

HB358 INTRODUCED



1 HB358
2 SSWI877-1
3 By Representatives Brinyark, Hill, Woods, Robbins, Tillman,
4 Sellers, Almond, Collins
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SYNOPSIS:

Under existing law, the age of majority is 19 years of age.

Also under existing law, juvenile courts have original jurisdiction over criminal acts committed by children under 18 years of age or, in certain circumstances, under 19 years of age; child in need of supervision matters and commitments to the State Department of Mental Health for individuals under 19 years of age; and certain crimes relating to juvenile delinquency committed by individuals over 18 years of age.

This bill would provide that juvenile courts have original jurisdiction over criminal acts committed by children under the age of majority; child in need or supervision matters and commitments to the State Department of Mental health for children who are under the age of majority; and certain crimes relating to juvenile delinquency committed by individuals over the age of majority.

This bill would provide that a child who has not arrived at the age of majority may not be detained or confined in any jail or lockup for adults, with exceptions.

This bill would also delete duplicative language



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29 and make nonsubstantive, technical revisions to update
30 the existing code language to current style.

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A BILL

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TO BE ENTITLED

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AN ACT

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37 Relating to juvenile courts; to amend Sections
38 12-15-102, 12-15-114, 12-15-116, 12-15-117, 12-15-207, and
39 12-15-208, Code of Alabama 1975; to further provide for the
40 original jurisdiction of juvenile courts; to provide that a
41 child under the age of majority may not be detained in a
42 facility for adults, with exceptions; and to make
43 nonsubstantive, technical revisions to update the existing
44 code language to current style.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46 Section 1. Sections 12-15-102, 12-15-114, 12-15-116,
47 12-15-117, 12-15-207, and 12-15-208, Code of Alabama 1975, are
48 amended to read as follows:

49 "§12-15-102

50 When used in this chapter, the following ~~words and~~
51 ~~phrases~~ terms have the following meanings:

52 (1) ADULT. An individual ~~19 years of age or older~~ who
53 has reached the age of majority as provided in Section 26-1-1.

54 (2) AFTERCARE. Conditions and supervision as the
55 juvenile court orders after release from the Department of
56 Youth Services.



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- 57 (3) CHILD. An individual ~~under:~~
- 58 a. Under the age of ~~18 years, or~~ majority as provided
- 59 in Section 26-1-1; ~~under~~
- 60 b. Under 21 years of age and before the juvenile court
- 61 for a delinquency matter arising before that ~~individual's 18th~~
- 62 ~~birthday, or~~ individual has arrived at the age of majority as
- 63 provided in Section 26-1-1; ~~under 19 years of age~~
- 64 c. Under the age of majority as provided in Section
- 65 26-1-1 and before the juvenile court for a child in need of
- 66 supervision matter or commitment to the State Department of
- 67 Mental Health ~~or under 19 years of age;~~
- 68 d. Under the age of majority as provided in Section
- 69 26-1-1 and before the juvenile court for a proceeding
- 70 initiated under Section 12-15-115 (b) (2) ; or. ~~Where a~~
- 71 ~~delinquency petition alleges that an individual, prior to the~~
- 72 ~~individual's 18th birthday, has committed an offense for which~~
- 73 ~~there is no statute of limitation pursuant to Section 15-3-5,~~
- 74 ~~the term child also shall include the individual subject to~~
- 75 ~~the petition, regardless of the age of the individual at the~~
- 76 ~~time of filing.~~
- 77 e. Of any age and before the juvenile court for a
- 78 delinquency matter arising before that individual arrived at
- 79 the age of majority if the offense has no statute of
- 80 limitations pursuant to Section 15-3-5
- 81 (4) CHILD IN NEED OF SUPERVISION. A child who has been
- 82 adjudicated by a juvenile court for doing any of the following
- 83 and who is in need of care, rehabilitation, or supervision:
- 84 a. Being subject to the requirement of compulsory



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85 school attendance, is habitually truant from school as defined
86 by the State Board of Education in the Alabama Administrative
87 Code. ~~Notwithstanding the foregoing, a child shall not be~~
88 ~~found in need of supervision pursuant to this subdivision if~~
89 This term does not include a child for whom the juvenile court
90 determines that the parent, legal guardian, or legal custodian
91 of the child was solely responsible for the nonattendance of
92 the child.

