

2010 -- H 7034

LC00277

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN

Introduced By: Representative A Rice

Date Introduced: January 07, 2010

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 14-1-6 of the General Laws in Chapter 14-1 entitled "Proceedings  
2 in Family Court" is hereby amended to read as follows:

3 **14-1-6. Retention of jurisdiction.** -- (a) When the court shall have obtained jurisdiction  
4 over any child prior to the child having attained the age of eighteen (18) years by the filing of a  
5 petition alleging that the child is wayward or delinquent pursuant to section 14-1-5, the child  
6 shall, except as specifically provided in this chapter, continue under the jurisdiction of the court  
7 until he or she becomes ~~nineteen (19)~~ twenty-one (21) years of age, unless discharged prior to  
8 turning ~~nineteen (19)~~ twenty-one (21). When the court shall have obtained jurisdiction over any  
9 child prior to the child's eighteenth (18th) birthday by the filing of a petition alleging that the  
10 child is dependent, neglected and abused pursuant to sections 14-1-5 and 40-11-7, including any  
11 child under the jurisdiction of the family court on petitions filed and/or pending before the court  
12 prior to July 1, 2007, the child shall, except as specifically provided in this chapter, continue  
13 under the jurisdiction of the court until he or she becomes ~~eighteen (18)~~ twenty-one (21) years of  
14 age; provided, that prior to a child turning eighteen (18) years of age, the court shall require the  
15 department of children, youth, and families to provide a description of the transition services  
16 afforded the child in placement or a detailed explanation as to the reason those services were not  
17 offered; provided further that any youth who comes within the jurisdiction of the court by the  
18 filing of a wayward or delinquent petition based upon an offense which was committed prior to  
19 July 1, 2007, including youth who are adjudicated and committed to the Rhode Island Training

1 School and who are placed in a temporary community placement as authorized by the family  
2 court, may continue under the jurisdiction of the court until he or she turns twenty one (21) years  
3 of age.

4 (b) In any case where the court shall not have acquired jurisdiction over any person prior  
5 to the person's eighteenth (18th) birthday by the filing of a petition alleging that the person had  
6 committed an offense, but a petition alleging that the person had committed an offense which  
7 would be punishable as a felony if committed by an adult has been filed before that person attains  
8 the age of ~~nineteen (19)~~ twenty-one (21) years of age, that person shall, except as specifically  
9 provided in this chapter, be subject to the jurisdiction of the court until he or she becomes  
10 ~~nineteen (19)~~ twenty-one (21) years of age, unless discharged prior to turning ~~nineteen (19)~~  
11 twenty-one (21).

12 (c) In any case where the court shall not have acquired jurisdiction over any person prior  
13 to the person attaining the age of ~~nineteen (19)~~ twenty-one (21) years by the filing of a petition  
14 alleging that the person had committed an offense prior to the person attaining the age of eighteen  
15 (18) years which would be punishable as a felony if committed by an adult, that person shall be  
16 referred to the court which would have had jurisdiction over the offense if it had been committed  
17 by an adult. The court shall have jurisdiction to try that person for the offense committed prior to  
18 the person attaining the age of eighteen (18) years and, upon conviction, may impose a sentence  
19 not exceeding the maximum penalty provided for the conviction of that offense.

20 (d) In any case where the court has certified and adjudicated a child in accordance with  
21 the provisions of sections 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the  
22 power and authority to sentence the child to a period in excess of the age of ~~nineteen (19)~~ twenty-  
23 one (21) years. However, in no case shall the sentence be in excess of the maximum penalty  
24 provided by statute for the conviction of the offense.

25 (e) Nothing in this section shall be construed to affect the jurisdiction of other courts  
26 over offenses committed by any person after he or she reaches the age of eighteen (18) years.

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would allow the family court to retain jurisdiction over juveniles until the age of  
2 twenty-one (21).

3           This act would take effect upon passage.

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