

HB 2640 -- JUVENILE PROCEEDINGS

SPONSOR: West

This bill applies provisions related to the filing of petitions to transfer a juvenile to a court of general jurisdiction when a juvenile is accused of an offense to motions to modify. Additionally, if a juvenile who has been certified as an adult and is awaiting trial is ordered to be released from an adult jail following a transfer order and is subsequently detained on a violation of the conditions of release or bond, the juvenile must return to the custody of the adult jail pending further court order. To hold a juvenile in an adult jail for longer than 180 days, an extension must be granted. If an extension is granted, this bill requires the court to hold a hearing every 30 days to determine whether the placement of the juvenile in an adult jail is still in the best interests of justice.

Currently, when a juvenile turns 18 or is convicted of adult charges, the juvenile must be transferred from juvenile detention to an adult facility. This bill applies this requirement to when a juvenile pleads guilty as well.

The bill requires county jail staff to designate a liaison who will be assigned to each juvenile who is awaiting trial in a juvenile detention facility and who has been certified as an adult. The liaison will assist in communication with the facility on the needs of the juvenile. Currently, the Division of Youth Services cannot keep any youth beyond his or her 18th birthday. This bill increases that to a youth's 19th birthday. As specified in this bill, if a person is 18 years old or older or turns 18 while in juvenile detention, upon a motion by a juvenile officer, the court may order that the person in juvenile detention be detained in an adult jail or other adult detention facility until the disposition of that person's juvenile court case.

The bill also amends the offense of unlawful possession of a firearm to include when a person knowingly has a firearm in his or her possession and the person is under 18 years old and has previously been adjudicated delinquent for what would be a felony if committed by an adult.