93 b. ~~Disobeys~~ Disobeying the reasonable and lawful
94 demands of his or her parent, legal guardian, or legal
95 custodian and is beyond the control of the parent, legal
96 guardian, or legal custodian.

97 c. ~~Leaves, or remains~~ Leaving, or remaining away from,
98 the home without the permission of the parent, legal guardian,
99 legal custodian, or ~~person~~ individual with whom he or she
100 resides.

101 d. ~~Commits~~ Committing an offense established by law but
102 not classified as criminal.

103 (5) CHILD'S ATTORNEY. A licensed attorney who provides
104 legal services for a child, ~~or for a minor in a mental~~
105 ~~commitment proceeding,~~ and who owes the same duties of
106 undivided loyalty, confidentiality, and competent
107 representation to the child ~~or minor~~ as is due an adult
108 client.

109 (6) DELINQUENT ACT. An act committed by a child that is
110 designated a violation, misdemeanor, or felony offense
111 pursuant to the law of the municipality, county, or state in
112 which the act was committed or pursuant to federal law. This



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113 term ~~shall~~ does not apply to any of the following:

114 a. ~~An offense~~ Any of the following offenses when
115 committed by a child 16 or 17 years of age ~~as follows~~:

116 1. A nonfelony traffic offense or water safety offense
117 other than one charged pursuant to Section 32-5A-191 ~~or~~,
118 Section 32-5A-191.3, or a municipal ordinance prohibiting the
119 same conduct.

120 2. A capital offense.

121 3. A Class A felony.

122 4. A felony ~~which~~ that has as an element the use of a
123 deadly weapon.

124 5. A felony ~~which~~ that has as an element the causing of
125 death or serious physical injury.

126 6. A felony ~~which~~ that has as an element the use of a
127 dangerous instrument against any ~~person~~ individual who is one
128 of the following:

129 (i) A law enforcement officer or official.

130 (ii) A correctional officer or official.

131 (iii) A parole or probation officer or official.

132 (iv) A juvenile court probation officer or official.

133 (v) A district attorney or other prosecuting officer or
134 official.

135 (vi) A judge or judicial official.

136 (vii) A court officer or official.

137 (viii) ~~A person~~ An individual who is a grand juror,
138 juror, or witness in any legal proceeding of whatever nature
139 when the offense stems from, is caused by, or is related to
140 the role of the ~~person~~ individual as a juror, grand juror, or



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141 witness.

142 (ix) A teacher, principal, or employee of the public
143 education system of Alabama.

144 7. Trafficking in drugs in violation of Section
145 13A-12-231, or as the same may be amended.

146 8. Any lesser included offense of the offenses in
147 subparagraphs 1. to 7., inclusive, charged or any lesser
148 felony offense charged arising from the same facts and
149 circumstances and committed at the same time as the offenses
150 listed in subparagraphs 1. to 7., inclusive.

151 b. Any criminal act, offense, or violation committed by
152 a child under ~~the age of 18 years~~ the age of majority as
153 provided in Section 26-1-1 who has been previously convicted
154 or adjudicated a youthful offender.

155 (7) DELINQUENT CHILD. A child who has been adjudicated
156 for a delinquent act and is in need of care or rehabilitation.

157 (8) DEPENDENT CHILD. a. A child who has been
158 adjudicated dependent by a juvenile court and is in need of
159 care or supervision and meets any of the following
160 circumstances:

161 1. Whose parent, legal guardian, legal custodian, or
162 other custodian subjects the child or any other child in the
163 household to child abuse, as defined in Section 12-15-301 or
164 neglect as defined in Section 12-15-301, or allows the child
165 to be so subjected.

166 2. Who is without a parent, legal guardian, or legal
167 custodian willing and able to provide for the care, support,
168 or education of the child.



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169 3. Whose parent, legal guardian, legal custodian, or
170 other custodian neglects or refuses, when able to do so or
171 when the service is offered without charge, to provide or
172 allow medical, surgical, or other care necessary for the
173 health or well-being of the child.

174 4. Whose parent, legal guardian, legal custodian, or
175 other custodian fails, refuses, or neglects to send the child
176 to school in accordance with the terms of the compulsory
177 school attendance laws of this state.

178 5. Whose parent, legal guardian, legal custodian, or
179 other custodian has abandoned the child, as defined in
180 ~~subdivision (1) of~~ Section 12-15-301.

