

CAMPAIGN FOR

YOUTH  JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

Youth Prosecuted As Adults Weekly Legislative Roundup

January 20-24, 2020

Roundup

[CA - AB665 Parole: youth offender parole hearings.](#)

Last Action: In committee: Set, first hearing. Failed passage. (January 14, 2020)

Primary Sponsor: [Assemblymember James Gallagher \(R\)](#)

Summary: [Assembly Public Safety](#)

[CO - HB1079 Juveniles On Colorado Sex Offender Registry](#)

Last Action: Introduced In House - Assigned to Judiciary (January 8, 2020)

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: Introduced In Senate - Assigned to Judiciary (January 13, 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.

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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](#)

Last Action: Introduced (January 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: Introduced (January 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 - HB517 Prosecuting Children as Adults](#)

Last Action: Introduced (January 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 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: Introduced (January 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: Introduced (January 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: Introduced (January 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 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

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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: Introduced (January 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: Introduced (January 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: Introduced (January 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 - SB628 Prosecuting Children as Adults](#)

Last Action: Introduced (January 14, 2020)

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

Summary:

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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: Introduced (January 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: Introduced (January 14, 2020)

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

Summary:

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.

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

Last Action: House Second Readers (February 26, 2019)

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.

[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 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 - 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.

[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

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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

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

Last Action: Committee report: amend do pass, adopted (January 23, 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.

[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 Corrections and Criminal Law (January 16, 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; and (3) permits the court to commit a juvenile to the department of correction for up to six years. (Under current law, the juvenile may only be committed until the child reaches 18 years of age.) Removes the two year cap on certain placements that applies to certain recidivist juveniles. Allows the waiver of a juvenile charged with

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

Last Action: to Judiciary (S) (January 15, 2020)

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.

[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)

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.

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[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)

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

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

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)

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)

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

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)

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

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: Hearing scheduled for 12/03/2019 from 01:00 PM-05:00 PM in A-1 (November 25, 2019)

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

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.

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[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)

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: Hearing scheduled for 12/03/2019 from 01:00 PM-05:00 PM in A-1 (November 25, 2019)

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: Hearing scheduled for 12/03/2019 from 01:00 PM-05:00 PM in A-1 (November 25, 2019)

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: Hearing scheduled for 12/03/2019 from 01:00 PM-05:00 PM in A-1 (November 25, 2019)

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: First Reading Judiciary (January 8, 2020)

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

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.

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

Last Action: Hearing 2/05 at 1:00 p.m. (January 21, 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: First Reading Judicial Proceedings (January 22, 2020)

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

Summary:

Establishing that, pending a determination by a court exercising criminal jurisdiction in a case involving a child whether to transfer its jurisdiction to the juvenile court, provisions of law relating to confidentiality of juvenile records apply to all police records and court records concerning the child 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; etc.

[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 \(D\)](#)

[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: Public Hearing Completed (January 21, 2020)

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

Summary: [Introduced](#)

MO - SB561 [Creates the offense of vehicle hijacking](#)

Last Action: Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (January 9, 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 - SB824 [Modifies offenses for juveniles being tried as adults to include unlawful use of a weapon and armed criminal action](#)

Last Action: S First Read--SB 824-Wallingford (January 8, 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.

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-SMBH-33\(CSBH-5\)-v-5](#)

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-SMSA-114\(CSSAf-56\)-v-2](#)

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 - 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: Referred to Judiciary Committee (January 24, 2020)

Primary Sponsor: Pansing Brooks

[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 \(D\)](#)

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[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 \(D\)](#)

[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.

[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:

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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 - 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](#)

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](#)

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

Primary Sponsor: [Senator Catharine Young](#)

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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 - 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 (November 18, 2019)

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

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

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

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

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

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

OK - HB3215 [Children; youthful offenders; competency; effective date.](#)

Last Action: Authored by Representative Lawson (January 16, 2020)

OK - HB3295 [Criminal procedure; increasing certain age limitation; effective date.](#)

Last Action: Authored by Representative Newton (January 16, 2020)

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

[Effective date](#)

Last Action: Authored by Senator Young (January 3, 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

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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 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 Not yet available

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,

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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 16-23-430, 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

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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, 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

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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 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

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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 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

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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 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

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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 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

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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 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: Assigned to s/c Children & Families Subcommittee (January 22, 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: Assigned to s/c Children & Families Subcommittee (January 22, 2020)

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

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: Intro., P1C. (January 23, 2020)

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

Summary:

Summary not complete.

