

HB 274 -- JUVENILE COURT PROCEEDINGS

SPONSOR: Schroer

This bill changes "adult" to mean anyone 18 years old or older and "child" to mean anyone under the age of 18. The bill also requires children to be prosecuted in juvenile courts unless the child is certified as an adult or is being prosecuted for a traffic or curfew violation. Additionally, the bill specifies that no person under the age of 18 may be detained in an adult jail unless the person has been certified as an adult.

The bill also specifies that offenders under the age of 18 who have been certified as adults are eligible for dual jurisdiction of both criminal and juvenile codes, whereas the provision currently applies to such offenders under the age of 17 1/2. Dual jurisdiction allows an offender who has been found guilty in an adult court to complete a juvenile sentence in a Division of Youth Services facility.

Currently, children between the ages of 12 and 17 who are alleged to have committed a felony can be prosecuted in a court of general jurisdiction rather than in juvenile court. Also, if a child between the ages of 12 and 17 is alleged to have committed certain specified crimes, the court must hold a hearing to determine whether the child should be prosecuted in a court of general jurisdiction. Under this bill, only children ages 16 and 17 may be prosecuted in a court of general jurisdiction and only if they have committed certain specified crimes. Additionally, rather than requiring a mandatory hearing, the bill allows for a hearing upon motion of the court, the juvenile officer, the child, or the child's custodian.

The bill has a delayed effective date of January 1, 2020.

This bill is similar to SB 40 (2017).