

CAMPAIGN FOR

YOUTH  JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

**Youth Prosecuted as Adults Weekly  
Legislative Roundup**

**January 7-11, 2019**

Roundup

[AZ - HB2052 juveniles; detention centers; dangerous offenses](#)

Primary Sponsor: [Representative John Allen \(R\)](#)

[FL - SB110 Youth in Solitary Confinement](#)

Last Action: Filed (November 29, 2018)

Primary Sponsor: [Senator Perry E. Thurston, Jr. \(D\)](#)

Summary: Youth in Solitary Confinement; Creating the Youth in Solitary Confinement Reduction Act prohibiting the Department of Corrections or a local governmental body from subjecting a youth to solitary confinement except under certain circumstances; requiring that within a specified time and at specified intervals a mental health clinician evaluate face to face a youth prisoner who is subjected to emergency cell confinement; providing for an individualized suicide crisis intervention plan, if applicable; requiring sheriffs and chief correctional officers to adopt model standards relating to youth prisoners, etc.

[IN - SB279 Waiver to adult court for attempted murder.](#)

Last Action: First reading: referred to Committee on Corrections and Criminal Law (January 7, 2019)

Primary Sponsor: [Senator Erin Houchin \(R\)](#)

Scheduled Hearing:

[Corrections and Criminal Law \(Senate\)](#)

**Date:** January 15, 2019

**Time:** 10:00am (EST)

**Location:** Room 130

Summary: Waiver to adult court for attempted murder. Provides that the juvenile court shall waive jurisdiction if it finds that: (1) the child is charged with an act that would be murder or attempted murder if committed by an adult; (2) there is probable cause to believe that the child has committed the act; and (3) the child was at least 12 years of age when the act charged was allegedly committed; unless it would be in the best interests of the child and of the safety and welfare of the community for the child to remain within the juvenile justice

[KY - BR3 AN ACT relating to racial and ethnic community criminal justice and public safety impact statements.](#)

Last Action: Prefiled by the sponsor(s). (June 6, 2018)

Primary Sponsor: [Senator Gerald A. Neal \(D\)](#)

Summary: Create new sections of KRS Chapters 6 and 15A to make legislative findings and require racial and ethnic community criminal justice and public safety impact statements for certain legislation and administrative regulations.

[MA - SD94 An Act to prevent the imposition of mandatory minimum sentences based on juvenile adjudications](#)

[MA - SD275 An Act relative to juvenile violence](#)

[MD - HB11 Juveniles Charged as Adults - Confidentiality of Photos and Videos](#)

Notes:

**Summary**

This bill provides for the confidentiality of records, photographs, and videos taken of a child while a transfer determination is pending.

Last Action: Hearing 1/23 at 1:00 p.m. (January 10, 2019)

Primary Sponsor: [Delegate Charles E. Sydnor, III \(D\)](#)

Committee: [Judiciary \(House\)](#)

Scheduled Hearings:

[Civil Law and Procedure \(House\)](#)

**Date:** January 23, 2019

**Time:** 1:00pm (EST)

**Location:** House Office Building, Room 100, Annapolis, MD

[Criminal Justice \(House\)](#)

**Date:** January 23, 2019

**Time:** 1:00pm (EST)

**Location:** House Office Building, Room 100, Annapolis, MD

[Family Law \(House\)](#)

**Date:** January 23, 2019

**Time:** 1:00pm (EST)

**Location:** House Office Building, Room 100, Annapolis, MD

[Juvenile Law \(House\)](#)

**Date:** January 23, 2019

**Time:** 1:00pm (EST)

**Location:** House Office Building, Room 100, Annapolis, MD

[Judiciary \(House\)](#)

**Date:** January 23, 2019

**Time:** 1:00pm (EST)

**Location:** House Office Building, Room 100, Annapolis, MD

**Roundup**

Summary: Establishing that, pending a determination by a court exercising criminal jurisdiction in a case involving a child whether to transfer its jurisdiction to the juvenile court, provisions of law relating to the confidentiality of juvenile records apply to photographs or videos of a child taken by a governmental entity during the arrest or booking of the child.

**[MO - HB42](#) [Modifies provisions relating to a child's right to counsel](#)**

Notes:

**Summary**

This bill includes a provision that would no longer allow a youth to waive their right to counsel at a certification/transfer hearing.