181 6. Whose parent, legal guardian, legal custodian, or
182 other custodian is unable or unwilling to discharge his or her
183 responsibilities to and for the child.

184 7. Who has been placed for care or adoption in
185 violation of the law.

186 8. Who, for any other cause, is in need of the care and
187 protection of the state.

188 b. The commission of one or more status offenses as
189 defined in ~~subdivision (4) of~~ Section 12-15-201 is not a
190 sufficient basis for an adjudication of dependency.

191 (9) DETENTION. The temporary placement of children
192 alleged or adjudicated to be delinquent in secure custody ~~as~~
193 ~~defined herein~~ pending juvenile court disposition or transfer
194 to a residential facility for further care of a child
195 adjudicated delinquent.

196 (10) GUARDIAN AD LITEM. A licensed attorney appointed



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197 by a juvenile court to protect the best interests of an
198 individual without being bound by the expressed wishes of that
199 individual.

200 (11) INTAKE OFFICER. A juvenile probation officer or an
201 employee of the judicial branch of government, who is neutral
202 and detached from executive and legislative branch activities,
203 and designated by the juvenile court judge to initiate
204 original delinquency cases, dependency cases, ~~and~~ child in
205 need of supervision cases, ~~as well as~~ and cases designated in
206 Section 12-15-132, before the juvenile court. The juvenile
207 court intake officer shall be appointed a magistrate pursuant
208 to Rule 18 of the Alabama Rules of Judicial Administration,
209 to issue warrants of arrest for individuals ~~18 years of age or~~
210 ~~older~~ who have arrived at the age of majority as provided in
211 Section 26-1-1 committing criminal offenses under the
212 jurisdiction of the juvenile court.

213 (12) JUVENILE COURT. The juvenile or family court
214 division of the circuit or district court having jurisdiction
215 over matters as provided by this chapter.

216 (13) JUVENILE DETENTION FACILITY. Any facility owned or
217 operated by the state, any county, or other legal entity
218 licensed by and contracted with the Department of Youth
219 Services for the detention of children.

220 (14) LAW ENFORCEMENT OFFICER. Any ~~person~~ individual,
221 however denominated, who is authorized by law to exercise the
222 police powers of the state, a county, or local governments.

223 (15) LEGAL CUSTODIAN. A parent, person, agency, or
224 department to whom legal custody of a child under the



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225 jurisdiction of the juvenile court pursuant to this chapter
226 has been awarded by order of the juvenile court or other court
227 of competent jurisdiction.

228 (16) LEGAL CUSTODY. A legal status created by order of
229 the juvenile court which vests in a legal custodian: (i) the
230 right to have physical custody of a child under the
231 jurisdiction of the juvenile court pursuant to this chapter
232 ~~and~~; (ii) the right and duty to protect, train, and discipline
233 the child; and (iii) the right and duty to provide the child
234 with food, shelter, clothing, education, and medical care, all
235 subject to the powers, rights, duties, and responsibilities of
236 the legal guardian ~~of the person of the child~~ and subject to
237 any residual parental rights and responsibilities. A parent,
238 person, agency, or department granted legal custody shall
239 exercise the rights and responsibilities personally, unless
240 otherwise restricted by the juvenile court.

241 (17) LEGAL GUARDIAN. A person who has been appointed by
242 a probate court pursuant to the Alabama Uniform Guardianship
243 and Protective Proceedings Act, Chapter 2A ~~(commencing with~~
244 ~~Section 26-2A-1)~~ of Title 26 to be a guardian of ~~a person~~ an
245 individual under 19 years of age who has not otherwise had the
246 disabilities of minority removed. This term does not include a
247 guardian ad litem ~~as defined in this section.~~

248 (18) MINOR. An individual who is under the age of ~~19~~
249 ~~years~~ majority as provided in Section 26-1-1 and who is not a
250 child within the meaning of this chapter.

251 (19) PARENT. The legal mother or the legal father of a
252 child under the jurisdiction of the juvenile court pursuant to



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253 this chapter.

254 (20) PICK-UP ORDER. In any case before the juvenile
255 court, an order directing any law enforcement officer or other
256 ~~person~~ individual authorized by this chapter to take a child
257 into custody and to deliver the child to a place of detention,
258 shelter, or other care designated by the juvenile court.

