

CAMPAIGN FOR

**YOUTH  JUSTICE**

BECAUSE THE CONSEQUENCES AREN'T MINOR

# **Youth Prosecuted As Adults Weekly Legislative Roundup**

**April 13-17, 2020**

Roundup

**AL - SB162** Criminal procedure, expungement, expungement of records of youthful offender, provided for, Secs. 15-27-1, 15-27-2 am'd.

Last Action: Pending Committee Action in House of Origin (March 29, 2020)

Primary Sponsor: [Senator Tom Whatley \(R\)](#)

**AZ - SB1464** juvenile court jurisdiction; age extension

Last Action: Second read in Senate. (February 4, 2020)

Primary Sponsor: [Senator Tony Navarrete \(D\)](#)

**AZ - SB1651** juvenile delinquency; minimum age

Last Action: Second read in Senate. (February 6, 2020)

Primary Sponsor: [Senator Martin Quezada \(D\)](#)

**AZ - SB1652** juveniles; custodial interrogation; attorney; recordings

Last Action: Second read in Senate. (February 6, 2020)

Primary Sponsor: [Senator Martin Quezada \(D\)](#)

**AZ - SB1653** juvenile court jurisdiction; age

Last Action: Second read in Senate. (February 6, 2020)

Primary Sponsor: [Senator Martin Quezada \(D\)](#)

**AZ - SB1654** juvenile court jurisdiction; classification; age

Last Action: Second read in Senate. (February 6, 2020)

Primary Sponsor: [Senator Martin Quezada \(D\)](#)

**CA - AB2865** Juveniles: transfer to court of criminal jurisdiction.

Last Action: In committee: Hearing postponed by committee. (March 17, 2020)

Primary Sponsor: [Assemblymember Buffy Wicks \(D\)](#)

**CA - SB889** Juveniles: Juvenile court jurisdiction.

Last Action: From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS. (March 25, 2020)

Primary Sponsor: [Senator Nancy Skinner \(D\)](#)

**CO - HB1079** Juveniles On Colorado Sex Offender Registry

Last Action: House Committee on Judiciary Refer Amended to Appropriations (January 23, 2020)

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Primary Sponsor: [Representative Adrienne Benavidez \(D\)](#)

Summary:

Concerning the implementation of recommendations from the legislative oversight committee concerning the treatment of persons with mental health disorders in the criminal and juvenile justice systems regarding juveniles who have committed sex offenses.

**[CO - SB76 Parole Eligibility For Youthful Offenders](#)**

Last Action: Senate Committee on Judiciary Refer Amended to Appropriations (February 19, 2020)

Primary Sponsor: [Senator Pete Lee \(D\)](#)

Summary:

Concerning parole eligibility for an offender who committed an offense between eighteen and twenty-five years of age.

**[DE - HB10 AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JUVENILE PROSECUTION.](#)**

Last Action: HS 1 for HB 10 - Reported Out of Committee (Judiciary) in House with 6 On Its Merits (June 19, 2019)

Primary Sponsor: [Representative Nnamdi O. Chukwuocha \(D\)](#)

Summary:

United States Supreme Court case law and scientific research has changed how we think about juvenile delinquency. We know now that an adolescent's brain is not fully developed until the mid-twenties which makes juveniles especially prone to poor decision-making. In the landmark case of Miller v. Alabama, in which the United States Supreme Court prohibited mandatory life sentences without parole for juveniles on the rationale that children are inherently different than adults, the Court relied not only scientific research but on common sense and what any parent knows: kids will be kids.

Children in Delaware have minimum ages set for many things: getting a driver's license, enlisting in the military, applying for a loan or opening a credit card, using a tanning bed, drinking alcohol, and buying tickets to an R-rated movie.

This legislation sets a minimum age at which a child may be prosecuted, except for the most extreme offenses. This Bill prohibits the prosecution of children under the age of 12. It also bars the transfer of juvenile prosecution to the Superior Court unless the child is aged 16 or older. The exception to the prohibition on prosecuting children under 12 and transfer to Superior Court for children under sixteen, is only for the most serious of charges: murder in the first degree, murder in the second degree, rape in the first and rape in the second degree.

**[FL - HB165 Youth in Solitary Confinement](#)**

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Last Action: Died in Criminal Justice Subcommittee (March 14, 2020)

Primary Sponsor: [Representative Fentrice Driskell \(D\)](#)

Summary:

Youth in Solitary Confinement; Prohibits DOC or local government from subjecting youth to solitary confinement; limits cell confinement youth prisoners; provides protection for youth prisoners in emergency cell confinement; provides for individualized suicide crisis intervention plan; requires youth prisoners in disciplinary cells be allotted services & other benefits; requires review of policies relating to youth prisoners.

**[FL - HB285 Direct Filing of an Information](#)**

Last Action: Died in Criminal Justice Subcommittee (March 14, 2020)

Primary Sponsor: [Representative Juan Alfonso Fernandez-Barquin \(R\)](#)

Summary:

Direct Filing of an Information; Removes references to state attorney's discretion to direct file juvenile; revises discretionary direct file criteria; provides for opportunity for hearing to reverse direct file; revises provisions concerning housing of children held in detention.

**[FL - HB421 Detention of Children](#)**

Last Action: Died in Justice Appropriations Subcommittee (March 14, 2020)

Primary Sponsor: [Representative Ramon Alexander \(D\)](#)

Summary:

Detention of Children; Prohibits holding child being prosecuted as adult in jail or other facility intended or used for detention of adults; provides exception; requires court to consider specified factors in making certain determination; removes provisions under which court is required to order delivery of child to jail or other adult facility.

Amendments:

[368109 - Amendment \(Adopted without Objection 2/3/2020\)](#): Remove line 84 and insert:

**[FL - HB517 Prosecuting Children as Adults](#)**

Last Action: Died in Criminal Justice Subcommittee (March 14, 2020)

Primary Sponsor: [Representative Ramon Alexander \(D\)](#)

Summary:

Prosecuting Children as Adults; Removes provisions allowing state attorney to request court to certify children of certain ages who commit specified crimes for prosecution as adults; revises circumstances under which state attorney may file information in cases involving children; provides duties of DOC concerning such children who are convicted; provides that children 14 years of age or older charged with certain offenses are subject to court jurisdiction until indicted by grand jury; prohibits transfer to

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adult court of children who commit indictable offense & who have pending competency hearing; authorizes child found to have committed specified crimes be sentenced according to certain provisions.

**[FL - HB557 Youthful Offenders](#)**

Last Action: Withdrawn prior to introduction (January 14, 2020)

Primary Sponsor: [Representative Kamia L. Brown \(D\)](#)

Summary:

Youthful Offenders; Requires DOC to compile certain data concerning youthful offenders; requires annual report & recommendations.

**[FL - HB949 Juvenile Justice](#)**

Last Action: Died in Criminal Justice Subcommittee (March 14, 2020)

Primary Sponsor: [Representative Anna V. Eskamani \(D\)](#)

Summary:

Juvenile Justice; Prohibits children younger than certain age from being adjudicated delinquent, arrested, or charged with crime; limits when children of specified ages may be taken into custody; requires that children who are taken into custody pursuant to certain circuit court orders be treated in specified manner & be detained only pursuant to specified findings.

**[FL - HB1131 Sentence Review Hearings](#)**

Last Action: Died in Criminal Justice Subcommittee (March 14, 2020)

Primary Sponsor: [Representative Fentrice Driskell \(D\)](#)

Summary:

Sentence Review Hearings; Revises when juvenile offender is not entitled to review of sentence; provides for retroactive application of specified provision related to review of sentence for juvenile offenders convicted of murder; provides for immediate review of certain sentences; provides timeframes within which young adult offenders who commit specified crimes are entitled to review of their sentences; requires DOC to notify offenders of eligibility; provides for legal representation; requires court to consider certain factors.

**[FL - SB228 Youth in Solitary Confinement](#)**

Last Action: Died in Criminal Justice (March 14, 2020)

Primary Sponsor: [Senator Perry E. Thurston, Jr. \(D\)](#)

Summary:

Youth in Solitary Confinement; Creating the "Youth in Solitary Confinement Reduction Act"; prohibiting the Department of Corrections or a local governmental body from subjecting youth

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prisoners to solitary confinement except under certain circumstances; providing for an individualized suicide crisis intervention plan for certain youth prisoners, if applicable; requiring the department and the board of county commissioners of each county that administers a detention facility or jail to review their policies relating to youth prisoners to evaluate whether the policies are necessary, etc.

**[FL - SB436 Youth in Confinement](#)**

Last Action: Died in Appropriations Subcommittee on Criminal and Civil Justice (March 14, 2020)

Primary Sponsor: [Senator Bill Montford \(D\)](#)

Summary:

Youth in Confinement; Prohibiting a youth from being placed in disciplinary confinement; authorizing a youth to be placed in emergency confinement if certain conditions are met; limiting the allowable length of time for emergency confinement; authorizing a youth to be placed in medical confinement under certain circumstances; requiring sheriffs and chief correctional officers to adopt model standards relating to youth, etc.

**[FL - SB578 Juvenile Justice](#)**

Last Action: Died in Criminal Justice (March 14, 2020)

Primary Sponsor: [Senator Randolph Bracy \(D\)](#)

Summary:

Juvenile Justice; Prohibiting children younger than a certain age from being adjudicated delinquent, arrested, or charged with a crime; authorizing children of at least a specified age, rather than of any age, to be taken into custody under certain circumstances; requiring that children who are taken into custody pursuant to certain circuit court orders be treated in a specified manner and be detained only pursuant to specified findings, etc.

**[FL - SB610 Direct Filing of an Information](#)**

Last Action: Died in Criminal Justice (March 14, 2020)

Primary Sponsor: [Senator Bobby Powell \(D\)](#)

Summary:

Direct Filing of an Information; Revising provisions concerning the housing of children held in detention; prohibiting a child who has been transferred to adult court for criminal prosecution pursuant to direct file from being held in a jail or other facility used for the detention of adults prior to a specified hearing to determine if the child should be prosecuted as an adult; deleting references to the state attorney's discretion to direct file a juvenile; revising discretionary direct file criteria, etc.

**[FL - SB618 Detention of Children](#)**

Last Action: Died in Judiciary (March 14, 2020)

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Primary Sponsor: [Senator Bobby Powell \(D\)](#)

Summary:

Detention of Children; Prohibiting the holding of a child awaiting trial who is treated as an adult for purposes of criminal prosecution in a jail or other facility intended or used for the detention of adults; providing an exception; providing a requirement and a prohibition if a court determines that it is in the interest of justice to allow a child to be held in a jail or other facility intended or used for the detention of adults, etc.

Amendments:

[270048 - Amendment \(Replaced by Committee Substitute 2/11/2020\)](#): Delete line 85 and insert:

**[FL - SB628 Prosecuting Children as Adults](#)**

Last Action: Died in Criminal Justice (March 14, 2020)

Primary Sponsor: [Senator Bobby Powell \(D\)](#)

Summary:

Prosecuting Children as Adults; Deleting provisions under which a state attorney either must request a court to transfer and certify children of certain ages who commit specified crimes for prosecution as adults or must provide written reasons to the court for not making such a request, or proceed under certain provisions; providing that children 14 years of age or older, rather than children of any age, who are charged with certain offenses are subject to the jurisdiction of the court until an indictment is returned by the grand jury; authorizing, rather than requiring, that a child who is found to have committed specified crimes be sentenced according to certain provisions, etc.

**[FL - SB762 Inmate Confinement](#)**

Last Action: Died in Criminal Justice (March 14, 2020)

Primary Sponsor: [Senator Gary M. Farmer, Jr. \(D\)](#)

Summary:

Inmate Confinement; Prohibiting the use of solitary confinement; prohibiting the use of restrictive confinement for noncompliance, punishment, harassment, or retaliation for an inmate's conduct; prohibiting youths, young adults, and inmates who have specified medical needs from being placed in restrictive confinement except under specified circumstances; requiring sheriffs and chief correctional officers to adopt model standards relating to confinement, etc.

**[FL - SB960 Citizen Oversight of Correctional Facilities](#)**

Last Action: Died in Criminal Justice (March 14, 2020)

Primary Sponsor: [Senator Randolph Bracy \(D\)](#)

Summary:

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Citizen Oversight of Correctional Facilities; Creating a Citizens Oversight Council adjunct to the Department of Corrections; prohibiting the council from interfering with the day-to-day operations of the Department of Corrections or the Department of Juvenile Justice or certain facilities; providing for confidentiality of council business, etc.

**[FL - SB1308 Criminal Justice](#)**

Last Action: Died in Appropriations (March 14, 2020)

Primary Sponsor: [Senator Jeff Brandes \(R\)](#)

Summary:

Criminal Justice; Authorizing the resentencing and release of certain persons who are eligible for sentence review under specified provisions; precluding eligibility for a sentence review for young adult offenders who previously committed, or conspired to commit, murder; requiring the Department of Corrections to notify young adult offenders in writing of their eligibility for sentence review within certain timeframes; requiring the department to provide inmates with certain information upon their release, etc.

Amendments:

[139324 - Amendment \(Delete All\) \(No Action 2/25/2020\)](#): Delete everything after the enacting clause and insert:

[291996 - Amendment to Amendment \(139324\) \(Replaced by Committee Substitute 2/25/2020\)](#):

Delete lines 997 - 1002 and insert:

[556568 - Amendment \(Replaced by Committee Substitute 2/4/2020\)](#): Delete lines 75 - 138 and insert:

**[GA - HB440 Juvenile Code; juvenile court to include children who are under the age of 18 years; change jurisdiction](#)**

Last Action: House Committee Favorably Reported By Substitute (March 9, 2020)

Primary Sponsor: [Representative Mandi L. Ballinger \(R\)](#)

Summary:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code, so as to change the jurisdiction of the juvenile court to include children who are under the age of 18 years; to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to clarify provisions relating to juveniles; to provide for related matters; to repeal conflicting laws; and for other purposes.

**[GA - HB994 Courts; provisions relating to addressing criminal gang activities; revise](#)**

Last Action: Senate Read and Referred (March 13, 2020)

Primary Sponsor: [Representative Bert Reeves \(R\)](#)



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## Summary:

A BILL to be entitled an Act to revise provisions to advance the enforcement of laws and responses to certain criminal activities; to amend Part 9 of Article 6 of Chapter 11 of Title 15 of the O.C.G.A., relating to transfers, so as to revise and to provide for provisions relating to addressing criminal gang activities; to amend Chapter 15 of Title 16 of the O.C.G.A., relating to street gang terrorism and prevention, so as to revise the definition of "criminal gang activity" and prohibited criminal gang activities in regards to street gang terrorism and prevention; to amend Article 2 of Chapter 10 of Title 17 of the O.C.G.A., relating to death penalty generally, so as to revise criminal procedure in regards to certain death penalty cases; to amend Article 2 of Chapter 1 of Title 42 of the O.C.G.A., relating to Sexual Offender Registration Review Board; to provide for related matters; to repeal conflicting laws; and for other purposes.

**[IA - SF2220](#) [A bill for an act relating to the jurisdiction of the juvenile court.](#)**

Last Action: Subcommittee: Sinclair, Bisignano, and Sweeney. (February 11, 2020)

Primary Sponsor: [Senator Janet Petersen \(D\)](#)

**[IA - SF2279](#) [A bill for an act relating to the placement of a child in detention and the juvenile detention home fund, and making appropriations.](#)**

Last Action: Subcommittee: Koelker, Guth, and Ragan. (February 18, 2020)

Primary Sponsor: [Senator Amanda Ragan \(D\)](#)

**[IL - HB3972](#) [CD CORR-PAROLE-LIFE IMPRISON](#)**

Last Action: Referred to Rules Committee (January 8, 2020)

Primary Sponsor: [Representative Rita Mayfield \(D\)](#)

## Summary:

Amends the Unified Code of Corrections. Provides that notwithstanding any provision of the Code to the contrary, post-conviction hearing provisions under the Code of Criminal Procedure of 1963, habeas corpus hearing provisions under the Code of Civil Procedure, or the relief from judgment provisions of the Code of Civil Procedure, a person serving a term of imprisonment in a Department of Corrections facility is eligible for parole and a parole hearing if he or she has served the greater of: (1) a term of imprisonment of at least 20 years; (2) 25% of his or her sentence; or (3) the minimum term of imprisonment for the most serious offense for which the person was convicted. Provides that a person serving a term of natural life imprisonment shall be eligible for parole and a parole hearing after at least 20 years imprisonment. Provides that a person seeking early release under this provision may petition the Prisoner Review Board in the same manner as a person eligible for parole under the Code and the parole hearing shall be conducted as otherwise provided in the Parole Article of the Code and the Open Parole Hearings Act unless otherwise provided in this provision. Provides

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for offenses excluded from this provision. Provides that nothing in the amendatory Act guarantees parole. Provides that it only guarantees the opportunity of the committed person to present evidence at his or her parole hearing to demonstrate the committed person's rehabilitation before the Prisoner Review Board and to seek parole.

**[IL - HB4334 JUV CT-DETENTN-FORCIBLE FELONY](#)**

Last Action: Assigned to Judiciary - Criminal Committee (March 12, 2020)

Primary Sponsor: [Representative John M. Cabello \(R\)](#)

Summary:

Amends the Juvenile Court Act of 1987. Provides that if a minor is taken into custody for an offense which would be a forcible felony if committed by an adult, the minor may be detained in a secure detention facility until the court makes a finding concerning the minor's detention or release at the detention or shelter care hearing.

**[IL - HB4428 RACIAL IMPACT NOTE](#)**

Last Action: Referred to Rules Committee (February 3, 2020)

Primary Sponsor: [Representative Camille Y. Lilly \(D\)](#)

Summary:

Creates the Racial Impact Note Act. Provides that every bill which has or could have a disparate impact on racial and ethnic minorities, upon the request of any member, shall have prepared for it, before second reading in the house of introduction, a brief explanatory statement or note that shall include a reliable estimate of the anticipated impact on those racial and ethnic minorities likely to be impacted by the bill. Specifies the contents and provides for the preparation of each racial impact note. Provides that no comment or opinion shall be included in the racial impact note with regard to the merits of the measure for which the racial impact note is prepared. Provides that the fact that a racial impact note is prepared for any bill shall not preclude or restrict the appearance before any committee of the General Assembly of any official or authorized employee of the responding agency or agencies, or any other impacted State agency, who desires to be heard in support of or in opposition to the measure. Effective immediately.

**[IL - HB4610 JUV CT-COMMITMENT AGE-MURDER](#)**

Last Action: Assigned to Judiciary - Criminal Committee (March 17, 2020)

Primary Sponsor: [Representative Justin Slaughter \(D\)](#)

Summary:

Amends the Juvenile Court Act of 1987. Provides that an adjudged delinquent for the offense of first degree murder may be committed to the Department of Juvenile Justice when he or she is 14 years old (rather than 13 years old).

**[IL - HB4613 JUV CT-AGE OF DETENTION](#)**

Last Action: Referred to Rules Committee (February 5, 2020)

Primary Sponsor: [Representative Robyn Gabel \(D\)](#)

Summary:

Amends the Children and Family Services Act. Provides that the Illinois Juvenile Justice Commission shall study and make recommendations to the General Assembly regarding the availability of youth services to reduce the use of detention and prevent deeper criminal involvement. Amends the Juvenile Court Act of 1987. Provides that it is the goal of the Act to ensure that detention is the last resort and for as short a time as possible. Provides that on and after July 1, 2021, any minor 13 years of age or older arrested under this Act where there is probable cause to believe that the minor is a delinquent minor and that (i) secure custody is a matter of immediate and urgent necessity in light of a serious threat to the physical safety of a person or persons in the community or to secure the presence of the minor at the next hearing, as evidenced by a demonstrable record of willful failure to appear at a scheduled court hearing within the last 12 months, may be kept or detained in an authorized detention facility. Provides that a minor must be at least 13 (rather than 10) years of age to be placed in detention.

