Summary of Major Legislative Changes Enacted and Pending 2013
Juvenile Justice: Counsel, Sentencing and Court Procedure, Interrogations, and Cost Sharing

Category	State	Status	Bill	Subcategory	Bill Summary	Fiscal Information
Counsel	California	Pending - last action on the bill was May 23, 2013.	SB 166	Professional standards	Requires the Judicial Council to establish minimum hours of training and education necessary in order to be appointed as counsel in delinquency proceedings. This training would count towards continuing education credits. Requires the Judicial Council to adopt rules about required training areas, which would include juvenile delinquency law, child and adolescent development, special education, mental health issues, child abuse and neglect, counsel's ethical duties, appellate issues, direct and collateral consequences for a minor of court involvement, and securing effective rehabilitative resources. Public defenders, et al would be encouraged to offer trainings and district attorneys are encouraged to participate in trainings.	Minor rule making costs, ongoing costs in "excess of" $150,000 per year if training is mandated for court appointed counsel.
Counsel	Idaho	Enacted - signed by the Governor on April 2, 2013, and took effect on July 1, 2013.	HB 0149	Appointment, waivers	Clarifies the circumstances in which juveniles are appointed counsel at public expense and limits the circumstances in which juveniles may waive their right to counsel to certain, non-serious offenses. Clarifies that the right to counsel attaches at the stage that he or she is detained. The bill also limits the use of information provided by a juvenile in a pre-adjudication diversion proceeding in order to "balance the Fifth Amendment privilege against self-incrimination and Sixth Amendment right to counsel of the juvenile with the government's interest in facilitating informal disposition of juvenile proceedings."	No state impact, indeterminate impact at the local level.
Counsel	Texas	Enacted - signed by the Governor on June 14, 2013, with some portions of the bill taking effect by September 1, 2013, and others (provisions on certain reporting requirements), taking effect on September 1, 2014.	HB 1318	Appointment	Specifies that the Public Defender's Office (PDO) may not accept an appointment if so doing violates the maximum allowable caseloads established by the PDO. If the public defender refuses an appointment, the chief public defender must file a written statement with the court explaining the reasoning. Requires, unless it finds appointment of counsel is not feasible due to exigent circumstances, the court shall appoint counsel within a "reasonable time" before the first detention hearing. The bill requires reporting on appointments of counsel within specified time frames.	The fiscal analysis says no signficant fiscal impact to the state or local governments is anticipated.
Counsel, Court	Oklahoma	Enacted - signed by the Governor on May 31, 2013. Doesn't specify a different effective date.	SB 679	Appointment, costs; sentencing and court procedures	Under current law, a juvenile is only eligible for court-appointed counsel in a delinquency proceeding if the parent is indigent. If the parent isn't indigent but refuses to pay for counsel, the court is required to appoint counsel to represent the child at detention hearings until counsel is provided. Costs for court appointed counsel are imposed on the parent and services are provided by the Oklahoma Indigent Defense System. After that, the court is not to appoint counsel but to order the parent to obtain counsel. Failure by the parent to do so is to be found as indirect contempt of court. Bill clarifies which cases the Oklahoma Indigent Defense System applies to. The bill establishes fees for services provided by the court appointed counsel. Clarifies how a guardian ad litem is appointed. Clarifies when a court may defer delinquency adjudication for certain offenses by requiring that the district attorney agree if the offense would be classified as a felony for an adult. Includes other various provisions regarding assessments of juveniles, detention procedures, rights of juveniles at revocation hearings (bill clarifies the right to counsel applies at these hearings, among other substantive provisions). Allows courts to require a parent or guardian participate in juvenile court appearances, but clarifies this doesn't create a right of any child to have his or her parent present at any juvenile proceeding. Clarifies that a juvenile doesn't have to disclose events for which the records are sealed. The bill also makes changes concerning the circumstances for terminating parenting rights.	Indeterminate according to the fiscal analysis.
Counsel, Costs	Florida	Enacted - signed by the Governor June 5, 2013, and took effect on July 1, 2013.	HB 0311	Costs of prosecution, investigation, and appointment	Allows the court to withhold certain amounts for costs of prosecution and representation from the return of a cash bond posted on behalf of a defendant. Current Florida statute sets these costs (amount is doubled since the fee is the same for the costs of prosecution and the costs of representation) as $50 for misdemeanor or criminal traffic offense and $100 for felony criminal cases. If requested, convicted adults may also be liable for actual amounts of investigative costs by a law enforcement agency, fire department, and state agencies that are the equivalent of Colorado's Department of Revenue. Under current Florida law, juveniles in delinquency cases don't pay the costs for prosecution, but are required to pay the cost for representation. The bill allows juveniles to perform community service in lieu of payment if the court determines they are unable to pay. However, the bill also allows juveniles to be liable for prosecution costs, in a similar manner to adults. The bill also clarifies that these costs can be assessed regardless of how the case is disposed of.	Interdeterminate increase in revenue.
Court	Iowa	Enacted - signed by the Governor on April 24, 2013, and took effect on July 1, 2013.	SF 288	Sentencing and court procedures	Clarifies age/crime requirements for youth to be excluded from juvenile court; redefines the applicability of youth offender status (juveniles prosecuted in adult district court, whether as a juvenile or as an adult) and sentencing options available under that classification for district courts; clarifies adjudiction procedures for future offenses by juveniles not sentenced in district court; allows for deferred sentences for juveniles in district court, even if that option is not available for adults for the same offense.	Not on the website, can request.