259 (21) PROBATION. The legal status created by order of
260 the juvenile court following an adjudication of delinquency or
261 in need of supervision whereby a child is permitted to remain
262 in a community subject to supervision and return to the
263 juvenile court for violation of probation at any time during
264 the period of probation.

265 (22) RESIDENTIAL FACILITY. A dwelling, other than a
266 detention or shelter care facility, providing living
267 accommodations, care, treatment, and maintenance for children,
268 including, but not limited to, institutions, foster family
269 homes, group homes, half-way houses, and forestry camps
270 operated, accredited, or licensed by a federal or state
271 department or agency.

272 (23) RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES.
273 Those rights and responsibilities remaining with a parent
274 after a transfer of legal custody of a child under the
275 jurisdiction of the juvenile court pursuant to this chapter,
276 including, but not ~~necessarily~~ limited to, the right of
277 visitation, the right to withhold consent to adoption, the
278 right to determine religious affiliation, and the
279 responsibility for support, unless determined by order of the
280 juvenile court not to be in the best interests of the child.



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281 (24) SECURE CUSTODY. As used with regard to juvenile
282 detention facilities and the Department of Youth Services,
283 ~~this term means~~ residential facilities with construction
284 features designed to physically restrict the movements and
285 activities of ~~persons~~ individuals in custody ~~such as locked~~
286 ~~rooms and buildings~~, including locked rooms and buildings,
287 rooms and buildings that contain alarm devices that prevent
288 departure~~r,~~ fences~~r,~~ or other physical structures. This term
289 does not include facilities where physical restriction of
290 movement or activity is provided solely through facility
291 staff.

292 (25) SHELTER CARE. The temporary care of children in
293 group homes, foster care, relative placement, or other
294 nonpenal facilities."

295 "§12-15-114

296 (a) A juvenile court shall exercise exclusive original
297 jurisdiction of juvenile court proceedings in which a child is
298 alleged to have committed a delinquent act, to be dependent,
299 or to be in need of supervision. A dependency action ~~shall~~ may
300 not include a custody dispute between parents. Juvenile cases
301 before the juvenile court shall be initiated through the
302 juvenile court intake office pursuant to this chapter.

303 (b) A juvenile court ~~shall~~ does not have jurisdiction
304 over any delinquent act committed by an individual before ~~his~~
305 ~~or her 18th birthday~~ he or she has arrived at the age of
306 majority as provided in Section 26-1-1, for which a petition
307 has not been filed before the individual reaches 21 years of
308 age, except when the delinquent act is an offense having no



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309 statute of limitation as provided in Section 15-3-5.

310 (c) A juvenile court shall also exercise exclusive
311 original jurisdiction over each of the following:

312 (1) Proceedings pursuant to the Interstate Compact on
313 Juveniles and the Interstate Compact on Placement of Children
314 pursuant to [Article 2](#), Chapter 2 of Title 44.

315 (2) Proceedings for termination of parental rights."

316 "§12-15-116

317 (a) A juvenile court shall have exclusive original
318 jurisdiction to try any individual committing any of the
319 following offenses ~~while 18 years of age or older~~ [after he or](#)
320 [she has arrived at the age of majority as provided in Section](#)
321 [26-1-1](#):

322 (1) Contributing to the delinquency, in need of
323 supervision, or dependency of a child in violation of Section
324 12-15-111.

325 (2) Opposing or interfering with a juvenile probation
326 officer or a representative of the Department of Human
327 Resources in violation of Section 12-15-112.

328 (3) Violating any of the confidentiality provisions of
329 Sections 12-15-133, 12-15-134, 12-15-135, or 12-15-217.

330 (4) Nonsupport in violation of Section 13A-13-4.

331 (5) Violating any of the juvenile sex offender
332 provisions of Section 15-20A-27(b)(1).

333 (6) Violating any of the provisions of the compulsory
334 school attendance laws in Section 16-28-12.

335 (b) All criminal cases before the juvenile court shall
336 be governed by the laws relating thereto and shall be



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337 initiated by complaint made before a judge or magistrate
338 according to criminal procedure."

