



# 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

<b>Committee:</b>	House Judiciary 1. If favorable, re-refer to State Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 15, 2023
<b>Introduced by:</b>	Reps. Davis, Pyrtle, Carson Smith, A. Jones	<b>Prepared by:</b>	Hillary Woodard
<b>Analysis of:</b>	PCS to First Edition H186-CSCH-5		Committee Co-counsel

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 186 would provide for the following in cases involving undisciplined and delinquent juveniles:*

- *Authorize a juvenile justice court counselor to serve the required individuals with the petition and summons for a juvenile case.*
- *Authorize the court to order a juvenile to remain in the community under the supervision of a juvenile court counselor if the juvenile is not alleged to have committed certain offenses and the court deems it appropriate.*
- *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.*
- *Make conforming changes.*

## 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.

The PCS 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

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personal jurisdiction or service of process at that time, those defenses would be waived, similar to the general rules of civil procedure.

## Section 2

When a request has been made for secure custody, the court may only authorize secure custody if there is a reasonable factual basis to believe that the juvenile committed the offense as alleged in the petition and if the juvenile is believed to be a danger to property or persons or the juvenile has failed to appear previously. The chief district court judge may delegate the authority to place a juvenile in nonsecure or secure custody to the chief court counselor or chief court counselor's staff in an administrative order.

When a juvenile has been adjudicated delinquent, the court may order secure custody prior to disposition of the case. If the juvenile remains in secure custody, the court must conduct hearings at intervals of no more than 10 calendar days, unless waived by the juvenile or through counsel for the juvenile.

The PCS would authorize a court to order a juvenile to remain in the community under the supervision of a juvenile court counselor through alternatives to detention so long as the juvenile is not alleged to have committed a Class A, B1, B2, C, D, E, F, or G felony offense and provided the court finds that the alternatives to detention are appropriate. The chief district court judge would be authorized to delegate the authority to order alternatives to detention to the chief court counselor or the chief court counselor's staff.

If the authority was delegated, a hearing would be required within five calendar days of the entry of the order and at intervals within 60 calendar days from the hearing to determine if the alternatives to detention remain appropriate. If no authority was delegated, a hearing would be required within 60 calendar days of the entry of the order.

## Section 3

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.

The PCS 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 4

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.

The PCS 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 at least one offense committed by the juvenile would a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
- The juvenile presents a danger to self or others based on the juvenile's record or nature of the alleged offense(s).

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- 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.

## Section 6

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.

The PCS 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 5 and Section 7 would make conforming changes.

**EFFECTIVE DATE:** Effective December 1, 2023.