

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: HB477S1

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☒ Substitute ☐ 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 bill provides that “violent juvenile felony” is any of the delinquent acts enumerated under subsection B or C of § 16.1-269.1 (trial in circuit court; preliminary hearing; direct indictment; remand) committed by a juvenile 16 years of age or older. Currently, violent juvenile felony means any delinquent acts committed by a juvenile 14 years of age or older.

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 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), hold a transfer hearing and may retain jurisdiction or transfer to the appropriate circuit court.

Lastly, the bill amends §16.1-301 (Confidentiality of juvenile law-enforcement records; disclosures to school principal and others) to require law enforcement agencies to take special precautions in keep the confidentiality of juvenile records for juveniles 16 years of age or older who are charged with a violent juvenile felony.

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 nor the resources of the attorneys for the Commonwealth.

The impact on the Department of Juvenile Justice (DJJ), and the Department of Corrections (DOC) cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: Courts, and Commonwealth’s Attorneys, Department of Juvenile Justice, and Department of Corrections.

10. Technical Amendment Necessary: No

11. Other Comments: None