

HB 1641 with HCA 1 -- JUVENILE OFFENDERS

SPONSOR: Hicks

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 9 to 1.

Under current law, any child under the age of 17 who has been certified as an adult may be detained in an adult jail prior to trial. This act prohibits the detention of any child certified as an adult in an adult jail until the child has been sentenced or turns 17 years of age.

This act requires the Division of Youth Services in collaboration with the Office of State Courts Administrator to establish a task force to make recommendations on the system and process design to be used to divert children who have been certified as adults from adult jails by January 1, 2017.

In addition, any child certified as an adult on or after August 28, 2016 who is under 17 years of age and being held prior to the disposition of his or her case must be detained in a juvenile detention facility that adheres to current state juvenile detention standards.

This bill is the same as SB 618 (2016).

HCA #1: This amendment specifies that upon the request and a showing of good cause to the court by the director of an alternative detention facility, a child certified as an adult may be detained in an adult facility.

This amendment requires the Division of Youth Services in collaboration with the Office of State Courts Administrator to establish the Certified Youth Jail Removal Workgroup to develop by January 1, 2018, a plan for the removal of certified children from adult jail pending trial and sentencing. By January 1, 2017, the workgroup must make recommendations to the General Assembly regarding the establishment of alternative detention facilities for children who have been certified as adults. The workgroup will automatically terminate on September 1, 2018.

The amendment specifies that any child certified as an adult on or after January 1, 2018, who is under 17 years of age and being held prior to the disposition of his or her case must be detained in an alternative detention facility that adheres to standards set forth by the workgroup.

PROPOSERS: Supporters say that we should not be housing youth

offenders with adult offenders. Having a 13 year old in general population with older adults is a problem, it creates a classification issue, creates problems if the youth comes into contact with a predator; law enforcement can't match them in size with other inmates. Usually they end up locking the youth down to keep them safe. The law should be modified to put these youth in juvenile detention. The better solution would be to provide a holding facility for juveniles that are certified as an adult. They could still receive services offered to juveniles; it would allow for adult basic education, substance abuse treatment. There is a need to be able to provide substance abuse treatment to these offenders. Many of their juvenile offenders have substance abuse issues or recurring mental disorders. The juvenile system is better equipped to provide proper services than the adult system. Right now, to hold a 17 year old, the kid must be out of sight and sound of individuals 18 or older. To comply with federal standards, standards must apply that are stricter than Missouri standards, which treat youth under 18 as adults.

Two different mothers testified that their sons were housed with adults and repeatedly abused by other inmates, and prison officials did nothing, refusing to address their repeated complaints about the abuse. One of these two youths ultimately committed suicide. The other youth is currently serving his time in protective custody and is unable to access any services.

Testifying for the bill were Representative Hicks; Family & Friends Organizing For Reform Of Juvenile Justice; ACLU; Missouri Catholic Conference; Missouri Juvenile Justice Association; Empower Missouri; Wayne Lee; and Joy Knopf.

OPPONENTS: There was no opposition voiced to the committee.