

Bill Summary
2nd Session of the 58th Legislature

Bill No.:	SB 217
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Request No.:	3524
Author:	Sen. Howard
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Bill Analysis

The CS for SB 217 modifies the provisions of the Youthful Offender Act. The measure declares the Legislature's intent that eligible 17-year olds should have the opportunity to be processed as youthful offenders as provided by law and held accountable through the provisions of the Youthful Offender Act for custody, institutional placement, supervision, extended jurisdiction within the Office of Juvenile Affairs (OJA), and the ability to transfer youthful offenders to the Department of Corrections when incarceration or additional supervision is required beyond the maximum age allowed in the OJA. The measure provides that no older youths should be denied such placement if the youth is 17 years old or younger and directs persons above the age of 18 to be placed in the custody of the Department of Corrections. Youthful offenders who successfully complete their rehabilitation may have their records sealed and the case dismissed against them with prejudice. The measure provides that a person who committed certain crimes before he or she was 18, but was not charged with the crime until the age of majority, shall be charged as an adult. Youthful offenders attempting to evade arrest for listed crimes shall also be charged as an adult. The decision to charge a person aged 15-17 as an adult or juvenile shall be at the sole discretion of the district attorney. Persons charged for the listed crimes shall be presumed to be a youthful offender unless the court grants the person's motion for certification as a juvenile.

The measure provides that when the representative of the offender believes that there is good cause that the offender should be charged as a juvenile, the representative shall file a motion for certification as a juvenile. The motion for certification as a juvenile shall be filed prior to the preliminary hearing. The court shall order a certification study of the offender upon receiving the motion. The court shall order the parent or guardian of the offender to pay a fee of not less than \$100.00 and not more than \$1,000.00 to conduct the study. The measure outlines the guidelines for the court to consider. An accused who fails to cooperate with providing information in locating his or her parent, guardian, or next friend for purposes of notice waives the right to have the preliminary hearing commence within 90 days of the filing of the information. The district attorney may impose an adult sentence on a certified juvenile if there is good cause to believe that the person charged as a youthful offender would not reasonably complete a plan of rehabilitation or the public would not be adequately protected if the person were to be sentenced as a youthful offender. The measure outlines the procedure for the district attorney to charge the offender as an adult.

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