

IN THE SENATE

SENATE BILL NO. 1350

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-520, IDAHO CODE, TO PROVIDE FOR REQUIREMENTS REGARDING REPORTING; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20-520, Idaho Code, be, and the same is hereby amended to read as follows:

20-520. SENTENCING. (1) Upon the entry of an order finding the juvenile offender is within the purview of the act, the court shall then hold a sentencing hearing in the manner prescribed by the Idaho juvenile rules to determine the sentence that will promote accountability, competency development and community protection. Prior to the entry of an order disposing of the case, other than an order of discharge or dismissal, the court may request and, if requested, shall receive a report containing the results of an inquiry into the home environment, past history, competency development, prevention or out-of-home placement services provided, and the social, physical and mental condition of the juvenile offender. The report shall be compiled using tools that screen for human trafficking, risks and needs of the juvenile offender, and any trauma suffered by the juvenile offender and shall include any additional screening deemed appropriate. The court shall not consider or review the report prior to the entry of an order of adjudication. Upon presentation and consideration of the report by the court, the court may proceed to sentence the juvenile offender as follows:

(a) Place the juvenile offender on an informal adjustment of the petition for a period not to exceed three (3) years from the date of the order.

(i) Informal adjustments may be ordered for any case filed under this chapter, upon such terms and conditions as the court may deem just and appropriate under the circumstances, and not be limited by the nature of the charge. Informal adjustments may include but are not limited to:

- 1. Reprimand of the juvenile offender;
- 2. Supervision with the probation department;
- 3. Community service work; and
- 4. Restitution to the victim.

(ii) The court shall dismiss the case if:

- 1. An informal adjustment has been granted and the juvenile offender has satisfied the terms or conditions of the informal adjustment;
- 2. The court is convinced by the showing made that there is no longer cause for continuing the period of informal adjustment; and

1 3. It is compatible with the public interest.

2 (iii) If the court, after hearing and notice, finds that a juve-
3 nile has violated the informal adjustment, the court may impose
4 any sentence available to the court pursuant to this chapter.

5 (b) Place the juvenile offender on formal probation for a period not
6 to exceed three (3) years from the date of the order, except the court
7 may place a juvenile offender on formal probation for a period not to
8 exceed the juvenile offender's twenty-first birthday if the court finds
9 that the juvenile offender has committed a crime of a sexual nature. If
10 a juvenile offender is committed to the Idaho department of juvenile
11 corrections pursuant to paragraph (t) of this subsection, the court may
12 place the juvenile offender on probation from the date of sentencing up
13 to three (3) years past the date of release from custody or the juvenile
14 offender's twenty-first birthday, whichever occurs first; provided the
15 court shall conduct a review hearing within thirty (30) days follow-
16 ing release of the juvenile offender from the department of juvenile
17 corrections in order to determine the conditions and term of such proba-
18 tion;

19 (c) Sentence the juvenile offender to detention pursuant to this act
20 for a period not to exceed thirty (30) days for each act, omission, or
21 status that is prohibited by the federal, state, local, or municipal law
22 or ordinance by reason of minority only. The sentence shall not be ex-
23 ecuted unless the act, omission, or status is in violation of 18 U.S.C.
24 922(x) or the court finds that the juvenile offender has violated the
25 court's decree imposing the sentence as provided in this subsection. If
26 the court, after notice and hearing, finds that a juvenile offender has
27 violated the court's decree imposing the sentence under circumstances
28 that bring the violation under the valid court order exception of the
29 federal juvenile justice and delinquency prevention act of 1974, as
30 amended, the court may commit the juvenile offender to detention for the
31 period of detention previously imposed at sentencing;

32 (d) Commit the juvenile offender to a period of detention, pursuant to
33 this act, for a period of time not to exceed ninety (90) days for each un-
34 lawful or criminal act the juvenile offender is found to have committed
35 or if the unlawful or criminal act would be a misdemeanor if committed by
36 an adult;

37 (e) If the juvenile offender has committed an unlawful or criminal act
38 that would be a felony if committed by an adult, the court may commit the
39 juvenile offender to detention for a period not to exceed one hundred
40 eighty (180) days for each unlawful or criminal act;

