

## 1 Rule 25. Pleas

2 ~~(a) A minor may tender a denial of the alleged offense, may tender an admission of the~~  
3 ~~alleged offense, or may, with the consent of the court, tender a plea of no contest which~~  
4 ~~shall have the effect set forth in Utah Code Section 77-13-2. If the minor declines to~~  
5 ~~plead, the court shall enter a denial. Counsel for the minor may enter a denial in the~~  
6 ~~absence of the minor, parent, guardian or custodian.~~

7 A minor may tender a denial, an admission, or a plea of no contest pursuant to Utah  
8 Code Section 80-6-306.

9 (b) When a denial is entered, the court shall set the matter for a trial hearing or for a pre-  
10 trial conference.

11 (c) The court may refuse to accept an admission or a plea of no contest and may not  
12 accept such plea until the court has found:

13 (1) that the right to counsel has been knowingly waived if the minor is not  
14 represented by counsel;

15 (2) that the plea is voluntarily made;

16 (3) that the minor and, if present, the minor's parent, guardian, or custodian,  
17 have been advised of, and the minor understands and has knowingly waived,  
18 the right against compulsory self-incrimination, the right to be presumed  
19 innocent, the right to a speedy trial, the right to confront and cross-examine  
20 opposing witnesses, the right to testify and to have process for the attendance of  
21 witnesses;

22 (4) that the minor and, if present, the minor's parent, guardian, or custodian have  
23 been advised of the consequences which may be imposed after acceptance of the  
24 admission of the alleged offense or plea of no contest;

25 (5) that the minor understands the nature and elements of the offense to which  
26 the plea is entered, that upon trial the prosecution would have the burden of

27 proving each of those elements beyond a reasonable doubt, and that the plea is  
28 an admission of all those elements;

29 (6) that there is a factual basis for the plea; and

30 (7) where applicable, the provisions of paragraph (e) have been met.

31 ~~(d) The minor may be allowed to tender an admission to a lesser included offense, or~~  
32 ~~an offense of a lesser degree or a different offense which the court may enter, after~~  
33 ~~amending the petition.~~

34 (ed) Plea discussions and agreements are authorized in conformity with the provisions  
35 of Utah Rule of Criminal Procedure 11. The prosecuting attorney may enter into  
36 discussions and reach a proposed plea agreement with the minor through the minor's  
37 counsel, or if the minor is not represented by counsel, directly with the minor.

38 However, the prosecuting attorney may not enter into settlement discussions with a  
39 minor not represented by counsel unless the parent, guardian or custodian is advised of  
40 the discussion and given the opportunity to be present.

41 ~~(fe) A minor may tender an admission which is not entered by the court for a stated~~  
42 ~~period of time. Conditions may be imposed upon the minor in that period of time and~~  
43 ~~successful completion of the conditions set shall result in dismissal upon motion. If the~~  
44 ~~minor fails to complete the conditions set, the admission shall be entered and the court~~  
45 ~~shall proceed to order appropriate dispositions.~~

46 If the court, pursuant to Utah Code section 80-6-306, delays entry of a minor's  
47 admission, the court will, upon motion of the court or any party, make a finding on  
48 whether the minor has successfully completed the imposed conditions. If the motion is  
49 unopposed, the court may make its finding without a hearing. If the motion is opposed,  
50 the court will hold a hearing, and then make its finding. After the court makes its  
51 finding, it will issue an order pursuant to Utah Code section 80-6-306.