

HB 1027 -- Juvenile Detention

Sponsor: Roorda

This bill requires any juvenile who is taken into custody for prostitution or for committing any sexual offense, or for being a runaway when the juvenile has previously been adjudicated as a runaway on two or more occasions, must be placed in detention and may be held for up to 48 hours during which time the juvenile officer will evaluate and determine whether the offense committed by the juvenile was the result of enticement, exploitation, or coercion by a third party.

If the juvenile officer determines the offense was not the result of enticement, exploitation, or coercion by a third-party, the officer must file a report within 48 hours detailing there was no third-party involvement. Upon receipt of the report, the court must order a detention hearing within one business day or the juvenile must be released. The court must also order a detention hearing within one business day if the juvenile officer fails to submit a report to the court.

If the Juvenile officer determines the offense was the result of enticement, exploitation, or coercion by a third-party, the officer must file a report within 48 hours detailing the third-party involvement and must notify the law enforcement agency where the offense occurred. Upon receipt of the report, the court must order that the juvenile be released from detention into the protective custody of the Division of Family Services within the Department of Social Services. The juvenile is prohibited from being returned to the person with custody prior to the juvenile's detainment.

The law enforcement agency investigating the allegation of third-party involvement will have unhindered access to the juvenile as a victim. Any information obtained by law enforcement from the juvenile that incriminates him or her in the commission of the offense must be used in the prosecution of the juvenile. The juvenile must be advised of his or her rights as specified in the bill.