41 (f) Whenever a court commits a juvenile offender to a period of deten-
42 tion, the juvenile detention center shall notify the school district
43 where the detention center is located. No juvenile offender who is
44 found to come within the purview of the act for the commission of a sta-
45 tus offense shall be sentenced to detention in a jail facility;

46 (g) Commit the juvenile offender to detention and suspend the sentence
47 on specific probationary conditions;

48 (h) The court may suspend or restrict the juvenile offender's driving
49 privileges for such periods of time as the court deems necessary, and
50 the court may take possession of the juvenile offender's driver's li-

1 cense. The juvenile offender may request restricted driving privileges
2 during a period of suspension, which the court may allow if the juvenile
3 offender shows by a preponderance of evidence that driving privileges
4 are necessary for his employment or for family health needs;

5 (i) The court may order that the juvenile offender be examined or
6 treated by a physician, surgeon, psychiatrist, or psychologist or that
7 he receive other special care or that he submit to an alcohol or drug
8 evaluation, if needed, and for such purposes may place the juvenile of-
9 fender in a hospital or other suitable facility;

10 (j) The court may order that the county probation office authorize a
11 comprehensive substance abuse assessment of the juvenile offender. Af-
12 ter receiving the comprehensive substance abuse assessment, and upon a
13 finding by the court that treatment will provide a cost-effective means
14 of achieving the sentencing goals of accountability, competency devel-
15 opment and community protection, the court may order that the juvenile
16 offender receive immediate treatment for substance abuse in keeping
17 with a plan of treatment approved by the court. The initial cost of the
18 assessment and treatment shall be borne by the department of juvenile
19 corrections with funds allocated to the county probation office. The
20 director of the department of juvenile corrections may promulgate rules
21 consistent with this paragraph to establish a schedule of fees to be
22 charged to parents by the county probation office for such services
23 based upon the cost of the services and the ability of parents to pay;

24 (k) In support of an order under the provisions of this section, the
25 court may make an additional order setting forth reasonable conditions
26 to be complied with by the parents, the juvenile offender, his legal
27 guardian or custodian, or any other person who has been made a party to
28 the proceedings, including, but not limited to, restrictions on visi-
29 tation by the parents or one (1) parent, restrictions on the juvenile
30 offender's associates, occupation and other activities, and require-
31 ments to be observed by the parents, guardian or custodian;

32 (l) The court may make any other reasonable order that is in the best in-
33 terest of the juvenile offender or is required for the protection of the
34 public, except that no person under the age of eighteen (18) years may
35 be committed to jail, prison or a secure facility that does not meet the
36 standards set forth in section 20-518, Idaho Code, unless jurisdiction
37 over the individual is in the process of being waived or has been waived
38 pursuant to section 20-508 or 20-509, Idaho Code. The court may combine
39 several of the above-listed modes of disposition where they are compat-
40 ible;

41 (m) An order under the provisions of this section for probation or
42 placement of a juvenile offender with an individual or an agency may
43 provide a schedule for review of the case by the court;

44 (n) Order the proceeding expanded or altered to include consideration
45 of the cause pursuant to chapter 16, title 16, Idaho Code;

46 (o) Order the case and all documents and records connected therewith
47 transferred to the magistrate division of the district court for the
48 county where the juvenile offender and/or parents reside if different
49 than the county where the juvenile offender was charged and found to

1 have committed the unlawful or criminal act, for the entry of a disposi-
2 tional order;

3 (p) Order such other terms, conditions, care or treatment as appear to
4 the court will best serve the interests of the juvenile offender and the
5 community;

6 (q) The court shall assess a twenty-dollar (\$20.00) detention/proba-
7 tion training academy fee against the juvenile offender for every pe-
8 tition filed where there has been an adjudication that the juvenile of-
9 fender is within the purview of this chapter. All moneys raised pur-
10 suant to this paragraph shall be transmitted by the court for deposit
11 in the juvenile corrections fund, which is created in section 20-542,
12 Idaho Code;

