

HB 281 -- JUVENILES CERTIFIED AS ADULTS

SPONSOR: Bland Manlove

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 that would be considered a felony if committed by an adult; however, a court must 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 must 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 must be held after the detention hearing but before the hearing for certification. The juvenile officer will have the burden of proving probable cause to proceed by a preponderance of the evidence, and the juvenile will 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.

The bill requires the Office of State Courts Administrator to collect and make publicly available specified information about the filing and disposition of petitions to certify juveniles as adults.

The bill also provides that Correctional Treatment Programs for offenders who are under 18 and are under the supervision of the Department of Corrections will include programs deemed necessary and sufficient for the successful rehabilitation of offenders and will include educational programs that award a high school diploma or its equivalent.

The bill repeals the Department's authority to promulgate rules related to the establishment of treatment programs for offenders under 18 years of age.

This bill is similar to HCS HB 12 (1st Extraordinary Session 2020).