

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: S.275 Name of Bill: An act relating to the Court's jurisdiction over youthful offenders

Agency/Dept: Department of Public Safety Author of Bill Review: Det/Sgt John-Paul Schmidt

Date of Bill Review: 1/22/2014 Status of Bill: (check one):

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why*

This bill proposes to extend the jurisdiction of the Court over youthful offenders from 22 years of age to 23 years of age consistent with 33 VSA 5204a. Youthful offender status typically covers offenders between 10 years of age and under 18 years of age. For various but specific reasons this status can be extended beyond 18 years of age. 33 VSA 5204a covers offenders who commit an offense when they are within the 10 to under 18 years of age range but for some reason do not have proceedings against them commenced until they are beyond that age range. 33 VSA 5204a specifically extends youthful offender status to 23 years of age. This bill as proposed brings other statutes within the Human Services Title 33 (VSA 5104, 5286, and 4904) into alignment with 33 VSA 5204a on this issue. The current wording of these statutes extends youthful offender status to 22 years of age.

2. Is there a need for this bill? *Please explain why or why not*

This bill will eliminate an inconsistency between statutes that cover youthful offender status.

3. What are likely to be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

This bill will potentially allow up to another year of custody/treatment/services for those determined to be youthful offenders. This creates potential for further resource demands (financial, administrative, personnel, etc) on the Department of Children and Families and the Department of Corrections (Probation.) DCF may resist these demands. For the majority of DOC instances, this will be a shuffle of expense from incarceration to probation resources.

4. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

This bill also impacts the various state's attorney and public defender offices dealing with these cases, as they have input into Court decisions regarding extending youthful offender status. The impact is likely to be minimal as this will occur regardless of the upper age being 22 or 23.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? *(for example, public, municipalities, organizations, business, regulated entities, etc)*

The Family Division of Superior Court will be responsible for overseeing overall jurisdiction of these cases. This will include coordinating the input of the other stakeholders noted above. It will increase resource demands to continue oversight of these offenders for an additional year. Other public groups are not likely to be impacted.

6. Other Stakeholders:

6.1. Who else is likely to support the proposal and why?

Youth support groups and advocates will see greater potential to keep previously deviant youths, or youths in need of supervision and services, on the “right track” as opposed to being released from supervision into a likelihood of further deviant or criminal behavior.

6.2. Who else is likely to oppose the proposal and why?

Victims and victim rights advocates are likely to see extending youthful offender status by another year as a soft approach against these offenders.

7. Rationale for recommendation: *Justify recommendation stated above.*

This bill will correct a discrepancy between various statutes covering the extension of youthful offender status. The statutes should be consistent.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended positions.*
None.

Secretary/Commissioner has reviewed this documents:



Date: 1/27/2014

Please return this bill review as a Microsoft Word or PDF document to laura.gray@state.vt.us