

To: Council SI Committee
From: Amy Davenport
Re: H. 2, Draft # 2.1
Date: February 11, 2025

H.2 as introduced simply raised the minimum age for delinquency from 10 years to 12 years, a high priority on the Council's legislative agenda for some time now. The latest draft which you can review [here](#) does that and much more. After taking testimony during the first couple of weeks of the session on the juvenile system and raise the age and in response to the Governor's call to repeal the inclusion of 19 year olds in the juvenile system which is scheduled to go into effect on 4/1/25, the House Judiciary Committee is now reviewing some additional provisions. The following is an outline of H.2, Draft 2.1:

Sec. 1: Raises the minimum age from 10 to 12. This would take effect 7/1/25.

Sec. 2: Extends Family Court's current jurisdiction over a youth alleged to be delinquent by one year as follows:

- 16/17 year olds: currently jurisdiction ends 6 months after their 19th birthday. Under the bill jurisdiction would be extended to 6 months after their 20th birthday.
- 18 year olds: currently jurisdiction ends 6 months after their 20th birthday. Under the bill jurisdiction would be extended to 6 months after their 21th birthday.
- This would take effect 7/1/25. [See Sec. 14(a)]

Sec. 3-9 plus Sec. 14(c): Two Plus Year Delay of Final Implementation of Raise the Age

- These sections would repeal legislation passed last year that extended RTA to 19 year olds beginning April 1, 2025. Instead, implementation of RTA for 19 year olds would be delayed two plus years until July 1, 2027.
- In addition, the extension of jurisdiction would only be effective for delinquent acts committed after 7/1/27 [See 14(c)]. When RTA was implemented for 18-year-olds and the implementation for 19 year olds that is scheduled for 4/1/25, it included all proceedings currently filed in the Criminal Division involving 18/19 year olds. This may not look like much but it is a significant change.

Sec. 10-12: Transfer from Family to Criminal if Youth Commits a 2nd Violation of Probation

- This section only applies to 18-year-olds although it is not clear whether they were 18 at the time of the offense or at the time of the 2nd violation.
- Family Court can transfer jurisdiction to the Criminal Division only if it finds that the youth (a) has committed 2 violations of probation; and (b) poses an unreasonable risk to public safety.
- Once transferred, the proceeding starts all over again.

Sec. 13: Ping Pong Provision

- This section attempts to eliminate the so-called ping pong effect of having non-Big 14 felonies transferred from Family to Criminal and then back to Family to determine whether the youth should be treated as a youthful offender.

Sec 14: Effective Dates