Last Action: Read First Time (January 9, 2019)

Primary Sponsor: [Representative Ingrid Burnett](#)

Summary: [Introduced](#)

**[ND - HB1076](#) [A BILL for an Act to amend and reenact section 12-46-13 of the North Dakota Century Code, relating to placement of offenders at the North Dakota youth correctional center.](#)**

Notes:

**Summary**

This bill deletes language in the current statute that allowed the Department to transfer a youth tried as an adult who is between the ages of 16 and 18 from a youth facility to an adult facility after a hearing.

Last Action: Committee Hearing 09:00 (January 8, 2019)

Primary Sponsor: [Judiciary](#)

Committee: [Judiciary \(House\)](#)

**[NJ - A314](#) [Restricts use of isolated confinement in correctional facilities.](#)**

Last Action: Transferred to Assembly Judiciary Committee (May 7, 2018)

Primary Sponsor: [Assemblymember Nancy J. Pinkin \(D\)](#)

**[NJ - A524](#) [Clarifies "knockout game" assault as third-degree aggravated assault; permits juvenile offender 14 years of age or older committing such assault to be tried as adult offender.](#)**

Last Action: Introduced, Referred to Assembly Law and Public Safety Committee (January 9, 2018)

Primary Sponsor: [Assemblymember John DiMaio \(R\)](#)

**[NJ - A1233](#) [Concerns resentencing and parole for certain juvenile defendants.](#)**

**Roundup**

Last Action: Introduced, Referred to Assembly Judiciary Committee (January 9, 2018)

Primary Sponsor: [Assemblymember John F. McKeon \(D\)](#)

**NJ - A2177** Upgrades certain penalties for criminal street gang recruitment and criminality; imposes mandatory minimum sentence for certain offenses; establishes accomplice liability and imposes restrictions for certain recruiters.

Last Action: Introduced, Referred to Assembly Law and Public Safety Committee (January 29, 2018)

Primary Sponsor: [Assemblymember Gary S. Schaer \(D\)](#)

**NJ - A2852** Clarifies "knockout game" assault as third-degree aggravated assault; provides mandatory minimum term of imprisonment for such assault.

Last Action: Introduced, Referred to Assembly Judiciary Committee (February 1, 2018)

Primary Sponsor: [Assemblymember Ronald S. Dancer \(R\)](#)

**NJ - A4694** Permits, under certain circumstances, person adjudged juvenile delinquent to expunge record for act which would have constituted robbery if committed by adult.

Last Action: Introduced, Referred to Assembly Judiciary Committee (November 26, 2018)

Primary Sponsor: [Assemblymember Carol A. Murphy \(D\)](#)

**NJ - S428** Provides for review of juvenile sentence of more than 30 years imprisonment without parole eligibility under certain circumstances.

Last Action: Introduced in the Senate, Referred to Senate Law and Public Safety Committee (January 9, 2018)

Primary Sponsor: [Senator Nellie Pou \(D\)](#)

**NJ - S2966** Provides for judicial discretion in juvenile waiver decisions.

Last Action: Introduced in the Senate, Referred to Senate Law and Public Safety Committee (September 24, 2018)

Primary Sponsor: [Senator Troy Singleton \(D\)](#)

**NM - HB105** ENHANCED PENALTY FOR FIREARM USED IN CRIME

Notes:

Increases the mandatory minimum sentencing penalty from 1 to 3 years for the use or display of a firearm by a youth tried as an adult. CFYJ does not support.

Last Action: Sent to HPREF - Referrals: HPREF (December 19, 2018)

Primary Sponsor: [Representative William "Bill" R. Rehm \(R\)](#)

**[NY - A718](#)** [Relates to conferring youthful offender status upon conviction of an eligible youth for a misdemeanor](#)

Last Action: Referred To Codes (January 9, 2019)

Primary Sponsor: [Assemblymember Latoya Joyner](#)

Committee: [Codes \(Assembly\)](#)

**[NY - S277](#)** [Relates to removing the local share requirements associated with increasing the age of juvenile jurisdiction](#)

Notes:

**Related to expenditures for raise the age implementation**

Last Action: Referred To Finance (January 4, 2019)

Primary Sponsor: [Senator Robert Ort](#)

Committee: [Finance \(Senate\)](#)

Summary: Removes the local share requirements associated with increasing the age of juvenile jurisdiction.

**[NY - S370](#)** [Relates to certain assault crimes which include the aid or encouragement of additional persons](#)

Last Action: Referred To Codes (January 4, 2019)

Primary Sponsor: [Senator James Tedisco](#)

Committee: [Codes \(Senate\)](#)

Summary: Relates to certain assault crimes wherein a person is aided or encouraged to strike the victim in the head and cause unconsciousness.

