

SB 367 Committee Amendments Addressing Law Enforcement Testimony

Bill Section	Policy Area	Law Enforcement Concern from Testimony	Committee Amendment
32	Procedure for community supervision officer to obtain a warrant	We question why the court services officer, juvenile community corrections officer, etc. would provide the request for a warrant to a law enforcement officer. Community supervision officers can apply directly to the court for a warrant or go through the prosecutor.	Procedural fix to clarify that warrant shall be requested from court rather than law enforcement
18	Notice to appear citations	A traffic citation is a notice to appear and complaint combined into one document. Is it possible to combine the notice to appear and the complaint in this juvenile process rather than two separate documents and requirements?	Amended to allow the combination of traffic citation and notice to appear documents
24, 25, 26, 27	Prohibition on placement of Children in Need of Care in juvenile detention facilities	The placement of the child into a “secure facility” vs. the current “juvenile detention facility or other secure facility” is a concern in places that may not have an alternative secure facility. Will this require law enforcement to drive long distances in the rural areas of our state to deliver the child to a secure facility? Will we be making that trip multiple times to transport the child back and forth to court hearings? We are not clear on what options for a secure facility will be available in every jurisdiction in the state.	Amended to push back effective date for CINC detention prohibition to July 1, 2019 to allow time for the development of alternative options across the state
32	Grounds for law enforcement officer taking a juvenile offender to intake	The provision requiring a child taken into custody as a juvenile offender by a law enforcement officer to “be brought without unnecessary delay to the custody of the juvenile’s parent or other custodian, unless there are reasonable grounds to believe that such action would not be in the best interests of the child” does not allow consideration of the interest of public safety, other person’s safety or the protection of other people’s property.	<ul style="list-style-type: none"> - Amended to allow officer to bring a child directly to intake rather than home - Amended to include "damage to property" to provision about significant risk of harm to another

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4	Appropriate law enforcement representation on Oversight Committee	One of the members of the Oversight Committee is “one member from a state law enforcement agency.” We believe this should be a local law enforcement officer.	Amended to specify that that law enforcement representative come from a local (rather than a state) agency
1	Case length limits and extension criteria	There are concerns that the maximum time periods for court jurisdiction are too low for some cases. There is also concern that the door for extending beyond these time limits for a very small number of juvenile offenders is prohibited under any conditions.	<ul style="list-style-type: none"> - Amended to remove both the overall case length limit and the cumulative detention cap for off-grid and severity 1-4 person offenses - Amended probation extension criteria to allow extensions to complete evidence-based programming as determined necessary by a validated risk and needs assessment
32, 33, 35, 41, 44, 45	Consideration of a continued risk to others’ property	There are several places in the bill referring to “the juvenile poses a significant risk of harm to others” which excludes consideration of a continued risk to others property. We need an alternative for a juvenile who continues to damage property when released or is threatening to do so.	<ul style="list-style-type: none"> - Amended to include “damage to property” to all provisions defining eligibility criteria for JDC and JCF placement, warrant/arrest procedures, and probation violations
1, 29	Availability of suitable alternatives to detention	There is concern with the new restrictions on using local juvenile detention facilities and whether suitable alternatives will be possible in many of our communities. For example, juvenile offenders when placement alternatives are not available or the youth has not responded to those that are available.	<ul style="list-style-type: none"> - Amended to push back effective date of new criteria for pre-adjudication detention to July 1, 2017 to allow for the development of community-based alternatives to detention - Amended to push back effective date for 30-day cumulative post-adjudication detention cap to July 1, 2017 to allow for the development of community-based alternatives
1, 2, 7, 8, 22, 23, 24, 25, 26, 27, 28, 29, 35, 36, 41, 44, 45, 46, 49, 50, 51, 52, 53, 69	Delay of Implementation Effective Dates	A one-year delay in implementation allows the new law to be published in statute for people to study and plan implementation. We contend this bill is a major reform bill in the critical area of juvenile justice systems, and specifically how juvenile offenders are held accountable. We urge you to consider a one-year delay in implementation of this bill.	<ul style="list-style-type: none"> - Amended to push back effective date of new criteria for pre-adjudication detention to July 1, 2017 - Amended to push back effective date for CINC detention prohibition to July 1, 2019 - Amended to push back effective date for new sentencing procedures - Amended to push back elimination of use of YRCII group home placement to July 1, 2018