**[IL - HB4898 YOUTH SOLITARY CONFINEMENT](#)**

Last Action: Assigned to Judiciary - Criminal Committee (February 25, 2020)

Primary Sponsor: [Representative Maurice A. West \(D\)](#)

Summary:

Creates the End Youth Solitary Confinement Act. Provides that the use of room confinement of a person under 21 years of age at a juvenile or correctional facility for discipline, punishment, retaliation, or any reason other than as a temporary response to a juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the juvenile, is prohibited. Provides that if a covered juvenile poses a serious and immediate risk of physical harm to any individual, including the juvenile, before a staff member of the facility places a covered juvenile in room confinement, the staff member shall attempt to use other less restrictive options, unless attempting those options poses a threat to the safety or security of any minor or staff. Establishes procedures for placing a covered juvenile in room confinement because the covered juvenile poses a serious and immediate risk of physical harm to himself or herself, or to others. Provides that each facility detaining covered juveniles shall report the use of each incident of room confinement to the Attorney General each month. Defines "covered juvenile".

**[IL - HB5670 CD CORR-PAROLE REVIEW](#)**

Last Action: Assigned to Judiciary - Criminal Committee (March 12, 2020)

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Primary Sponsor: [Representative Rita Mayfield \(D\)](#)

Summary:

Amends the Unified Code of Corrections. Provides that a person under 21 years of age at the time of the commission of the offense of predatory criminal sexual assault of a child is eligible (rather than not eligible) for parole review by the Prisoner Review Board after serving 20 years or more of his or her sentence or sentences. Provides that a person who was under the age of 21 and is serving a sentence for first degree murder or a term of natural life imprisonment shall be eligible for parole review by the Prisoner Review Board after serving 40 years or more of his or her sentence or sentences.

**[IL - HR544 JUVENILE JUSTICE-ILLINOIS](#)**

Last Action: Referred to Rules Committee (October 28, 2019)

Primary Sponsor: [Representative Robyn Gabel \(D\)](#)

Summary:

Calls upon all government agencies in the State of Illinois, counties, and municipalities, in particular those concerned with juvenile justice, to review their policies and practices in comparison to the recommendations of the Convention on the Rights of the Child and the Global Study on Children Deprived of Liberty.

**[IL - HR693 YOUTH JUSTICE REFORM-SUPPORT](#)**

Last Action: Assigned to Judiciary - Criminal Committee (February 25, 2020)

Primary Sponsor: [Representative Carol Ammons \(D\)](#)

Summary:

Urges legislators, municipalities, law enforcement officials, judicial system decision makers, legal professionals, school systems, and key stakeholders to achieve more fair, just, equitable, and effective outcomes by embracing a developmental approach to the treatment of children and emerging adults in the justice system.

**[IN - HB1075 Minimum age for juvenile detention.](#)**

Last Action: First reading: referred to Committee on Courts and Criminal Code (January 7, 2020)

Summary:

Minimum age for juvenile detention. Provides that a child who is less than 12 years of age may not be held in a juvenile detention facility, unless: (1) the child is 10 years of age or 11 years of age; and (2) the court finds that: (A) there is probable cause to believe the child committed an act that would be murder if committed by an adult; and (B) it is in the best interests of the child or the community that a petition be filed alleging that the child is a delinquent child. Requires a court that orders a

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**[IN - HB1159 Juvenile expungements and firearms matters.](#)**

Last Action: Representative Ziemke added as coauthor (January 27, 2020)

## Summary:

Juvenile expungements and firearms matters. Requires a juvenile court to transmit certain findings to the office of judicial administration for transmission to the National Instant Criminal Background Check System (NICS) upon a finding of delinquency for an act that would be a serious violent felony if committed by an adult. Allows a court to consider the following factors when evaluating a petition to expunge certain juvenile adjudications: (1) Whether a person has been charged with or convicted of murder or another felony offense as an adult. (2) Whether a person has ever been waived to adult court for an offense.

## Amendments:

[Amendment #1](#)

[Amendment #2](#)

**[IN - SB336 Pretrial detention of juveniles.](#)**

Last Action: First reading: referred to Committee on Corrections and Criminal Law (January 13, 2020)

## Summary:

Pretrial detention of juveniles. Prohibits a juvenile arrestee who meets certain requirements from being housed with adult inmates prior to trial except when it would be in the interests of justice to house the arrestee with adults. Requires the court to consider: (1) the juvenile arrestee's age; (2) the physical and mental maturity of the juvenile arrestee; (3) the present mental state of the juvenile arrestee, including whether the juvenile arrestee presents an imminent risk of harm to himself or herself or others; (4) the nature and circumstances of the alleged offense; (5) any prior history of delinquent or criminal

**[IN - SB351 Juvenile law matters.](#)**

Last Action: First reading: referred to Committee on Corrections and Criminal Law (January 13, 2020)

## Summary:

Juvenile law matters. Provides that the juvenile court may exercise jurisdiction over a child who: (1) is at least 16 years of age and who is charged with certain more serious offenses; or (2) has a previous adult conviction and who is alleged to have committed an offense that would be a felony if committed by an adult. Provides for automatic expungement of a delinquency adjudication if the delinquent act: (1) did not result in bodily injury to another person; and (2) is not a sex offense.

**[IN - SB449 Juveniles.](#)**

Last Action: First reading: referred to Committee on Courts and Criminal Code (February 11, 2020)

## Summary:

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Juveniles. For certain serious offenses committed by a juvenile: (1) reduces the minimum age for committing the child to the department of correction from 13 to 12; (2) adds an attempt to commit certain serious offenses to the list of serious offenses allowing wardship by the department of correction; and (3) permits the court to commit a juvenile to the department of correction for up to six years. Requires the department of correction to provide the court with a progress report for a child committed to the department for six years at the time the child turns 18, and requires

Amendments:

[Amendment #1](#)

[Amendment #2](#)

**[KY - HB203 AN ACT relating to juvenile competency in status and public offenses.](#)**

Last Action: to Judiciary (H) (January 10, 2020)

Summary:

Create new sections of KRS Chapter 610 to create a minimum age of criminal responsibility of 12 years of age; establish rules relating to the court's treatment of developmental immaturity, mental illness, and intellectual disability; amend various sections to conform.

**[KY - HB410 AN ACT relating to crimes and punishments.](#)**

Last Action: posting withdrawn (March 6, 2020)

Summary:

Amend KRS 431.066, relating to pretrial release and bail options, to define "administratively released," "danger to others," and "financial condition of release"; require pretrial services to provide a defendant's juvenile court history when the defendant is 23 or under; require pretrial services, if requested by the court, to provide the defendant's juvenile court history when the defendant is over 23; specify that a court may impose a financial condition of release if the court finds by a preponderance of the evidence that the defendant constitutes a risk of failing to appear or danger to others; provide that a defendant is not eligible for bail credits if the court finds by clear and convincing evidence that the defendant constitutes a risk of failing to appear or danger to others; amend KRS 431.520, relating to conditions of release, to conform and to outline the hearing process for when a person continues to be detained as a result of his or her inability to meet a financial condition of release; amend KRS 218A.135, 222.204, 431.525, and 610.340 to conform; amend KRS 67.372 and 431.517 to require counties to pay global positioning monitoring system fees for those on pretrial release who are at or below 200% of the federal poverty guidelines; repeal KRS 431.540, relating to a schedule of bail amounts.

**[KY - SB87 AN ACT relating to juvenile justice.](#)**

Last Action: posted in committee (February 10, 2020)

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Summary:

Amend KRS 635.020 to remove automatic transfer of a child from District to Circuit Court in certain cases; amend KRS 640.010 to prohibit transfer of a child to Circuit Court in cases involving persons with an IQ under 70.

**[KY - SB97 AN ACT relating to racial and ethnic community criminal justice and public safety impact statements.](#)**

Last Action: to Licensing, Occupations, & Administrative Regulations (S) (January 21, 2020)

Summary:

Create new sections of KRS Chapters 6 and 15A to make legislative findings and require racial and ethnic community criminal justice and public safety impact statements for certain legislation and administrative regulations.

**[LA - HB173 JUVENILES: Provides parole eligibility for certain juvenile offenders](#)**

Last Action: Read by title, under the rules, referred to the Committee on Administration of Criminal Justice. (March 9, 2020)

Primary Sponsor: [Representative Edward C. "Ted" James \(D\)](#)

Summary: [Digest of HB173 Original](#)

**[LA - HB250 JUVENILES/JURISDICTION: Provides relative to the prosecution of certain juveniles in adult criminal court for offenses involving a firearm](#)**

Last Action: Read by title, under the rules, referred to the Committee on Administration of Criminal Justice. (March 9, 2020)

Primary Sponsor: [Representative Stephanie Hilferty \(R\)](#)

Summary: [Digest of HB250 Original](#)

**[MA - H1439 An Act reforming juvenile offender law](#)**

Last Action: Hearing scheduled for 10/22/2019 from 01:00 PM-05:00 PM in A-1 & A-2 (October 15, 2019)

Primary Sponsor: [Representative Russell Holmes \(D\)](#)

Summary:

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 1439) of Russell E. Holmes, Bud L. Williams and José F. Tosado relative to the juvenile offender law. The Judiciary.

**[MA - H1539 An Act establishing reasonable limitations on the solitary confinement of inmates 21 years of age or younger](#)**

Last Action: Hearing rescheduled to 10/08/2019 from 11:00 AM-05:00 PM in A-1 (October 3, 2019)

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Primary Sponsor: [Representative David Rogers \(D\)](#)

Summary:

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 1539) of David M. Rogers and others relative to establishing reasonable limitations on the solitary confinement of inmates 21 years of age or younger. The Judiciary.

**[MA - H3420 An Act to promote public safety and better outcomes for young adults](#)**

Last Action: Senate concurred (February 10, 2020)

Primary Sponsor: [Representative James O'Day \(D\)](#)

Summary:

By Representatives O'Day of West Boylston and Khan of Newton, a petition (accompanied by bill, House, No. 3420) of James J. O'Day, Kay Khan and others relative to the age of criminal majority. The Judiciary.

**[MA - HD1295 An Act to promote public safety and better outcomes for young adults](#)**

Last Action: Senate concurred (February 10, 2020)

Primary Sponsor: [Representative James O'Day \(D\)](#)

Summary:

By Representatives O'Day of West Boylston and Khan of Newton, a petition (accompanied by bill, House, No. 3420) of James J. O'Day, Kay Khan and others relative to the age of criminal majority. The Judiciary.

**[MA - HD1574 An Act relative to expungement of youth criminal records](#)**

Last Action: Hearing rescheduled to 10/08/2019 from 11:00 AM-05:00 PM in A-1 (October 3, 2019)

Primary Sponsor: [Representative John Mahoney \(D\)](#)

Summary:

By Mr. Mahoney of Worcester, a petition (accompanied by bill, House, No. 3375) of John J. Mahoney relative to the expungement of certain youth criminal records. The Judiciary.

**[MA - HD2868 An Act establishing reasonable limitations on the solitary confinement of inmates 21 years of age or younger](#)**

Last Action: Hearing rescheduled to 10/08/2019 from 11:00 AM-05:00 PM in A-1 (October 3, 2019)

Primary Sponsor: [Representative David Rogers \(D\)](#)

Summary:

By Mr. Rogers of Cambridge, a petition (accompanied by bill, House, No. 1539) of David M. Rogers and others relative to establishing reasonable limitations on the solitary confinement of inmates 21 years of age or younger. The Judiciary.



**[MA - HD3412 An Act improving juvenile justice data collection.](#)**

Last Action: Bill reported favorably by committee and referred to the committee on House Ways and Means (February 24, 2020)

Primary Sponsor: [Representative Chynah Tyler \(D\)](#)

Summary:

By Ms. Tyler of Boston, a petition (accompanied by bill, House, No. 2141) of Chynah Tyler and others for legislation to improve data collection in the juvenile justice system. Public Safety and Homeland Security.

**[MA - HD3734 An Act reforming juvenile offender law](#)**

Last Action: Hearing scheduled for 10/22/2019 from 01:00 PM-05:00 PM in A-1 & A-2 (October 15, 2019)

Primary Sponsor: [Representative Russell Holmes \(D\)](#)

Summary:

By Mr. Holmes of Boston, a petition (accompanied by bill, House, No. 1439) of Russell E. Holmes, Bud L. Williams and José F. Tosado relative to the juvenile offender law. The Judiciary.

**[MA - S825 An Act to promote public safety and better outcomes for young adults](#)**

Last Action: House concurred (February 13, 2020)

Primary Sponsor: [Senator Joseph Boncore \(D\)](#)

Summary:

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 825) of Joseph A. Boncore, Jack Patrick Lewis, Jason M. Lewis, Mike Connolly and other members of the General Court for legislation to promote public safety and better outcomes for young adults. The Judiciary.

**[MA - SD275 An Act relative to juvenile violence](#)**

Last Action: Accompanied a study order, see S2496 (February 3, 2020)

Primary Sponsor: Diana DiZoglio

(By Request)

Summary:

By Ms. DiZoglio (by request), a petition (accompanied by bill, Senate, No. 922) of Brian Coppola for legislation relative to juvenile sexual abuse and violence. The Judiciary.

**[MA - SD530 An Act to promote public safety and better outcomes for young adults](#)**

Last Action: House concurred (February 13, 2020)

Primary Sponsor: [Senator Joseph Boncore \(D\)](#)

Summary:

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By Mr. Boncore, a petition (accompanied by bill, Senate, No. 825) of Joseph A. Boncore, Jack Patrick Lewis, Jason M. Lewis, Mike Connolly and other members of the General Court for legislation to promote public safety and better outcomes for young adults. The Judiciary.

**[MA - SD795 An Act improving juvenile justice data collection](#)**

Last Action: Hearing scheduled for 11/13/2019 from 02:00 PM-05:00 PM in A-2 (November 1, 2019)

Primary Sponsor: [Senator Cynthia Creem \(D\)](#)

Summary:

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1386) of Cynthia Stone Creem, Jason M. Lewis, Mike Connolly, Joseph A. Boncore and other members of the General Court for legislation to improve data collection in the juvenile justice system. Public Safety and Homeland Security.

**[MA - SD1427 An Act relative to juveniles accused of sex offenses](#)**

Last Action: Accompanied a study order, see S2496 (February 3, 2020)

Primary Sponsor: [Senator William Brownsberger \(D\)](#)

Summary:

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 859) of William N. Brownsberger for legislation relative to juveniles accused of sex offenses. The Judiciary.

**[MA - SD2051 An Act relative to sexually violent predators](#)**

Last Action: Accompanied a study order, see S2496 (February 3, 2020)

Primary Sponsor: [Senator Bruce Tarr \(R\)](#)

Summary:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1033) of Bruce E. Tarr for legislation relative to sexually violent predators. The Judiciary.

**[MA - SD2095 An Act relative to consensual adolescent sexual activity](#)**

Last Action: Accompanied a study order, see S2496 (February 3, 2020)

Primary Sponsor: [Senator Rebecca Rausch \(D\)](#)

Summary:

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 1014) of Rebecca L. Rausch, Jack Patrick Lewis, Jason M. Lewis, Mike Connolly and other members of the General Court for legislation relative to consensual adolescent sexual activity. The Judiciary.

**[MD - HB36 Juvenile Proceedings - Fines, Fees, and Costs](#)**

Last Action: Returned Passed (March 18, 2020)

Primary Sponsor: [Delegate Erik L. Barron \(D\)](#)

**Roundup**

Summary:

Repealing certain provisions of law authorizing the juvenile court to impose certain civil fines against a child found to have committed certain violations; repealing a certain provision of law authorizing the juvenile court to impose certain court costs against a juvenile respondent or the respondent's parent, guardian, or custodian under certain circumstances; repealing a certain provision of law authorizing the juvenile court to assess any party or parent of a child in a certain proceeding for services of a certain attorney; etc.

**[MD - HB272 Juveniles Sexting](#)**

Last Action: Referred Judicial Proceedings (March 13, 2020)

Primary Sponsor: [Delegate Luke Clippinger \(D\)](#)

Summary:

Establishing a certain mitigating factor in a certain juvenile court proceeding against a child for a certain violation; requiring and authorizing the juvenile court to take certain actions in making a certain disposition on a certain finding; prohibiting the juvenile court from taking certain actions in making a certain disposition on a certain finding; establishing that a child who is found by the juvenile court to have violated a certain provision of law is not subject to certain sex offender registration; etc.

Amendments:

[802516/2](#)

**[MD - HB323 Criminal Procedure - Petition to Modify or Reduce Sentence \(Maryland Second Look Act\)](#)**

Last Action: Hearing 2/04 at 1:00 p.m. (January 21, 2020)

Primary Sponsor: [Delegate Erek L. Barron \(D\)](#)

Summary:

Authorizing a person who is serving a term of confinement to petition a court to modify or reduce the sentence under certain circumstances; requiring a person to file a petition under the Act in a certain court; requiring a court to hold a hearing under certain circumstances; providing for a hearing held under the Act; requiring a State's Attorney to provide certain notice to a victim and a victim's representative under certain circumstances; etc.

Cross-filed Bill: [SB591](#)

**[MD - HB552 Courts - Juvenile Court - Waiver of Jurisdiction - Victim Impact Statement](#)**

Last Action: Hearing 2/13 at 1:00 p.m. (January 30, 2020)

Primary Sponsor: [Delegate Vanessa E. Atterbeary \(D\)](#)

Summary:

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Requiring a court to consider a victim impact statement in determining whether to waive jurisdiction in a juvenile court case under certain circumstances.

**[MD - HB624 Juvenile Law - Child Interrogation Protection Act](#)**

Last Action: Text - First - Juvenile Law - Child Interrogation Protection Act (January 29, 2020)

Primary Sponsor: [Delegate Brooke E. Lierman \(D\)](#)

Summary:

Requiring a law enforcement officer who takes a child into custody to provide notice to the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice; specifying the required contents of a notice; prohibiting the interrogation of a child by a law enforcement officer until the child has consulted with a certain attorney and a notice has been provided to the child's parent, guardian, or custodian; requiring that a consultation between a child and an attorney under the Act be confidential; etc.

Cross-filed Bill: [SB593](#)

**[MD - HB834 Juvenile Law - Juvenile Court Jurisdiction - Attempted Carjacking](#)**

Last Action: Hearing 2/20 at 1:00 p.m. (February 4, 2020)

Primary Sponsor: [Delegate Michael E. Malone \(R\)](#)

Summary:

Providing that the juvenile court does not have jurisdiction over a child at least 16 years old alleged to have committed attempted carjacking or attempted armed carjacking.

**[MD - HB842 Juvenile Law - Informal Adjustment](#)**

Last Action: Referred Judicial Proceedings (March 12, 2020)

Primary Sponsor: [Delegate Geraldine Valentino-Smith \(D\)](#)

Summary:

Authorizing the juvenile court to refer a certain matter to the Department of Juvenile Services for a certain informal adjustment if the time for a certain adjudicatory hearing has been waived and the petition is not the result of an unsuccessful informal adjustment; providing a certain exception to the requirement that the court hold an adjudicatory hearing; and requiring a certain petition to be dismissed if a certain informal adjustment is successfully completed.

