

HB 592 -- JUVENILE PROCEEDINGS

SPONSOR: West

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime and Public Safety by a vote of 17 to 2. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 8 to 1.

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.

PROPONENTS: Supporters say that a lot of this bill is cleanup language for laws we passed in previous years, including the

addition of motions to modify for certain hearings. Currently, we have a law known as unlawful possession of a firearm, but we do not have that for juveniles, so this bill adds that. We also don't want to house adults in a juvenile facility even if the person's case is still being handled in the juvenile justice system. The only time a juvenile is transferred to an adult facility is if the person is not cooperating with the juvenile justice system and he or she is being violent or aggressive.

Testifying in person for the bill were Representative West; Missouri Juvenile Justice Association; Arnie Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they appreciate the clarification in the law regarding where an adult and juvenile will be housed. There is a concern with some language pertaining to Division of Youth Services (DYS) and dual jurisdiction with adult court. Keeping a young person under 18 in DYS until sentencing would allow DYS or the court to determine which environment is best for the person to be housed. Oftentimes, the only way to keep juveniles separated from adults in adult facilities is to keep them in a medical wing or in solitary confinement, which is very harmful to young persons.

Testifying in person on the bill was Daniel Feldman.

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