

HCS #2 HB 1255 -- JUVENILE COURT PROCEEDINGS

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 8 to 1. Voted "Return to Committee of Origin" by the Rules - Legislative Oversight Committee by a vote of 12 to 0. Voted "Do Pass with HCS #2" by the Standing Committee on Judiciary by a vote of 7 to 1.

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 and one-half. 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.

This bill adds a surcharge of \$3.50 for all civil suits filed in the state, and the assessment of the surcharge shall expire on August 28, 2024. The surcharge shall be deposited into the newly created "Juvenile Justice Preservation Fund," for the administration of the juvenile justice system. There shall also be a surcharge of \$2 on all traffic violations for which the defendant pled guilty, and the surcharge shall also be deposited into the fund. The surcharge shall expire if the provisions of the fund expire. The bill gives discretion to a prosecutor to fine a defendant \$500 for each offense in which the victim was a child. Such fine shall also be deposited into the fund. The permission to charge this fine shall expire if the provisions of the fund expire.

The bill has a delayed effective date of January 1, 2021, for a majority of the provisions of the bill. Expanding services from 17 to 18 is considered a new service and will not become effective until there is sufficient funding to expand the services.

PROPOSERS: Supporters say that it makes sense to raise the age in Missouri, as you already have to be 18 to do a lot of things, like join the military or enter into a contract. The only place 17-year-olds are treated like adults is in the justice system. Children's brains are still developing at age 17, and they should

not have opportunities cut off because of stupid decisions they make at that age. Raising the age will lead to a windfall of taxpayer savings. Additionally, those leaving the adult system are significantly more likely to re-offend than those leaving the juvenile system. This will improve the safety of our communities, and it will lead to a stronger workforce and economy. This will also help preserve parental rights. Also, the juvenile system does a better job at holding kids accountable and getting them back on track. They can get proper education and therapy tools better than they can in the adult system. Finally, juveniles housed in adult jails are more likely to commit suicide than those housed in juvenile facilities.

Testifying for the bill were Representative Schroer; Kids Win Missouri; David Mitchell; M&R Strategic Services; MacArthur Foundation; Missouri Coalition of Childrens Agencies; Ian Mackey; Missouri Juvenile Justice Association; ACLU; Missouri Catholic Conference; National Association of Social Workers-Missouri Chapter; Empower Missouri; and Cathy Rauch, Metropolitan Congregations United of St. Louis.

OPPONENTS: Those who oppose the bill say that it's a good bill but it comes with an unfunded mandate, which cannot be supported. Without knowing that the money to support this will definitely be appropriated, it is difficult to know whether this will actually occur. It is also hard to know whether there will be a one-time expense or whether this will require ongoing full-time employment.

Testifying against the bill were the Missouri Association of Counties and County Commissioners Association of Missouri.