

HB 3413 -- CERTIFIED JUVENILES

SPONSOR: Dolan

This bill modifies provisions related to the certification of juveniles as adults.

The bill reduces the offenses for which a court must hold a certification hearing, to: murder in the first degree, distribution of a controlled substance, manufacture of a controlled substance, and dangerous felonies. The court must also hold a hearing if a child between the ages of 12 and 18 has committed two prior unrelated offenses that would be felonies if committed by an adult.

Currently, a juvenile officer is permitted to consult with a prosecuting attorney concerning any offense for which a juvenile could be certified as an adult. Under this bill, the juvenile officer must consult with a prosecuting attorney concerning such offense. The bill adds to the list of individuals who may be present and present evidence and recommendations at a certification hearing to include the juvenile officer's designee. The bill limits the application of the provisions to juveniles who have been ordered to be transferred to a court of general jurisdiction prior to January 1, 2028.

The bill creates provisions that will apply to juveniles who are ordered to be transferred beginning January 1, 2028. Under these provisions, a juvenile who is ordered to be transferred will be transferred to the Division of Youth Services pending final judgment and appeal. Upon final judgment or completion of the appeal, if any, the juvenile will remain in the custody of the Division of Youth Services unless the juvenile has posted bond or has been ordered to be transferred to an adult jail. If the Division does not believe that it is appropriate for the juvenile to remain in the custody of the Division, the Division can file a motion requesting that the juvenile be transferred to an adult jail. The bill specifies the process for hearings on these types of motions. If the court finds that it is in the best interest of justice for the certified juvenile to be held in an adult jail, the court must hold a hearing every 30 days to determine whether placement of the certified juvenile in the adult jail is still in the best interest of justice. A certified juvenile cannot be held in an adult jail for more than 180 days unless the court finds good cause to extend the time or the certified juvenile waives the maximum period requirement. If the court does not grant an extension, the certified juvenile will be

transferred back to the Division; if an extension is granted and the juvenile is to remain in the adult jail, the court must hold a hearing every 30 days to determine if that is still in the best interest of justice. Once the juvenile turns 18 or pleads or is found guilty on the adult charges, the juvenile will be transferred to the appropriate adult facility.