13 (r) Additionally, the court shall assess a fee of sixty cents (60¢) per
14 hour of community service against the juvenile offender for every pe-
15 tition filed where there has been an adjudication that the juvenile of-
16 fender is within the purview of this chapter and the court is ordering
17 community service. Such fee is to be remitted by the court to the state
18 insurance fund for purposes of providing worker's compensation insur-
19 ance for persons performing community service pursuant to this chapter.
20 However, if a county is self-insured and provides worker's compensation
21 insurance for persons performing community service pursuant to the pro-
22 visions of this chapter, then remittance to the state insurance fund is
23 not required;

24 (s) Additionally, the court may assess a monthly probation supervision
25 fee that shall be an amount not more than the maximum monthly misde-
26 meanor probation supervision fee set forth in section 31-3201D, Idaho
27 Code, per month, or such lesser sum as determined by the administrative
28 judge of the judicial district, against the juvenile offender placed on
29 probation. The amount of the monthly probation supervision fee shall be
30 paid to the clerk of the district court who shall deposit such fee into
31 the county juvenile probation fund, which is hereby created, in each
32 county or, at the option of the board of county commissioners, deposited
33 in the county justice fund to be used for county juvenile probation
34 services. Moneys from this fee may be accumulated from year to year and
35 shall be expended exclusively for county juvenile probation services
36 and related purposes;

37 (t) Commit the juvenile offender to the legal custody of the department
38 of juvenile corrections for an indeterminate period of time, not to
39 exceed the juvenile offender's nineteenth birthday, unless the custody
40 review board determines that extended time in custody is necessary to
41 address competency development, accountability, and community protec-
42 tion; provided however, that no juvenile offender shall remain in the
43 custody of the department beyond the juvenile offender's twenty-first
44 birthday. The department shall adopt rules implementing the custody
45 review board and operations and procedures of such board. Juvenile
46 offenders convicted as adults and placed in the dual custody of the
47 department of juvenile corrections and the state board of correction
48 under section 19-2601A, Idaho Code, are under the retained jurisdiction
49 of the court and are not within the purview of the custody review board;

1 (u) Notwithstanding any other provision of this section, a court may
2 not commit a juvenile offender under the age of ten (10) years to a pe-
3 riod of detention or to the custody of the department of juvenile cor-
4 rections for placement in secure confinement.

5 (2) When an order is entered pursuant to this section, the juvenile
6 offender shall be transported to the facility or program so designated by the
7 court or the department, as applicable, by the sheriff of the county where
8 the juvenile offender resides or is committed, or by an appointed agent.
9 When committing a juvenile offender to the department, or another entity,
10 the court shall at once forward to the department or entity a certified copy
11 of the order of commitment.

12 (3) Unless the court determines that an order of restitution would be
13 inappropriate or undesirable, it shall order the juvenile offender or his
14 parents or both to pay restitution to or make whole any victim who suffers an
15 economic loss as a result of the juvenile offender's conduct in accordance
16 with the standards and requirements of sections 19-5304 and 19-5305, Idaho
17 Code. The amount of restitution that may be ordered by the court shall not
18 be subject to the limitations of section 6-210, Idaho Code. Court-ordered
19 restitution shall be paid prior to any other court-ordered payments unless
20 the court specifically orders otherwise. The clerk of the district court,
21 with the approval of the administrative district judge, may use the proce-
22 dures set forth in section 19-4708, Idaho Code, for the collection of the
23 restitution.

24 (4) The court may order the juvenile offender's parents or custodian to
25 pay the charges imposed by community programs ordered by the court for the
26 juvenile offender, or the juvenile offender's parents or custodian.

27 (5) Any parent, legal guardian or custodian violating any order of the
28 court entered against the person under the provisions of this chapter shall
29 be subject to contempt proceedings under the provisions of chapter 6, title
30 7, Idaho Code.

31 (6) The clerk of the district court, with the approval of the adminis-
32 trative district judge, may use the procedures set forth in section 19-4708,
33 Idaho Code, for the collection of other debts owed to the court by the juve-
34 nile offender.

35 SECTION 2. This act shall be in full force and effect on and after Jan-
36 uary 1, 2025.