

HCS HB 12 -- JUVENILES CERTIFIED AS ADULTS

SPONSOR: Schroer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Criminal Justice by a vote of 7 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 12 to 1.

CERTIFICATION OF A JUVENILE (Section 211.071, RSMo)

This bill provides that a court may order a hearing for the certification of a child between the ages of 16 and 18 for an offense which would be considered a felony if committed by an adult; except that a court shall order a hearing for the certification of any child alleged to have committed certain felony offenses, including the felony offense of armed criminal action. Before the court holds a hearing authorized under this section to determine if a child should be transferred to the court of general jurisdiction and prosecuted under the general law, the court shall hold an evidentiary probable cause hearing to determine if probable cause exists to proceed with the allegations contained in the petition. The probable cause hearing shall be held after the detention hearing but before the hearing under of this section. The juvenile office shall have the burden of proving probable cause to proceed by a preponderance of the evidence, and the juvenile shall have the right to testify, present evidence, cross-examine witnesses, and present arguments of law and fact with respect to the issue of probable cause.

Additionally, this bill repeals the provision that a child is required to have a certification hearing for the offenses of distribution of drugs or the manufacturing of a controlled substance.

This provision shall be effective January 1, 2021 and the duplicate law for this section terminates effective December 31, 2020.

These provisions are similar to SB 824 (2020).

DATA COLLECTION OF PETITIONS FOR JUVENILE CERTIFICATION (Section 211.600)

This bill provides that the Office of State Courts Administrator shall collect certain information, as provided in the bill, related to petitions filed to certify juveniles as adults in certain criminal cases. The information collected shall be made publicly available annually.

CORRECTIONAL TREATMENT PROGRAMS (Section 217.345)

This bill modifies provisions relating to correctional treatment programs for juvenile offenders. This bill provides that correctional treatment programs for juvenile offenders shall include physical separation of offenders who are younger than 18 years old and shall include educational programs that award a high school diploma or its equivalent.

This bill has an effective date of January 1, 2021, for the first occurrence of Section 211.071 and an emergency clause for the other sections in the bill.

PROPOSERS: Supporters say that this bill will help prevent juveniles from going into general population as an adult. There is proof that the recidivism rate is higher for juveniles processed as adults. They need to stay in the juvenile system to receive age appropriate services. Having the Office of State Courts Administrator collect this data will prove very beneficial.

Testifying for the bill were Representative Schroer; Grace Tibbetts; Missouri Coalition of Children's Agencies; Kids Win Missouri; and Missouri State Public Defender.

OPPOSERS: Those who oppose the bill say that in the last 10 years there were 53 juveniles charged as adults. Kids are doing crimes and there needs to be checks and balances and these kids need to be held accountable for their actions. There should not be free passes with a slap on the hand.

Testifying against the bill was Arnie "A.C." Dienoff; and Empower Missouri.

INFORMATIONAL PURPOSES: Those testifying for informational purposes said that there are services available to these children through the Division of Youth Services and through the Children's Division and these kids do not need to be certified to get these services. Adding the probable cause language is good for these children.

Testifying for informational purposes was the State Public Defender.