Cross-filed Bill: [SB706](#)

Amendments:

[932911/1](#)

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**[MD - HB933 Juvenile Offenders - Dual Sentencing](#)**

Last Action: Text - First - Juvenile Offenders - Dual Sentencing (February 6, 2020)

Primary Sponsor: [Delegate C. T. Wilson \(D\)](#)

Summary:

Authorizing a court exercising criminal jurisdiction in a certain prosecution involving a child to impose simultaneously a juvenile disposition and an adult criminal sentence; authorizing the court to order the child to complete the juvenile disposition and to suspend the adult criminal sentence under certain circumstances; and authorizing the court to take certain actions if the child commits a new offense or violates a condition of the suspended adult criminal sentence.

**[MD - HB1274 Criminal Procedure - Questioning of Minors by Police Officers](#)**

Last Action: Unfavorable Report by Judiciary; Withdrawn (February 17, 2020)

Primary Sponsor: [Delegate Steve Johnson \(D\)](#)

Summary:

Requiring a police officer to inform a minor of whether the minor is free to leave before questioning the minor for any purpose; requiring a police officer immediately to inform a certain minor that the minor is not free to leave under certain circumstances; requiring a police officer to provide certain notice to a minor's parent, legal guardian, or attorney if the minor has been arrested; etc.

**[MD - SB248 Juvenile Law - Jurisdiction - Attempted Carjacking and Attempted Armed Carjacking](#)**

Last Action: Hearing 2/05 at 2:00 p.m. (January 28, 2020)

Primary Sponsor: [Senator Robert Cassilly \(R\)](#)

Summary:

Providing that the juvenile court does not have jurisdiction over a child alleged to have committed attempted carjacking or attempted armed carjacking unless the child is under the age of 16 years or a court exercising criminal jurisdiction transfers a case to the juvenile court.

**[MD - SB314 Juveniles Charged as Adults - Confidentiality of Records](#)**

Last Action: Returned Passed (March 18, 2020)

Primary Sponsor: [Senator Charles E. Sydnor, III](#)

Summary:

Establishing that certain provisions of law relating to confidentiality of juvenile records apply to all police records and court records concerning a child excluded from the jurisdiction of the juvenile court under a certain provision of law from the time of the child's arrest until a certain event occurs; establishing that, if a case is transferred to the juvenile court, certain provisions of law relating to confidentiality of juvenile records continue to apply and a certain criminal charge is subject to expungement; etc.

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Amendments:

[808572/1](#)

**[MD - SB591 Criminal Procedure - Petition to Modify or Reduce Sentence \(Maryland Second Look Act\)](#)**

Last Action: Text - First - Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act) (January 31, 2020)

Primary Sponsor: [Senator Chris West \(R\)](#)

Summary:

Authorizing a person who is serving a term of confinement to petition a court to modify or reduce the sentence under certain circumstances; requiring a person to file a petition under the Act in a certain court; requiring a court to hold a hearing under certain circumstances; providing for a hearing held under the Act; requiring a State's Attorney to provide certain notice to a victim and a victim's representative under certain circumstances; etc.

Cross-filed Bill: [HB323](#)

**[MD - SB593 Juvenile Law - Child Interrogation Protection Act](#)**

Last Action: Text - First - Juvenile Law - Child Interrogation Protection Act (January 31, 2020)

Primary Sponsor: [Senator Jill P. Carter \(D\)](#)

Summary:

Requiring a law enforcement officer who takes a child into custody to provide notice to the child's parents, guardian, or custodian in a manner reasonably calculated to give actual notice; specifying the required contents of a notice; prohibiting the interrogation of a child by a law enforcement officer until the child has consulted with a certain attorney and a notice has been provided to the child's parent, guardian, or custodian; requiring that a consultation between a child and an attorney under the Act be confidential; etc.

Cross-filed Bill: [HB624](#)

**[MD - SB1038 Juveniles Convicted as Adults - Sentencing - Limitations and Reduction \(Juvenile Restoration Act\)](#)**

Last Action: Hearing 3/12 at 1:00 p.m. (March 4, 2020)

Primary Sponsor: [Senator Charles E. Sydnor, III](#)

Summary:

Authorizing a court, when sentencing a minor convicted as an adult, to impose a sentence less than the minimum term required by law; prohibiting a court from imposing a sentence of life

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without the possibility of parole or release for a minor; authorizing a certain individual to file a motion to reduce the duration of the individual's sentence; requiring the court to conduct a hearing on a motion to reduce the duration of a sentence; etc.

Cross-filed Bill: [HB1437](#)

**[MI - SB700](#)** [Juveniles; juvenile justice services; juvenile justice and delinquency prevention act; require to limit the use of secure juvenile detention facilities for status offenders. Amends secs. 1, 15 & 18, ch. XIA of 1939 PA 288 \(MCL 712A.1 et seq.\).](#)

Last Action: Referred to committee on judiciary and public safety (January 8, 2020)

Primary Sponsor: [Senator Sylvia Santana \(D\)](#)

**[MN - HF1679](#)** [Juvenile hearings and records prohibited from the public, juvenile court delinquency jurisdiction raised to age 13, and human services disqualifications modified.](#)

Last Action: Committee report, to adopt as amended and re-refer to Judiciary Finance and Civil Law Division (March 4, 2019)

Primary Sponsor: [Representative Mohamud Noor \(D\)](#)

**[MO - HB1384](#)** [Modifies provisions relating to juvenile court proceedings](#)

Last Action: Read Second Time (January 9, 2020)

Primary Sponsor: [Representative Barbara Washington \(D\)](#)

Summary: [Introduced](#)

**[MO - HB1422](#)** [Modifies provisions relating to a child's right to counsel](#)

Last Action: Referred: Judiciary (January 16, 2020)

Primary Sponsor: [Representative Ingrid Burnett \(D\)](#)

Summary: [Introduced](#)

**[MO - HB1873](#)** [Creates the offense of vehicle hijacking](#)

Last Action: Second read and referred: Judiciary and Civil and Criminal Jurisprudence (March 12, 2020)

Primary Sponsor: [Representative David Gregory \(R\)](#)

Summary: [Perfectured](#)

Amendments:

[4321H02.01H](#): Defeated

[4321H02.09H](#): Defeated

[4321H02.10H](#): Distributed

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[4321H02.11H](#): Withdrawn

**[MO - HB2149](#)** Establishes the "Joint Task Force on Juvenile Court Jurisdiction and Implementation"

Last Action: Public Hearing Completed (March 10, 2020)

Primary Sponsor: [Representative Jeff Knight \(R\)](#)

Summary: [Introduced](#)

**[MO - HB2416](#)** Modifies provisions relating to the certification of juveniles for trial as adults

Last Action: Read Second Time (February 11, 2020)

Primary Sponsor: [Representative Nick Schroer \(R\)](#)

Summary: [Introduced](#)

**[MO - HB2443](#)** Modifies provisions relating to the certification of juveniles for trial as adults

Last Action: Read Second Time (February 13, 2020)

Primary Sponsor: [Representative Steve Butz \(D\)](#)

Summary: [Introduced](#)

**[MO - HB2578](#)** Modifies provisions relating to juvenile court

Last Action: Referred: Judiciary (March 10, 2020)

Primary Sponsor: [Representative David Evans \(R\)](#)

Summary: [Introduced](#)

**[MO - SB538](#)** Modifies penalties relating to criminal offenses involving deadly weapons

Last Action: Informal Calendar S Bills for Perfection--SBs 538, 562 & 601-Libla, with SCS, SS for SCS & SA 1 (pending) (February 18, 2020)

Primary Sponsor: [Senator Doug Libla, \(R\)](#)

Summary:

SS/SCS/SBs 538, 562, & 601 - This act modifies provisions relating to criminal offenses involving deadly weapons.

CERTIFICATION OF A JUVENILE (Section 211.071)

Under this act, beginning January 1, 2021, if a person is charged with the offense of armed criminal action or the offense of unlawful use of a weapon, and is between the ages of 12 and 18, then a mandatory hearing is conducted to determine if the case shall proceed in a juvenile court or a court of general jurisdiction.

These provisions are similar to SB 561 (2020) and SB 824 (2020).

DEFINITION OF DANGEROUS FELONY (Section 556.061)

This act adds to the definition of "dangerous felony" the offense of armed criminal action.



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These provisions are substantially similar to SS/SB 600 (2020).

**OFFENSE OF ENDANGERING THE WELFARE OF A CHILD (Section 568.045)**

This act modifies the offense of endangering the welfare of a child to include when a person knowingly encourages, aids, or causes a child less than 17 years of age to engage in any conduct in violation of weapons offenses under the law.

**OFFENSE OF ARMED CRIMINAL ACTION (Section 571.015)**

Under current law, a person who commits the offense of armed criminal action is subject to a term of imprisonment of not less than 3 years for the first offense, 5 years for the second offense, and 10 years for any subsequent offense, in addition to any punishment for the crime committed by, with, or through the use of a deadly weapon.

This act changes the prison term for this offense to 3 to 15 years for the first offense, 5 to 30 years for the second offense, and at least 10 years for any subsequent offense. These prison terms shall be served in addition and consecutive to any punishment for the crime committed with the use of a deadly weapon. Additionally, this act provides that if the person convicted of armed criminal action is unlawfully possessing a firearm, the minimum prison term for the first offense is 5 years, the second offense is 10 years, and the third offense is 15 years.

No person convicted for the offense of armed criminal action shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for the minimum period of imprisonment.

These provisions are identical to SS/SB 600 (2020) and similar to HB 1453 (2020).

**OFFENSE OF UNLAWFUL TRANSFER OF WEAPONS (Section 571.060)**

Under current law, the offense of knowingly selling, leasing, loaning, giving away or delivering a firearm or blackjack to any child under 18 years old is a Class A misdemeanor.

This act changes the penalty for a person who knowingly sells or delivers any firearm to a child less than 18 years without the consent of the child's parent or guardian from a Class A misdemeanor to a Class E felony.

These provisions are similar to SB 759 (2020).

**FRAUDULENT PURCHASE OF A FIREARM (SECTION 571.063)**

Under current law, the fraudulent purchase of a firearm is a Class E felony. This act increases the penalty to a Class D felony.

These provisions are similar to SB 759 (2020).

**UNLAWFUL POSSESSION OF A FIREARM (Section 571.070)**

Under current law, the offense of unlawful possession of a firearm is a Class D felony. This act increases the penalty for unlawful possession of a firearm by a person convicted of a dangerous felony to a Class C felony.

These provisions are identical to SS/SB 600 (2020).

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Amendments:

[3891S05.01S](#): SA 1 to SS for SCS S offered (Sifton)

[3891S.05F](#): SS for SCS S offered (Libla)

**MO - SB561** Creates the offense of vehicle hijacking

Last Action: Bill Combined (w/SCS SBs 602, 778 & 561) (February 17, 2020)

Primary Sponsor: Onder

Summary:

SB 561 - This act creates the offense of vehicle hijacking, which is committed when an individual knowingly uses or threatens the use of physical force upon another individual to seize or attempt to seize possession or control of a vehicle. This offense is punished as a Class B felony unless one of the aggravating circumstances listed in the act was present during the commission of the offense, in which case it is punished as a Class A felony.

Additionally, the definition of dangerous felony is modified to include the offense of vehicle hijacking when punished as a Class A felony.

Under this act, beginning January 1, 2021, if a person is charged with the offense of vehicle hijacking, and is between the ages of 12 and 18 then a mandatory hearing is conducted to determine if the case shall proceed in a juvenile court or a court of general jurisdiction.

This act is similar to SB 433 (2019) and SB 459 (2019).

**MO - SB602** Modifies provisions relating to criminal offenses

Last Action: Formal Calendar S Bills for Perfection--SBs 602, 778 & 561-Luetkemeyer, with SCS (March 5, 2020)

Primary Sponsor: [Senator Tony Luetkemeyer, \(R\)](#)

Summary:

SCS/SBs 602, 778 & 561 - This act modifies provisions relating to criminal offenses.

CERTIFICATION OF A JUVENILE (Section 211.071)

Under this act, beginning January 1, 2021, if a person is charged with the offense of vehicle hijacking, the offense of unlawful possession of a firearm, or the offense of armed criminal action, and is between the ages of 12 and 18, then a mandatory hearing is conducted to determine if the case shall proceed in a juvenile court or a court of general jurisdiction.

These provisions are similar to SB 561 (2020).

OFFENSE OF UNLAWFUL USE OF UNMANNED AIRCRAFT OVER A CORRECTIONAL CENTER (SECTION 217.850)

Under this act, a person commits the offense of unlawful use of unmanned aircraft over a correctional center if he or she purposely:

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Operates an unmanned aircraft within a vertical distance of 300 feet over a correctional center's secure perimeter fence; or

Allows an unmanned aircraft to make contact with a correctional center, including any person or object on the premises of or within the facility.

The act sets forth exceptions to when use of an unmanned aircraft over a correctional center shall not be prohibited.

The offense of unlawful use of an unmanned aircraft over a correctional center is punishable as an infraction unless the person using the unmanned aircraft is:

Delivering a gun, knife, weapon, or other article that can be used to endanger the life of an offender or correctional center employee, in which case the offense is a class B felony;

Facilitating an escape from confinement, in which case the offense is a Class C felony; or

Delivering a controlled substance, in which case the offense is a Class D felony.

These provisions are identical to SB 778 (2020).

**OFFENSE OF CONSPIRACY (Sections 545.140, 557.021, AND 562.014)**

Under this act, if two or more defendants are charged with being joint participants in a conspiracy, it is presumed there is no substantial prejudice in charging both defendants in the same indictment or being tried together.

Under current law, guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting the commission of the offense, agrees with another person that they will engage in conduct to commit the offense. A person cannot be convicted of an offense based upon a conspiracy to commit the offense unless he or she committed an overt act.

This act modifies provisions regarding conspiracy to create the offense of conspiracy if a person agrees, with one or more persons, to commit any Class A, B, or C felonies, or any unclassified felonies that exceed 10 years of imprisonment, and one or more persons do any act in furtherance of the agreement. The offense of conspiracy to commit an offense is a class C felony.

Additionally, this act repeals the provisions barring a person from being charged, convicted, or sentenced for both the offense of conspiracy and the actual offense.

These provisions are identical to SS/SB 600 (2020).

**DEFINITION OF DANGEROUS FELONY (Section 556.061)**

This act adds to the definition of "dangerous felony" the offense of armed criminal action, the offense of conspiracy to commit an offense when the offense is a dangerous felony, and the offense of vehicle hijacking when punished as a Class A felony.

This provision is identical to SS/SB 600 (2020).

**OFFENSES NOT ELIGIBLE FOR PROBATION (Section 557.045)**

This act provides that any person found guilty of, or pleading guilty to: the offense of second degree murder when the person knowingly causes the death of another person or, with the

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purpose of causing serious physical injury to another person, causes the death of another person; any dangerous felony involving a deadly weapon; or any dangerous felony where the person has been previously found guilty of a Class A or B felony or a dangerous felony shall not be eligible for probation, suspended imposition or execution of sentence, or a conditional release term, and shall be sentenced to a term of imprisonment.

These provisions are identical to SS/SB 600 (2020).

**OFFENSE OF VEHICLE HIJACKING (Section 570.027)**

This act creates the offense of vehicle hijacking, which is committed when an individual knowingly uses or threatens the use of physical force upon another individual to seize or attempt to seize possession or control of a vehicle. This offense is punished as a class B felony unless one of the aggravating circumstances listed in the act was present during the commission of the offense, in which case it is punished as a Class A felony.

These provisions are identical to SS/SB 600 (2020) and SB 561 (2020) and similar to SB 433 (2019) and SB 459 (2019).

**OFFENSE OF ARMED CRIMINAL ACTION (Section 571.015)**

Under current law, a person who commits the offense of armed criminal action is subject to a term of imprisonment of not less than 3 years for the first offense, 5 years for the second offense, and 10 years for any subsequent offense, in addition to any punishment for the crime committed by, with, or through the use of a deadly weapon.

This act changes the prison term for this offense to 3 to 15 years for the first offense, 5 to 30 years for the second offense, and at least 10 years for any subsequent offense. These prison terms shall be served in addition to and consecutive to any punishment for the crime committed with the use of a deadly weapon. Additionally, this act provides that if the person convicted of armed criminal action is unlawfully possessing a firearm, the minimum prison term for the first offense is 5 years, the second offense is 10 years, and the third offense is 15 years.

No person convicted for the offense of armed criminal action shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for the minimum period of imprisonment.

These provisions are identical to SS/SB 600 (2020) and similar to SB 601 (2020) and HB 1453 (2020).

**UNLAWFUL POSSESSION OF A FIREARM (Section 571.070)**

Under current law, the offense of unlawful possession of a firearm is a Class D felony. This act increases the penalty for unlawful possession of a firearm by a person convicted of a dangerous felony to a Class C felony.

These provisions are identical to SS/SB 600 (2020) and similar to SB 538 (2020).

**OFFENSE OF UNLAWFUL USE OF UNMANNED AIRCRAFT OVER AN OPEN AIR FACILITY (SECTION 577.800)**

**Roundup**

A person commits the offense of unlawful use of unmanned aircraft over an open air facility if he or she:

Operates an unmanned aircraft within a vertical distance of 300 feet from the ground and within the property line of an open air facility; or

Uses an unmanned aircraft with the purpose of delivering to a person within an open air facility a gun, knife, weapon, or other dangerous article or a controlled substance.

The act sets forth exceptions to when use of an unmanned aircraft over an open air facility shall not be prohibited.

The offense of unlawful use of an unmanned aircraft over an open air facility is punishable as an infraction unless the person using the unmanned aircraft is:

Delivering a gun, knife, weapon, or other article that can be used to endanger the life of an offender or correctional center employee, in which case the offense is a class B felony; or

Delivering a controlled substance, in which case the offense is a class D felony.

These provisions are substantially similar to SB 778 (2020).

**CRIMINAL STREET GANGS (SECTIONS 578.419 TO 578.425)**

This act establishes the "Missouri Criminal Street Gangs Prevention Act". The act modifies the definition of a "criminal street gang" by defining such an organization to have as one of its motivating, rather than primary, activities the commission of one or more criminal acts. The definition of "pattern of criminal street gang activity" is modified to include "dangerous felony" as one of the offenses that would constitute a pattern.

Currently, any person who actively participates in any criminal street gang with knowledge that its members engage in a pattern of criminal street gang activity and who willfully promotes such criminal conduct shall be punished by one year in the county jail or one to three years of imprisonment in a state correctional facility. This act provides that such a person who actively participates in any criminal street gang that engages in a pattern of criminal conduct shall be guilty of a class B felony.

Further, this act changes the mental state and penalty for any person who is convicted of a felony or misdemeanor which is committed for the benefit of, at the direction of, or in association with, a criminal street gang. This act provides that such action must be with the purpose, rather than specific intent, to promote, further, or assist in any criminal conduct by gang members. The act repeals the applicability of this provision to a misdemeanor.

A person convicted under this act shall serve a term in addition and consecutive to the punishment for the felony conviction a term of two years, unless the felony is committed within one thousand feet of a school then the term shall be three years. Finally, if a person is convicted of a dangerous felony under this act, he or she shall be punished by an additional 5 years.

