

HCS HB 274 -- JUVENILE COURT PROCEEDINGS

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 9 to 1.

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

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

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

This bill is similar to SB 40 (2017).

PROPONENTS: Supporters say that it is time to address the existing issue. There are many things a person cannot do at the age of 17, so it should not be the age of majority in Missouri. Raising the age of majority will not affect the court's ability to certify individuals as adults under certain circumstances. However, the most common offenses 17-year-olds are arrested for are petty, non-violent offenses. Raising the age has been shown to save states money, reduce reoffending, benefit Missouri's workforce, among other benefits. Kids with permanent records are less employable and are less able to support their families, which reduces the state's ability to generate revenue. Every state that borders Missouri has raised the age because it is the fiscally safe and sane thing to do. Cost avoidance from future offenses is what provides the biggest cost saving. The juvenile justice system is the proper place to hold juveniles accountable. There are also several other good services available for juveniles. Finally, from a moral perspective, it is a failure of society to treat children as adults.

Testifying for the bill were Representative Schroer; Joshua Perry, Raise The Age Missouri Coalition; Ronald Lampard, American Legislative Exchange Council; Jennifer Bukowsky, Bukowsky Law Firm;

Les Masters; Joy Knopf; Beverly Newman, 17th Judicial Circuit; Natalie Hull, Missouri Association of Criminal Defense Lawyers; Tracy McClard; City of St. Louis, Office of the Mayor; Missouri Child Care Association D/B/A Missouri Coalition Of Children's Agencies; Missouri Catholic Conference; Rachel Girdler, Empower Missouri; and Alexandra Archilla, MacArther Justice Center in St. Louis.

OPPONENTS: Those who oppose the bill say that there are significant challenges surrounding what the actual costs to raise the age would be. There is a probability that it will cost a lot more than people expect it to. Additionally, the bill does not address compulsory school attendance, and it is dangerous not to raise the age for that while raising the age of majority. If these kids were to drop out of school, there would be no one supervising them. Furthermore, it should not be overlooked that there are teenagers who consciously and intentionally commit crimes. One example is of a 15-year-old girl who decided to kill a 9-year-old girl "just because" and the only reason she is in prison is because of the mandatory certification. Certifying a juvenile as an adult is not easy; the judge has to be convinced that the juvenile must be certified as an adult because none of the services available to the juvenile will help the individual.

Testifying against the bill were Missouri Juvenile Justice Association; Kurt Valentine, 19th Judicial Circuit; Mark Richardson, Cole County Prosecutor and Missouri Association of Prosecuting Attorneys; and Tammy Walden.