**[NY - S461](#)** [Relates to segregated confinement](#)

Last Action: Referred To Crime Victims, Crime And Correction (January 9, 2019)

Primary Sponsor: [Senator Andrew J Lanza](#)

Committee: [Crime Victims, Crime and Correction \(Senate\)](#)

Summary: Relates to segregated confinement; prohibits segregated confinement for certain persons.

**[NY - S520](#)** [Relates to youthful offenders](#)

Last Action: Referred To Codes (January 9, 2019)

Primary Sponsor: [Senator David Carlucci](#)

Committee: [Codes \(Senate\)](#)

**Roundup**

Summary: Alters the definition of "youth" to mean a person who is at least sixteen years old and less than twenty-one years old; provides that where the conviction is had in a local criminal court and the eligible youth charged with a crime is alleged to have been committed when he or she was at least sixteen years old and less than nineteen years had not prior to the commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, the court must find that he or she is a youthful offender.

**[NY - S925 Denies youthful offender treatment to persons convicted of a class B violent felony offense](#)**

Last Action: Referred To Codes (January 9, 2019)

Primary Sponsor: [Senator Catharine Young](#)

Committee: [Codes \(Senate\)](#)

Summary: Denies eligibility for youthful offender treatment upon conviction of a class B violent felony, unless the court determines that such person was a minor participant in the crime or that mitigating circumstances exist which bear directly upon the manner in which the crime was committed.

**[OK - SB112 Crimes and punishments: prohibiting life without parole for juveniles. Effective date.](#)**

Last Action: Authored by Senator Young (January 2, 2019)

Summary: [Introduced](#)

**[OR - SB425 Repeals statutes requiring imposition of mandatory minimum sentences for persons under 18 years of age at time of commission of crime.](#)**

Summary:

Repeals statutes requiring imposition of mandatory minimum sentences for persons under 18 years of age at time of commission of crime.

Prohibits imposition of specified mandatory minimum sentences for persons under 25 years of age at time of commission of crime. Refers Act to people for their approval or rejection at next regular general election.

**[OR - SB469 Removes assault in the second degree from list of crimes requiring mandatory minimum prison sentence for person 15 years of age or older at time of commission of crime.](#)**

Summary:

Removes assault in the second degree from list of crimes requiring mandatory minimum prison sentence for person 15 years of age or older at time of commission of crime.

Requires proof of additional element of previous acts of reckless behavior that manifested extreme indifference to the value of human life for certain charges of assault in the second degree.

## Roundup

**OR - SB549** Authorizes juvenile offender charged with offense subject to mandatory minimum sentence, who receives mandatory minimum sentence or other sentence of imprisonment, to be eligible for conditional release after serving at least one-half of sentence imposed.

Summary: Authorizes juvenile offender charged with offense subject to mandatory minimum sentence, who receives mandatory minimum sentence or other sentence of imprisonment, to be eligible for conditional release after serving at least one-half of sentence imposed.

**SC - HB3297** Not yet available

Last Action: Referred to Committee on Judiciary (January 8, 2019)

Primary Sponsor: [Representative Shannon S. Erickson \(R\)](#)

Summary: A BILL TO AMEND SECTION 63-19-820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACING CHILDREN IN AN ADULT JAIL, SO AS TO ELIMINATE THE EXCEPTION FOR CHILDREN TO BE TRIED AS AN ADULT AND TO DECREASE THE LENGTH OF TIME THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION FACILITY FOR COMMITTING A STATUS OFFENSE OR FOR VIOLATING A RELATED COURT ORDER; TO AMEND SECTION 63-19-1020, RELATING TO THE RIGHT OF CERTAIN PERSONS AND ENTITIES INJURED BY DELINQUENT ACTS OF A CHILD TO INSTITUTE LEGAL PROCEEDINGS AGAINST THE CHILD, SO AS TO REQUIRE THAT THE CHILD AND HIS FAMILY SEEK COUNSELING WHEN THE STATUS OFFENSE IS OF INCORRIGIBILITY; TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF CERTAIN CHILDREN TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO DISTINGUISH BETWEEN STATUS AND CRIMINAL OFFENSES AND TO CHANGE THE REQUIREMENTS FOR COURT ORDERS; TO AMEND SECTION 63-19-1810, RELATING TO DETERMINATION OF RELEASE OF JUVENILES ADJUDICATED DELINQUENT BY THE DEPARTMENT, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 63-19-2050, AS AMENDED, RELATING TO EXPUNGEMENT OF CERTAIN COURT RECORDS, SO AS TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF A JUVENILE'S RECORDS FOR STATUS OFFENSES, WITH EXCEPTIONS.

