**Section 2504.20 Offenses and Maximum Penalties**

Disciplinary offenses are defined in Appendix A. Maximum penalties for conduct that constitutes a disciplinary offense are set forth in Table A.

a) No youth shall be found guilty of any violation of these rules without a hearing before the Adjustment Committee or Program Unit. If a youth is transferred from one facility to another while pending a hearing, the individual shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility that is comparable to that which would have been afforded, in accordance with this Subpart, at the sending facility.

b) In determining the appropriate sanctions, the Adjustment Committee or Program Unit, the Chief Administrative Officer, and the Director may consider, among other matters, mitigating or aggravating factors such as:

1) The youth's mental state at the time of committing the offense;

2) The extent and degree of participation in the commission of the offense;

3) The amount or nature of stolen property, contraband, or injury; and

4) The youth's prior disciplinary record.

c) Corporal punishment, disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, or access to legal materials and reductions in the frequency of use of toilets, washbowls, and showers shall be prohibited.

d) Disciplinary restrictions on visitation, work, education, or program assignments and use of the library shall be related as closely as practicable to the abuse of such privileges. This subsection shall not apply to confinement or isolation of youth for purposes of institutional control.

e) Youth are presumed to be responsible for any contraband or other property prohibited by this Part that is located on their person, within their cell or within areas of their housing, work, educational, or vocational assignment that are under their control. Areas under a youth's control include, but are not limited to, the door track, window ledge, ventilation unit, plumbing, and the youth's desk, cabinet, shelving, storage area, bed, and bedding materials in his or her housing assignment; and desk, cubicle, work station, and locker in his or her work, educational, or vocational assignment. If the youth produces evidence that convinces the Adjustment Committee or Program Unit that he or she did not commit the offense, the youth shall be found not guilty.