

HB 2808 -- THE OFFENSE OF CAUSING A MINOR TO COMMIT AN OFFENSE

SPONSOR: Costlow

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Crime and Public Safety by a vote of 9 to 4 and 1 member voting present.

This bill establishes the offense of permitting, encouraging, aiding, or causing a minor to commit an offense, which occurs if a person is a parent to the minor and the person knowingly permits, encourages, aides, or causes the minor to commit an offense in violation of State or Federal law.

The bill establishes a tiered penalty: if the offense committed by the minor was a felony offense, the penalty is a class A misdemeanor; if the offense committed by the minor was a misdemeanor offense, the penalty is a class C misdemeanor. Each violation of this provision constitutes a separate offense.

In addition to the above penalties, upon a plea or finding of guilt, the court may order the person to make restitution to any individual who has suffered damages as a result of the offense committed by the minor. The person is entitled to a hearing on any restitution amount prior to the imposition of the restitution.

PROPOSERS: Supporters say that there are certain areas of the State where juvenile justice has not been enforced or is severely lacking and adults have exploited that by using minors to commit offenses. This bill creates an offense that penalizes an adult who uses a minor to commit a crime. The adult has to knowingly permit it; this would not apply when an adult does not know the minor is committing the offense. This bill would follow the same standard for determining guilt for a crime beyond a reasonable doubt.

Testifying in person for the bill were Representative Costlow; and Arnie Dienoff.

OPPOSERS: There was no opposition voiced to the committee.

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.