

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: HB477ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Guzman

3. Committee: Passed Both Houses

4. Title: Increases age for when juveniles can be tried as adults

5. Summary: The conference substitute establishes that if a juvenile is alleged to have committed a violent juvenile felony that the juvenile court is limited to conducting a preliminary hearing to (i) determine that there is probable cause that the juvenile committed the act alleged and (ii) that the juvenile was 16 years of age or older at the time of the commission of the alleged offense.

The bill also establishes that if a juvenile is 14 years of age or older, but less than 16 years of age, then the court may proceed, on motion of the attorney for the Commonwealth. Prior to giving written notice of his intent to proceed in circuit court, the attorney for the Commonwealth must submit a written request to the director of the court services unit to complete a relevant factors investigative report, unless waived by the juvenile and his attorney or other legal representative. The report must be filed with the court and mailed or delivered to (i) the attorney for the Commonwealth and (ii) counsel for the juvenile, or, if the juvenile is not represented by counsel, to the juvenile and a parent, guardian, or other person standing in loco parentis with respect to the juvenile, within 21 days of the date of the written request.

Lastly, the bill amends §16.1-277.1 (Time limitations) to allow time for the preparation of the written request by the attorney for the Commonwealth. Time limitations can be extended by the court for good cause. Additional time needed by the court services unit to complete the report would qualify under the good cause provision.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final (see Item 8)

8. Fiscal Implications: The proposed bill increases the age from 14 years of age to 16 years at which a juvenile can be tried as an adult in circuit court for certain violent offenses or for certain charges requiring notice of intent to try the juvenile as an adult by the Commonwealth's Attorney. The proposed legislation is not expected to have a material fiscal impact on the operations of the court system nor the resources of the attorneys for the Commonwealth.

9. Specific Agency or Political Subdivisions Affected: Courts, and Commonwealth's Attorneys

10. Technical Amendment Necessary: No

11. Other Comments: None