Attachment D

Summary of Major Legislative Changes Enacted and Pending 2013
Juvenile Justice: Counsel, Sentencing and Court Procedure, Interrogations, and Cost Sharing

Category	State	Status	Bill	Subcategory	Bill Summary	Fiscal Information
Court	Illinois	**Enacted** - signed by the Governor and took effect on July 8, 2013.	HB 2404	Sentencing and court procedures	Bill makes amendments to the Juvenile Court Act of 1987. Changes the definition of delinquent minor to someone who is under the age of 18, rather than 17 when he or she committed a felony. Makes similar changes to the age concerning confidentiality of juvenile records and makes corresponding changes to the expungement provisions.	Not on the website, can request.
Court	Maryland	**Enacted** - the bill took effect on June 1, 2013.	HB 0786	Juvenile court jurisdiction	Establishes a task force to study issues including whether to eliminate exclusionary offenses that automatically result in adult charges for youth and restore juvenile court discretion. The task force is to make a report on its findings by December 1, 2013.	Not applicable, but may want to monitor to see what their report recommends.
Court, Costs	Georgia	**Enacted** - signed by the Governor May 2, 2013, takes effect January 1, 2014.	HB 242	Court procedure, cost sharing, standardizing of data collection and assessment tools, and contracting requirements	Modifies the "Designated Felony Act" to create a two-class system to allow for adjusting dispositional sanctions to take into account offense severity and risk level; prohibits status offenders and certain misdemeanants from being disposed to residential facilities; implements a performance incentive structure for community-based youth facilities; mandates use of validated risk and needs assessment tools prior to detention and disposition decisions; mandates that the state and local probation agencies develop and adopt a structured decision-making tool to guide placement recommendations; requires consistent and uniform data collection from juvenile courts and other juvenile justice agencies; requires juvenile justice agencies using state funding develop performance based contracts with private providers; requires agencies that request an assessment pay for transport of the juvenile; among other reforms (those were targeted at adults, see report)	Not on the website, can request.
Investigations	California	**Pending** - last action on the bill was July 2, 2013.	SB 569	Electronic recording of interrogations of juveniles	Requires electronic recording of entire custodial interrogation of a minor who is suspected of committing a specified offense, unless doing so would somehow jeopardize the identity of a confidential informant. The state is required to reimburse local law enforcement agencies for these costs. (Note: California's constitution requires that the state reimburse local entities for imposing a mandate).	Annual costs of about $250,000 to hear petitions related to admissibility of recordings for courts and substantial costs in the millions of dollars for start up and operating costs for recordings (not specified). Unspecified savings related to reduced court and other costs resulting from false confessions and avoided litigation from interrogation issues.
Investigations	Illinois	**Pending** - sent to the Governor on June 28, 2013.	SB 1006	Electronic recording of interrogations of juveniles	Specifies that custodial interrogations of juveniles are not admissible as evidence in court unless an electronic recording is made of the interrogation. Phases in implementation based on the offense and when the interrogation was committed. Allows recording to continue if the juvenile starts referencing events that under the probable cause standard would cause investigators to suspect the person committed another separate crime - i.e. they don't need to stop and make a separate recording.	Fiscal impact statements say this bill does not impose a state mandate or preempt home rule authority. The statement includes $55,000 in start-up costs and $15,000 in ongoing costs for recording video camera recording equipment for the Illinois State Patrol.