

Juvenile Justice Changes Ahead...

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Raise the Age and SB 793

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SB 793-Raise the Age-Definition Changes

Chapter 211.021-Definition changes  
Adult-a person **eighteen** years of age or older  
Child-any person under **eighteen** years of age

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### SB 793-Raise the Age-Delinquency

211.031.1(3) changes:

Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of **eighteen** years.....

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### SB 793 Raise the Age-Status Offenses

211.031.1(2)-Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

The child while subject to compulsory school attendance is repeatedly and without justification absent from school(**will not have jurisdiction over 17 year old truant youth**)

The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control

The child is habitually absent from his or her home without sufficient cause, permission, or justification

The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others

(repealed provision of current law that gave juvenile court jurisdiction over status offenders subject to appropriations(2008)

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### SB 793-Raise the Age-Funding

211.435.1(**new**)-There is hereby created in the state treasury the "Juvenile Justice Preservation Fund", which shall consist of moneys collected under subsection 2 of this section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other moneys appropriated by the general assembly. ....The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be distributed to the judicial circuits of the state based upon the increased workload created by sections 211.021 to 211.425 solely for the administration of the juvenile justice system.....provisions of this section expire on August 28, 2024.

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### SB 793-Raise the Age-Funding

211.435.2-~~\$2.00~~ surcharge collected for all traffic violations of any county ordinance or any violation of traffic laws of this state, including an infraction when person has pled guilty

488.315.1- ~~\$3.50~~ surcharge assessed in all civil actions filed in the state

588.003-The prosecuting attorney shall have discretion to charge an offender convicted of an offense in which the victim was a child a fine of up to ~~\$500~~ for each offense

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### SB 793-Raise the Age-Contingency

211.438 RSMo (new section)

Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.



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### SB 793-Raise the Age-Effective Date

**211.439. Effective date.** — The repeal and reenactment of sections [211.021](#), [211.031](#), [211.032](#), [211.033](#), [211.041](#),[211.061](#), [211.071](#), [211.073](#), [211.081](#), [211.091](#), [211.101](#), [211.161](#), [211.181](#), [211.321](#), [211.421](#), [211.425](#), [211.431](#), and [221.044](#) shall become effective on January 1, 2021.



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### Missouri Revisor of Statutes-211.031

211.031 RSMo:

Effective 1-01-21, see § [211.439](#); subject to contingency in § [211.438](#)

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### Is raise the age effective January 1, 2021 or not?

Good question!

Let's take a look at what has transpired since the bill was passed and you be the Judge...

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### What's happened since passage of SB 793?

No funding for RTA included in FY 2021 budget

No mechanism in place to distribute funds collected and deposited in the Juvenile Justice Preservation Fund



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### What's happened since passage of SB 793?

2019-Rep Jeff Knight filed HB 953-Establishes the Interim Joint Committee on Juvenile Court Jurisdiction and Implementation-didn't pass

2020-Rep Jeff Knight filed HB 2149-Establishes Joint Task Force on Juvenile Court Jurisdiction and Implementation-didn't pass

2020-Rep David Evans filed HB 2578-Modifies provisions relating to Juvenile Court-didn't pass

2020-Speaker of the House Elijah Haahr appointed the Blue Ribbon Panel to study plan for RTA implementation

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### What's happened since passage of SB 793?

Blue Ribbon Panel on raise the age has convened twice

Two workgroups have been established:

- Implementation
- Special Session-Legislation

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### What are some challenges in implementing RTA?

Defining 17 year-olds:

Youth who turn 17 prior to January 1, 2021 would be handled as adults, however if they commit an offense after January 1, 2021, they would be considered a juvenile until they turn age 18

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**RTA- Implementation Challenges**

Defining 17-year olds:

A 17-year old in the county jail on pending adult charges assaults someone after January 1, 2021-would have to be charged as a juvenile for the assault

What happens if a 17-year old is already on an SIS or SES and violates their conditions or picks up a new charge? Who has jurisdiction?

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**RTA- Implementation Challenges**

211.033(1)-No person under the age of (seventeen) **eighteen** years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151.

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**211.033.(1) Implementation Challenges**

What happens with 17-year olds who are in jail on or after January 1, 2021 and haven't been certified as adults?

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### RTA-Implementation Challenges

- 219.021-Age of commitment to DYS(didn't change)
- The division shall not keep any youth beyond his eighteenth birth date, except upon petition and a showing of just cause in which the division may maintain custody until the youth's twenty-first birth date
  - Do we need to increase the age of commitment to nineteen? Or risk having more youth certified as adults?