339 "§12-15-117

340 (a) Once a child has been adjudicated dependent,
341 delinquent, or in need of supervision, jurisdiction of the
342 juvenile court shall terminate when the child becomes 21 years
343 of age unless, prior thereto, the judge of the juvenile court
344 terminates its jurisdiction by explicitly stating in a written
345 order that it is terminating jurisdiction over the case
346 involving the child. Nothing in this section is intended to
347 affect the initial and continuing jurisdiction of juvenile
348 courts over cases other than delinquency, dependency, or in
349 need of supervision cases as provided in Sections 12-15-114,
350 12-15-115, 12-15-116, or any other statute by which
351 jurisdiction was initially lawfully invoked.

352 (b) The jurisdiction of the juvenile court shall
353 terminate when the child is convicted or adjudicated a
354 youthful offender as provided in Section 12-15-203(i) and
355 Section 12-15-204(b). If ~~a person~~ an individual already under
356 the jurisdiction of the juvenile court is convicted or
357 adjudicated a youthful offender in a criminal court of a crime
358 committed ~~at the age of 18 or older~~ after he or she has
359 arrived at the age of majority as provided in Section 26-1-1,
360 the conviction or adjudication shall terminate the
361 jurisdiction of the juvenile court.

362 (c) In any case over which the juvenile court has
363 jurisdiction, the juvenile court shall retain jurisdiction
364 over an individual of any age to enforce or modify any prior



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365 orders of the juvenile court unless otherwise provided by law
366 and also shall retain jurisdiction for the enforcement or
367 modification of any prior orders of the juvenile court
368 requiring the payment of fines, court costs, restitution, or
369 other money ordered by the juvenile court until paid in full.

370 (d) For purposes of enforcing any order of the juvenile
371 court requiring the payment of fines, court costs,
372 restitution, or other money ordered by the juvenile court, the
373 remedies with regard to punishment for contempt, including
374 incarceration in jail of individuals ~~18 years of age or older~~
375 who have arrived at the age of majority as provided in Section
376 26-1-1, shall be available to the juvenile court."

377 "§12-15-207

378 (a) When a child is not released from detention or
379 shelter care as provided in Section 12-15-127, a petition
380 ~~shall~~ must be filed and a hearing held within 72 hours of
381 placement in detention or shelter care, Saturdays, Sundays,
382 and holidays included, to determine probable cause and to
383 determine whether ~~or not~~ continued detention or shelter care
384 is required.

385 (b) Notice of the detention or shelter care hearing,
386 either verbal or written, stating the date, time, place, and
387 purpose of the hearing and the right to counsel shall be given
388 by a juvenile probation officer to the parent, legal guardian,
389 or legal custodian if they can be found and to the child if
390 the child is over 12 years of age-.

391 (c) At the commencement of the detention or shelter
392 care hearing, the juvenile court shall advise the parent,



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393 legal guardian, legal custodian, and the parties of the right
394 to counsel and shall appoint counsel if the juvenile court
395 determines they are indigent. The parties shall be informed of
396 the right of the child to remain silent. The parent, legal
397 guardian, legal custodian, and the parties shall also be
398 informed of the contents of the petition and, except as
399 provided herein, shall be given an opportunity to admit or
400 deny the allegations of the petition. Prior to the acceptance
401 of an admission of the allegations of the petition, the
402 juvenile court shall: ~~(1)~~ (i) Verify if the child was
403 previously convicted or adjudicated a youthful offender
404 pursuant to Section 12-15-203 ~~or (2)~~; or (ii) rule on any
405 motion of the prosecutor requesting the juvenile court to
406 transfer the child for criminal prosecution. The juvenile
407 court ~~shall~~ may not accept a plea of guilt or an admission to
408 the allegations of the petition in any case in which the child
409 will be transferred for prosecution as an adult, either by
410 grant of the motion of the prosecutor to transfer or pursuant
411 to Section 12-15-203.

412 (d) All relevant and material evidence helpful in
413 determining the need for detention or shelter care may be
414 admitted by the juvenile court even though not admissible in
415 subsequent hearings.

416 (e) If the child is not released and no parent, legal
417 guardian, or other legal custodian has been notified and none
418 appeared or waived appearance at the hearing, upon the filing
419 of an affidavit by the parent, legal guardian, or legal
420 custodian stating these facts and requesting a hearing, the



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421 juvenile court shall rehear the matter within 24 hours

422 (f) If ~~a person 18 years of age or older~~ an individual
423 who has arrived at the age of majority as provided in Section
424 26-1-1 is alleged to have violated a condition of probation or
425 aftercare after the ~~person~~ individual was adjudicated to be
426 delinquent, the juvenile court may order that the ~~person~~
427 individual be confined in the appropriate jail or lockup for
428 adults as ordered by the juvenile court."

