

## **HB 6051: Mandatory Direct File & HB 575: Direct Filing of an Information**

***These bills will help keep children out of adult prisons!***

The juvenile delinquency system focuses on treating and rehabilitating children who violate criminal law. Children in the delinquency system may complete a civil citation or diversion program, probationary sentence, or be committed to one of the Department of Juvenile Justice's (DJJ) commitment programs.

The Juvenile process is less harsh than the adult court process; for example:

- ▶ A Judge decides the facts in a juvenile adjudicatory hearing rather than a jury;
- ▶ Juveniles are not subject to monetary aid; and
- ▶ Probation may only last until age 19, and commitment until age 21.

Under certain circumstances, the state may or sometimes must transfer a child's case to adult court by direct filing an information. This process is not judicially reviewed.

### **What is the purpose of HB 6051 & HB 575?**

- ▶ HB 6051 repeals all mandatory direct file provisions.
- ▶ HB 575 revises the criteria for discretionary and mandatory direct file by:
  - ▶ Requiring prior qualifying offenses for direct file to be adjudications rather than withheld adjudications in all instances.
  - ▶ Removing conspiracy offenses from the qualifying offenses for discretionary direct file of a 14-15-year-old.

### **Why are HB 6051 and HB 575 necessary?**

- ▶ Youth who end up in the adult criminal justice system are more likely to commit suicide while in adult jail, more likely to have psychiatric symptoms, and more likely to reoffend once they are back in their communities.
- ▶ There is a disproportionate impact on the most vulnerable and high-need youth of color
- ▶ Placement in adult jails and prisons generally inhibit a youth's access to treatment, education, and members of their support networks
- ▶ Educational and rehabilitative programming are limited in adult jails and prisons because the facility, staff, and programming were not developed to serve youth.
- ▶ Youth in adult facilities are at an increased risk of physical or sexual abuse by staff and other inmates.

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### **How would HB 6051 and HB 575 work?**

- ▶ **HB 575** Under the bill, a state attorney may direct file an information against a child whose case meets criteria for discretionary direct file; however, there are no requirements for the state to direct file a child.
- ▶ **HB 6051** would grant a child whose case is being transferred to adult court by direct file the right to an evidentiary hearing before such a transfer.
- ▶ The bill provides that when multiple cases have transferred incidentally to a direct-filed case and the child is acquitted on the original case, the incidentally-transferred cases and applicable cases for lesser included offenses are subject only to juvenile sanctions.

**Vote YES on HB 6051/ HB 575 and keep juveniles out of adult prisons!**