

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB477H1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Guzman

3. Committee: Senate Committee on the Judiciary

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

5. Summary: The proposed bill amends several sections of the Code of Virginia related to juveniles tried as adults. Currently, if a juvenile 14 years of age or older at the time of an alleged offense is charged with an offense which would be a felony if committed by an adult, the court may transfer the case to the appropriate circuit court. The proposed bill increases, from age 14 to 16, the minimum age at which a juvenile may be tried as an adult in circuit court for violent offense. .

The bill also provides 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.

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 when a juvenile is charged with capital murder (§18.2-31), first or second degree murder (§18.2-32), lynching (§18.2-40) or aggravated malicious wounding (§18.2-51.2).

The bill requires the attorney for the Commonwealth, prior to giving notice of his intent to proceed in circuit court, to submit a written request to the director of the court services unit to complete an investigative report (§16.1-269.2). The report is to be filed with the court, with a copy sent to the attorney for the Commonwealth and the counsel and/or parent of the juvenile within 21 days of written request. The attorney for the Commonwealth must include affirmation that he read the report, if he decides to proceed.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: The proposed bill increases the age from 14 years of age to 16 years at which a juvenile must 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.

The proposed bill also would require Commonwealth's Attorneys to submit a written request to the director of the applicable courts services unit requesting the completion of an investigative report prior to serving notice of intent to try the juvenile in circuit court. According to the Virginia Association of Commonwealth's Attorneys ("VACA"), the proposed bill is expected to have a minimal fiscal impact on the operations of Commonwealth's Attorney offices but the exact impact is not know at this time.

The impact on the Department of Corrections and Department of Juvenile Justice is indeterminate. The impact on local correctional facilities cannot be determined at this time.

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

10. Technical Amendment Necessary: No

11. Other Comments: None