

HCS SB 693 -- COURT PROCEEDINGS

SPONSOR: Wallingford

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 10 to 0.

PROSECUTION IN THE JUVENILE COURT SYSTEM

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 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 (Sections 211.021-221.044, 488.315, and 558.003, RSMo).

These provisions have an effective date of January 1, 2021, for a majority of the provisions of the bill.

GUARDIANSHIP AND CONSERVATOR PROCEEDINGS

This bill provides that in guardianship and conservator proceedings, a court must determine that the incapacitated or disabled person's choice, spouse, or family member is deficient in

his or her ability to serve prior to selecting a third person as a guardian of the incapacitated person or conservator of a disabled person. If there is a claim that a person is deficient because of the living conditions, then the court shall require an investigation by the Department of Health and Senior Services of the living conditions. A court must also make a determination that the living conditions are dangerous or unsanitary prior to making the finding that a person is deficient for the purposes of guardianship.

The bill states that, prior to a hearing on a petition for the appointment of a guardian or conservator, notice must be provided to certain parties by certified mail and published in a newspaper of general circulation in the county in which the hearing is held (Sections 475.050 and 475.075).

This bill is similar to HCS #2 HB 1255 (2018) and SB 104 (2017).

PROPONENTS: Supporters say that the underlying bill requires the circuit court to determine that the chosen guardian is deficient before choosing a third person.

Testifying for the bill was Senator Wallingford.

OPPONENTS: There was no opposition voiced to the committee.