429 "§12-15-208

430 (a) ~~Persons~~ Individuals who ~~shall~~ may not be detained
431 or confined in secure custody include all of the following:

432 (1) A status offender, except as further provided in
433 this subdivision and subsection (b).

434 a. Short-term secure custody of an accused status
435 offender may be necessary, such as detention in a juvenile
436 detention facility, for a brief period not exceeding 24 hours,
437 prior to formal juvenile court action, for investigative
438 purposes, for identification purposes, or for the purpose of
439 allowing return of a status offender to the parent, legal
440 guardian, or legal custodian.

441 b. Detention for a brief period of time pursuant to
442 juvenile court authority may be necessary in order to arrange
443 for appropriate shelter care placement. If a petition
444 regarding an alleged status offender is filed in juvenile
445 court and if it is determined that the alleged status offender
446 is at imminent risk of being placed in the legal or physical
447 custody of the Department of Human Resources, the case shall
448 be referred to the county children's services facilitation



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449 team, and the procedures in Article 5 shall be followed. Upon
450 referral to the county children's services facilitation team,
451 the juvenile probation officer shall continue to provide case
452 management to the status offender unless the county children's
453 services facilitation team appoints another person to act as
454 case manager. The juvenile probation officer shall participate
455 in county children's services facilitation team meetings and
456 share records information and reports on the status offender
457 with the county children's services facilitation team.

458 (2) A federal ward who is held beyond 24 hours in
459 secure custody in a state or local juvenile detention facility
460 pursuant to a written contract or agreement with a federal
461 agency and for the specific purpose of affecting a
462 jurisdictional transfer, for appearance as a material witness,
463 or for return to his or her lawful residence or country of
464 citizenship shall be reported as a violation of the
465 deinstitutionalization of status offender requirement.

466 (3) A nonoffender.

467 (4) A child 10 years of age or younger, unless the
468 child is charged with an offense causing death or serious
469 bodily injury to ~~a person~~ an individual or an offense that
470 would be classified as a Class A felony if committed by an
471 adult.

472 (5) A child 11 or 12 years of age, unless: (i) the
473 child is charged with an offense causing death or serious
474 bodily injury to ~~a person~~ an individual or an offense that
475 would be classified as a Class A felony if committed by an
476 adult; or (ii) by order of a juvenile court.



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477 (b) ~~Persons~~ Individuals who may be detained or confined
478 in secure custody include all of the following:

479 (1) ~~A person~~ An individual who violates the federal law
480 that prohibits possession of a handgun by a child under 18
481 years of age or who violates a similar state or municipal law.
482 ~~A person~~ An individual under this subdivision may be placed in
483 a juvenile detention facility.

484 (2) ~~A person~~ An individual in custody pursuant to the
485 Interstate Compact for Juveniles, contained in Section
486 44-2-10. ~~A person~~ An individual under this subdivision may be
487 placed in juvenile detention facilities.

488 (3) A status offender who violates a valid court order.

489 a. A status offender who is charged with or has
490 committed a violation of a valid court order may be detained
491 in secure custody in a juvenile detention facility for up to
492 72 hours in any six-month period.

493 b. A status offender who violates a valid court order
494 ~~shall~~ may not be committed to the Department of Youth Services
495 nor held in a jail or lockup for adult offenders.

496 c. For this valid court order exception to apply, the
497 following actions must occur when a status offender is taken
498 into custody for violating a valid court order:

499 1. The juvenile detention facility shall immediately
500 notify the juvenile court intake or probation officer that the
501 child is being held in secure custody for violating a valid
502 court order. The notice shall include the date and time the
503 child entered the juvenile detention facility.

504 2. Within the first 24 hours during which a status



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505 offender is held in secure custody, not including weekends or
506 holidays, a juvenile court intake or probation officer, or an
507 authorized representative of the department or agency having
508 custody or supervision of the child, shall interview the child
509 in person.