**SC - SB22** Not yet available

Last Action: Referred to Committee on Judiciary (January 8, 2019)

Primary Sponsor: [Senator Brad Hutto \(D\)](#)

Summary: A BILL TO AMEND SECTION 63-19-820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PLACING CHILDREN IN AN ADULT JAIL, SO AS TO ELIMINATE THE EXCEPTION FOR CHILDREN TO BE TRIED AS AN ADULT AND TO DECREASE THE LENGTH OF TIME THAT A CHILD MAY BE HELD IN A JUVENILE DETENTION FACILITY FOR COMMITTING A STATUS OFFENSE OR FOR VIOLATING A RELATED COURT ORDER; TO AMEND SECTION 63-19-1020, RELATING TO THE RIGHT OF CERTAIN PERSONS AND



**Roundup**

ENTITIES INJURED BY DELINQUENT ACTS OF A CHILD TO INSTITUTE LEGAL PROCEEDINGS AGAINST THE CHILD, SO AS TO REQUIRE THAT THE CHILD AND HIS FAMILY SEEK COUNSELING WHEN THE STATUS OFFENSE IS OF INCORRIGIBILITY; TO AMEND SECTION 63-19-1440, RELATING TO COMMITMENT OF CERTAIN CHILDREN TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO DISTINGUISH BETWEEN STATUS AND CRIMINAL OFFENSES AND TO CHANGE THE REQUIREMENTS FOR COURT ORDERS; TO AMEND SECTION 63-19-1810, RELATING TO DETERMINATION OF RELEASE OF JUVENILES ADJUDICATED DELINQUENT BY THE DEPARTMENT, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 63-19-2050, AS AMENDED, RELATING TO EXPUNGEMENT OF CERTAIN COURT RECORDS, SO AS TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF A JUVENILE'S RECORDS FOR STATUS OFFENSES, WITH EXCEPTIONS.

**[SC - SJR46](#) Not yet available**

Last Action: Referred to Committee on Judiciary (January 8, 2019)

Primary Sponsor: [Senator Gerald Malloy \(D\)](#)

Summary: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM "UNDER THE AGE OF SEVENTEEN" TO "UNDER THE AGE OF EIGHTEEN."

**[TX - HB256](#) Relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.**

Last Action: Filed (November 12, 2018)

Primary Sponsor: [Representative Joe Moody](#)

**[TX - HB344](#) Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.**

Last Action: Filed (November 13, 2018)

Primary Sponsor: [Representative Harold V. Dutton, Jr.](#)

**[TX - HB658](#) Relating to the age of a child at which a juvenile court may exercise jurisdiction over the child, to the age of criminal responsibility, and to certain substantive and procedural matters related to those ages.**

Last Action: Filed (January 7, 2019)

Primary Sponsor: [Representative Harold V. Dutton, Jr.](#)

**[TX - SB155](#)** Relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.

Last Action: Filed (November 12, 2018)

Primary Sponsor: [Senator José Rodríguez](#)

**[VA - HB1745](#)** Juvenile offenders; eligibility for parole.

Last Action: Referred to Committee for Courts of Justice (December 20, 2018)

Primary Sponsor: [Delegate Joseph C. Lindsey](#)

Committee: [Courts of Justice \(House\)](#)

Summary: Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence, and any person who has active sentences that total more than 25 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences, shall be eligible for parole.

**[VA - HB1797](#)** Juveniles; places of confinement, separation of juveniles from adult offenders.

Last Action: Referred to Committee for Courts of Justice (December 28, 2018)

Primary Sponsor: [Delegate C.E. Cliff Hayes, Jr.](#)

Committee: [Courts of Justice \(House\)](#)

Summary: Places of confinement for juveniles; separation of juveniles from adult offenders. Provides that when juveniles who are determined by the court to be a threat to the security or safety of other juveniles detained in a juvenile secure facility are transferred to or confined to a jail or other facility for the detention of adults, such adult-detention facility must have the capacity and availability to detain juveniles in accordance with applicable federal and state law. The bill removes an existing provision that such adult-detention facility must be approved by the State Board of Corrections for the detention of juveniles.

