



HOUSE BILL 879: Juvenile Code Reform

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-58

Date:

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Staff Attorney

SUMMARY: *S.L. 2015-58 makes various changes to the juvenile code in regard to due process protections, reentry of juveniles in the delinquency system, and confinement of juveniles. See the full summary for details of the provisions.*

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

BILL ANALYSIS:

Part I. Due Process

Section 1.1 increases the age requirement for a juvenile's parent to be present during interrogation from 14 to 16 years old.

Sections 1.2 & 1.3 clarifies that an adjudicatory hearing is a separate hearing from a probable cause or transfer hearing and may be continued for good cause.

Section 1.4 codifies the process for a motion to suppress evidence.

Part II. Reentry

Section 2.1 requires juvenile court counselors to make reasonable efforts to meet with a juvenile who has not had a previous complaint and who has had a complaint filed for a divertible offense.

Section 2.2 clarifies that the district attorney may dismiss any allegations stated in a juvenile petition, with or without leave, either orally in open court, or in writing with notice.

Section 2.3 clarifies what prior adjudications count in determining delinquency history level.

Section 2.4 clarifies extension of probation must have notice and a hearing and would allow extension after the period of probation has ended if the juvenile fails to appear in court. This section also clarifies that in modifying a disposition for violation of probation, the court may order disposition at the next higher level, but is not required to do so.

Section 2.5 requires the court to provide notice of the ability to expunge juvenile offenses, if applicable.

Section 2.6 allows a juvenile to expunge adjudications for Class 1, 2, or 3 misdemeanors at age 16 or 18 months after release from juvenile court jurisdiction, whichever is later, rather than having to wait until age 18 as required for all other offenses.

Part III. Juvenile confinement

Section 3.1 clarifies that secure custody review hearings must be conducted every 10 days so long as the juvenile remains in secure custody pending disposition or placement pursuant to a disposition order, but may be waived for up to 30 days only with the consent of the juvenile, through counsel for the juvenile,

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House Bill 879

Page 2

either orally in open court or in writing. Any order for secure custody is required to be in writing with appropriate findings of fact.

This section also requires that a juvenile under the age of 10 being transported for medical or psychiatric treatment while in secure custody, not be transported in physical restraints if they have no delinquency charge, unless it is reasonably necessary for the safety of the officer or authorized person or the juvenile.

Section 3.2 clarifies that only the court may order intermittent periods of confinement for a delinquent juvenile.

EFFECTIVE DATE: This act became effective December 1, 2015, and applies to offenses committed on or after that date.