



April 3, 2023

SUMMARY OF BILL AS AMENDED (007085): Authorizes a court to classify a child 16 years of age or older as a serious youthful offender if the child is adjudicated delinquent for a juvenile offense that would be a Class A felony if committed by an adult; a Class B felony if committed by an adult and the child has two or more previous adjudications of delinquency for acts that would be Class A, B, or C felonies if committed by an adult; or a Class C felony if committed by an adult and the child has three or more previous adjudications of delinquency for acts that would be Class A, B, or C felonies if committed by an adult.

Authorizes a court to impose any dispositions provided for juveniles, including but not limited to a determinate commitment to the custody of the Department of Children's Services (DCS) that lasts until the serious youthful offender's 19th birthday. Prohibits time credits from applying to shorten the time of a serious youthful offender's determinate commitment if imposed.

Authorizes a court to impose an additional sentence to be served after the serious youthful offender's 19th birthday, which ends on or before the offender's 24th birthday. If imposed, requires the additional sentence beyond the serious youthful offender's 19th birthday extend for at least: (1) four years if the child is adjudicated delinquent for an act that would be a Class A felony if committed by an adult; (2) three years if the child is adjudicated delinquent for an act that would be a Class B felony if committed by an adult; or (3) one year if the child is adjudicated delinquent for an act that would be a Class C felony if committed by an adult.

Requires a serious youthful offender be committed to the custody of the Department of Correction (DOC) to serve any portion of a sentence that extends beyond the offender's 19th birthday. Requires a court make an audio recording of a hearing conducted related to determining whether an additional sentence that extends beyond the offender's 19th birthday be imposed. Requires the recording include all proceedings in open court and such other proceedings as the judge may direct and be preserved as part of the record of the hearing.

FISCAL IMPACT OF BILL AS AMENDED:

Other Fiscal Impact – Due to multiple unknown factors, the extent and timing of any increase in state expenditures cannot be reasonably determined.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 37-1-131, if a child is found to be delinquent, a juvenile court is authorized to impose any of the following orders of disposition best suited to the child's treatment, rehabilitation and welfare, including:
 - Transfer of temporary legal custody or granting of permanent guardianship to any relative or other individual with a relationship with the child who is found by the court to be qualified to receive and care for the child;
 - Placing the child on probation under the supervision of the probation officer of the court or the DCS;
 - Committing the child to the DCS, which commitment shall not extend past the child's 19th birthday; or
 - Transfer of the child to adult court to stand trial as an adult.
- The proposed legislation authorizes a court to impose a determinate commitment to the DCS that lasts until the serious youthful offender's 19th birthday, and impose an additional sentence to be served after the serious youthful offenders 19th birthday, which ends on or before the offender's 24th birthday in addition to any other dispositions provided for juveniles stated above.
- For any juvenile offender committed to the custody of the DCS for a determinate sentence for which time credits to shorten the sentence are prohibited, there will be an increase in state expenditures to the DCS. For any juvenile offender committed to the custody of the DOC to serve an additional sentence that is imposed that extends beyond the offender's 19th birthday, up to the offender's 24th birthday, there will be an increase in state incarceration expenditures; however, the extent of any increase in state expenditures to the DCS or any increase in state incarceration expenditures will be dependent upon the number of juvenile offenders a court imposes such a sentence and the terms of the sentence imposed.
- Due to multiple unknown factors, the extent and timing of any increase in state expenditures cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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