

HCS SB 793 -- JUVENILE COURT PROCEEDINGS

SPONSOR: Wallingford

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 8 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 10 to 0.

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

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

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

The bill also provides an affirmative defense for the offense of prostitution if the defendant was under 18 and was acting under the coercion of an agent, and it increases the penalty for the offense of patronizing prostitution from a class A misdemeanor to a class E felony when the person the offender patronizes is between the ages of 14 and 18 and from a class E felony to a class D felony when the person the offender patronizes is under the age of 14. The bill also increases the penalty for the offense of promoting prostitution in the first degree in cases where the offender uses compulsion by use of a drug or intoxicating substance to render the person incapable of controlling his conduct or appreciating its

nature to between 10 and 15 years in prison. The bill also adds promoting prostitution of a person 16-17 years of age to the offense of promoting prostitution in the second degree.

If a person was under 18 at the time he or she committed the offense of prostitution, the person may apply to the court in which he or she pled guilty or was sentenced for an order to expunge all records of the offense from all official records. If the court determines that the person was acting under the coercion of an agent when committing the offense, the court shall enter an order of expungement.

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

PROPOSERS: Supporters say that the goal is to reduce the number of youth in the adult system, to make Missouri safer, and to save the taxpayers money. What youth need is rehabilitation services, and they do not get that in prison, but they would get it in a juvenile detention center. Youth in adult facilities are more likely to commit suicide and they are more likely to recidivate if they are in the adult system. The Division of Youth Services does a great job at transforming our youth. Missouri is one of only five states that have not passed legislation to raise the age. Implementing this change would require a short-term fiscal adjustment, but it would still ultimately provide a fiscal benefit to the state. Juveniles spend less time in juvenile centers, so it would cost less money. We cannot continue spending money on prisons and detention and punishment at the expense of educating our young people. At this rate, we will need to build two new prisons to keep up with the incarceration rate. There is a concern about the funding, but it is great legislation otherwise.

Testifying for the bill were Senator Wallingford; M&R Strategic Services/McArthur Foundation; Helen Sloan, Metropolitan Congregations United; Sarah Swearer, Empower Missouri; Missouri Catholic Conference; Missouri Juvenile Justice Association; Kids Win Missouri; Missouri Coalition Against Domestic and Sexual Violence; National Association of Social Workers - Missouri Chapter; and the Missouri Coalition of Children's Agencies.

OPPOSERS: There was no opposition voiced to the committee.