

H.95—Questions for Decision

1. Should Family Division jurisdiction over juvenile proceedings be expanded?

Current system:

-If child is 14-17 and offense is Big 12, proceeding *shall* start in Criminal Division and *may* transfer down to Family Division.

Proposal: if child is 15-17 and offense is Big 12, proceeding *may* start in Criminal and transfer down to Family or start in Family and transfer up to Criminal; no offenses required to start in Criminal

-If child is 10-13 and offense is Big 12, *shall* start in Family Division and *may* transfer up to Criminal Division.

Proposal: no transfers up to Criminal for 10-13 year olds

-If child is 16-17 and offense is not Big 12, State's Attorney has discretion to start in either Family or Criminal, and *may* be transferred either way.

Proposal: no discretion to file in Criminal for non-Big 12 offenses

If offense is not in one of above categories, proceeding *shall* start and remain in Family Division.

2. (A) If jurisdiction should be expanded, should all proceedings against minors under 18 start in Family Division? Or should some proceedings continue to start in Criminal Division? And should SA's retain discretion to file in Criminal Division for certain offenses?

(B) If some start in Criminal Division, which ones?

Currently: 14-17 Big 12 *shall*, 16/17 non-Big 12 *may*

Proposal: No offenses *shall*, 15-17 modified Big 12 (strike burglary into occupied dwelling) *may*

(C) If SA's do retain discretion, for which offenses and ages?

Currently: 16/17 non-Big 12

Proposal: 15-17 modified Big 12

(D) Should Big 12 offenses be expanded, to listed crimes for example?

3. Should Family Division be authorized to extend jurisdiction beyond age 18? If so, to what age and for which offenses? Would a finding be required, and if so what would it be?

Currently: Family Division may extend jurisdiction to age 18.5 if offense was non-violent misdemeanor and child was 17 when he or she committed it

4. Should victims' rights be expanded in juvenile proceedings? If so, in what ways? [Matt and Judy are working on this.]