

HB 384

Better Outcomes for Juvenile Offenders

Seeks **SIX KEY AMENDMENTS** that support Utah's commitment to juvenile justice reform for developmentally appropriate accountability and outcomes that support community safety, **BECAUSE:**

- Cognitive reasoning isn't fully developed until age 25
- Community safety and rehabilitation improve when youth receive developmentally appropriate care
- More accountability is needed for certain offenses than currently allowed
- Judicial process should be harder and options increased when impacting a young person's life



ELIGIBILITY TO BE TRIED AS AN ADULT (line no.: 3576, 3645-3744)

Limits transfer to the adult system for only the most serious offenses and allows judges to decide

CURRENT LAW

Direct file: Youth 16 and older automatically for murder and agg. murder; no judges discretion

Serious youth offender: Youth 16 and older for most serious offenses; requires probable cause; burden shifts to defendant; judge discretion is minimized

Traditional certification: Youth 14 and older for any felony; requires probable cause and judges findings; burden is on the state

Allows Juvenile Justice custody **up to 21 years old**

HB 384 AMENDMENT

(Direct file remains the same)

14 and older for murder and aggravated murder

Burden always on the prosecution

16 and older for most serious offenses, e.g. aggravated offenses (line no.: 3580-3588)

Probable cause and judge findings required

OR

Either party may seek Juvenile Justice custody **until 25 years old** prior OR after considering eligibility to try as an adult

3X number of youth tried as adult in Utah since FY2017 (5 to 16)

2/3 youth in Utah's adult system never go to prison and the remaining 1/3 are often released sooner with less treatment than youth in the juvenile system

Negative outcomes of juvenile transfers to adult system:

- higher recidivism
- greater fiscal and social costs
- decreased public safety

OPTIONAL EXTENSION OF JUVENILE JUSTICE CUSTODY TO 25 YEARS OLD (line no.: 3599-3643)

Increases accountability and public safety; gives access to developmentally appropriate treatment



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EARLY INTERVENTION FOR TRUANCY (line no.: 301-307, 1131)

- 2-year extension for schools to refer youth to court for truancy, **ONLY AFTER** trying Youth Services intervention programs
- Continues reduction of court involvement for low-risk juveniles

LOSS OF LIFE PROVISIONS & PRESUMPTIVE LENGTHS OF STAY (line no.: 2497, 2841-2851)

- Removes 3-6 month presumptive lengths of stay if a youth has been to JJS secure care, is on parole and commits another felony
- Removes presumptive lengths of stay for offenses involving loss of life (e.g., manslaughter, negligent homicide) and allows for JJS secure custody



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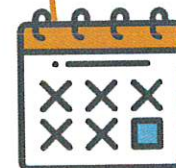


CLARIFICATION ON RESTITUTION (line no.: 1855-1857, 2050-2052, 2564-2578)

- Clarifies limitations of material loss
- Defines who is a victim for consistency among jurisdictions
- Clarifies who can file for restitution

WAIT TIME LIMITS FOR PROBABLE CAUSE HEARING (line no.: 2265-2266)

- Protects juveniles (as we do adults) from unconstitutional restraints of liberty per the Fourth Amendment
- Requires probable cause hearings on weekends and holidays and within 24 hours of arrest



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Currently, youth could spend **100+** hours in detention before a probable cause hearing because of a weekend or holiday---more than **double** the amount of time constitutionally allowed