

Juvenile Justice Public Safety Improvement Act Table of Contents

| <u>TOPIC</u> | <u>PAGES</u> | <u>SECTIONS</u> |
|--|---------------------|------------------------|
| Definitions | 1-3 | 1 |
| Diversion | 3-4 | 2, 3 |
| Preliminary Investigation Procedure | 4-5 | 4 |
| Diversion Fiscal Incentive | 5-6 | 5 |
| Community Based Interventions | 6-7 | 6, 7 |
| Native American Youth Outcomes | 7 | 8, 9 |
| DOC Treatment Team Meetings | 7-8 | 10 |
| Oversight Council | 8-10 | 11, 12, 13 |
| Community Response Teams | 10-12 | 14, 15, 16, 17, 18 |
| Delinquent – Purpose and Disposition Options | 12-14 | 19, 20 |
| Community Service Programs | 14-15 | 21 |
| Use of Detention | 15 | 22 |
| Delinquent – Probation | 15-19 | 23, 24, 25, 26, 27 |
| CHINS – Purpose and Disposition Options | 19-22 | 28, 29 |
| CHINS – Probation | 22-24 | 30, 31 |
| Performance Based Contracting | 24-27 | 32, 33, 34 |
| Aftercare Violators | 27-28 | 35, 36 |
| Cited Violations | 28-31 | 37, 38, 39, 40, 41 |
| Detention Cost-Sharing | 31-32 | 42, 43, 44, 45, 46 |
| Effective Dates | 32 | 47 |

Juvenile Justice Public Safety Improvement Act

Summary

Section 1 – Definitions

Definition of terms used in the Act.

Section 2 – Diversion Duration and Restitution

Amended language changes the duration of diversion to four months and authorizes the imposition of restitution as a condition of diversion. The language was also amended to clarify intent that diversion be available to all youth at the state’s attorneys’ discretion.

Section 3 – Diversion Criteria

New section establishes criteria for those youth that are non-violent misdemeanants or CHINS with no prior adjudications as well as no diversions within twelve months, to be referred to diversion by the state’s attorney.

Section 4 – Preliminary Investigation Procedure

Amended language so the state’s attorney may prosecute juvenile cited violations.

Section 5 – Diversion Fiscal Incentive

New section requires the DOC to develop a program to incentivize county use of diversion, establish parameters for the program, and report to the oversight council.

Section 6 – Community Based Intervention/Service Model

New section authorizes the DSS, in coordination with the DOC and the UJS, to identify community-based treatment to be provided. It sets up a process that incorporates risk and needs assessment to guide referrals to community-based treatment.

Section 7 – Data/Reporting for Community Based Interventions

New section specifies data the DSS is required to collect and submit semiannually to the oversight council and provide to the DOC and UJS.

Section 8 – Native American Outcomes Study

New section requires the Department of Tribal Relations, in coordination with other state agencies and stakeholders, to evaluate and make recommendations to the oversight council to improve outcomes for justice system involved Native American children.

Section 9 – Native American Study Reporting

New section requires the Department of Tribal Relations to report to the oversight council eighteen months and twenty-four months after the Act’s effective date progress on its evaluation and submit final recommendations to improve outcomes for Native American children.

Section 10 – DOC Role in Treatment Team Meetings

New section requires the DOC to train its staff to participate in monthly treatment team meetings for youth placed in state-run or private residential facilities.

Section 11 – Oversight Council Establishment

New section establishes an oversight council to monitor the provisions set forth in the Act.

Section 12 – Oversight Council Composition

New section describes the composition of the oversight council.

Section 13 – Oversight Council Powers and Duties

New section describes the meeting frequency, powers, and duties of the oversight council.

Section 14 – Community Response Teams (CRTs)

New section allows the presiding judge to appoint CRTs to assist judges by recommending community-based interventions for CHINS and delinquent youth.

Section 15 – Establishment of CRT Rules

New section authorizes the Supreme Court to establish rules regarding the formation of the CRTs.

Section 16 – CRT Recommendation for Delinquents

Amended language allows the court to seek a recommendation from the CRT prior to disposition to the DOC for a delinquent child.

Section 17 – CRT Recommendation for CHINS

Amended language allows the court to seek a recommendation from the CRT prior to disposition to the DOC for a CHINS.

Section 18 – CRT Performance Measures

New section establishes that UJS will semiannually report CRT performance measures to the oversight council.