These provisions are identical to SS/SB 600 (2020).

**Roundup****OFFENSE OF UNLAWFUL USE OF UNMANNED AIRCRAFT OVER A MENTAL HEALTH HOSPITAL (SECTION 632.460)**

A person commits the offense of unlawful use of unmanned aircraft over a mental health hospital if he or she purposely;

Operates an unmanned aircraft within a vertical distance of 300 feet over the mental health hospital's property line; or

Uses an unmanned aircraft to deliver to a person confined in a mental health hospital a gun, knife, weapon, or other dangerous article or a controlled substance.

The act sets forth exceptions to when use of an unmanned aircraft over a mental health hospital shall not be prohibited.

The offense of unlawful use of an unmanned aircraft over a mental health hospital is punishable as an infraction unless the person using the unmanned aircraft is:

Delivering a gun, knife, weapon, or other article that can be used to endanger the life of an offender or correctional center employee, in which case the offense is a Class B felony;

Facilitating an escape from confinement, in which case the offense is a Class C felony; or

Delivering a controlled substance, in which case the offense is a Class D felony.

These provisions are identical to SB 778 (2020) and similar to SB 194 (2019).

**[MO - SB824 Modifies offenses for juveniles being tried as adults to include unlawful use of a weapon and armed criminal action](#)**

Last Action: Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (March 2, 2020)

Primary Sponsor: [Senator Wayne Wallingford, \(R\)](#)

Summary:

SB 824 - Under this act, a child between the ages of 12 and 18 years may be tried in a court of general jurisdiction and prosecuted under general law for the offenses of unlawful use of weapons and armed criminal action.

The provisions of this act shall be effective January 1, 2021.

Additionally, this act terminates the duplicate law effective December 31, 2020.

**[MO - SB1038 Establishes the "Joint Task Force on Juvenile Court Jurisdiction and Implementation"](#)**

Last Action: Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (March 12, 2020)

Primary Sponsor: [Senator Wayne Wallingford, \(R\)](#)

Summary:

SB 1038 - This act establishes the "Joint Task Force on Juvenile Court Jurisdiction and Implementation." The task force shall be composed of 20 members as provided in the act.

**Roundup**

The Joint Task Force shall review current juvenile court jurisdiction as it pertains to status and delinquency offenses and develop a plan for full implementation of raising the age of juvenile county jurisdiction to 17 years of age. The implementation plan shall include:

An analysis of the fiscal impact of raising the age of juvenile court jurisdiction;

An analysis of projected cases handled by the juvenile court;

An examination of best practices and alternatives for status offenders 17 years of age; and

Addressing statutory implications of raising the age of juvenile court jurisdiction.

The Joint Task Force shall meet at least quarterly and shall compile a full report of its activities for submission to the General Assembly by January 15, 2021.

This act is similar to HB 2149 (2020).

**[MS - HB803 Juvenile detention centers and the state training school; revise age of minors who may be ordered to.](#)**

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Representative Mark Tullos \(R\)](#)

Summary:

AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO RAISE THE MINIMUM AGE AT WHICH A CHILD MAY BE COMMITTED TO THE STATE TRAINING SCHOOL OR ORDERED INTO A JUVENILE DETENTION CENTER; AND FOR RELATED PURPOSES.

**[MS - HB1025 Juvenile offenders convicted of murder; revise sentencing options for.](#)**

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Representative Fred Shanks \(R\)](#)

Summary:

AN ACT TO AMEND SECTION 97-3-21, MISSISSIPPI CODE OF 1972, TO PROVIDE ALTERNATIVE SENTENCING OPTIONS FOR JUVENILE OFFENDERS WITH CERTAIN MURDER CONVICTIONS; AND FOR RELATED PURPOSES.

**[MS - HB1173 Secure detention and state training school; revise conditions under which a child may be ordered to by court.](#)**

Last Action: Transmitted To Senate (March 6, 2020)

Primary Sponsor: [Representative Cedric Burnett \(D\)](#)

Summary:

AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO REVISE THE CONDITIONS UNDER WHICH A CHILD MAY BE COMMITTED TO THE STATE TRAINING SCHOOL OR ORDERED INTO SECURE DETENTION AS A DISPOSITION; AND FOR RELATED PURPOSES.

**[MS - HB1342 Youth court; revise jurisdiction of court and revise standard for committing a child to Oakley Youth Development Center.](#)**

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Representative Greg Haney \(R\)](#)

Summary:

AN ACT TO AMEND SECTION 43-21-151, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT YOUTH COURT SHALL NOT HAVE JURISDICTION OVER OFFENSES COMMITTED BY A CHILD ON OR AFTER HIS OR HER SEVENTEENTH BIRTHDAY WHERE SUCH OFFENSES WOULD BE A FELONY IF COMMITTED BY AN ADULT; TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CHILD MAY BE COMMITTED TO THE STATE TRAINING SCHOOL IF THE CHILD COMMITS THREE MISDEMEANORS IN A SIX MONTH PERIOD; TO PROVIDE THAT IF A CHILD IS COMMITTED TO THE STATE TRAINING SCHOOL, THE CHILD MUST REMAIN AT THE SCHOOL FOR THE PERIOD OF TIME ORDERED BY THE YOUTH COURT JUDGE UNDER MOST CIRCUMSTANCES; TO PROVIDE THAT THE SUPERINTENDENT OF THE TRAINING SCHOOL MAY RECOMMEND TO THE YOUTH COURT IF HE OR SHE DETERMINES A CHILD SHOULD BE CONSIDERED FOR EARLY RELEASE FROM THE TRAINING SCHOOL AND UPON SUCH NOTIFICATION, A CERTAIN HEARING SHALL BE HELD BEFORE THE YOUTH COURT JUDGE REGARDING THE RECOMMENDATION OF THE SUPERINTENDENT; TO INCREASE THE MAXIMUM NUMBER OF DAYS THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION CENTER FROM 90 DAYS TO 180 DAYS; AND FOR RELATED PURPOSES.

**[MS - SB2162 Juvenile offenders; provide alternative sentencing and early-release options when convicted of certain crimes.](#)**

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Senator Angela Turner-Ford \(D\)](#)

Summary:

AN ACT TO AMEND SECTION 97-3-21, MISSISSIPPI CODE OF 1972, TO ESTABLISH SENTENCING GUIDELINES FOR PERSONS WHO WERE UNDER THE AGE OF 18 WHEN THEY COMMITTED THE OFFENSE OF FIRST-DEGREE MURDER, SECOND-DEGREE MURDER OR CAPITAL MURDER; TO REMOVE LIFE WITHOUT THE POSSIBILITY OF PAROLE AS A SENTENCING OPTION FOR JUVENILES CONVICTED OF THESE OFFENSES; TO PROVIDE THAT JUVENILES CONVICTED OF THESE OFFENSES MAY BE ELIGIBLE FOR PAROLE AND TO PROVIDE FOR THE RETROACTIVE APPLICATION OF PAROLE ELIGIBILITY; TO AMEND SECTION 97-3-2, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN JUVENILE OFFENDERS MAY BE RELEASED FROM THE CUSTODY OF THE MISSISSIPPI DEPARTMENT



**Roundup**

OF CORRECTIONS (MDOC) BEFORE SERVING 50% OF THE SENTENCE IMPOSED BY THE COURT; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUVENILE OFFENDERS CONVICTED OF CERTAIN OFFENSES MAY BE ELIGIBLE FOR PAROLE AFTER SERVING 25% OF A DEFINITE SENTENCE OR AFTER SERVING TEN YEARS OF A LIFE SENTENCE; TO AUTHORIZE THE PAROLE BOARD TO ESTABLISH A METHOD OF DETERMINING TENTATIVE PAROLE HEARING DATES FOR PAROLE-ELIGIBLE JUVENILE OFFENDERS WHO WERE CONVICTED BEFORE JULY 1, 2020; TO AMEND SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972, TO CHANGE THE DEADLINE BY WHICH MDOC MUST COMPLETE CASE PLANS FOR PAROLE-ELIGIBLE JUVENILE OFFENDERS WHO WERE CONVICTED BEFORE JULY 1, 2020; AND FOR RELATED PURPOSES.

**[MS - SB2171 Juvenile offenders; alternative sentencing and parole options.](#)**

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Senator Angela Turner-Ford \(D\)](#)

Summary:

AN ACT TO AMEND SECTIONS 97-3-21, 99-19-101 AND 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE ALTERNATIVE SENTENCING AND PAROLE OPTIONS FOR JUVENILE OFFENDERS IN COMPLIANCE WITH THE UNITED STATES SUPREME COURT HOLDING IN THE CASE OF MILLER V. ALABAMA; AND FOR RELATED PURPOSES.

**[MS - SB2280 Youth detention; raise minimum age for youth commitment to state training school and secure detention.](#)**

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Senator Jeremy England \(R\)](#)

Summary:

AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO RAISE THE MINIMUM AGE AT WHICH A CHILD MAY BE COMMITTED TO THE STATE TRAINING SCHOOL AND HELD IN SECURE DETENTION; AND FOR RELATED PURPOSES.

**[MS - SB2425 Juvenile offenders; alternative sentencing and parole options.](#)**

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Senator Brice Wiggins \(R\)](#)

Summary:

AN ACT TO AMEND SECTIONS 97-3-21, 99-19-101 AND 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE ALTERNATIVE SENTENCING AND PAROLE OPTIONS FOR JUVENILE OFFENDERS IN COMPLIANCE WITH THE UNITED STATES SUPREME COURT HOLDING IN THE CASE OF MILLER V. ALABAMA; AND FOR RELATED PURPOSES.

**[MS - SB2646](#)** Juvenile offenders; establish the Juvenile Offender Parole and Rehabilitation Act.

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Senator Derrick T. Simmons \(D\)](#)

Summary:

AN ACT TO ESTABLISH THE JUVENILE OFFENDER PAROLE AND REHABILITATION ACT; TO AUTHORIZE THE STATE PAROLE BOARD TO DETERMINE WHETHER A JUVENILE OFFENDER MAY BE ELIGIBLE FOR PAROLE AND REHABILITATION; TO AMEND SECTION 47-7-2, MISSISSIPPI CODE OF 1972, TO REVISE THE AGE OF ADULTHOOD; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PAROLE ELIGIBILITY FOR JUVENILE OFFENDERS; TO AMEND SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, TO EXEMPT JUVENILE OFFENDERS FROM TIME-SERVED PAROLE ELIGIBILITY REQUIREMENTS; TO CREATE SECTION 47-7-3.3, TO CREATE A CASE PLAN FOR JUVENILE OFFENDERS; TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PAROLE BOARD TO GRANT PAROLE TO JUVENILE OFFENDERS; TO AMEND SECTION 47-7-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN AFFIRMATIVE VOTE BY THE PAROLE BOARD TO GRANT PAROLE TO JUVENILE OFFENDERS; TO AMEND SECTION 47-7-15, MISSISSIPPI CODE OF 1972, TO EXEMPT DECISIONS ON PAROLE ELIGIBILITY OF JUVENILE OFFENDERS BY PAROLE BOARD FROM MAJORITY VOTE; TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PAROLE BOARD TO ORDER PSYCHIATRIC AND PSYCHOLOGICAL EXAMINATIONS WHEN NECESSARY; TO AMEND SECTION 47-7-18, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE RELEASE ON PAROLE OF JUVENILE OFFENDERS WITHOUT A HEARING BEFORE THE BOARD; TO BRING FORWARD SECTION 47-7-33.1, MISSISSIPPI CODE OF 1972, WHICH CREATES A DISCHARGE PLAN FOR OFFENDERS RETURNING TO THE COMMUNITY, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-5-1401, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES A YOUTHFUL OFFENDER UNIT AT THE CENTRAL MISSISSIPPI CORRECTIONAL FACILITY, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

**[MS - SB2676](#)** Youthful offenses; revise when may be tried in circuit court.

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Senator Derrick T. Simmons \(D\)](#)

Summary:

AN ACT TO AMEND SECTIONS 43-21-151, 43-21-157 AND 43-21-159, MISSISSIPPI CODE OF 1972, TO DEFINE THE CIRCUMSTANCES UNDER WHICH A CHILD MAY BE TRIED FOR A CRIMINAL OFFENSE IN CIRCUIT COURT; AND FOR RELATED PURPOSES.

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**[MS - SB2699 Youth court; revise transfer to circuit court.](#)**

Last Action: Died In Committee (March 3, 2020)

Primary Sponsor: [Senator Derrick T. Simmons \(D\)](#)

Summary:

AN ACT TO AMEND SECTION 43-21-157, MISSISSIPPI CODE OF 1972, TO REVISE TRANSFER FROM YOUTH COURT TO CIRCUIT COURT; AND FOR RELATED PURPOSES.

**[NC - HB121 Expunction Related to RTA/No Conviction.](#)**

Last Action: Regular Message Sent To Senate (April 16, 2019)

Primary Sponsor: [Representative Sarah Stevens \(R\)](#)

Summary: [H121-SMTV-3\(e1\)-v-2](#)

Amendments:

[A1: ABH-9-V-2](#)

**[NC - HB775 Juveniles/Eliminate LWOP/Parole Eligibility.](#)**

Last Action: Passed 1st Reading (April 16, 2019)

Primary Sponsor: [Representative David Rogers \(R\)](#)

**[NC - HB874 The Second Chance Act.](#)**

Last Action: Passed 1st Reading (April 22, 2019)

Primary Sponsor: [Representative Marcia Morey \(D\)](#)

**[NC - SB562 The Second Chance Act.](#)**

Last Action: Withdrawn From Cal (August 29, 2019)

Primary Sponsor: [Senator Danny Earl Britt, Jr. \(R\)](#)

Summary: [S562-SMTT-36\(e2\)-v-3](#)

Amendments:

[A1: ATT-22-V-3](#)

**[NC - SB614 Expunctions Related to Raise the Age.](#)**

Last Action: Passed 1st Reading (April 4, 2019)

Primary Sponsor: [Senator Wiley Nickel \(D\)](#)

**[NE - LB132 Change penalties for certain felonies committed by persons under nineteen years of age](#)**

Last Action: Title printed. Carryover bill (January 8, 2020)

Primary Sponsor: Pansing Brooks

Roundup

Summary: [Statement of Intent](#)

**NE - LB1117** [Change sentencing provisions for crimes committed by a person under twenty-one years of age and change provisions relating to jurisdiction over juveniles](#)

Last Action: Notice of hearing for February 13, 2020 (January 28, 2020)

Primary Sponsor: Pansing Brooks

Summary: [Statement of Intent](#)

**NJ - A602** [Clarifies "knockout game" assault as third-degree aggravated assault; permits juvenile offender 14 years of age or older committing such assault to be tried as adult offender.](#)

Last Action: Introduced, Referred to Assembly Law and Public Safety Committee (January 14, 2020)

Primary Sponsor: [Assemblymember John DiMaio \(R\)](#)

**NJ - A710** [The "New Jersey Youth Justice Transformation Act;" annually appropriates \\$100 million to Juvenile Justice Commission.](#)

Last Action: Introduced, Referred to Assembly Law and Public Safety Committee (January 14, 2020)

Primary Sponsor: [Assemblymember Shavonda E. Sumter \(D\)](#)

**NJ - A3091** [Concerns resentencing and parole for certain juvenile defendants.](#)

Last Action: Introduced, Referred to Assembly Law and Public Safety Committee (February 24, 2020)

Primary Sponsor: [Assemblymember John F. McKeon \(D\)](#)

**NJ - A3689** [Clarifies juvenile's right to attorney representation; requires 12-month judicial review hearing when juvenile is placed out-of-home.](#)

Last Action: Introduced, Referred to Assembly Law and Public Safety Committee (March 16, 2020)

Primary Sponsor: [Assemblymember Valerie Vainieri Huttle \(D\)](#)

**NJ - S315** [The "New Jersey Youth Justice Transformation Act;" annually appropriates \\$100 million to Juvenile Justice Commission.](#)

Last Action: Introduced in the Senate, Referred to Senate Law and Public Safety Committee (January 14, 2020)

Primary Sponsor: [Senator Ronald L. Rice \(D\)](#)

**NM - SB197** [STAYED SENTENCE FOR SOME YOUTH OFFENDERS](#)

Last Action: Legislative Day: 3Calendar Day: 01/28/2020Sent to SCC - Referrals:  
SCC/SPAC/SJC/SFC (January 28, 2020)

Roundup

Primary Sponsor: [Senator Gregory A. Baca - \(R\)](#)

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[District: 29 \(R\)](#)

**NM - SM47 CRIMINAL JUSTICE RACE & ETHNICITY DATA**

Last Action: Legislative Day: 12Calendar Day: 02/15/2020Withdrawn from committee or daily calendar for subsequent action (February 4, 2020)

Primary Sponsor: [Senator Antoinette Sedillo Lopez - \(D\)](#)

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[District: 16 \(D\)](#)

**NY - A718 Relates to conferring youthful offender status upon conviction of an eligible youth for a misdemeanor**

Last Action: Ordered To Third Reading Cal.37 (January 8, 2020)

Primary Sponsor: [Assemblymember Latoya Joyner](#)

**NY - A1829 Relates to the judicial diversion program for certain felony offenders**

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Assemblymember William Magnarelli](#)

**NY - A3329 Relates to the effect of termination of criminal actions and proceedings against a minor**

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Assemblymember Erik Dilan](#)

**NY - A3422 Relates to racial and ethnic impact statements on bills**

Last Action: Referred To Governmental Operations (January 8, 2020)

Primary Sponsor: [Assemblymember Latrice Walker](#)

**NY - A3837 Relates to the "juvenile offender second chance act"**

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Assemblymember Inez E. Dickens](#)

Summary:

Relates to the "juvenile offender second chance act" which establishes the ability for a person to be adjudicated to be a youthful offender and receive all provisions and benefits of being a youthful offender.

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[\*\*NY - A5871\*\* Relates to granting certain individuals youthful offender status; repealer](#)

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Assemblymember Daniel O'Donnell](#)

Summary:

Increases the age of a person from nineteen to twenty-two to be deemed a youth for youthful offender status and provides that there is a presumption of such status unless the interest of justice requires otherwise and proper notice is given.

[\*\*NY - A8801\*\* Ensures that parents and guardians of youth up to age 19 are notified when their child is arrested or issued an appearance ticket](#)

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Assemblymember Rodneyse Bichotte](#)

Summary:

Relates to the issuance of arrest warrants and appearance tickets upon a youth; provides for the police officer to immediately notify the parent or other person legally responsible for the care of such youth with whom the youth is domiciled that the youth has been arrested; provides further that the police officer need not notify the parent or other person legally responsible when such youth is not also a juvenile offender and the notification would endanger the health and safety of such youth; amends provisions relating to sexually exploited children to include persons under the age of nineteen.