**[VA - HB2562](#)** Investigation of social history of juvenile; mental health examination for offenses.

Last Action: Committee Referral Pending (January 9, 2019)

Primary Sponsor: [Delegate Robert B. Bell](#)

Summary: Investigation of social history of juvenile; mental health examination for offenses indicating sexual abnormality. Requires a juvenile and domestic relations court or a circuit court that has adjudicated a juvenile delinquent of an offense that indicates sexual abnormality, upon application of the attorney for the Commonwealth, the defendant, or counsel for the defendant, to order that the juvenile be examined by at least one psychiatrist or clinical psychologist and that a report be prepared

**Roundup**

and included in the juvenile's investigation of social history report. The bill allows the court to order such evaluation on his own initiative. If the person examining the juvenile determines that an adequate evaluation of the juvenile can only be performed in an inpatient hospital setting, the court shall have the power to send the juvenile to a state mental hospital for not more than 10 days for the purpose of performing an adequate examination.

**[VA - HB2616 Juveniles; trial as adult.](#)**

Last Action: Committee Referral Pending (January 9, 2019)

Primary Sponsor: [Delegate Elizabeth R. Guzman](#)

Summary: Juveniles; trial as adult. Increases from age 14 to age 16 the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding or for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for charges that require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report of the juvenile be prepared by probation services or other qualified agency and (ii) the attorney for the Commonwealth review such report prior to filing his notice of intent to proceed with a preliminary hearing for trial of such juvenile as an adult.

**[VA - SB1053 Juvenile offenders; eligibility for parole.](#)**

Last Action: Referred to Committee on Rehabilitation and Social Services (December 4, 2018)

Primary Sponsor: [Senator David W. Marsden](#)

Committee: [Rehabilitation and Social Services \(Senate\)](#)

Summary: Juvenile offenders; parole. Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence, and any person who has active sentences that total more than 25 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences, shall be eligible for parole.

**[VA - SB1081 Juvenile offenders; sentencing, geriatric parole.](#)**

Last Action: Referred to Committee for Courts of Justice (December 14, 2018)

Primary Sponsor: [Senator David W. Marsden](#)

Committee: [Courts of Justice \(Senate\)](#)

Summary: Juvenile offenders; sentencing; geriatric parole. Provides that for any juvenile felony a circuit court may consider a juvenile's diminished culpability and heightened capacity for change in determining the particular sentence to be imposed. The bill allows the Parole Board to consider a petitioner's demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders in

**Roundup**

reviewing a petition for geriatric release when submitted by a person serving a sentence imposed on a juvenile for an offense that would be a crime if committed by an adult.

**[VA - SB1140 Solitary confinement; data collection and reporting, Department of Corrections to submit report.](#)**

Last Action: Referred to Committee on Rehabilitation and Social Services (December 30, 2018)

Primary Sponsor: [Senator Barbara A. Favola \(D\)](#)

Committee: [Rehabilitation and Social Services \(Senate\)](#)

Summary: Solitary confinement; data collection and reporting; report. Requires the Department of Corrections to submit an annual report to the General Assembly and the Governor containing specified statistical information regarding the Department's use of solitary confinement, as defined in the bill.

**[VA - SB1263 Juveniles; trial as adult.](#)**

Last Action: Referred to Committee for Courts of Justice (January 6, 2019)

Primary Sponsor: [Senator Richard L. Saslaw](#)

Committee: [Courts of Justice \(Senate\)](#)

Summary: Juveniles; trial as adult. Increases the minimum age that a juvenile can be tried as an adult in circuit court for a felony from 14 years of age to 16 years of age. The bill allows juveniles 14 years of age or older to be tried as an adult for capital murder or first-degree murder or for rape, forcible sodomy, or object sexual penetration when such conviction requires a mandatory minimum term of confinement of 25 years.

**[VA - SB1659 Juveniles; trial as adult.](#)**

Last Action: Referred to Committee for Courts of Justice (January 9, 2019)

Primary Sponsor: [Senator David W. Marsden](#)

Committee: [Courts of Justice \(Senate\)](#)

Summary: Juveniles; trial as adult. Increases from age 14 to age 16 the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding or for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for charges that require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report of the juvenile be prepared by probation services or other qualified agency and (ii) the attorney for the Commonwealth review such report prior to filing his notice of intent to proceed with a preliminary hearing for trial of such juvenile as an adult.