaiting release to a parent or other responsible adult. Those rooms shall be certified by the

59 division, according to the division's rules. Those rules shall include provisions for constant
60 supervision and for sight and sound separation from adult inmates.

61 (5) Willful failure to comply with any of the provisions of this section is a class B
62 misdemeanor.

63 (6) (a) The division is responsible for the custody and detention of children under 18
64 years of age who require detention care prior to trial or examination, or while awaiting
65 assignment to a home or facility, as a dispositional placement under Subsection
66 78A-6-117(2)(f)(i) or 78A-6-1101(3)(a), and of youth offenders under Subsection
67 62A-7-504(8).

68 (b) The division shall provide standards for custody or detention under Subsections
69 (2)(b), (3), and (4), and shall determine and set standards for conditions of care and
70 confinement of children in detention facilities.

71 (c) All other custody or detention shall be provided by the division, or by contract with
72 a public or private agency willing to undertake temporary custody or detention upon agreed
73 terms, or in suitable premises distinct and separate from the general jails, lockups, or cells used
74 in law enforcement and corrections systems.

Legislative Review Note
as of 2-3-10 10:06 AM

Office of Legislative Research and General Counsel

S.B. 140 - Juvenile Detention Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