Section 19 – Purpose of Delinquent Children Chapter

Amended language clarifies intent to focus on community-based rehabilitation for delinquent child.

Section 20 – Delinquency Disposition Options

Amended language specifies criteria to commit a delinquent child to the DOC.

Section 21 – Community Service Programs

New section details parameters of community service engagement, receipt, and oversight.

Section 22 – Criteria for Extended Use of County Detention

New section specifies required findings prior to placing a child in county detention for more than 14 days in a 30 day period.

Section 23 – Probation Duration for Delinquents

Amended language specifies the duration of juvenile probation for delinquent children and authorizes extensions under specified circumstances.

Section 24 – Probation Data/Reporting

New section describes data the UJS will collect and submit semiannually to the oversight council on charging decisions, dispositions, juvenile probationers, and recidivism.

Section 25 – Graduated Responses for Probationers

New section allows the Supreme Court to establish rules for the development and use of a graduated sanctions and incentives procedure and grid for juvenile probationers.

Section 26 – Graduated Response Reporting

New section specifies the graduated response data that the UJS must collect and submit

semiannually to the oversight council.

Section 27 – Delinquent Probation Violations

Amended language specifies findings that must be made to commit a delinquent probation violator to the DOC.

Section 28 – Purpose of CHINS Chapter

Amended language clarifies intent to focus on community-based rehabilitation for CHINS.

Section 29 – CHINS Disposition Options

Amended language specifies criteria to commit a CHINS to the DOC.

Section 30 – Probation Duration for CHINS

Amended language specifies the duration of juvenile probation for CHINS and authorizes extensions under specified circumstances.

Section 31 – CHINS Probation Violations

Amended language specifies findings that must be made to commit a CHINS probation violator to the DOC.

Section 32 – Performance Based Contracting for Group Care/Expectations for STAR Academy

New section describes a performance based reimbursement rate structure for group care providers contracted by the DOC. This section also requires that state-run juvenile corrections facilities design and operate programs to achieve release to aftercare within three months.

Section 33 – Performance Based Contracting for Residential Treatment Centers

New section describes a performance based reimbursement rate structure for residential treatment and intensive residential treatment center providers contracted by the DOC.

Section 34 – DOC Performance Measures

New section requires the DOC to semiannually report performance measures on committed youth and duration of placement to the oversight council.

Section 35 – DOC Aftercare Violations

Amended language enumerates criteria the DOC hearing officers must evaluate to proceed toward an aftercare revocation hearing.

Section 36 – DOC Aftercare Violation Data/Reporting

New section specifies the aftercare violation data that the DOC is required to collect and report semiannually to the oversight council.

Section 37 – Cited Violations

New section specifies the delinquency and CHINS violations to be treated as cited violations.

Section 38 – State’s Attorney Procedures for Cited Violations

New section details preliminary procedures for state’s attorneys prosecuting juvenile cited violations.

Section 39 – Court Procedure for Cited Violations

New section describes the circuit court procedure for cited violations.

Section 40 – Disposition Alternatives for Cited Violations

New section describes the disposition options for cited violations and requires judgment on cited violations to be confidential.

Section 41 – Uniform Traffic Ticket Rules

New section permits the attorney general to revise the uniform traffic ticket to be used by law enforcement for juvenile cited violations.

Section 42 – Detention Cost-Sharing Development

New section requires the DOC to develop the juvenile justice detention cost-sharing fund to assist counties with increased juvenile detention expenses.

Section 43 – Detention Cost-Sharing Data Requirements

New section describes deadlines for data counties must provide to participate in the juvenile justice detention cost-sharing fund, and manner that non-participating counties may become participating counties in subsequent years.

Section 44 – Detention Cost-Sharing Application

New section describes data counties must submit to the DOC to receive funds from the juvenile justice detention cost-sharing fund.

Section 45 – Detention Cost-Sharing Funding Process

New section describes the process by which the DOC will determine funding amounts for counties participating in the juvenile justice detention cost-sharing fund.

Section 46 – Detention Cost-Sharing Duration

New section repeals sections 42 to 45, inclusive, on January 30, 2019 and authorizes transfer of any remaining moneys in the detention cost-sharing fund to the general fund.

Section 47 – Effective Dates

New section makes sections 14 to 18, inclusive, sections 23 to 27, inclusive, sections 29 to 33, inclusive, sections 37 to 41, inclusive, and sections 7, 20 and 35 of this Act effective on January 1, 2016.