



- (2) A continued custody hearing in accordance with present law is held within 24 hours after his arrest.
- (3) There is no acceptable alternative placement to the jail or lockup in which he is being held.
- (4) The sheriff or the administrator of the adult jail or lockup has certified to the court that facilities exist providing for sight and sound separation of the child from adult offenders and that he can be given continuous visual supervision while placed in the jail or lockup.

Present law provides that if an indictment has not been returned, a bill of information filed, or a continued custody hearing not held within 24 hours, the child held in an adult jail or lockup in a nonmetropolitan area shall be released or removed to a juvenile detention facility.

Proposed law creates an exception to present law that provides that a child who is 17 years of age at the time of the commission of certain offenses enumerated in present law that is also a crime of violence must be held in an adult jail or lockup prior to the continued custody hearing for the offense if the child has a history of prior delinquent acts. Provides that except for good cause shown, the continued custody hearing shall be held within 24 hours and not later than 72 hours.

Present law provides that if, at the conclusion of the continued custody hearing, the court determines that the child meets the age requirements and that there is probable cause that the child has committed one of the offenses enumerated in present law, the court shall order him held for trial as an adult for the appropriate court of criminal jurisdiction.

Present law authorizes the appropriate court of criminal jurisdiction to order that the child be held in any facility used for the pretrial detention of accused adults and the child shall apply to the appropriate court for a preliminary hearing, bail, and for any other rights to which he may be entitled under the Code of Criminal Procedure.

Proposed law provides that if the child is 17 years of age and the court determines at the continued custody hearing that there is both probable cause that the child has committed one of the offenses enumerated in present law that is also a crime of violence and that it is in the interest of justice that the child be held in the appropriate adult facility for detention prior to his trial as an adult, then the court shall do one of the following:

- (1) If the child is being held in an adult jail or lockup, the child shall continue to be held in the adult facility for detention prior to his trial as an adult.
- (2) If the child has been detained in a juvenile detention facility prior to the finding of probable cause by the court, the court shall order the child transferred to the appropriate adult facility for detention prior to his trial as an adult.

Proposed law provides that when the child is being held in an adult facility for detention prior to his trial, the appropriate court shall review no less than every 30 days prior to the child becoming 18 years of age whether the interest of justice continues to be served by the child being detained in an

adult facility. The child shall not be held in an adult facility beyond 180 days unless the court determines there is good cause.

Proposed law provides that if the court determines there is probable cause that the child has committed one of the offenses enumerated in present law and the child is not already being detained in an adult facility, the appropriate court may thereafter order that the child be held in any facility used for the pretrial detention of accused adults and the child shall apply to the appropriate court of criminal jurisdiction for a preliminary hearing, bail, and for any other rights to which he may be entitled under present law.

Present law provides relative to continued custody hearings.

Proposed law amends present law and provides that if probable cause has been demonstrated that a 17 year old child committed any offense enumerated in present law that is also defined as a crime of violence, the court shall determine whether it is in the interest of justice for the child to be transferred to the appropriate adult facility for detention prior to his trial as an adult. In making this determination, the court shall consider the following:

- (1) The age of the child.
- (2) The physical and mental maturity of the child.
- (3) The present mental state of the child, including whether the child presents an imminent risk of harm to himself.
- (4) The nature and circumstances of the alleged offense.
- (5) The child's history of prior delinquent acts.
- (6) The ability of the available adult and juvenile detention facilities to meet the specific needs of the child and to protect the safety of the public and other detained children.
- (7) Any relevant factors the court deems appropriate.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch.C.Arts. 305(A)(3) and (B)(4), 306(B), (C), and (D), and 821(E))