510 3. Within 48 hours of the admission of the status
511 offender to secure custody, not including weekends or
512 holidays:

513 (i) The individual who interviewed the child shall
514 submit a written assessment report to the juvenile court
515 regarding the immediate needs of the child; and

516 (ii) If the juvenile court has not yet determined
517 whether the child has violated the order, the juvenile court
518 shall conduct a hearing to determine whether there is
519 reasonable cause to believe that the child violated the order
520 and the appropriate placement of the child pending disposition
521 of the alleged violation.

522 (c) No ~~person under 18 years of age shall~~ individual
523 who is under the age of majority as provided in Section 26-1-1
524 may be detained or confined in any jail or lockup for adults
525 except as follows:

526 (1) For up to six hours while processing the case of
527 the child.

528 (2) If the child is transferred for criminal
529 prosecution pursuant to Section 12-15-203.

530 (3) If the child is charged pursuant to Section
531 12-15-204.

532 (d) (1) When a case is transferred to another court for



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533 criminal prosecution under subdivision (c)(2), the ~~person~~
534 ~~shall~~ individual must be transferred to the appropriate
535 officer, ~~or~~ jail, or lockup in accordance with the law
536 governing the detention of the ~~person~~ individual charged with
537 the crime. A jail or lockup used for holding adults ~~shall~~ may
538 not hold a status offender in secure custody at any time. An
539 accused status offender may be detained in a nonsecure area of
540 a jail or lockup for processing while waiting transportation
541 to a nonsecure shelter care facility or a juvenile detention
542 facility or while waiting for release to a parent, legal
543 guardian, or legal custodian.

544 (2) Nothing in this section shall prohibit a circuit
545 court judge exercising criminal jurisdiction from ordering
546 that a child described in subdivision (c)(2) or (3) should be
547 placed in a juvenile detention center instead of an adult jail
548 or lockup.

549 (e)(1) An accused or adjudicated delinquent child or a
550 status offender ~~shall~~ may not have contact with adult inmates,
551 including trustees. For the purposes of this subsection:

552 a. The term "contact" means ~~"Contact" is defined as~~ any
553 physical or sustained sight and sound contact; ~~-"Sight~~
554 ~~contact" is defined as~~

555 b. The term "sight contact" means clear visual contact
556 between adult inmates and an accused or adjudicated delinquent
557 child or a status offender within close proximity to each
558 other. ~~"Sound contact" is defined as; and~~

559 c. The term "sound contact" means direct verbal
560 communication between adult inmates and an accused or



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561 adjudicated delinquent child or a status offender.

562 (2) No child ~~shall~~ may enter pursuant to public
563 authority, for any amount of time, in secure custody in a
564 secure section of a jail, lockup, or correctional facility for
565 adults as a disposition of an offense or as a means of
566 modifying his or her behavior.

567 (f) Except as provided in this section, in providing
568 detention and shelter or other care for a child referred to or
569 coming under the jurisdiction of the juvenile court, the
570 juvenile court shall only use a facility that has been
571 established, licensed, or approved by the Department of Youth
572 Services or Department of Human Resources for those purposes.

573 (g) Except as provided in this section, the official in
574 charge of a jail or lockup for the detention of adult
575 offenders or ~~persons~~ individuals charged with crimes shall
576 inform the juvenile court immediately when a child, who is or
577 appears to be a child as defined by this chapter, is received
578 at the jail or lockup. Upon request, the official shall
579 deliver the child to the juvenile court or transfer him or her
580 to a juvenile detention facility designated by the juvenile
581 court.

582 (h) The Department of Youth Services shall continue to
583 develop and implement a statewide system of juvenile detention
584 facilities that ~~shall~~ must be licensed by the Department of
585 Youth Services for the detention of children.

586 (i) The Department of Youth Services shall subsidize
587 the detention of children in the juvenile detention facilities
588 in an amount up to ~~one-half~~ one-half the average cost of



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589 detention. The amount of the subsidy shall depend on the funds
590 appropriated by the Legislature to the Department of Youth
591 Services. Juvenile detention facilities may contract with the
592 Department of Youth Services or other counties for the
593 detention of children.

594 (j) Any law enforcement officer, at the direction of
595 the juvenile court, shall provide security and transportation
596 services for the juvenile court in transporting children to
597 and from juvenile detention facilities and the Department of
598 Youth Services."

599 Section 2. This act shall become effective on October
600 1, 2025.