



HOUSE BILL 186: Div. of Juvenile Justice Mods.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2023-2024 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 31, 2023
Introduced by:	Reps. Davis, Pyrtle, Carson Smith, A. Jones	Prepared by:	Robert Ryan
Analysis of:	Fifth Edition		Committee Co-Counsel

OVERVIEW: House Bill 186 would amend various laws that relate to juvenile justice proceedings, and would:

- Authorize a juvenile justice court counselor to serve the required individuals with the petition and summons for a juvenile case and clarify the applicability of certain defenses that relate to juvenile processes.
- Authorize the court to conduct a hearing to determine if a juvenile needs any medical evaluation or treatment and authorize the court to order the juvenile to comply with any recommended treatment.
- Authorize the release of a juvenile's identifying information if the juvenile is alleged to have committed certain offenses, the court determines the juvenile presents a danger to self or others, and the court determines that there is good cause to release the information.
- Require the Division of Juvenile Justice of the Department of Public Safety to create, implement, and evaluate juvenile minority sensitivity and racial and ethnic disparities training annually.

CURRENT LAW and BILL ANALYSIS:

Section 1: After a petition has been filed alleging that a juvenile is undisciplined or delinquent, a summons and petition must be served upon the juvenile and a parent, guardian, or custodian of the juvenile at least five days before a scheduled hearing in order for a court to exercise jurisdiction over the juvenile. The sheriff of the county or anyone else authorized by law may serve the juvenile and parent, guardian, or custodian of the juvenile.

This section would allow a juvenile court counselor to serve the juvenile and the juvenile's parent, guardian, or custodian with the petition and summons. If, after being served with the petition and summons, the juvenile and juvenile's parent, guardian, or custodian attend the hearing and do not object to a lack of personal jurisdiction or service of process at that time, those defenses would be waived, similar to the general rules of civil procedure.

Section 2: In undisciplined and delinquent juvenile cases, the court may order the juvenile to be examined by a physician, psychiatrist, psychologist, or other qualified expert as needed to determine the needs of the juvenile. If the juvenile has been adjudicated delinquent and has a suspected mental illness, developmental disability, or intellectual disability, the court must order a referral for a comprehensive clinical assessment or equivalent mental health assessment unless an assessment has been conducted within 45 days before the adjudication hearing.

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House Bill 186

Page 2

This section would change the statutory timeline for when a court would be required to order a comprehensive clinical assessment or equivalent mental health assessment from 45 days before the adjudication hearing to 90 days before disposition. Adjudication and disposition may or may not occur on the same date. The court would also be authorized to order the juvenile to comply with any recommended treatment.

Section 3: Generally, information regarding a juvenile delinquency case including the name of the juvenile, the nature of the offense, fingerprints, and photographs, are not public records and may not be disclosed.

This section would authorize the release of the juvenile's first name, last name, and photograph, along with the alleged offense(s) and a statement regarding the level of concern as to the juvenile's threat of danger to self or others if the court makes the following findings of fact in a written order:

- A petition has been filed alleging that the juvenile has committed at least one offense that would subject the juvenile to transfer to superior court.
- The juvenile presents a danger to self or others based on the juvenile's record or nature of the alleged offense(s).
- There is good cause for the disclosure.

However, if the juvenile was taken into custody before the disclosure was made public, the disclosure would not be made. The Division of Juvenile Justice of the Department of Public Safety or law enforcement agency would be required to make reasonable efforts to notify the parent, legal guardian, or custodian before releasing the information.

This section would also authorize the Division or any law enforcement agency to release juvenile information pursuant to this law in exigent circumstances with the requirement that the Division or law enforcement agency subsequently seek a court order, and if the order is not issued, the information would be removed.

Section 4 would make various conforming changes.

Section 5: The Department of Justice (Department) is required to develop guidelines for minority sensitivity training for all law enforcement personnel in the State. The Department must ensure that all individuals who work with minority juveniles in the juvenile justice system, including all juvenile court counselors and other Division personnel, are taught how to communicate effectively with the minority juveniles and how to identify and address the needs of those juveniles. The Department is required to conduct minority sensitivity training annually except where local law enforcement has existing minority sensitivity training that meets the Department guidelines. The Department must also assess whether minorities are receiving fair and equal treatment in the juvenile justice system.

This section would provide that the Division of Juvenile Justice of the Department of Public Safety would be responsible for creating, implementing, and evaluating juvenile minority sensitivity and racial and ethnic disparities training annually.

Section 6 would make various conforming changes.

EFFECTIVE DATE: This act would become effective December 1, 2023, and apply to offenses committed on or after that date.

* *Hillary Woodard and Howard Marsilio, Staff Attorneys, substantially contributed to this summary.*