[\*\*NY - A9505\*\* Enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2020-2021 state fiscal year](#)

Last Action: Substituted By S7505b (April 1, 2020)

Summary:

Enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2020-2021 state fiscal year; relates to extending the effectiveness of certain provisions of law relating to various criminal justice and public safety programs (Part A); establishes the criminal justice discovery compensation fund (Part E); relates to the closure of correctional facilities (Part F); relates to moving adolescent offenders to the office of children and family services (Part G); relates to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part I); establishes the safe homes and families act (Part M); relates to firearm licenses, requires a list of offenses in states and territories of the United States other than New York that include all of the essential elements of a serious offense be maintained and updated annually (Part N); relates to determining whether certain misdemeanor crimes are serious offenses under the penal law (Part Q); enacts the "Josef Neumann Hate Crimes Domestic Terrorism Act" which makes it a crime for a person to commit a domestic act

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of terrorism motivated by hate (Part R); relates to continuing to protect and strengthen unions (Part W); relates to defining the term technology for purposes of state purchasing requirements (Part Y); relates to statewide financial system procurements for joint appointing authority for the state financial system project (Part Z); relates to leases of premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government (Part AA); relates to the sale of alcoholic beverages in certain international airports (Part FF); relates to conducting full manual recounts on ballots (Part JJ); relates to AIM-related sales tax payments in the counties of Nassau and Erie (Part NN); includes acts of domestic violence in the criteria the court shall consider in determining the equitable disposition of property during divorce proceedings (Part PP); relates to ensuring pay equity at state and local public authorities (Part QQ); relates to disclosure requirements for certain nonprofits (Part UU); relates to the powers of the members of the commission on legislative, judicial and executive compensation (Part WW); relates to rights of sexual offense victims; provides that sexual offense victims shall be informed that a rape crisis or victim assistance organization is available to provide victims with transportation from a medical facility (Subpart A); provides guidelines to determine regulatory fines for small businesses and amends the effective date for S. 5815-C and A. 7540-B to be repealed two years after the effective date (Subpart B); relates to specifying the use for which certain state lands are to be transferred to the city of New Rochelle (Subpart C); relates to exempting income earned by persons under the age of 24 from certain workforce development programs from the determination of need for public assistance programs (Subpart D); permits special districts to adopt local laws providing for an exemption for improvements to residential real property for the purpose of facilitating accessibility of such property to a physically disabled owner (Subpart E); relates to adding components sold with instructions to combine such components to create combustion or detonation to the definition of "explosives" (Subpart F); qualifies the amount of rental surcharge persons or families shall pay in company projects (Subpart G); relates to renaming certain subway stations (Subpart H); provides for the continuity of the Roosevelt Island operating corporation (Subpart I); establishes a sexual discrimination training program within the state office for the aging (Subpart J); details policies or contracts which are not included in the definition of student accident and health insurance (Subpart K); relates to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings (Subpart L); provides access to students on information pertaining to voter education (Subpart M); relates to canvass of ballots cast by certain voters (Subpart N); relates to the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices; qualifies fund availability from the elevator and related conveyances safety program account; specifies what is not included in the definition of elevator work; sets forth qualifications and exemptions for licensing as an elevator agency technician; repeals certain sections of the labor law and the administrative code of the city of New York and changes the effective date for the licensing

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requirements of persons engaged in design, construction, inspection, maintenance, alteration and repair of elevators to two years after the act takes effect (Subpart O); relates to proof of eligibility for volunteer firefighter enhanced cancer disability benefits (Subpart P); relates to "lease-end" charges (Subpart Q); enacts the New York call center jobs act (Subpart R); provides for payment assistance and other information for HIV post-exposure prophylaxis and other health care services for sexual assault victims (Subpart S); relates to authorizing retail licenses to purchase beer with a business payment card (Subpart T); relates to the senior wellness in nutrition fund (Subpart U); relates to the definition of a research tobacco product (Subpart V); authorizes retail licensees to purchase beer with a business payment card (Subpart W); relates to a television writers' and directors' fees and salaries credit (Subpart X); relates to the payment of wages to workers (Subpart Y); relates to reverse mortgage loans (Subpart Z); relates to the regulation of toxic chemicals in children's products (Subpart AA); relates to the electronic open auction public bond sale pilot program (Subpart BB); relates to allowing the commissioner of transportation to impound or immobilize stretch limousines in certain situations (Subpart CC)(Part XX); relates to the Nassau county interim finance authority (Part YY); relates to repealing certain provisions requiring voter approval for the issuance of bonds or bonds and capital notes in an amount in excess of ten million dollars to finance any capital improvement in Westchester county (Part ZZ); relates to permitting employees at least two hours paid time off for voting (Part AAA).

**[NY - S277 Relates to removing the local share requirements associated with increasing the age of juvenile jurisdiction](#)**

Last Action: Referred To Finance (January 8, 2020)

Primary Sponsor: [Senator Robert Ort](#)

Summary:

Removes the local share requirements associated with increasing the age of juvenile jurisdiction.

**[NY - S370 Relates to certain assault crimes which include the aid or encouragement of additional persons](#)**

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Senator James Tedisco](#)

Summary:

Relates to certain assault crimes wherein a person is aided or encouraged to strike the victim in the head and cause unconsciousness.

**[NY - S461 Relates to segregated confinement](#)**

Last Action: Referred To Crime Victims, Crime And Correction (January 8, 2020)

Primary Sponsor: [Senator Andrew J Lanza](#)



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Summary:

Relates to segregated confinement; prohibits segregated confinement for certain persons.

**[NY - S520 Relates to youthful offenders](#)**

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Senator David Carlucci](#)

Summary:

Alters the definition of "youth" to mean a person who is at least sixteen years old and less than twenty-one years old; provides that where the conviction is had in a local criminal court and the eligible youth charged with a crime is alleged to have been committed when he or she was at least sixteen years old and less than nineteen years had not prior to the commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, the court must find that he or she is a youthful offender.

**[NY - S733 Ensures that parents and guardians of youth up to age 19 are notified when their child is arrested or issued an appearance ticket](#)**

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Senator Velmanette Montgomery](#)

Summary:

Relates to the issuance of arrest warrants and appearance tickets upon a youth; provides for the police officer to immediately notify the parent or other person legally responsible for the care of such youth or with whom the youth is domiciled that the youth has been arrested; provides further that the police officer need not notify the parent or other person legally responsible when such youth is not also a juvenile offender and the notification would endanger the health and safety of such youth; amends provisions relating to sexually exploited children to include persons under the age of nineteen.

**[NY - S925 Denies youthful offender treatment to persons convicted of a class B violent felony offense](#)**

Last Action: Referred To Codes (January 9, 2019)

Primary Sponsor: [Senator Catharine Young](#)

Summary:

Denies eligibility for youthful offender treatment upon conviction of a class B violent felony, unless the court determines that such person was a minor participant in the crime or that mitigating circumstances exist which bear directly upon the manner in which the crime was committed.

**[NY - S966 Enacts "Renee's law" to provide greater protection and disclosure to employees of facilities where juvenile delinquents and youthful offenders are placed](#)**

**Roundup**

Last Action: Referred To Finance (January 9, 2019)

Primary Sponsor: [Senator Catharine Young](#)

Summary:

Enacts "Renee's Law"; directs the commissioner of children and family services to provide training to all employees of programs and facilities in which youths are placed or committed; grants access to office of children and family services' records, juvenile delinquency records, youthful offender records and juvenile offender records of youths placed or committed to a facility, to staff members and employees who are exposed to such youths and to foster parents who take custody of such person after his or her release; grants courts and attorneys access to such records in any proceeding for the commission of a crime while a youth is in the custody of the office of children and family services; prohibits the release, discharge or transfer of any youth who has engaged in criminal activity while in custody; requires the reporting to law enforcement authorities of criminal activity by a youth in the custody of the office of children and family services; requires a police officer to escort an employee sent to find a youth who is absent without authorization.

**[NY - S3053](#) Relates to a petition for expungement of records for certain juveniles**

Last Action: Referred To Codes (January 8, 2020)

Primary Sponsor: [Senator James Sanders Jr.](#)

Summary:

Relates to a petition for expungement of records for certain juveniles convicted of a nonviolent offense after five years.

**[NY - S7505](#) Enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2020-2021 state fiscal year**

Last Action: Signed Chap.55 (April 3, 2020)

Summary:

Enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2020-2021 state fiscal year; relates to extending the effectiveness of certain provisions of law relating to various criminal justice and public safety programs (Part A); establishes the criminal justice discovery compensation fund (Part E); relates to the closure of correctional facilities (Part F); relates to moving adolescent offenders to the office of children and family services (Part G); relates to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part I); establishes the safe homes and families act (Part M); relates to firearm licenses, requires a list of offenses in states and territories of the United States other than New York that include all of the essential elements of a serious offense be maintained and updated annually (Part N); relates to determining whether certain misdemeanor crimes are serious offenses under the penal law (Part Q); enacts the "Josef Neumann

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Hate Crimes Domestic Terrorism Act" which makes it a crime for a person to commit a domestic act of terrorism motivated by hate (Part R); relates to continuing to protect and strengthen unions (Part W); relates to defining the term technology for purposes of state purchasing requirements (Part Y); relates to statewide financial system procurements for joint appointing authority for the state financial system project (Part Z); relates to leases of premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government (Part AA); relates to the sale of alcoholic beverages in certain international airports (Part FF); relates to conducting full manual recounts on ballots (Part JJ); relates to AIM-related sales tax payments in the counties of Nassau and Erie (Part NN); includes acts of domestic violence in the criteria the court shall consider in determining the equitable disposition of property during divorce proceedings (Part PP); relates to ensuring pay equity at state and local public authorities (Part QQ); relates to disclosure requirements for certain nonprofits (Part UU); relates to the powers of the members of the commission on legislative, judicial and executive compensation (Part WW); relates to rights of sexual offense victims; provides that sexual offense victims shall be informed that a rape crisis or victim assistance organization is available to provide victims with transportation from a medical facility (Subpart A); provides guidelines to determine regulatory fines for small businesses and amends the effective date for S. 5815-C and A. 7540-B to be repealed two years after the effective date (Subpart B); relates to specifying the use for which certain state lands are to be transferred to the city of New Rochelle (Subpart C); relates to exempting income earned by persons under the age of 24 from certain workforce development programs from the determination of need for public assistance programs (Subpart D); permits special districts to adopt local laws providing for an exemption for improvements to residential real proeprty for the purpose of facilitating accessibility of such property to a physcially disabled owner (Subpart E); relates to adding components sold with instructions to combine such components to create combustion or detonation to the definition of "explosives" (Subpart F); qualifies the amount of rental surcharge persons or families shall pay in company projects (Subpart G); relates to renaming certain subway stations (Subpart H); provides for the continuity of the Roosevelt Island operating corporation (Subpart I); establishes a sexual discrimination training program within the state office for the aging (Subpart J); details policies or contracts which are not included in the definition of student accident and health insurance (Subpart K); relates to notice of indicated reports of child maltreatment and changes of placement in child protective and voluntary foster care placement and review proceedings (Subpart L); provides access to students on information pertaining to voter education (Subpart M); relates to canvass of ballots cast by certain voters (Subpart N); relates to the licensing of persons engaged in the design, construction, inspection, maintenance, alteration, and repair of elevators and other automated people moving devices; qualifies fund availability from the elevator and related conveyances safety program account; specifies what is not included in the definition of elevator work; sets forth qualifications and exemptions for licensing as an elevator agency technician; repeals certain sections of the labor law

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and the administrative code of the city of New York and changes the effective date for the licensing requirements of persons engaged in design, construction, inspection, maintenance, alteration and repair of elevators to two years after the act takes effect (Subpart O); relates to proof of eligibility for volunteer firefighter enhanced cancer disability benefits (Subpart P); relates to "lease-end" charges (Subpart Q); enacts the New York call center jobs act (Subpart R); provides for payment assistance and other information for HIV post-exposure prophylaxis and other health care services for sexual assault victims (Subpart S); relates to authorizing retail licenses to purchase beer with a business payment card (Subpart T); relates to the senior wellness in nutrition fund (Subpart U); relates to the definition of a research tobacco product (Subpart V); authorizes retail licensees to purchase beer with a business payment card (Subpart W); relates to a television writers' and directors' fees and salaries credit (Subpart X); relates to the payment of wages to workers (Subpart Y); relates to reverse mortgage loans (Subpart Z); relates to the regulation of toxic chemicals in children's products (Subpart AA); relates to the electronic open auction public bond sale pilot program (Subpart BB); relates to allowing the commissioner of transportation to impound or immobilize stretch limousines in certain situations (Subpart CC)(Part XX); relates to the Nassau county interim finance authority (Part YY); relates to repealing certain provisions requiring voter approval for the issuance of bonds or bonds and capital notes in an amount in excess of ten million dollars to finance any capital improvement in Westchester county (Part ZZ); relates to permitting employees at least two hours paid time off for voting (Part AAA).

**[NY - S7539 Relates to the "juvenile offender second chance act"](#)**

Last Action: Referred To Codes (January 24, 2020)

Primary Sponsor: [Senator Luis R. Sepúlveda](#)

Summary:

Relates to the "juvenile offender second chance act" which establishes the ability for a person to be adjudicated to be a youthful offender and receive all provisions and benefits of being a youthful offender.

**[OH - HB413 Define offenses: aggravated abortion murder and abortion murder](#)**

Last Action: Refer to Committee Criminal Justice (November 18, 2019)

**[OH - HB552 Regards parole for offenders who committed offense when under 18](#)**

Last Action: Introduced (March 12, 2020)

Primary Sponsor: [Representative Tavia Galonski \(D\)](#)

**[OH - SB99 Modify bindover of juveniles to criminal court](#)**

Last Action: Refer to Committee Judiciary (March 12, 2019)

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Primary Sponsor: [Senator Cecil Thomas \(D\)](#)

**OH - SB256** [Regards sentencing offenders under 18 when committed offense](#)

Last Action: Refer to Committee Judiciary (January 22, 2020)

Primary Sponsor: [Senator Nathan H. Manning \(R\)](#)

**OK - HB1282** [Children; allowing placement of children under fourteen years of age in juvenile detention facilitie](#)

Last Action: Second Reading referred to Judiciary (April 6, 2020)

Summary: [Proposed Committee Substitute \(full committee\) 1](#)

Amendments:

[HB1282%20FA1%20LAWSONMA-JW](#)

[HB1282%20FULLPCS1%20MARK%20LAWSON-JW](#)

**OK - HB3214** [Children; children detained in adult facilities; incarceration; hearing; effective date.](#)

Last Action: Second Reading referred to Judiciary (March 16, 2020)

Summary: [Engrossed](#)

Amendments:

[HB3214%20FULLPCS1%20MARK%20LAWSON-JW](#)

[HB3214%20FULLPCS2%20MARK%20LAWSON-JW](#)

**OK - HB3215** [Children; youthful offenders; competency; allowing for competency to be raised in youthful offender](#)

Last Action: Second Reading referred to Judiciary (March 16, 2020)

Summary: [Engrossed](#)

**OK - HB3295** [Criminal procedure; Delayed Sentencing Program for Young Adults; increasing certain age limitation;](#)

Last Action: Second Reading referred to Judiciary Committee then to Appropriations Committee (March 16, 2020)

Summary: [Engrossed](#)

Amendments:

[HB3295%20FULLAMD1%20CARL%20NEWTON-GRS](#)

**OK - SB1184** [Legislation; requiring preparation of racial impact statement for certain legislation. Effective dat](#)

Last Action: Coauthored by Representative Goodwin (principal House author) (February 24, 2020)

**[PA - HB497](#)** [An Act amending Title 61 \(Prisons and Parole\) of the Pennsylvania Consolidated Statutes, providing for solitary confinement.](#)

Last Action: Referred to JUDICIARY (February 12, 2019)

Primary Sponsor: [Representative Tina M. Davis \(D\)](#)

**[PA - HB652](#)** [An Act amending Titles 18 \(Crimes and Offenses\) and 42 \(Judiciary and Judicial Procedure\) of the Pennsylvania Consolidated Statutes, in assault, providing for the offense of assault by knocking out another; and, in juvenile matters, further providing for definitions and for transfer from criminal proceedings.](#)

Last Action: Referred to JUDICIARY (March 1, 2019)

Primary Sponsor: [Representative Dan Moul \(R\)](#)

**[SC - HB4719](#)** [Prearrest diversion programs](#)

Last Action: Referred to Committee on Judiciary (January 14, 2020)

Primary Sponsor: [Representative J. Todd Rutherford \(D\)](#)

Summary:

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976, BY ADDING SECTIONS 63-19-500 AND 63-19-510 SO AS TO PROVIDE FOR THE ESTABLISHMENT AND OVERSIGHT OF PREARREST DIVERSION PROGRAMS IN EACH JUDICIAL CIRCUIT IN THE STATE FOR CERTAIN JUVENILE OFFENSES AND TO PROVIDE FOR THE ESTABLISHMENT AND PURPOSES OF THE JUVENILE JUSTICE IMPROVEMENT FUND IN THE BUDGET OF THE DEPARTMENT OF JUVENILE JUSTICE; TO AMEND SECTION 63-3-510, RELATING TO THE JURISDICTION OF THE FAMILY COURT, SO AS TO PROVIDE FOR TERMS OF PROBATION BASED ON THE TYPE OF ADJUDICATED OFFENSE; TO AMEND SECTION 63-19-10, RELATING TO THE JUVENILE JUSTICE CODE, SO AS TO PROVIDE GOALS AND POLICIES; TO AMEND SECTION 63-19-350, RELATING TO COMMUNITY SERVICES PROVIDED BY THE DEPARTMENT, SO AS TO REQUIRE THE USE OF STRUCTURED DECISION-MAKING TOOLS DURING THE JUVENILE JUSTICE PROCESS; TO AMEND SECTION 63-19-360, RELATING TO COMMUNITY AND RESIDENTIAL EVALUATIONS, SO AS TO REQUIRE COMPREHENSIVE, INDIVIDUALIZED BIOPSYCHOSOCIAL ASSESSMENTS; TO AMEND SECTION 63-19-820, RELATING TO SECURE DETENTION OF A CHILD, SO AS TO CHANGE THE ELIGIBILITY CRITERIA FOR SECURE DETENTION; TO AMEND SECTION 63-19-830, RELATING TO JUVENILE DETENTION, SO AS TO PROVIDE FOR DETENTION IN AN APPROVED HOME, PROGRAM, OR FACILITY OTHER THAN A SECURE JUVENILE DETENTION FACILITY; TO AMEND SECTION 63-19-1020, RELATING TO THE RIGHT OF CERTAIN CRIME VICTIMS TO INSTITUTE LEGAL PROCEEDINGS AGAINST A JUVENILE OFFENDER, SO AS TO REQUIRE

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CHILD AND FAMILY COUNSELING FOR A REFERRAL FOR THE STATUS OFFENSES OF INCORRIGIBILITY OR RUNAWAY AND FOR OTHER PURPOSES; TO AMEND SECTION 63-19-1210, RELATING TO JURISDICTION OF THE FAMILY COURT, SO AS TO CHANGE THE AGE REQUIREMENTS FOR TRANSFER OF CERTAIN CASES INVOLVING A CHILD TO ADULT JURISDICTION; TO AMEND SECTION 63-19-1410, RELATING TO ADJUDICATION OF A CHILD, SO AS TO PROVIDE FOR TERMS OF PROBATION BASED ON THE TYPE OF ADJUDICATED OFFENSE, TO REQUIRE A MONTHLY PAYMENT SCHEDULE FOR THE PAYMENT OF RESTITUTION BY A CHILD ON PROBATION, TO ALLOW FOR ADMINISTRATIVE SUPERVISION OF A CHILD WITH THE DEPARTMENT, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF A CHILD, SO AS TO PROVIDE CRITERIA WHEREBY A CHILD MAY BE COMMITTED TO THE DEPARTMENT, TO PROVIDE THE FAMILY COURT WITH ADDITIONAL DISPOSITIONAL OR SENTENCING OPTIONS, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-19-1820, RELATING TO CHILDREN COMMITTED TO THE DEPARTMENT ON AN INDETERMINATE SENTENCE, SO AS PROVIDE THAT THE RELEASING ENTITY SHALL BASE LENGTH OF STAY GUIDELINES ON EVIDENCE-BASED BEST PRACTICES AND FOR OTHER PURPOSES; TO AMEND SECTION 63-19-1835, RELATING TO CHILDREN UNDER PROBATION OR PAROLE SUPERVISION, SO AS TO REQUIRE THE DEPARTMENT ESTABLISH AND ADMINISTER AN ADMINISTRATIVE SANCTIONS POLICY AND PROGRAM; AND FOR OTHER PURPOSES.

