

HOUSE BILL 1520

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 37,  
Chapter 1, relative to establishing an extended  
juvenile court jurisdiction pilot program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-102(b)(5), is amended by adding the following new subdivision (b)(5)(C) and redesignating the current subdivision (b)(5)(C) and subsequent subdivisions accordingly:

(C) A young adult under twenty-four (24) years of age for the limited purpose of participating in an extended juvenile court jurisdiction pilot program under § 37-1-134(m).

SECTION 2. Tennessee Code Annotated, Section 37-1-134, is amended by adding the following new subsection (m):

(m)

(1) If a juvenile court judge in any county having a population of more than five hundred thousand (500,000) according to the 2020 federal census or any subsequent federal census determines that the criteria for transfer have been met under subsection (a) after a transfer hearing has been held, then the court may choose to proceed with the case as an extended juvenile court jurisdiction case, allowing the youth to remain under the jurisdiction of the juvenile court until the age of twenty-four (24), if the judge finds that the youth is amenable to treatment and rehabilitation but, based on the age of the offender, the nature of the offense, past delinquent acts of the youth, and other relevant factors, additional treatment and rehabilitation may be necessary beyond the department of children's services commitment period.

(2) If the judge determines the youth should be subject to an extended juvenile court jurisdiction sentence, then the case shall proceed in the following manner:

(A) A hearing on the juvenile petition shall be held in juvenile court before a juvenile magistrate, subject to subsection (g).

(B) If the youth is not adjudicated delinquent on any of the charges, then the case shall be dismissed and expunged.

(C) If the youth is adjudicated delinquent of one (1) or more act, but none of those acts would be a felony offense if committed by an adult, then the magistrate shall dispose of the case as a regular juvenile court jurisdiction case.

(D) If the youth is adjudicated delinquent of one (1) or more act that would be a felony offense if committed by an adult, then the following shall apply:

(i) The case must be set for a hearing before the juvenile court judge for imposition of an extended juvenile court jurisdiction sentence. The extended juvenile court jurisdiction sentence shall not extend after the youth's twenty-fourth birthday.

(ii) The court shall commit the youth to the custody of the department of children's services for a determinate period of time until the youth's nineteenth birthday under § 37-1-137(a)(1)(B). In addition to committing the youth to the custody of the department of children's services until the youth's nineteenth birthday, the court shall determine the length of the extended juvenile court

jurisdiction sentence to be served in an adult correctional facility that is not operated by the department of correction.

(ii) The court shall stay the extended juvenile court jurisdiction sentence pending a hearing to occur when the youth is eligible to be released from the secure custody of the department of children's services.

(iv) Prior to releasing the youth from secure custody, the department of children's services shall petition the court for review of the youth's treatment and rehabilitation progress while in the custody of the department. At the hearing, the court shall determine whether the youth has been sufficiently rehabilitated and whether the youth can safely return to the community. If the youth has been sufficiently rehabilitated, then the youth shall be released from the custody of the department without further conditions. If the youth has not been sufficiently rehabilitated, then the court shall lift the stay of the extended juvenile court jurisdiction sentence and order the young adult to be committed to the custody of an adult correctional facility that is not operated by the department of correction to serve the remainder of the extended juvenile court jurisdiction sentence. The court may enter any appropriate orders requiring the young adult to participate in programs or receive any other rehabilitative services while in the adult correctional facility.

(3) The records of an extended juvenile court jurisdiction case shall remain confidential pursuant to § 37-1-153 and shall not constitute an adult

criminal record, including the time spent in an adult correctional facility. Records relating to extended juvenile court jurisdiction cases are not public records.

SECTION 3. Tennessee Code Annotated, Section 37-1-137(a)(1)(B), is amended by adding the language "has been sentenced to an extended juvenile court jurisdiction sentence under § 37-1-134(m)," after "one (1) of which has resulted in institutional commitment to the department of children's services,".

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.