

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 388

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-502, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-505, IDAHO CODE, TO REVISE A PROVISION REGARDING JURISDICTION, TO PROVIDE AN EXCEPTION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20-502, Idaho Code, be, and the same is hereby amended to read as follows:

20-502. DEFINITIONS. When used in this chapter, unless the context otherwise requires:

- (1) "Adult" means a person eighteen (18) years of age or older.
- (2) "Assessment" means a comprehensive and individualized examination of the mental health, substance use, or other needs for a juvenile that typically results in treatment interventions and recommendations.
- (3) "Commit" means to transfer legal custody.
- (4) "Community-based program" means an in-home confinement program or a nonsecure or staff-secure residential or nonresidential program operated to supervise and provide competency development to juvenile offenders in the least restrictive setting, consistent with public safety, operated by the state or under contract with the state or by the county.
- (5) "Court" means any district court within the state of Idaho or magistrate division thereof.
- (6) "Custody review board" means the board created and authorized by law to review cases of juveniles in custody of the department.
- (7) "Department" means the state department of juvenile corrections.
- (8) "Detention" means the temporary placement of juvenile offenders who require secure custody for their own or the community's protection in physically restricting facilities.
- (9) "Director" means the director of the department of juvenile corrections.
- (10) "Diversion" means an alternative to formal prosecution of a juvenile offense. Diversion describes intervention approaches that redirect juveniles away from formal court processing in the juvenile justice system while applying the principles of the balanced approach and restorative justice. Diversion strategies take place at arrest, referral, intake, or prior to or after the filing of a petition and should provide the same array of services as formal court processing, except for detention. Diversion may be appropriate for low-risk or moderate-risk offenders as informed by results of a valid screening instrument.
- (11) "Judge" means a district judge or a magistrate.

1 (12) "Juvenile" means a person less than eighteen (18) years of age or
2 who was less than eighteen (18) years of age at the time of any alleged act,
3 omission or status.

4 (13) "Juvenile correctional center" means any state-operated residen-
5 tial facility or facility operated pursuant to a contract with the state that
6 provides twenty-four (24) hour supervision and confinement for juvenile of-
7 fenders committed to the custody of the department.

8 (14) "Juvenile detention center" means a secure facility established
9 pursuant to sections 20-517 and 20-518, Idaho Code, and in compliance with
10 IDAPA 05.01.02.

11 (15) "Juvenile offender" means a person under ~~the age of~~ eighteen (18)
12 years of age but not younger than ten (10) years of age at the time of any act,
13 omission, or status and who has been adjudicated as being within the purview
14 of this chapter. However, the term "juvenile offender" shall include any
15 person under ten (10) years of age who commits the crime of murder in the
16 first or second degree.

17 (16) "Legal custody" means the relationship created by the court's de-
18 cree that imposes upon the custodian responsibilities of physical posses-
19 sion of the juvenile offender, the duty to protect, train and discipline him
20 and to provide him with food, shelter, education and ordinary medical care.

21 (17) "Legal guardian" means a person appointed as guardian of a minor
22 under the laws of Idaho. For the purposes of this chapter, legal guardian
23 does not include and shall not be construed to include the owner or operator
24 or the agent of an owner or operator of a detention center, observation and
25 assessment center, secure facility, residential facility or other facility
26 having temporary or long-term physical custody of the juvenile offender.

27 (18) "Observation and assessment program" means any state-operated or
28 state-purchased service program responsible for temporary custody of juve-
29 nile offenders for observation and assessment.

30 (19) "Screening" means a brief process, typically using a validated
31 tool to identify juveniles who warrant immediate attention, intervention,
32 or a more comprehensive assessment. Screening tools help guide and identify
33 juveniles who might be appropriate for diversion or who need comprehensive
34 mental health or substance use assessments.

35 (20) "Secure facility" means any architecturally secure residential
36 facility that provides twenty-four (24) hour supervision and confinement
37 for juvenile offenders committed to the custody of the department.

38 (21) "Staff-secure facility" means a nonarchitecturally secure resi-
39 dential facility with awake staff twenty-four (24) hours a day, seven (7)
40 days a week for intensive supervision of juvenile offenders.

41 (22) "Validated risk/needs assessment" means a validated instrument
42 that measures a juvenile's criminal risk factors and specific needs that, if
43 addressed, should reduce the juvenile's likelihood to reoffend.

44 (23) "Work program" means a public service work project that employs ju-
45 venile offenders at a reasonable wage for the purpose of reimbursing victims
46 of the juvenile offender's delinquent behavior.

47 SECTION 2. That Section 20-505, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 20-505. JURISDICTION. Subject to the prior jurisdiction of the United
2 States, the court shall have exclusive, original jurisdiction over any ju-
3 venile ten (10) years of age or older and over any juvenile younger than ten
4 (10) years of age who committed the crime of murder in the first or second de-
5 gree and over any adult who was a juvenile ten (10) years of age or older or
6 was a juvenile younger than ten (10) years of age who committed the crime of
7 murder in the first or second degree at the time of any act, omission, or sta-
8 tus, in the county in which the juvenile resides, or in the county in which
9 the act, omission, or status allegedly took place, in the following cases:

10 (1) Where the act, omission, or status occurs in the state of Idaho and
11 is prohibited by federal, state, local or municipal law or ordinance by rea-
12 son of minority only;

13 (2) Where the act or omission occurs in the state of Idaho and is a vio-
14 lation of any federal, state, local or municipal law or ordinance ~~which~~ that
15 would be a crime if committed by an adult;

16 (3) Concerning any juvenile where the juvenile comes under the purview
17 of the interstate compact for juveniles as set forth in chapter 19, title 16,
18 Idaho Code;

19 (4) This chapter shall not apply to juvenile violators of beer, wine or
20 other alcohol and tobacco laws; except that a juvenile violator under the age
21 of eighteen (18) years at the time of the violation may, at the discretion
22 of the court, be treated under the provisions of this chapter, provided that
23 a juvenile taken into custody pursuant to section 20-516(1) (c), Idaho Code,
24 for an alcohol age infraction under section 18-1502(e), Idaho Code, shall be
25 treated within the provisions of this chapter;

26 (5) This chapter shall not apply to ~~the~~ juvenile offenders who are
27 transferred for criminal prosecution as an adult, as provided in this chap-
28 ter;

29 (6) This chapter shall not apply to juvenile violators of traffic, wa-
30 tercraft, fish and game, failure to obey a misdemeanor citation and criminal
31 contempt laws; except that a juvenile violator under the age of eighteen (18)
32 years at the time of such violation may, at the discretion of the court, be
33 treated under the provisions of this chapter;

34 (7) This chapter shall not apply to juvenile sex offenders who violate
35 the provisions of section 18-8414, Idaho Code; ~~and~~

36 (8) This chapter shall not apply to juveniles younger than ten (10)
37 years of age who commit a crime other than murder in the first or second de-
38 gree.

39 SECTION 3. An emergency existing therefor, which emergency is hereby
40 declared to exist, this act shall be in full force and effect on and after
41 July 1, 2024.