

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	HB2311
Version:	SAHB
Request Number:	
Author:	Lawson
Date:	4/30/2021
Impact:	No impact

Research Analysis

The Senate amendment to HB 2311 states that a juvenile may be incarcerated in a facility licensed by the State Department of Health. Additionally, any child who is at least 15 who is charged with murder in the first degree may be detained in an adult facility only after a hearing in which a child is provided representation and the court that makes a written finding that it is in the best interest that it is in the interest of justice that the child be placed in an adult facility. The Senate amendment adds having sight and sound contact to considerations when holding a hearing to determine if holding a juvenile in an adult facility is still in the name of justice.

HB 2311 modifies the provisions for a child serving time in an adult jail. It states that a juvenile may be, upon conviction, incarcerated in an adult facility if it is licensed by the State Department of Health to detain children under eighteen (18) while the child awaits housing. However, an eighteen (18) year old sentenced to the custody of the OJA may be detained in the general population of the county jail pending placement. The bill states that juvenile detention facilities shall be the default placement for persons under seventeen (17), but individuals who are at least fifteen (15) years of age may be considered for detainment in an adult facility, in some cases as determined by the court. The bill determines that a hearing must occur no less than every thirty (30) days or forty-five (45) days for a rural jurisdiction to determine whether it is in the best interest to still hold a youth in an adult facility. The individual cannot remain in an adult facility for more than one hundred eighty (180) days unless the court determines good cause for an extension. Children placed in an adult jail will be afforded rights and protections including providing their mental health screening information to the facility and allowing visit requests in a timely manner. This measure also eliminates some of the instances in which a child would be held in an adult facility including committing a crime that would be a felony for an adult, awaiting an initial court appearance, the initial court appearance happening within twenty-four (24) hours of being taken into custody, the court of jurisdiction being outside of the Standard Metropolitan Area, and a lack of acceptable alternative placements.

Prepared By: Suzie Nahach

Fiscal Analysis

After review, the Senate amendment to HB 2311 has no fiscal or revenue considerations to the state.

Prepared By: Stacy Johnson

Other Considerations

None.

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