

59 (c) the minor's history of prior criminal acts;

60 (d) whether detention in a juvenile detention facility will adequately serve the need for
61 community protection pending the outcome of any criminal proceedings;

62 (e) whether the minor's placement in a juvenile detention facility will negatively impact
63 the functioning of the facility by compromising the goals of the facility to maintain a safe,
64 positive, and secure environment for all minors within the facility;

65 (f) the relative ability of the facility to meet the needs of the minor and protect the
66 public;

67 (g) whether the minor presents an imminent risk of harm to the minor or others within
68 the facility;

69 (h) the physical maturity of the minor;

70 (i) the current mental state of the minor as evidenced by relevant mental health or
71 psychological assessments or screenings that are made available to the court; and

72 (j) any other factors the court considers relevant.

73 (6) A minor ordered to a juvenile detention facility under Subsection (5) shall remain
74 in the facility until released by a district court judge, or if convicted, until sentencing.

75 (7) A minor held in a juvenile detention facility under this section shall have the same
76 right to bail as any other criminal defendant.

77 (8) If the minor ordered to a juvenile detention facility under Subsection (5) attains the
78 age of 18 years, the minor ~~H~~→ [will] shall ←~~H~~ be transferred within 30 days to an adult jail
78a until released by
79 the district court judge, or if convicted, until sentencing.

80 (9) A minor 16 years of age or older whose conduct or condition endangers the safety
81 or welfare of others in the juvenile detention facility may, by court order that specifies the
82 reasons, be detained in another place of confinement considered appropriate by the court,
83 including jail or other place of pretrial confinement for adults.

84 Section 2. Section **78A-6-702** is amended to read:

85 **78A-6-702. Serious youth offender -- Procedure.**

86 (1) Any action filed by a county attorney, district attorney, or attorney general charging
87 a minor 16 years of age or older with a felony shall be by criminal information and filed in the
88 juvenile court if the information charges any of the following offenses:

89 (a) any felony violation of:

152 (c) the minor's history of prior criminal acts;

153 (d) whether detention in a juvenile detention facility will adequately serve the need for
 154 community protection pending the outcome of any criminal proceedings;

155 (e) whether the minor's placement in a juvenile detention facility will negatively impact
 156 the functioning of the facility by compromising the goals of the facility to maintain a safe,
 157 positive, and secure environment for all minors within the facility;

158 (f) the relative ability of the facility to meet the needs of the minor and protect the
 159 public;

160 (g) whether the minor presents an imminent risk of harm to the minor or others within
 161 the facility;

162 (h) the physical maturity of the minor;

163 (i) the current mental state of the minor as evidenced by relevant mental health or
 164 psychological assessments or screenings that are made available to the court; and

165 (j) any other factors the court considers relevant.

166 (8) If a minor is ordered to a juvenile detention facility under Subsection (7), the minor
 167 shall remain in the facility until released by a district court judge, or if convicted, until
 168 sentencing.

169 (9) A minor held in a juvenile detention facility under this section shall have the same
 170 right to bail as any other criminal defendant.

171 (10) If the minor ordered to a juvenile detention facility under Subsection (7) attains
 172 the age of 18 years, the minor shall be transferred within 30 days to an adult jail until released
 173 by the district court judge, or if convicted, until sentencing.

174 (11) A minor 16 years of age or older whose conduct or condition endangers the safety
 175 or welfare of others in the juvenile detention facility may, by court order that specifies the
 176 reasons, be detained in another place of pretrial confinement considered appropriate by the
 177 court, including jail or other place of confinement for adults.

178 (12) ~~H~~→ [A] The ~~←H~~ district court may ~~H~~→ [review] reconsider ~~←H~~ the decision
 178a ~~H~~→ [made by the juvenile court] ~~←H~~ on where the
 179 minor will be held pursuant to Subsection (6).

180 ~~{6}~~ (13) If an indictment is returned by a grand jury charging a violation under this
 181 section, the preliminary examination held by the juvenile court judge need not include a finding
 182 of probable cause that the crime alleged in the indictment was committed and that the

276 (h) the physical maturity of the minor;

277 (i) the current mental state of the minor as evidenced by relevant mental health or
 278 psychological assessments or screenings that are made available to the court; and

279 (j) any other factors the court considers relevant.

280 (9) If a minor is ordered to a juvenile detention facility under Subsection (8), the minor
 281 shall remain in the facility until released by a district court judge, or if convicted, until
 282 sentencing.

283 (10) A minor held in a juvenile detention facility under this section shall have the same
 284 right to bail as any other criminal defendant.

285 (11) If the minor ordered to a juvenile detention facility under Subsection (8) attains
 286 the age of 18 years, the minor shall be transferred within 30 days to an adult jail until released
 287 by the district court judge, or if convicted, until sentencing.

288 (12) A minor 16 years of age or older whose conduct or condition endangers the safety
 289 or welfare of others in the juvenile detention facility may, by court order that specifies the
 290 reasons, be detained in another place of confinement considered appropriate by the court,
 291 including jail or other place of confinement for adults.

292 (13) ~~H~~→ [A] The ~~←H~~ district court may ~~H~~→ [review] reconsider ~~←H~~ the decision
 292a ~~H~~→ [from the juvenile court] ~~←H~~ on where the
 293 minor shall be held pursuant to Subsection (7).

294 ~~[(7)]~~ (14) If the court finds the state has met its burden under Subsection (2), the court
 295 may enter an order:

296 (a) certifying that finding; and

297 (b) directing that the minor be held for criminal proceedings in the district court.

298 ~~[(8)]~~ (15) If an indictment is returned by a grand jury, the preliminary examination held
 299 by the juvenile court need not include a finding of probable cause, but the juvenile court shall
 300 proceed in accordance with this section regarding the additional consideration referred to in
 301 Subsection (2)(b).

302 ~~[(9)]~~ (16) The provisions of Section 78A-6-115, Section 78A-6-1111, and other
 303 provisions relating to proceedings in juvenile cases are applicable to the hearing held under this
 304 section to the extent they are pertinent.

305 ~~[(10)]~~ (17) A minor who has been directed to be held for criminal proceedings in the
 306 district court is not entitled to a preliminary examination in the district court.