

IN THE SENATE

SENATE BILL NO. 1353

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-511, IDAHO CODE, TO PROVIDE THAT THE COURT MAY DISMISS A CASE UPON AN APPLICATION BY THE JUVENILE OFFENDER IF CERTAIN CRITERIA ARE SATISFIED; AND AMENDING CHAPTER 5, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-520A, IDAHO CODE, TO PROVIDE FOR DISMISSAL AND DISCHARGE UPON COMPLETION OF AN AUTHORIZED DRUG, MENTAL HEALTH OR OTHER AUTHORIZED PROBLEM SOLVING COURT PROGRAM.

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

SECTION 1. That Section 20-511, Idaho Code, be, and the same is hereby amended to read as follows:

20-511. DIVERSION OR INFORMAL DISPOSITION OF THE PETITION. (1) Prior to the filing of any petition under this act, the prosecuting attorney may request a preliminary inquiry from the county probation officer to determine whether the interest of the public or the juvenile requires a formal court proceeding. If court action is not required, the prosecuting attorney may utilize the diversion process and refer the case directly to the county probation officer or a community-based diversion program for informal probation and counseling. If the diversion process is utilized pursuant to this subsection, then statements made by a juvenile in a diversion proceeding shall be inadmissible at an adjudicative proceeding on the underlying charge as substantive evidence of guilt. If community service is going to be utilized pursuant to this subsection, the prosecuting attorney shall collect a fee of sixty cents (60¢) per hour for each hour of community service work the juvenile is going to perform and remit the fee to the state insurance fund for the purpose of securing worker's compensation insurance for the juvenile offender performing community service. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required.

(2) After the petition has been filed and where, at the admission or denial hearing, the juvenile offender admits to the allegations contained in the petition, the court may decide to make an informal adjustment of the petition. Informal adjustment includes, but is not limited to:

- (a) Reprimand of the juvenile offender;
- (b) Informal supervision with the probation department;
- (c) Community service work;
- (d) Restitution to the victim;
- (e) Participation in a community-based diversion program.

(3) The court may dismiss the case upon an application by the juvenile offender if:

1       (a) An informal adjustment has been granted and the juvenile offender  
2       has satisfied the terms or conditions of the informal adjustment;

3       (b) The court is convinced by the showing made that there is no longer  
4       cause for continuing the period of informal adjustment; and

5       (c) It be compatible with the public interest.

6       (4) Information uniquely identifying the juvenile offender, the of-  
7 fense, and the type of program utilized shall be forwarded to the department.  
8 This information shall be maintained by the department in a statewide ju-  
9 venile offender information system. Access to the information shall be  
10 controlled by the department, subject to the provisions of section 9-342,  
11 Idaho Code.

12       (45) Such informal adjustment of the petition shall be conducted in the  
13 manner prescribed by the Idaho juvenile rules. When an informal adjustment  
14 is made pursuant to this section and the juvenile offender is to perform  
15 community service work, the court shall assess the juvenile offender a fee  
16 of sixty cents (60¢) per hour for each hour of community service work the  
17 juvenile offender is to perform. This fee shall be remitted by the court to  
18 the state insurance fund for the purpose of securing worker's compensation  
19 insurance for the juvenile offender performing community service. However,  
20 if a county is self-insured and provides worker's compensation insurance  
21 for persons performing community service pursuant to the provisions of this  
22 chapter, then remittance to the state insurance fund is not required.

23       SECTION 2. That Chapter 5, Title 20, Idaho Code, be, and the same is  
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
25 ignated as Section 20-520A, Idaho Code, and to read as follows:

26       20-520A. DISMISS AND DISCHARGE UPON COMPLETION OF AUTHORIZED DRUG,  
27 MENTAL HEALTH OR OTHER AUTHORIZED PROBLEM SOLVING COURT PROGRAM. If a juve-  
28 nile offender has successfully completed and graduated from an authorized  
29 juvenile drug court program, juvenile mental health court program or other  
30 authorized problem solving court program and, during any period of probation  
31 that may have been served following such graduation, has satisfied the terms  
32 or conditions of the probation, the court may, if convinced by the showing  
33 made that there is no longer cause for continuing the period of probation,  
34 and if it be compatible with the public interest, terminate the juvenile's  
35 sentence, set aside the adjudication of the juvenile offender finding the  
36 juvenile offender within the purview of the juvenile corrections act, and  
37 finally dismiss the case and discharge the juvenile offender from the juris-  
38 diction of the court. This section shall apply to the cases in which juvenile  
39 offenders have been found within the purview of the juvenile corrections act  
40 before the effective date of this section, as well as to cases that arise on  
41 or after the effective date of this section.