**[SC - SB1018 SC Juvenile Justice Reform Act](#)**

Last Action: Referred to Subcommittee: Malloy , Hutto, Shealy, Goldfinch, Senn (January 17, 2020)

Primary Sponsor: [Senator Gerald Malloy \(D\)](#)

**Summary:**

A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, 1976, TO ENACT THE "SOUTH CAROLINA JUVENILE JUSTICE REFORM ACT OF 2020", TO AMEND SECTION 63-1-20, RELATING TO THE CHILDREN'S POLICY OF SOUTH CAROLINA, TO INCLUDE WITHIN THE STATEMENT A PROVISION TO ESTABLISH A POLICY REGARDING THE CARE AND GUIDANCE OF CHILDREN WITHIN THE JUVENILE JUSTICE SYSTEM; TO AMEND CHAPTER 19, TITLE 63, RELATING TO THE JUVENILE JUSTICE CODE, BY ADDING ARTICLE 6 TO REQUIRE EACH CIRCUIT SOLICITOR TO ESTABLISH A JUVENILE OFFENDER CIVIL CITATION PROGRAM TO PROVIDE A CIVIL DIVERSION PROGRAM FOR CHILDREN WHO HAVE COMMITTED ACTS OF DELINQUENCY, AND TO ESTABLISH ELIGIBILITY AND PARTICIPATION REQUIREMENTS; TO AMEND SECTION 16-17-425, RELATING TO UNLAWFUL STUDENT THREATS, TO ESTABLISH THAT IT IS UNLAWFUL FOR A STUDENT TO MAKE A THREAT TO COMMIT AN ACT OF MASS VIOLENCE AT A SCHOOL, COLLEGE, OR UNIVERSITY, OR AT A SCHOOL-, COLLEGE-, OR UNIVERSITY-SPONSORED ACTIVITY, AND TO PROVIDE PENALTIES; TO AMEND SECTION 16-

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23-430, RELATING TO POSSESSION OF A WEAPON ON SCHOOL GROUNDS, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO CARRY, WHILE ON ELEMENTARY OR SECONDARY SCHOOL PROPERTY, A KNIFE, FIREARM, OR OTHER WEAPON WITH THE INTENT BY THE PERSON TO INFLICT SERIOUS BODILY INJURY OR DEATH, OR TO CARRY UPON HIS PERSON A WEAPON, DEVICE, OR OBJECT WITH THE INTENT TO INFLICT BODILY INJURY AND TO PROVIDE PENALTIES AND EXCEPTIONS; TO AMEND SECTION 23-3-430, RELATING TO THE SEX OFFENDER REGISTRY STATUTE, BY REMOVING REFERENCES TO ADJUDICATED DELINQUENCIES; TO AMEND ARTICLE 7, CHAPTER 3, TITLE 23, RELATING TO THE SEX OFFENDER REGISTRY, BY ADDING SECTION 23-3-435 TO REQUIRE THE COURT TO MAKE A FINDING TO DETERMINE IF A CHILD ADJUDICATED DELINQUENT FOR AN ELIGIBLE OFFENSE IS REQUIRED TO REGISTER AS A SEX OFFENDER OR PARTICIPATE IN ELECTRONIC MONITORING AND TO PROVIDE FOR THE CHILD THE ABILITY AT A LATER DATE TO REQUEST A HEARING TO END THE REQUIREMENTS OF REGISTERING AS A SEX OFFENDER OR PARTICIPATING IN ELECTRONIC MONITORING; TO AMEND SECTION 23-3-490, RELATING TO PUBLIC INSPECTION OF THE SEX OFFENDER REGISTRY, TO REQUIRE THAT ACCESS TO INFORMATION REGARDING A CHILD'S ADJUDICATION OF DELINQUENCY FOR A SEX OFFENDER STATUTE BE LIMITED TO VICTIMS, WITNESSES, CHILDCARE FACILITIES, OR BUSINESSES THAT PRIMARILY SERVE CHILDREN, WOMEN, OR VULNERABLE ADULTS; TO AMEND SECTION 23-3-540, RELATING TO ELECTRONIC MONITORING, TO CONFORM THE SEX OFFENDER STATUTE TO THE JUVENILE SECTION BY REMOVING REFERENCES TO DELINQUENCY AND THE DEPARTMENT OF JUVENILE JUSTICE; TO AMEND SECTION 63-1-40, RELATING TO THE DEFINITION OF 'STATUS OFFENSE', TO REMOVE FROM THE DEFINITION THE PLAYING OR LOITERING IN A BILLIARD ROOM, PLAYING A PINBALL MACHINE OR GAINING ADMISSION TO A THEATER BY FALSE IDENTIFICATION; TO AMEND SECTION 63-3-510, RELATING TO THE JURISDICTION OF THE FAMILY COURT, TO INCLUDE WITHIN THE COURT'S JURISDICTION A PETITION FOR REMOVAL FROM THE SEX OFFENDER REGISTRY IF THE ORDER ORIGINATED FROM THE FAMILY COURT; TO AMEND SECTION 63-3-520, RELATING TO THE CONCURRENT JURISDICTION OF FAMILY COURT AND MAGISTRATES COURT, TO INCREASE THE AGE OF CONCURRENT JURISDICTION FROM PERSONS UNDER SEVENTEEN YEARS OF AGE TO PERSONS UNDER EIGHTEEN YEARS OF AGE; TO AMEND SECTION 63-7-310, RELATING TO THE MANDATORY REPORTING OF CHILD ABUSE, TO REMOVE THE REQUIREMENT THAT A PERSON EMPLOYED BY A LAWYER MUST REPORT SUSPECTED ABUSE IF THE SUSPICION ARISES IN THE COURSE OF THE LEGAL REPRESENTATION; TO AMEND SECTION 63-19-20, RELATING TO THE DEFINITION OF 'STATUS OFFENSE', TO REMOVE FROM THE DEFINITION THE PLAYING OR LOITERING IN A BILLIARD ROOM, PLAYING A PINBALL MACHINE OR GAINING ADMISSION TO A THEATER BY FALSE IDENTIFICATION; TO AMEND CHAPTER 19,



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TITLE 63, BY ADDING ARTICLE 2 TO ESTABLISH THE 'CHILDREN'S BILL OF RIGHTS' TO PROVIDE THAT A CHILD HAS THE RIGHT TO BE TREATED WITH BASIC HUMAN DIGNITY, TO BE PROVIDED NECESSARY CARE, MEDICAL TREATMENT, FOOD, EDUCATION, ACCESS TO FAMILY, ADVOCATES, AND LAWYERS, AND TO BE FREE FROM ABUSE, NEGLECT, AND HARASSMENT, AND TO PROVIDE FOR THE APPLICATION OF THESE RIGHTS; TO AMEND ARTICLE 1, CHAPTER 19, TITLE 63, BY ADDING SECTION 63-19-210 TO REQUIRE THAT LAW ENFORCEMENT MUST ARRANGE FOR A CHILD FIFTEEN YEARS OF AGE OR YOUNGER TO MEET WITH LEGAL COUNSEL PRIOR TO A CUSTODIAL INTERROGATION UNLESS THE OFFICER BELIEVES THAT THE INFORMATION SOUGHT IS NECESSARY TO PROTECT LIFE OR PROPERTY FROM AN IMMINENT THREAT; TO AMEND SECTION 63-19-340, RELATING TO THE ANNUAL REPORT BY THE DEPARTMENT OF JUVENILE JUSTICE, TO PROVIDE THAT THE REPORT MUST INCLUDE SPECIFIC STATISTICS RELATING TO CHILDREN REFERRED TO THE DEPARTMENT, THEIR RELATED OFFENSES AND SENTENCES; TO AMEND SECTION 63-19-350, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, TO REQUIRE THE DEPARTMENT TO DEVELOP AND UTILIZE STRUCTURED DECISION-MAKING TOOLS FOR ALL KEY POINTS OF THE JUVENILE JUSTICE PROCESS; TO AMEND SECTION 63-19-360 TO REQUIRE THE CHILD EVALUATION TO BE CONDUCTED BY THE DEPARTMENT TO INCLUDE A BIOPSYCHOSOCIAL ASSESSMENT AND A DETERMINATION OF THE CHILD'S MENTAL HEALTH FUNCTIONING; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63, RELATING TO CHILD DELINQUENCY PETITIONS, BY ADDING SECTION 63-19-362 TO REQUIRE THAT BEFORE SUBMITTING A PETITION FOR A CHILD IN ITS CUSTODY FOR A MISDEMEANOR THAT WOULD CARRY A MAXIMUM TERM OF IMPRISONMENT OF FIVE YEARS OR LESS, THE DEPARTMENT OF JUVENILE JUSTICE MUST ATTEMPT TO RESOLVE THE SITUATION THROUGH AVAILABLE ADMINISTRATIVE APPROACHES; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, BY ADDING SECTION 63-19-365 TO PROHIBIT THE USE OF SOLITARY CONFINEMENT ON A CHILD AND PROVIDE LIMITS FOR THE USE OF CORRECTIVE ROOM RESTRICTIONS UPON CHILDREN WITHIN THE CUSTODY OF THE DEPARTMENT; TO AMEND SECTION 63-19-370, RELATING TO INTERDEPARTMENTAL AGREEMENTS, TO ALLOW THE DEPARTMENT OF JUVENILE JUSTICE TO ESTABLISH AGREEMENTS WITH THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF EDUCATION TO PROVIDE REENTRY SERVICES FOR CHILDREN RETURNING TO SCHOOLS AND COMMUNITIES FROM THE DEPARTMENT'S CUSTODY; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63 BY ADDING SECTION 63-19-500, RELATING TO THE DEPARTMENT OF JUVENILE JUSTICE, TO REQUIRE THAT THE DEPARTMENT ESTABLISH AT LEAST ONE PRE-DETENTION INTERVENTION PROGRAM IN EACH JUDICIAL CIRCUIT AND TO ESTABLISH PROGRAM REQUIREMENTS AND ELIGIBILITY; TO AMEND ARTICLE 3, CHAPTER 19, TITLE 63 BY ADDING SECTION 63-19-520 TO ESTABLISH THE JUVENILE JUSTICE IMPROVEMENT FUND, TO

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ALLOW THE DEPARTMENT OF JUVENILE JUSTICE TO DIVERT MONEYS SAVED FROM DECREASED RELIANCE ON OUT-OF-HOME PLACEMENT TO FUND COMMUNITY INTERVENTION PROGRAMS INCLUDING EDUCATIONAL, MENTAL HEALTH AND BEHAVIORAL HEALTH SERVICES; TO AMEND SECTION 63-19-810, RELATING TO THE TAKING OF A CHILD INTO CUSTODY BY LAW ENFORCEMENT, TO REMOVE A DUPLICATIVE NOTIFICATION PROVISION BY LAW ENFORCEMENT TO SCHOOL PRINCIPALS AND TO REQUIRE THAT ANY CHILD SEVENTEEN YEARS OF AGE OR OLDER, WHO HAS BEEN TAKEN INTO CUSTODY BUT WHO HAS NOT BEEN RELEASED TO A PARENT OR GUARDIAN, MUST HAVE A BOND HEARING BEFORE A MAGISTRATE; TO AMEND SECTION 63-19-820, RELATING TO THE PRE-TRIAL DETENTION OF CHILDREN, TO LIMIT SECURE PRE-TRIAL DETENTION TO CIRCUMSTANCES WHERE IT IS THE LEAST RESTRICTIVE APPROPRIATE OPTION AND IF THE CHILD IS CHARGED WITH A CRIME THAT WOULD BE A FIVE YEAR FELONY OR GREATER, HAS EXHAUSTED COMMUNITY-BASED ALTERNATIVES, OR IS CHARGED WITH UNLAWFUL STUDENT THREATS OR FAILURE TO STOP FOR A BLUE LIGHT, TO REMOVE THE ELIGIBILITY OF JUVENILES CHARGED AS AN ADULT TO BE HOUSED IN ADULT DETENTION FACILITIES, AND TO PROHIBIT THE SECURE DETENTION OF STATUS OFFENDERS; TO AMEND SECTION 63-19-830, RELATING TO JUVENILE DETENTION HEARINGS, TO ALLOW THE COURT TO ORDER A CHILD DETAINED IN AN APPROVED HOME, PROGRAM, OR FACILITY OTHER THAN A SECURE JUVENILE DETENTION FACILITY WHILE AWAITING TRIAL; TO AMEND SECTION 63-19-1010, RELATING TO JUVENILE INTAKE AND PROBATION, TO REQUIRE THAT A CHILD BROUGHT BEFORE THE FAMILY COURT SHALL HAVE A PRESUMPTION FOR DIVERSION IF CERTAIN CONDITIONS ARE MET OR IF THE SOLICITOR HAS GOOD CAUSE TO BELIEVE THAT DIVERSION WOULD BE INSUFFICIENT; TO AMEND SECTION 63-19-1020, RELATING TO THE INSTITUTION OF PROCEEDINGS FOR A JUVENILE, TO REQUIRE SERVICES TO BE OFFERED BEFORE THE DEPARTMENT MAY ACCEPT A REFERRAL FOR A STATUS OFFENSE OR FOR SCHOOL-BASED OFFENSES; TO AMEND SECTION 63-19-1030, RELATING TO JUVENILE PREHEARING INQUIRIES, TO ESTABLISH THAT THE PREHEARING INVESTIGATION IS OPTIONAL AND TO ESTABLISH THE PARENTS' RIGHT TO RECEIVE NOTICE OF THE CHARGES AND THEIR RIGHTS TO AN ATTORNEY IN EVERY CASE UPON SERVICE OF A PETITION; TO AMEND ARTICLE 9, CHAPTER 19, TITLE 63, RELATING TO INTAKE AND INITIATION OF PROCEEDINGS, BY ADDING SECTION 63-19-1050 TO PROHIBIT THE CHARGING A FEE TO A CHILD AS A CONDITION OF DIVERSION AND TO LIMIT THE AMOUNT OF RESTITUTION REQUIRED OF A CHILD IN DIVERSION TO FIVE HUNDRED DOLLARS; TO AMEND ARTICLE 9, CHAPTER 19, TITLE 63, BY ADDING SECTION 63-19-1070 TO ESTABLISH THAT THE FAMILY COURT MAY ADJOURN A CRIMINAL PROCEEDING AGAINST A JUVENILE IN CONTEMPLATION OF DISMISSAL UPON COMPLETION OF CERTAIN CONDITIONS ESTABLISHED BY THE COURT, AND TO ESTABLISH ELIGIBILITY

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AND PARTICIPATION REQUIREMENTS; TO AMEND SECTION 63-19-1210, RELATING TO THE TRANSFER OF JURISDICTION, TO ELIMINATE THE TRANSFER TO GENERAL SESSIONS FOR A CHILD FOURTEEN OR FIFTEEN YEARS OF AGE, TO ALLOW A CHILD WHO IS TRANSFERRED TO GENERAL SESSIONS WHO HAS BEEN CHARGED WITH MURDER TO BE ELIGIBLE TO RECEIVE A SENTENCE LESS THAN THE MANDATORY MINIMUM, AND TO ALLOW THE DETERMINATION BY THE COURT TO TRANSFER THE CHILD'S CASE TO GENERAL SESSIONS TO BE IMMEDIATELY APPEALABLE TO THE SUPREME COURT; TO AMEND SECTION 63-19-1410, RELATING TO THE ADJUDICATION OF DELINQUENCY, TO REQUIRE THE COURT TO ORDER THE LEAST RESTRICTIVE APPROPRIATE PLACEMENT FOR A CHILD ADJUDICATED DELINQUENT, TO LIMIT THE LENGTH OF PROBATION TO TWO YEARS FOR A FELONY OR ONE YEAR FOR A MISDEMEANOR OR STATUS OFFENSE UNLESS THE CHILD IS IN VIOLATION OF PROBATION, THERE IS AGREEMENT AMONGST THE PARTIES, OR THE CHILD IS PARTICIPATING IN A EVIDENCED-BASED PROGRAM THAT IS LONGER THAN THE ALLOWED TERM, TO LIMIT PROBATION TO NOT EXTEND AFTER A CHILD'S TWENTIETH BIRTHDAY, TO LIMIT THE IMPOSITION OF RESTITUTION FOR A CHILD UNDER THE AGE OF SIXTEEN UNLESS IT IS PROVEN THAT THE CHILD HAS THE ABILITY TO PAY, TO PROHIBIT THE CHILD FROM BEING ORDERED TO PAY FOR DRUG SCREENS UNLESS THE CHILD HAS INSURANCE TO COVER THE COST, AND TO ALLOW FOR THE DEPARTMENT OF JUVENILE JUSTICE TO PLACE THE CHILD ON ADMINISTRATIVE SUPERVISION FOR UP TO ONE YEAR TO PAY FOR RESTITUTION OR COMPLETE COMMUNITY SERVICE; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 63, RELATING TO THE DISPOSITIONAL POWERS OF THE FAMILY COURT, BY ADDING SECTION 63-19-1415 TO ALLOW THE CIRCUIT SOLICITORS TO OPERATE ONE OR MORE SPECIALTY TREATMENT COURTS IF ALLOWED BY THE SUPREME COURT; TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF A JUVENILE FOUND DELINQUENT BY THE COURT, TO LIMIT THE PLACEMENT OF A CHILD INTO THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE UNLESS THE CHILD COMMITS CERTAIN FELONIES, THE OFFENSE INVOLVES FIREARMS, THE CHILD HAS A RECORD OF CERTAIN OFFENSES, THE CHILD IS ADJUDICATED FOR A LESSER OFFENSE THAT WOULD HAVE BEEN A FELONY AND THE PARTIES AGREE THAT COMMITMENT IS IN THE BEST INTERESTS OF THE CHILD, TO REQUIRE THE COURT TO ISSUE INDIVIDUALIZED FINDINGS AS TO WHY THE COMMITMENT IS THE LEAST RESTRICTIVE SENTENCING OPTION TO PROTECT THE PUBLIC AND REHABILITATE THE CHILD, TO PROHIBIT THE COMMITMENT OF A CHILD WHO HAS BEEN ADJUDICATED FOR A STATUS OFFENSE OR A PROBATION REVOCATION RELATED TO A STATUS OFFENSE, TO ALLOW THE COURT TO SENTENCE A CHILD WHO HAS COMMITTED AN OFFENSE WHICH CARRIES FIFTEEN YEARS OR MORE TO A DETERMINATE SENTENCE OF UP TO ONE HUNDRED EIGHTY DAYS, AND TO LIMIT THE CONSECUTIVE SENTENCING TO

