

HCS HB 42 -- CHILD'S RIGHT TO COUNSEL

SPONSOR: Burnett

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Children and Families by a vote of 11 to 0. Voted "Do Pass" by the Committee on Rules-Administrative Oversight by a vote of 7 to 0.

This bill specifies that if a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances, as specified in the bill. If a child waives his or her right to counsel, the waiver shall only apply to that particular proceeding. The bill also specifies certain proceedings in which a child's right to counsel shall not be waived.

This bill is similar to HB 2627 (2018).

PROPONENTS: Supporters say that this is important because children are systematically denied representation and we do not know how many waive counsel because those proceedings are closed. This bill will make the process more transparent and there will be more understanding of how different courts are handling the process for all children.

Testifying for the bill were Representative Burnett; Missouri State Public Defender System; Gregory Porter, American Civil Liberties Union - Missouri; and Wayne Lee.

OPPONENTS: There was no opposition voiced to the committee.