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### RTA-Implementation Challenges

- 167.031-compulsory school attendance age(didn't change)
- Youth are currently subject to compulsory school attendance until age 17 or successful completion of 16 credit hours
  - Should we consider raising this to age 18 to be in line with juvenile court jurisdiction?

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### RTA-Implementation Challenges and Effective Date

- Different statutory interpretations on juvenile court jurisdiction and effective date
- One position is the juvenile court has jurisdiction per 211.439 RSMo, however no services provided to 17-year olds as per 211.438 RSMo

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### RTA-Implementation Challenges and Effective Date

Another statutory interpretation:

- June 18, 2021, Missouri Juvenile Justice Association and Missouri Association of Prosecuting Attorneys issued a joint statement that the juvenile court WILL NOT have jurisdiction over 17-year olds for delinquency or status offenses effective January 1, 2021.

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### RTA-Implementation Challenges and Effective Date

Different opinions:

- 17-year olds should be handled as juveniles and therefore the juvenile court has jurisdiction effective January 1, 2021(right thing for kids)

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### RTA-Implementation Challenges and Effective Date

Not all Prosecutors and Juvenile Officers agree with MJJA and MAPA's statutory interpretation

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## Addressing the Implementation Challenges

Work with the legislature through the Blue Ribbon Panel and other legislative advocacy efforts to address the barriers to effectively and efficiently raising the age of juvenile court jurisdiction.



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## Raise the Age

Questions?

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## Removal of Children from Jails

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### Core Requirements of Juvenile Justice Delinquency Prevention Act (JJDPDA)

- Racial and Ethnic Disparities (RED-formerly known as DMC)
- Sight and Sound Separation from Adult Inmates
- Jail Removal
- De-incarceration of Status Offenses

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### Compliance Monitoring

As a State we are required to be in compliance with the 4 Core Requirements or lose federal grant funding;

Compliance Monitor for the State who conducts audits of jails, law enforcement agencies and juvenile detention centers to ensure compliance with jail removal, sight and sound separation as well as making sure requirements around detention of status offenders is being followed.

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### Juvenile Justice Reform Act of 2018

Federal bill that reauthorized and strengthened the JJDPDA

Signed into law December 21, 2018

Strengthened the 4 Core Requirements



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**Juvenile Justice Reform Act of 2018**

By December 21, 2021, Missouri must be in compliance with the part of the act that says that "juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court"... "may not be held in any jail"..."unless a court finds, after a hearing and in writing that it is in the interest of justice" to permit a juvenile to be held in jail

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**Juvenile Justice Reform Act of 2018-Jail Removal**

Youth certified as an adult who are under age 17/18 (whatever age of criminal majority is) will be held in juvenile detention centers until they reach the age of 17/18 or convicted/found not guilty

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**Juvenile Justice Reform Act of 2018-Interest of Justice**

In determining whether it is in the interest of justice to permit a juvenile to be held in jail the court SHALL consider the following factors:

- Age of juvenile;
- Physical and mental maturity of the juvenile;
- Present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to themselves;
- Nature and circumstances of the alleged offense;

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### Juvenile Justice Reform Act of 2018-Interest of Justice

- Juvenile’s history of prior delinquent acts;
- Relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth;
- Any other relevant factor

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### Juvenile Justice Reform Act of 2018

In the event the court finds that the best interests of justice require the certified juvenile to be held in an adult facility, the court shall hold a hearing once every thirty (30) days to determine whether the placement of the certified juvenile in an adult facility is still in the best interests of justice.

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### Juvenile Justice Reform Act of 2018

A certified juvenile cannot be held in an adult facility for more than 180 days unless the court finds, for good cause, that an extension is necessary or the juvenile, through counsel, waives the 180 day maximum period.

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**Juvenile Justice Reform Act of 2018-  
Jail Removal Considerations**

Juvenile Court does not have jurisdiction once the Court dismisses the petition to permit the child to be prosecuted under the general law

What authority does the Juvenile Court have to hold a certified youth in detention?

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**Juvenile Justice Reform Act of 2018-  
Jail Removal Considerations**

Setting bond, posting bond and bond forfeiture

Transportation

Medical

Costs

Moving from detention to jail or jail to detention

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**Removal of Children from Jails**

Questions?

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**Contact Information**

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