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NOT EXCEED THE TIME ELIGIBLE FOR AN INDETERMINATE SENTENCE, TO LIMIT THE ELIGIBILITY FOR RESIDENTIAL EVALUATIONS, AND TO ALLOW FOR THE CHILD TO GET TIME SERVED CREDIT FOR COMMITMENTS TO SHORT TERM ALTERNATIVE PLACEMENTS; TO AMEND SECTION 63-19-1450 TO CLARIFY THAT A CHILD MAY NOT BE COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE WHO IS HANDICAPPED BY MENTAL ILLNESS OR A DEVELOPMENTAL DISABILITY AND TO PROVIDE THAT THE COURT MAY ORDER AN EVALUATION AND HOLD A HEARING REGARDING WHETHER THE CHILD MUST BE COMMITTED TO THE SUPERVISION OF THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 63, RELATING TO THE POWERS OF THE FAMILY COURT, BY ADDING SECTION 63-19-1480 TO PROVIDE THAT THE FAMILY COURT MAY CONDUCT POST-DISPOSITIONAL REVIEWS TO DETERMINE IF THE PURPOSES OF THE CRIMINAL SENTENCING HAVE BEEN MET AND THE CHILD'S SENTENCE MAY BE CLOSED, THE HEARING BEING HELD ONLY AFTER ONE YEAR OR IF THE CHILD IS IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, THEN AFTER SIX MONTHS; TO AMEND SECTION 63-19-1810, RELATING TO PAROLE AND AFTERCARE, TO REMOVE THE AUTHORITY OF THE COURT TO COMMIT A CHILD TO SECURE CUSTODY FOR A PROBATION REVOCATION IF THE CHILD IS ON PROBATION FOR A STATUS OFFENSE; TO AMEND SECTION 63-19-1820, RELATING TO THE BOARD OF JUVENILE PAROLE, TO REQUIRE THE RELEASING ENTITY TO DETERMINE THE LENGTH OF STAY GUIDELINES ARE BASED ON EVIDENCE-BASED BEST PRACTICES, THE RISKS OF REOFFENDING AND THE SEVERITY OF THE OFFENSE; TO AMEND 63-19-1835, RELATING TO COMPLIANCE REDUCTIONS FOR PROBATIONERS AND PAROLEES, TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO DEVELOP AND IMPLEMENT ADMINISTRATIVE COMMUNITY-BASED SANCTIONS FOR TECHNICAL VIOLATIONS OF PROBATION OR PAROLE; TO AMEND SECTION 63-19-2020, RELATING TO THE CONFIDENTIALITY OF JUVENILE RECORDS, TO REMOVE A REFERENCE TO A DELETED CRIMINAL OFFENSE, TO REQUIRE THE DEPARTMENT OF JUVENILE JUSTICE TO NOTIFY THE ADMINISTRATION OF A COLLEGE OR UNIVERSITY OF AN ENROLLED STUDENT'S CHARGES DELINEATED WITHIN THIS SECTION, AND TO ADD ASSAULT AND BATTERY IN THE FIRST OR SECOND DEGREES TO THE LIST OF CRIMES THAT MUST BE DISCLOSED TO SCHOOL OFFICIALS; TO AMEND SECTION 63-19-2030, RELATING TO THE JUVENILE LAW ENFORCEMENT RECORDS, TO REQUIRE LAW ENFORCEMENT TO PROVIDE CERTAIN INCIDENT REPORTS OF STUDENTS TO APPROPRIATE COLLEGE AND UNIVERSITY ADMINISTRATION, TO REMOVE THE REFERENCE TO ASSAULT AND BATTERY AGAINST SCHOOL PERSONNEL AND ADD THAT REPORTS OF ASSAULT AND BATTERY IN THE FIRST OR SECOND DEGREES MUST BE REPORTED, TO REQUIRE ANY SUCH NOTICE TO INCLUDE LANGUAGE THAT THE CHILD IS INNOCENT UNTIL PROVEN GUILTY, AND TO REQUIRE LAW

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ENFORCEMENT TO PROVIDE SUBSEQUENT UPDATES OF ANY DISMISSAL OR REDUCTION OF THE CHARGES; TO AMEND SECTION 63-19-2050, RELATING TO THE EXPUNGEMENT OF JUVENILE RECORDS, TO REQUIRE THE EXPUNGEMENT OF ALL OFFICIAL RECORDS RELATED TO THE ADJUDICATION OR DISPOSITION OF A STATUS OFFENSE UPON THE PERSON REACHING EIGHTEEN YEARS OF AGE OR AS SOON THEREAFTER AS HE COMPLETES ANY PENDING FAMILY COURT DISPOSITION AND TO REQUIRE THAT A CHILD SHALL NOT BE CHARGED FOR THE EXPUNGEMENT OF HIS RECORDS ORDERED UNDER THIS SECTION; TO AMEND ARTICLE 19, CHAPTER 18, TITLE 59, BY ADDING SECTION 59-18-1970, TO REQUIRE THAT A SCHOOL DISTRICT FOR A STUDENT WHO HAS TRANSFERRED BECAUSE OF HOMELESSNESS, STATUS AS A VICTIM OF ABUSE OR NEGLECT, ADJUDICATIONS OF DELINQUENCY, OR PLACEMENT IN A FACILITY FOR MENTAL HEALTH OR DEVELOPMENTAL DISABILITIES MUST CONTACT THE STUDENT'S PRIOR SCHOOL WITHIN TWO DAYS OF ENROLLMENT AND TO REQUIRE THE PREVIOUS SCHOOL DISTRICT TO SEND THE STUDENT'S RECORDS WITHIN TWO DAYS OF REQUEST TO THE NEW SCHOOL, AND TO REQUIRE THAT THE STUDENT RECEIVE TIMELY ASSISTANCE, EQUAL ACCESS, AND PRIORITY PLACEMENT RELATING TO THE TRANSFER; TO AMEND ARTICLE 19, CHAPTER 18, TITLE 59, BY ADDING SECTION 59-19-1980, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE SCHOOL LIAISONS TO ASSIST STUDENTS TRANSFERRING DUE TO INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM; TO AMEND SECTION 59-24-60, RELATING TO THE REQUIREMENT OF SCHOOL OFFICIALS TO CONTACT LAW ENFORCEMENT, TO PROVIDE THAT SCHOOL OFFICIALS MUST CONTACT LAW ENFORCEMENT IF A PERSON COMMITS AN ACTION AT A SCHOOL OR SCHOOL SPONSORED EVENT THAT WOULD BE A FELONY OR A CRIME PUNISHABLE BY FIVE YEARS OR MORE, OR IF THE ACTION RESULTS IN SERIOUS INJURY; TO AMEND SECTION 59-63-210, RELATING TO SCHOOL DISCIPLINE, TO LIMIT THE AUTHORITY OF A SCHOOL DISTRICT TO EXPEL, SUSPEND, OR TRANSFER A PUPIL UNLESS HE COMMITS A FELONY, A CRIME THAT WOULD CARRY A MAXIMUM PUNISHMENT OF FIVE YEARS OR MORE IF COMMITTED BY AN ADULT, THERE IS A THREAT OF VIOLENCE, OR IF THERE IS A VICTIM AT THE SCHOOL WHO HAS A REASONABLE FEAR FOR HIS SAFETY, AND TO LIMIT THE AUTHORITY OF THE SCHOOL DISTRICT IF THE CONDUCT COMMITTED BY THE STUDENT OCCURRED OUTSIDE OF SCHOOL, THEN THE ACTION BY THE SCHOOL DISTRICT MUST ONLY OCCUR IF THE STUDENT'S CONDUCT AMOUNTED TO A VIOLENT OFFENSE OR RESULTED IN MODERATE OR GREAT BODILY INJURY; TO AMEND SECTION 59-63-1320, RELATING TO ALTERNATIVE SCHOOLS, TO RESTRICT THE AUTOMATIC PLACEMENT OF A CHILD RETURNING FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE TO AN ALTERNATIVE SCHOOL UNLESS THE PARENT OR GUARDIAN AND CHILD AGREE THAT SUCH PLACEMENT IS APPROPRIATE, THERE IS AN INTERVENTION ASSESSMENT THAT DETERMINES THAT

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THERE IS AN IMMINENT THREAT OR THE LIKELIHOOD OF SERIOUS MISCONDUCT, OR THERE IS A HEARING BY THE DISTRICT WITHIN TEN DAYS, OR IF THE CHILD HAS A DISABILITY UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT THEN THE DISTRICT MUST HOLD A TEAM MEETING TO DETERMINE THE MOST APPROPRIATE EDUCATIONAL PLACEMENT; AND TO REPEAL SECTIONS 63-19-2420 AND 63-19-2430 RELATING TO THE OFFENSES OF UNLAWFUL LOITERING IN A BILLIARD ROOM AND THE UNLAWFUL PLAYING OF PINBALL.

**[TN - HB1666](#)** [Courts, Juvenile - As introduced, adds rape, aggravated rape, rape of a child, and aggravated rape of a child to the list of offenses for which a juvenile younger than 14 may be transferred to criminal court and tried as an adult. - Amends TCA Section 37-1-134 and Title 39, Chapter 13, Part 5.](#)

Last Action: Taken off notice for cal in s/c Children & Families Subcommittee of Judiciary Committee (February 19, 2020)

Primary Sponsor: [Representative Jason Hodges \(D\)](#)

**Summary:**

Under present law, a child who is younger than 14 years of age at the time of the alleged conduct who is charged with first degree murder or second degree murder, or attempt of either such offense, may be transferred to adult court. Also, a child who is 14 years of age or more but less than 17 years of age at the time of the alleged conduct and charged with the offense of first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, aggravated burglary, especially aggravated burglary, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, carjacking, or an attempt to commit any such offenses may be transferred to adult court.

This bill adds rape, aggravated rape, rape of a child, and aggravated rape of a child to those offenses for which a child younger than 14 years of age may be transferred to adult court.

**[TN - HB1667](#)** [Juvenile Offenders - As introduced, allows a juvenile court judge to require a juvenile less than 14 years of age at the time an act was committed to register as a violent juvenile sexual offender if the juvenile is adjudicated delinquent for certain acts that, if committed by an adult, would constitute certain violent sexual offenses; requires a hearing and consideration of certain factors. - Amends TCA Title 37, Chapter 1, Part 1; Title 39, Chapter 13 and Title 40, Chapter 39, Part 2.](#)

Last Action: Placed on cal. Judiciary Committee for 3/18/2020 (March 11, 2020)

Primary Sponsor: [Representative Jason Hodges \(D\)](#)

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## Summary:

Present law requires violent juvenile sexual offenders to register with the sex offender registry. A "violent juvenile sexual offender" under present law is a person who is adjudicated delinquent in this state for an act that was committed by the person when the person was at least 14 years of age but less than 18 years of act and which act constitutes a violent juvenile sexual offense. A "violent juvenile sexual offense" is aggravated rape; rape; rape of a child where the victim is at least four years younger than the offender; aggravated rape of a child; and criminal attempt of any of these offenses.

This bill adds that a juvenile court judge may order a juvenile less than 14 years of age at the time an act was committed to register as a violent juvenile sexual offender if the juvenile is adjudicated delinquent for an act that, if committed by an adult, would constitute a violent juvenile sexual offense. In order for the judge to make such an order, there must be a hearing on the registration issue in accordance with present law provisions that govern juvenile court procedures, and reasonable notice must be given to the juvenile and the juvenile's parents, guardians, or other custodian. This bill sets out factors that the court must consider in making a determination, which include prior delinquency records, the extent and impact of any physical and emotional injury to the victim, and whether the juvenile has participated in a sex offender treatment program.

**[TN - HB1846 Juvenile Offenders - As introduced, requires juvenile court petitions and orders to be open to public inspection if the delinquent act would constitute an act of terrorism or an attempt to commit terrorism if committed by an adult; prohibits expunction of a juvenile's record relating to a delinquent act that would constitute an act of terrorism or an attempt to commit terrorism if committed by an adult. - Amends TCA Title 37.](#)**

Last Action: Placed on cal. Judiciary Committee for 3/18/2020 (March 11, 2020)

Primary Sponsor: [Representative Dan Howell \(R\)](#)

## Summary:

This bill revises provisions governing records relating to juveniles, as discussed below.

Generally under present law, the law enforcement records and files relating to a juvenile, and the files and records of the court in a proceeding, are confidential and are not open to public inspection, but inspection of the records and files is permitted by certain parties, such as the juvenile court having the child before it in any proceeding and counsel for a party to the proceeding; and in certain situations, such as when the juvenile is transferred to adult court. However, petitions and orders of the court in a delinquency proceeding are open to public inspection and their content subject to disclosure to the public if:

- (1) The juvenile is 14 years of age or older at the time of the alleged act; and
- (2) The conduct constituting the delinquent act, if committed by an adult, would constitute certain serious offenses, such as first degree murder, or rape.

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This bill adds that such petitions and orders will also be open to public inspection and subject to disclosure, if the conduct constituting the delinquent act, if committed by an adult would constitute an act of terrorism or an attempt to commit an act of terrorism. This bill also makes consistent the list of offenses, described above in (2), in two different statutes of present law regarding disclosure of the petitions and orders, to be as follows: first degree murder, second degree murder, rape, aggravated rape, aggravated sexual battery, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.

Under present law, a person who is tried and adjudicated delinquent or unruly by a juvenile court may subsequently file a motion for expunction of all court files and the juvenile records. Present law sets out in detail the requirements for the motion to be granted, and lists prior offenses that make a person ineligible to have records expunged. This bill adds as a disqualifier, an adjudication of delinquency for a delinquent act that, if committed by an adult, would constitute an act of terrorism or an attempt to commit an act of terrorism.

Similarly, present law generally provides for the expunction of juvenile records following successful completion of an informal adjustment, pretrial diversion, or judicial diversion, but this bill prohibits a juvenile court from expunging a juvenile record after completion of such an adjustment or diversion, if the child was accused of a delinquent act that if committed by an adult, would constitute an act of terrorism or an attempt to commit an act of terrorism.

**[TN - HB2415 Juvenile Offenders - As introduced, makes a person who was convicted of a criminal offense committed at the time the person was a juvenile eligible for parole after serving 15 years; requires the board of parole to consider certain factors in making a parole determination for such person. - Amends TCA Title 40.](#)**

Last Action: Assigned to s/c Constitutional Protections & Sentencing Subcommittee (February 10, 2020)

Primary Sponsor: [Representative G. A. Hardaway \(D\)](#)

**Summary:**

This bill makes a person who was convicted of a criminal offense committed at the time the person was a juvenile eligible for parole after serving 15 years and adds sentencing mitigation factors for such persons.

**PAROLE**

Under present law, a child may be transferred from juvenile court to be dealt with as an adult in certain circumstances, such as when a child aged 14 years of age or more but less than 17 years of age at the time of the alleged conduct is charged with the offense of first degree murder. Such transfer terminates jurisdiction of the juvenile court with respect to any and all delinquent acts with



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which the child may then or thereafter be charged, and the child is thereafter dealt with as an adult as to all pending and subsequent criminal charges.

This bill adds that unless an inmate is subject to earlier eligibility for parole pursuant to any other law, an inmate who was sentenced as an adult for an offense or offenses that were committed when the inmate was less than 18 years of age is eligible for release on parole from all offenses after the inmate has served 15 years of incarceration, including any time served in a county jail or juvenile facility.

During a parole hearing involving an inmate who was less than 18 years of age at the time of the offense or offenses, in addition to other factors required by law to be considered by the board of parole, this bill requires the board of parole to additionally consider factors including:

- (1) The inmate's age and maturity at the time of the offense or offenses;
- (2) Whether the inmate has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction;
- (3) Any reports of physical, mental, or psychiatric examination of the inmate conducted by licensed healthcare professionals and evidence that the inmate does not pose an unreasonable danger to the safety of any person or the community and that the interests of justice warrant that the inmate be granted parole; and
- (4) The mitigating circumstances listed below in the "Sentencing" portion of this summary.

The parole eligibility created by this bill will be retroactive and will apply to a crime committed at any time.

**SENTENCING**

The Tennessee Criminal Sentencing Reform Act requires the court, when determining a criminal sentence, to consider mitigating factors such as whether the defendant, because of youth or old age, lacked substantial judgment in committing the offense.

This bill adds that, in determining the appropriate sentence to be imposed on a person who was less than 18 years of age at the time of the offense or offenses and has been tried and convicted as an adult, the court must consider certain mitigating circumstances with respect to such person, including:

- (1) Age at the time of the offense;
- (2) Level of participation in the offense and whether and to what extent an adult was involved in the offense;
- (3) The relationship between any abuse, neglect, or exploitation of the juvenile and the commission of the offense;
- (4) Capacity for rehabilitation; and
- (5) Involvement in the child welfare system.

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**[TN - HB2553](#)** Juvenile Offenders - As introduced, changes from 14 to 21 the number of days notice that is required to be given to a child's parent, guardian, or custodian prior to a hearing to transfer the child from juvenile court to criminal court. - Amends TCA Title 37; Title 40 and Title 49.

Last Action: P2C, caption bill, held on desk - pending amdt. (February 10, 2020)

Primary Sponsor: [Representative Jason Potts \(D\)](#)

Summary:

Abstract summarizes the bill.

**[TN - SB1581](#)** Courts, Juvenile - As introduced, adds rape, aggravated rape, rape of a child, and aggravated rape of a child to the list of offenses for which a juvenile younger than 14 may be transferred to criminal court and tried as an adult. - Amends TCA Section 37-1-134 and Title 39, Chapter 13, Part 5.

Last Action: Assigned to General Subcommittee of Senate Judiciary Committee (February 19, 2020)

Primary Sponsor: Powers

Summary:

Under present law, a child who is younger than 14 years of age at the time of the alleged conduct who is charged with first degree murder or second degree murder, or attempt of either such offense, may be transferred to adult court. Also, a child who is 14 years of age or more but less than 17 years of age at the time of the alleged conduct and charged with the offense of first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, aggravated burglary, especially aggravated burglary, kidnapping, aggravated kidnapping, especially aggravated kidnapping, commission of an act of terrorism, carjacking, or an attempt to commit any such offenses may be transferred to adult court.

This bill adds rape, aggravated rape, rape of a child, and aggravated rape of a child to those offenses for which a child younger than 14 years of age may be transferred to adult court.

**[TN - SB1582](#)** Juvenile Offenders - As introduced, allows a juvenile court judge to require a juvenile less than 14 years of age at the time an act was committed to register as a violent juvenile sexual offender if the juvenile is adjudicated delinquent for certain acts that, if committed by an adult, would constitute certain violent sexual offenses; requires a hearing and consideration of certain factors. - Amends TCA Title 37, Chapter 1, Part 1; Title 39, Chapter 13 and Title 40, Chapter 39, Part 2.

Last Action: Passed on Second Consideration, refer to Senate Judiciary Committee (January 16, 2020)

Primary Sponsor: Powers

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## Summary:

Present law requires violent juvenile sexual offenders to register with the sex offender registry. A "violent juvenile sexual offender" under present law is a person who is adjudicated delinquent in this state for an act that was committed by the person when the person was at least 14 years of age but less than 18 years of act and which act constitutes a violent juvenile sexual offense. A "violent juvenile sexual offense" is aggravated rape; rape; rape of a child where the victim is at least four years younger than the offender; aggravated rape of a child; and criminal attempt of any of these offenses.

