

**Executive Summary on Senate Bill 257 – Juvenile Jurisdiction Provisions**

\*Note: There are no changes to the juvenile code for juveniles under 16 years old charged with an offense.

\*Jurisdiction Effective date – December 1, 2019\*

<b>Jurisdiction Limits</b>	<ul style="list-style-type: none"> <li>• <b>At least 16, but less than 17: Maximum 19 years old</b></li> <li>• <b>At least 17, but less than 18: Maximum 20 years old</b></li> </ul>
<b>Crimes</b>	All misdemeanors, H and I felonies. No motor vehicle offenses.
<b>Transfer</b>	<p>A-G felonies – upon a finding of probable cause or indictment, the court shall transfer the juvenile to superior court for trial as an adult.</p> <p>H and I felonies – same discretionary transfer procedure for current juveniles charged under 16.</p> <p>Once transferred – eligible for pre-trial release and any detention of juvenile pending release must be in accordance with 7B-2204.</p>
<b>Delinquency History</b>	<p><i>7B-2507 conflicts with 7B-1604(b)</i></p> <ul style="list-style-type: none"> <li>• A-E felony conviction = 4 points</li> <li>• F-I felony, A1 misdemeanor conviction = 2 points</li> <li>• Any impaired driving, misdemeanor death by motor vehicle = 2 points</li> <li>• Class 1-3 misdemeanor = 1 point</li> </ul>
<b>YDC Commitment</b>	<ul style="list-style-type: none"> <li>• At least 16, but less than 17: Term not to exceed 19<sup>th</sup> birthday</li> <li>• At least 17, but less than 18: Term not to exceed 20<sup>th</sup> birthday</li> </ul> <p>Notification in writing of Division’s intent to extend beyond max at least 30 days prior to the max commitment period</p>
<b>Transportation</b>	Division is responsible for all transportation to and from any juvenile facility for any person under jurisdiction of juvenile court

*Conflicting language:*

- 7B-1604(b) – any juvenile who has a conviction in either district or superior court (including MV violations) shall be prosecuted as an adult for any criminal offense after that conviction.
- 7B-2507 – language added to calculate delinquency history includes convictions, not just adjudications. This conflicts with 7B-1604(b) language as any juvenile with a district/superior court conviction would no longer come under juvenile court jurisdiction.

**Other Substantive Provisions**

- New language to allow victims to petition district attorneys to review a Juvenile Court Counselor (JCC) decision not to file a petition. If statutory requirements regarding time are followed review hearings may be held for a final determination by the district attorney. A system will be developed to provide information to victims concerning pending complaints and right to review.
- New language that the JCC shall keep consultations with law enforcement that did not result in the filing of a petition, and that a JCC shall share the record of a juvenile’s delinquency record or prior consultations with law enforcement upon request of law enforcement.
- The AOC Director’s duties shall now include creating policies and procedures for chief district court judges to establish school-justice partnerships with local law enforcement agencies, local boards of education, and local school administrative units with the goal of reducing in-school arrests, out of school suspensions, and expulsions.
- Minimum educational and training standards will be established for both potential and in-service criminal justice officers and officers, concerning: domestic violence cases, evidence based prosecutions, and juvenile justice issues.
- JCCs will be conducting “gang assessments” as a part of intake, the results of which could impact dispositional levels. There are also statutory definitions for: criminal gang, criminal gang member, and criminal gang activity.
- A Juvenile Jurisdiction Advisory Committee will be established within the Division of Adult Corrections and Juvenile Justice (DACJJ) of the Department of Public Safety to develop a plan to implement needed changes to the juvenile justice system. The committee will have 21 ex officio members. All appointments to the Advisory Committee will be made no later than October 1<sup>st</sup>, 2017 and co-chairs, who will be selected by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, will be appointed by November 1, 2017. The plan established by the Advisory Committee will elaborate on all changes necessary to include 16- and 17-year-olds in the juvenile justice system and will include cost estimates for each portion of the proposed plan, such as capital costs, operating costs, and staffing costs. The first report of the Juvenile Jurisdiction Advisory Committee is to be due March 1, 2018.
- The Juvenile Justice Reinvestment Act’s plan to increase the juvenile age of jurisdiction is effective as of December 1, 2019. All sections detailing a “Victim’s Request/Review of Decision Not to File a Petition, and the section pertaining to “Other Records Relating to Juveniles” (located under the “Increase of Information on Juveniles Available to Law Enforcement for Court Proceedings”) will go into effect October 1, 2017. The remainder of the act goes into effect as soon as it becomes law. Reference the full report to view these sections.