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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: Passed on Second Consideration, refer to Senate Judiciary Committee (January 16, 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

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.

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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.

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

Last Action: VOTE: Passage (56-Y 44-N) (January 23, 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 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.

Amendments:

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

[House amendments adopted](#)

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

Last Action: Referred to Committee for Courts of Justice (December 30, 2019)

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: Assigned Courts sub: Criminal (January 17, 2020)

Primary Sponsor: Joshua G. Cole

Summary:

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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; increases minimum age at which a juvenile must be tried as an adult.](#)

Last Action: Subcommittee recommends reporting with substitute (7-Y 0-N) (January 22, 2020)

Primary Sponsor: Elizabeth R. Guzman

Summary:

Juveniles; trial as 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.

Amendments:

[House subcommittee amendments and substitutes adopted](#)

[VA - HB718 School resource officers; custodial interrogation, parental consent.](#)

Last Action: Assigned Education sub: Pre-K-12 (January 15, 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: Subcommittee recommends reporting with amendments (6-Y 1-N) (January 22, 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, suspend any portion of an otherwise applicable sentence, or deal with the juvenile in the same

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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, sexually assaulted or abused the juvenile within one year of the commission of the felony offense, or sexually assaulted or abused the juvenile, causing such juvenile to be an abused or neglected child. 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.

Amendments:

[House subcommittee amendments and substitutes 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:

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: Assigned PS sub: Public Safety (January 15, 2020)

Primary Sponsor: Patrick A. Hope

Summary:

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Correctional facilities; use of isolated confinement. Prohibits the use of isolated confinement in state correctional facilities and juvenile correctional centers, defined in the bill as confinement of a prisoner or juvenile to a cell, alone or with another prisoner or juvenile, for 20 hours or more a day for an adult or for 17 hours or more a day for a juvenile, other than for the purpose of providing medical or mental health treatment. The bill provides for exceptions for when isolated confinement may be permitted in state correctional facilities and juvenile correctional centers. The bill also requires the Board of Corrections to promulgate and establish standards placing limits on the use of isolated confinement in local correctional facilities that are consistent with the standards applicable to state correctional facilities.

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

Last Action: Subcommittee recommends incorporating (HB477-Guzman) by voice vote (January 22, 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.

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

Last Action: Read third time and passed Senate (27-Y 13-N) (January 15, 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.](#)

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Last Action: Moved from Courts of Justice to Judiciary due to a change of the committee name (January 8, 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 is a suspect in or 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.

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

Last Action: Read third time and passed Senate (29-Y 10-N) (January 21, 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.

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

Last Action: Moved from Courts of Justice to Judiciary due to a change of the committee name (January 8, 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 can be tried as an adult in circuit court for a felony.

[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: Read 1st time & referred to Committee on Judiciary (January 7, 2020)

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

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

Last Action: Scheduled for executive session in the House Committee on Human Services & Early Learning at 8:00 AM (Subject to change). (Committee Materials) (January 15, 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.](#)

Last Action: Scheduled for public hearing in the House Committee on Human Services & Early Learning at 8:00 AM (Subject to change). (Committee Materials) (January 22, 2020)

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

Last Action: Public hearing in the Senate Committee on Human Services, Reentry & Rehabilitation at 1:30 PM. (Committee Materials) (January 16, 2020)

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

Last Action: HSRR - Majority; do pass. (Majority Report) (January 22, 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: Scheduled for public hearing in the Senate Committee on Human Services, Reentry & Rehabilitation at 8:00 AM (Subject to change). (Committee Materials) (January 23, 2020)

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

Last Action: Representative Murphy withdrawn as a coauthor (May 14, 2019)

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

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

Last Action: Read first time and referred to Committee on Judiciary (January 22, 2020)

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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: Read first time and referred to Committee on Criminal Justice and Public Safety (January 22, 2020)

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

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

Last Action: Received from Senate (November 6, 2019)

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: Referred to committee on Senate Organization (June 26, 2019)

Amendments:

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

WV - HB2096 Relating to the juvenile justice reform oversight committee

Last Action: To House Judiciary (January 8, 2020)

Primary Sponsor: [Representative Mike Pushkin \(D\)](#)