



Office of Utah for Rational Sex Offense Laws

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Representative Karianne Lisonbee
Utah House of Representatives
350 North State, Suite 350
Salt Lake City, UT 84114
Via email: karilisonbee@le.utah.gov

Position Statement on H.B. 48 Criminal and Juvenile Justice Changes

Dear Representative Lisonbee,

Utah for Rational Sex Offense Laws (UTRSOL) strongly opposes H.B. 48. While we appreciate the Legislature's attention to criminal justice metrics and juvenile housing, this bill undermines evidence-based juvenile justice reforms, creates unnecessary complexity in sentencing, and addresses isolated cases with sweeping statutory changes that could harm hundreds of young people over time. The bill reverses recent legislative progress without adequate stakeholder input and fails to solve the problems it purports to address.

Key Concerns:

Undermines Evidence-Based Juvenile Justice Reform

H.B. 48 reverses critical provisions from Senator Pitcher's 2024 juvenile justice legislation that this body passed with bipartisan support. We have not yet had time to evaluate the effectiveness of those reforms. The current bill:

- Removes judicial discretion in using alternatives to detention, potentially leading to increased incarceration of youth who would benefit from community-based programming
- Eliminates proven options that keep young people connected to their families and communities during court proceedings
- Creates confusion about detention eligibility and housing placement at both pre-adjudication and post-adjudication stages

Research consistently shows that keeping youth in developmentally appropriate settings and connected to positive supports reduces recidivism and improves long-term outcomes. This bill moves Utah in the opposite direction. By increasing system involvement and removing youths from community-based supports, this bill moves Utah in the opposite direction and risks worsening public safety outcomes over time.

Compromises Public Safety Through Counterproductive Housing Policies

The bill's provisions regarding provisional housing of minors tried as adults will likely increase recidivism, not decrease it. According to testimony from Division of Juvenile Justice and Youth Services (JJYS) professionals:

- Youth provisionally housed in secure juvenile facilities until age 25 receive education, cognitive behavioral therapy, and developmental programming that helps them mature before transfer to adult prison.
- These young people represent approximately 20 of 140 youth in secure care and are described by JJYS as the “easiest” population to manage because they understand their long-term sentences and remain compliant.
- A documented case exists where two youth charged with killing a police officer were moved from juvenile facilities to adult jail, obtained pretrial release, and subsequently killed another person—something that would not have happened if they had remained in secure juvenile care.

The current system works: youth in secure juvenile care remain safely incarcerated while gaining critical life skills. UTRSOL prioritizes public safety, which requires rehabilitation alongside accountability. Transferring youth to adult prisons earlier will produce more dangerous individuals when they are eventually released to our communities.

Creates Unworkable Complexity in an Already Challenging System

Adult sentencing for juveniles is already extraordinarily complex. According to the Administrative Office of the Courts, orders in these cases are frequently incorrect and must be returned with bench cards explaining proper procedures. H.B. 48 adds additional layers of complexity:

- Creates inconsistent housing rules based on minor age distinctions (16-year-olds vs. 17-year-olds, convicted before vs. after age 18).
- Forces trial courts to litigate placement issues rather than focus on the facts and merits.
- Introduces prosecutorial motions to the Board of Pardons and Parole regarding housing decisions, with no clear standards and no defense participation—effectively creating non-adversarial proceedings about punitive housing changes.
- Undermines JJYS's existing statutory authority to make housing decisions based on management needs and facility safety.

The current statutory scheme provides clarity: young people are housed according to consistent rules, and placement changes occur only when JJYS determines that secure juvenile care presents safety risks. This bill would turn housing into a contested legal issue in every case, wasting judicial resources and creating opportunities for disparate treatment.

Addresses Singular Cases with Sweeping Legislative Changes

Based on Utah Commission on Criminal and Juvenile Justice (CCJJ) testimony and stakeholder meetings, this bill appears driven by one or two specific cases rather than systemic problems. The young person whose case generated attention:

- Pleaded guilty to aggravated murder and took full accountability.
- Has performed exceptionally well in the secure juvenile facility.
- Will transfer to adult prison at age 25 to serve the remainder of a 25-to-life sentence
- Represents exactly the kind of accountability and rehabilitation success that our juvenile justice system should encourage.

Changing laws based on isolated cases—particularly when the individual involved has succeeded under current policies—risks unintended consequences for dozens or hundreds of future youth. Good policy requires comprehensive analysis, not reactive legislation.

Jeopardizes Federal Juvenile Justice Funding

According to JJYS testimony, provisions removing alternatives to adult jail placement could violate federal requirements for keeping youth separate from adult lockup facilities. This may result in reduced federal funding for juvenile justice programs at a time when Utah should be expanding—not contracting—evidence-based services for young people.

Recidivism Metric Changes Are Premature

While improving recidivism measurement is laudable, the bill's expansion of the standard metric to include arrests (rather than just convictions resulting in reincarceration) presents significant data infrastructure challenges:

- Matching court records, jail records, arrest records, and prison records to single individuals remains extremely difficult with current systems
- CCJJ working groups concluded this metric expansion is not yet feasible without improved Offender Tracking Number (OCN) collection
- The current metric was designed to be comparable across states and trackable over time; changing it now without solving data collection problems risks producing unreliable metrics that cannot inform policy

UTRSOL supports comprehensive recidivism measurement but believes Utah should first invest in data infrastructure improvements, then expand metrics once accurate tracking becomes possible. Attempting to measure what cannot be measured wastes resources and produces misleading information.

Recommendations

UTRSOL respectfully urges the Utah Legislature to:

- Oppose H.B. 48 in its current form
- Allow Senator Pitcher's 2024 juvenile justice reforms adequate time to demonstrate effectiveness before considering reversals
- If concerns exist about specific youth housing situations, work with JJYS to address them through existing administrative authority rather than broad statutory changes
- Engage meaningfully with JJOC, CCJJ, JJYS, the courts, prosecutors, and defense attorneys before advancing any juvenile sentencing or housing legislation
- If recidivism metric improvements are desired, establish a working group to develop data infrastructure solutions before expanding metric definitions
- Trust juvenile justice professionals and evidence-based practices over emotional responses to individual cases

Conclusion

Effective juvenile justice policy must balance accountability with rehabilitation, public safety with developmental science, and immediate concerns with long-term outcomes. H.B. 48 fails on all counts. It reverses evidence-based reforms, increases recidivism risk, complicates an already difficult system, and legislates based on isolated cases rather than comprehensive analysis.

UTRSOL believes that young people—even those who commit serious offenses—deserve opportunities for redemption and transformation. The current provisional housing system provides exactly that: secure incarceration combined with developmentally appropriate programming that prepares youth for successful reentry.

These young people will return to our communities someday. The question is whether we want them to return as educated, skilled individuals who have matured and addressed their behavioral issues, or as hardened adults who have spent their formative years immersed in gang culture and violence. Public safety, fiscal responsibility, and justice all require that we oppose H.B. 48 and maintain Utah's commitment to evidence-based juvenile justice practices.

Sincerely

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