This bill adds that a juvenile court judge may order a juvenile less than 14 years of age at the time an act was committed to register as a violent juvenile sexual offender if the juvenile is adjudicated delinquent for an act that, if committed by an adult, would constitute a violent juvenile sexual offense. In order for the judge to make such an order, there must be a hearing on the registration issue in accordance with present law provisions that govern juvenile court procedures, and reasonable notice must be given to the juvenile and the juvenile's parents, guardians, or other custodian. This bill sets out factors that the court must consider in making a determination, which include prior delinquency records, the extent and impact of any physical and emotional injury to the victim, and whether the juvenile has participated in a sex offender treatment program.

**[TN - SB2213 Juvenile Offenders - As introduced, makes a person who was convicted of a criminal offense committed at the time the person was a juvenile eligible for parole after serving 15 years; requires the board of parole to consider certain factors in making a parole determination for such person. - Amends TCA Title 40.](#)**

Last Action: Passed on Second Consideration, refer to Senate Judiciary Committee (February 10, 2020)

Primary Sponsor: [Senator Janice Bowling \(R\)](#)

## Summary:

This bill makes a person who was convicted of a criminal offense committed at the time the person was a juvenile eligible for parole after serving 15 years and adds sentencing mitigation factors for such persons.

**PAROLE**

Under present law, a child may be transferred from juvenile court to be dealt with as an adult in certain circumstances, such as when a child aged 14 years of age or more but less than 17 years of age at the time of the alleged conduct is charged with the offense of first degree murder. Such transfer terminates jurisdiction of the juvenile court with respect to any and all delinquent acts with which the child may then or thereafter be charged, and the child is thereafter dealt with as an adult as to all pending and subsequent criminal charges.

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This bill adds that unless an inmate is subject to earlier eligibility for parole pursuant to any other law, an inmate who was sentenced as an adult for an offense or offenses that were committed when the inmate was less than 18 years of age is eligible for release on parole from all offenses after the inmate has served 15 years of incarceration, including any time served in a county jail or juvenile facility.

During a parole hearing involving an inmate who was less than 18 years of age at the time of the offense or offenses, in addition to other factors required by law to be considered by the board of parole, this bill requires the board of parole to additionally consider factors including:

- (1) The inmate's age and maturity at the time of the offense or offenses;
- (2) Whether the inmate has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction;
- (3) Any reports of physical, mental, or psychiatric examination of the inmate conducted by licensed healthcare professionals and evidence that the inmate does not pose an unreasonable danger to the safety of any person or the community and that the interests of justice warrant that the inmate be granted parole; and
- (4) The mitigating circumstances listed below in the "Sentencing" portion of this summary.

The parole eligibility created by this bill will be retroactive and will apply to a crime committed at any time.

**SENTENCING**

The Tennessee Criminal Sentencing Reform Act requires the court, when determining a criminal sentence, to consider mitigating factors such as whether the defendant, because of youth or old age, lacked substantial judgment in committing the offense.

This bill adds that, in determining the appropriate sentence to be imposed on a person who was less than 18 years of age at the time of the offense or offenses and has been tried and convicted as an adult, the court must consider certain mitigating circumstances with respect to such person, including:

- (1) Age at the time of the offense;
- (2) Level of participation in the offense and whether and to what extent an adult was involved in the offense;
- (3) The relationship between any abuse, neglect, or exploitation of the juvenile and the commission of the offense;
- (4) Capacity for rehabilitation; and
- (5) Involvement in the child welfare system.

**[TN - SB2573 Juvenile Offenders - As introduced, changes from 14 to 21 the number of days notice that is required to be given to a child's parent, guardian, or custodian prior to a hearing to transfer the child from juvenile court to criminal court. - Amends TCA Title 37; Title 40 and Title 49.](#)**

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Last Action: Passed on Second Consideration, refer to Senate Judiciary Committee (February 10, 2020)

Primary Sponsor: [Senator Jeff Yarbro \(D\)](#)

Summary:

Abstract summarizes the bill.

**[TN - SB2747 Juvenile Offenders - As introduced, requires juvenile court petitions and orders to be open to public inspection if the delinquent act would constitute an act of terrorism or an attempt to commit terrorism if committed by an adult; prohibits expunction of a juvenile's record relating to a delinquent act that would constitute an act of terrorism or an attempt to commit terrorism if committed by an adult. - Amends TCA Title 37.](#)**

Last Action: Rcvd. from S., held on H. desk. (March 9, 2020)

Primary Sponsor: [Senator Mike Bell \(R\)](#)

Summary:

This bill revises provisions governing records relating to juveniles, as discussed below.

Generally under present law, the law enforcement records and files relating to a juvenile, and the files and records of the court in a proceeding, are confidential and are not open to public inspection, but inspection of the records and files is permitted by certain parties, such as the juvenile court having the child before it in any proceeding and counsel for a party to the proceeding; and in certain situations, such as when the juvenile is transferred to adult court. However, petitions and orders of the court in a delinquency proceeding are open to public inspection and their content subject to disclosure to the public if:

- (1) The juvenile is 14 years of age or older at the time of the alleged act; and
- (2) The conduct constituting the delinquent act, if committed by an adult, would constitute certain serious offenses, such as first degree murder, or rape.

This bill adds that such petitions and orders will also be open to public inspection and subject to disclosure, if the conduct constituting the delinquent act, if committed by an adult would constitute an act of terrorism or an attempt to commit an act of terrorism. This bill also makes consistent the list of offenses, described above in (2), in two different statutes of present law regarding disclosure of the petitions and orders, to be as follows: first degree murder, second degree murder, rape, aggravated rape, aggravated sexual battery, rape of a child, aggravated rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.

Under present law, a person who is tried and adjudicated delinquent or unruly by a juvenile court may subsequently file a motion for expunction of all court files and the juvenile records. Present law sets out in detail the requirements for the motion to be granted, and lists prior offenses that make a person ineligible to have records expunged. This bill adds as a disqualifier, an

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adjudication of delinquency for a delinquent act that, if committed by an adult, would constitute an act of terrorism or an attempt to commit an act of terrorism.

Similarly, present law generally provides for the expunction of juvenile records following successful completion of an informal adjustment, pretrial diversion, or judicial diversion, but this bill prohibits a juvenile court from expunging a juvenile record after completion of such an adjustment or diversion, if the child was accused of a delinquent act that if committed by an adult, would constitute an act of terrorism or an attempt to commit an act of terrorism.

**[UT - HB262 Juvenile Delinquency Amendments](#)**

Last Action: Governor Signed (March 30, 2020)

Primary Sponsor: [Representative Craig Hall \(R\)](#)

Amendments:

[House Committee Amendment 1](#): Passed

**[UT - HB384 Juvenile Justice Amendments](#)**

Last Action: Governor Signed (March 28, 2020)

Primary Sponsor: [Representative V. Lowry Snow \(R\)](#)

**[VA - HB35 Juvenile offenders; eligibility for parole.](#)**

Last Action: Acts of Assembly Chapter text (CHAP0002) (February 24, 2020)

Primary Sponsor: Joseph C. Lindsey

Summary:

Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole.

This bill is identical to SB 103.

Amendments:

[House committee, floor amendments and substitutes offered](#)

[House amendments adopted](#)

**[VA - HB61 Adults sentenced for juvenile offenses; good conduct credit.](#)**

Last Action: Acts of Assembly Chapter text (CHAP0018) (March 2, 2020)

Primary Sponsor: Christopher E. Collins

Summary:

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Adults sentenced for juvenile offenses; good conduct credit. Provides that an adult sentenced for a juvenile offense can earn good conduct credit at the rate of one day for each one day served, including all days served while confined in jail or secured detention prior to conviction and sentencing, in which the adult has not violated the written rules and regulations of the jail. This bill is a recommendation of the Virginia Criminal Justice Conference and is identical to SB 307.

**[VA - HB250 Juvenile offenders; eligibility for parole.](#)**

Last Action: Continued to 2021 in Courts of Justice by voice vote (January 31, 2020)

Primary Sponsor: Vivian E. Watts

Summary:

Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence and any person who has active sentences that total more than 25 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences shall be eligible for parole.

**[VA - HB274 Juveniles; trial as adult.](#)**

Last Action: Left in Courts of Justice (February 11, 2020)

Primary Sponsor: Joshua G. Cole

Summary:

Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile can be tried as an adult in circuit court for a felony.

**[VA - HB477 Juveniles; trial as adult.](#)**

Last Action: Approved by Governor-Chapter 987 (effective 7/1/20) (April 9, 2020)

Primary Sponsor: Elizabeth R. Guzman

Summary:

Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written

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notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report. This bill incorporates HB 1440.

Amendments:

[House subcommittee amendments and substitutes adopted](#)

[Conference amendments](#)

**VA - HB718 School resource officers; custodial interrogation, parental consent.**

Last Action: Left in Education (February 11, 2020)

Primary Sponsor: David A. Reid

Summary:

School resource officers; custodial interrogation; parental consent. Prohibits each school resource officer from conducting a custodial interrogation, which the bill defines as any interview of a public elementary or secondary school student conducted by a school resource officer in such circumstances that would lead a reasonable person to consider himself to be in custody associated with arrest and during which the school resource officer takes actions or asks questions that are reasonably likely to elicit responses from the student that could incriminate him, without the written consent of the student's parent.

**VA - HB744 Juvenile; sentencing when tried as an adult.**

Last Action: Approved by Governor-Chapter 396 (effective 7/1/20) (March 23, 2020)

Primary Sponsor: Vivian E. Watts

Summary:

Sentencing of juvenile tried as adult. Provides that a court, in the case of a juvenile tried as an adult and convicted of a felony, may depart from any mandatory minimum sentence required by law and suspend any portion of an otherwise applicable sentence. The bill also requires the court, when sentencing a juvenile as an adult, to consider the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and the differences between juvenile and adult offenders.

Amendments:

[House subcommittee amendments and substitutes adopted](#)

[House amendments adopted](#)

**VA - HB745 Juveniles; sentencing when tried as an adult.**

Last Action: Stricken from House calendar (January 10, 2020)

Primary Sponsor: Vivian E. Watts

Summary:



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Sentencing of juvenile tried as adult. Provides that a court, in the case of a juvenile tried as an adult and convicted of a felony, may depart from any mandatory minimum sentence required by law, suspend any portion of an otherwise applicable sentence, or deal with the juvenile in the same manner as a case in the juvenile court if the court finds by clear and convincing evidence that the victim of the felony offense trafficked the juvenile in violation of human trafficking laws or sexually assaulted or abused the juvenile within one year of the commission of the felony offense. The bill also requires the court, when sentencing a juvenile as an adult, to consider the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and the differences between juvenile and adult offenders, including the diminished culpability of juveniles. After considering such factors, the court may reduce or suspend any mandatory minimum sentence or maximum period of incarceration prescribed by law that the juvenile is required to serve by not more than 50 percent if the court determines that such reduction is appropriate in relation to the juvenile's age, the juvenile's prospects for rehabilitation, or any other mitigating factors.

**[VA - HB1284 Correctional facilities; use of isolated confinement.](#)**

Last Action: Approved by Governor-Chapter 522 (effective 7/1/20) (March 31, 2020)

Primary Sponsor: Patrick A. Hope

Summary:

Correctional facilities; use of isolated confinement. Directs the Board of Corrections, in consultation with a stakeholder work group, to conduct a review of the standards and requirements governing, and the application and use of, isolated confinement in local correctional facilities.

Amendments:

[House subcommittee amendments and substitutes offered](#)

[House subcommittee amendments and substitutes adopted](#)

**[VA - HB1440 Juveniles; trial as an adult.](#)**

Last Action: Incorporated by Courts of Justice (HB477-Guzman) by voice vote (January 27, 2020)

Primary Sponsor: Jerrauld C. "Jay" Jones

Summary:

Juveniles; trial as an adult. Increases from age 14 to age 16 the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding or for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for charges that require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report of the juvenile be prepared by probation services or other qualified agency and (ii) the attorney for the Commonwealth review such report prior to filing his notice of intent to proceed with a preliminary hearing for trial of such juvenile as an adult. This bill was incorporated into HB 477.

[VA - SB20 Juvenile Justice, Bd of; regs governing housing of youth pursuant to contracts with federal gov't.](#)

Last Action: Approved by Governor-Chapter 599 (effective 7/1/20) (April 2, 2020)

Primary Sponsor: Adam P. Ebbin

Summary:

Board of Juvenile Justice; Department of Behavioral Health and Developmental Services; regulations governing the housing of youth pursuant to contracts with the federal government. Requires the Board of Juvenile Justice, in collaboration with the Department of Behavioral Health and Developmental Services, to promulgate regulations governing the housing of youth who are detained in a juvenile correctional facility pursuant to a contract with the federal government and not committed to such juvenile correctional facility by a court of the Commonwealth.

[VA - SB59 Juvenile law-enforcement records; disclosures to school principals.](#)

Last Action: Tabled in Courts of Justice (10-Y 9-N) (February 19, 2020)

Primary Sponsor: Emmett W. Hanger, Jr.

Summary:

Juvenile law-enforcement records; disclosures to school principals. Changes from discretionary to mandatory that the chief of police of a city or chief of police or sheriff of a county disclose to a school principal all instances where a juvenile at the principal's school has been charged with a violent juvenile felony, an arson offense, or a concealed weapon offense and adds an offense that requires a juvenile intake officer to make a report with the school division superintendent to the list of such instances that must be disclosed to a school principal for the protection of the juvenile, his fellow students, and school personnel.

Amendments:

[Senate amendments](#)

[VA - SB103 Juvenile offenders; eligibility for parole.](#)

Last Action: Approved by Governor-Chapter 529 (effective 7/1/20) (March 31, 2020)

Primary Sponsor: David W. Marsden

Summary:

Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole.

This bill is identical to HB 35.

**[VA - SB546](#)** Juveniles; trial as adult.

Last Action: Approved by Governor-Chapter 988 (effective 7/1/20) (April 9, 2020)

Primary Sponsor: John S. Edwards

Summary:

Juveniles; trial as adult. Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report.

Amendments:

[House subcommittee amendments and substitutes adopted](#)

**[VT - H589](#)** An act relating to Family Division jurisdiction over adult defendants

Last Action: Read First Time and Referred to the Committee on Judiciary (January 7, 2020)

Primary Sponsor: [Representative Martin LaLonde \(D\)](#)

**[VT - H593](#)** An act relating to rights of minors in law enforcement custody

Last Action: Read First Time and Referred to the Committee on Judiciary (January 7, 2020)

Primary Sponsor: [Representative Barbara Rachelson \(D\)](#)

**[VT - S232](#)** An act relating to implementing the expansion of juvenile jurisdiction

Last Action: Referred to Committee on Appropriations per Senate Rule 31 (March 24, 2020)

Primary Sponsor: [Senator Dick Sears \(D\)](#)

**[WA - HB2277](#)** Concerning youth solitary confinement.

Last Action: Effective date 6/11/2020. (April 3, 2020)

Primary Sponsor: [Representative Strom Peterson \(D\)](#)

**[WA - HB2795](#)** Concerning convictions for offenses that were committed at age sixteen or seventeen and placed in exclusive jurisdiction of the juvenile court in 2018.

Roundup

Last Action: Returned to Rules Committee for second reading. (February 21, 2020)

[WA - SB6112](#) Concerning youth solitary confinement.

Last Action: Returned to Senate Rules 3. (March 12, 2020)

[WA - SB6180](#) Concerning juvenile sex offense registration waivers under the special sexual offender disposition alternative.

Last Action: Effective date 6/11/2020. (March 31, 2020)

Primary Sponsor: [Senator Jeannie Darneille \(D\)](#)

[WA - SB6443](#) Concerning convictions for offenses that were committed at age sixteen or seventeen and placed in exclusive jurisdiction of the juvenile court in 2018.

Last Action: Referred to Ways & Means. (February 6, 2020)

[WI - AB41](#) Relating to: prosecuting a person under the age of 18 with committing an act of prostitution.

Last Action: Failed to pass pursuant to Senate Joint Resolution 1 (April 1, 2020)

Primary Sponsor: [Representative Jill Billings \(D\)](#)

[WI - AB774](#) Relating to: the use of restraints on a child in juvenile or criminal court.

Last Action: Failed to pass pursuant to Senate Joint Resolution 1 (April 1, 2020)

Primary Sponsor: [Representative David Bowen \(D\)](#)

[WI - AB775](#) Relating to: sentencing for crimes committed by a person who is under the age of 18. (FE)

Last Action: Failed to pass pursuant to Senate Joint Resolution 1 (April 1, 2020)

Primary Sponsor: [Representative David Bowen \(D\)](#)

[WI - AB806](#) Relating to: acts for which a juvenile may be placed in correctional placement or the Serious Juvenile Offender Program. (FE)

Last Action: Report vetoed by the Governor on 2-28-2020 (February 28, 2020)

Primary Sponsor: [Representative Joe Sanfelippo \(R\)](#)

Amendments:

[2019 AA1-AB806](#)

[2019 AA2-AB806](#)

Roundup

**WI - AB1036** Relating to: juvenile court jurisdiction; the serious juvenile offender program; extending out-of-home care to 21 years of age for certain persons; juvenile interrogations; deferred prosecution agreements and diversion services for juveniles; the authority of school districts and school resource officers to respond to school-based behavior; providing an exemption from emergency rule procedures; providing an exemption from rule-making procedures; granting rule-making authority; and making an a...

Last Action: Fiscal estimate received (April 15, 2020)

Primary Sponsor: [Representative Evan Goyke \(D\)](#)

**WI - SB49** Relating to: prosecuting a person under the age of 18 with committing an act of prostitution.

Last Action: Failed to concur in pursuant to Senate Joint Resolution 1 (April 1, 2020)

Primary Sponsor: [Senator Alberta Darling \(R\)](#)

Amendments:

[2019 SSA1-SB49](#): - Relating to: prosecuting a person under the age of 18 for committing an act of prostitution.

**WI - SB59** Relating to: state finances and appropriations, constituting the executive budget act of the 2019 legislature.

Last Action: Failed to pass pursuant to Senate Joint Resolution 1 (April 1, 2020)

Amendments:

[2019 SSA1-SB59](#): - Relating to: state finances and appropriations, constituting the executive budget act of the 2019 legislature.

**WI - SB753** Relating to: acts for which a juvenile may be placed in correctional placement or the Serious Juvenile Offender Program. (FE)

Last Action: Failed to pass pursuant to Senate Joint Resolution 1 (April 1, 2020)

Primary Sponsor: [Senator David Craig \(R\)](#)

Amendments:

[2019 SA1-SB753](#)

**WI - SB769** Relating to: theft of a vehicle; victim impact panels; increased penalties for reckless driving; increased penalties for fleeing an officer; and providing a penalty. (FE)

Last Action: Failed to concur in pursuant to Senate Joint Resolution 1 (April 1, 2020)

Primary Sponsor: [Senator Chris Kapenga \(R\)](#)

Amendments:

[2019 SA1-SB769](#)

Roundup

[2019 SA2-SB769](#)

**WI - SB813** Relating to: the use of restraints on a child in juvenile or criminal court.

Last Action: Failed to pass pursuant to Senate Joint Resolution 1 (April 1, 2020)

Primary Sponsor: [Senator Lena Taylor \(D\)](#)

**WI - SB815** Relating to: sentencing for crimes committed by a person who is under the age of 18.  
(FE)

Last Action: Failed to pass pursuant to Senate Joint Resolution 1 (April 1, 2020)

Primary Sponsor: [Senator Lena Taylor \(D\)](#)

**WV - HB2096** Relating to the juvenile justice reform oversight committee

Last Action: To House Judiciary (January 8, 2020)

Primary Sponsor: [Representative Mike Pushkin \(D\)](#)