

HCS HB 218 -- CHILD'S RIGHT TO COUNSEL

SPONSOR: Burnett

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

The following is a summary of the House Committee Substitute for HB 218.

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 cannot be waived unless the child has had the opportunity to meaningfully consult with counsel and the court has conducted a hearing on the record.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that they want children and their families to know their options before they make decisions that could change the rest of their lives. They want to make sure the children are receiving their due process.

Testifying for the bill were Representative Burnett; Cathy S Rauch; and Christine Woody, Empower Missouri.

OPPONENTS: Those who oppose the bill submitted written testimony, which can be found online.

Testifying against the bill was Arnie Dienoff.

OTHERS: Others testifying on the bill say that the Public Defender's Office does not defend children in some of the instances specified in the bill because they are not reasons children need counsel. If every juvenile case went to the Public Defender's Office, the office would need significantly more staff to address those cases.

Testifying on the bill was the Missouri State Public Defender's

Office.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.