

HCS HB 1242 -- JUVENILE COURT PROCEEDINGS

SPONSOR: Evans

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 9 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 10 to 1.

The following is a summary of the House Committee Substitute for HB 1242.

This bill specifies that, for the purposes of Chapter 211, RSMo, Section 221.044, and the original jurisdiction of the juvenile court, if a person was considered an adult when the alleged offense or violation was committed, he or she will not later be considered a child. Additionally, under current law, no court will require a child to remain in the custody of the Division of Youth Services past the child's 18th birthday. This bill changes that provision so that a child can remain in the custody of the Division of Youth Services until the child's 19th birthday.

There is currently a state "Juvenile Justice Preservation Fund", which exists in the State Treasury. This bill changes that so there is a Juvenile Justice Preservation Fund in each county's circuit court, and the purpose of this fund is to implement and maintain the expansion of juvenile court jurisdiction to 18 years of age. The surcharge collected under the section will be payable to the county circuit court rather than to the State Treasury. Funds currently held by the State Treasurer in the Fund must be payable and revert to the circuit court's fund in the county of origination. Expenditures from the individual county juvenile justice funds will be made at the discretion of the juvenile office for the circuit court and must be used for the sole purpose of implementing and maintaining the expansion of juvenile court jurisdiction.

Lastly, the bill states that, to further promote the best interests of the children of Missouri, money in the fund will not be used to replace or reduce the responsibilities of either the counties or the state to provide funding for existing and new juvenile treatment services.

This bill has an emergency clause.

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 there is an outstanding question about whether the "raise the age" legislation has gone into effect and this is an effort to clear it up, as far as funding is concerned because there is a lot of confusion around the state. There was a fund that was created when the bill originally passed and it was not clear how it was supposed to be distributed and people can't get to it. So this helps that, too. It is yet to be determined by the Missouri Supreme Court, but this bill clarifies regardless that this raise in age is not retroactive. It also increases Division of Youth Services' (DYS) jurisdiction to 19 years old. It needs to happen because if they go into DYS at 17.5 years old, you want to be able to extend services for extra time rather than just having them there for six months. It takes more than lip service to provide services. You are meant to treat juveniles as if you are treating your own child. Budget priorities suffered because of COVID last year, so it is hopeful that it will get done this year. We want to see raise the age implemented in an efficient and effective manner. 17-year-olds can still be going to DYS for abuse and neglect reasons, but this would change that to have more kids. The juvenile offices and juvenile court will be the ones providing most of the services for kids who are in there for delinquency and status offenses; so they would probably see the most increase in cost. This will reduce recidivism and will reduce law enforcement engagement beyond that. This will help communities and citizens. The courts will probably be the ones deciding what happens between January 1 and when they decide it has gone into effect. Supporters are glad this bill addresses retroactivity because it seems like it should be simple but it turned out to be complicated.

Testifying for the bill were Representative Evans; Alex Kalen; Arnie C. Dienoff; Linda Meyer; Jackson County Family Court; Missouri Juvenile Justice Association; Missouri Coalition of Children's Agencies; Locke Thompson, Missouri Association of Prosecuting Attorney's; Cole County; Kids Win Missouri; Tammy Walden; and Justice Action Network.

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

Testifying against the bill was Amanda M. Sodomka, Juvenile Office of the 23rd Judicial Circuit.

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.