

## HB 2616 -2 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Prepared By:** Whitney Perez, Counsel

**Meeting Dates:** 3/1, 3/30

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#### WHAT THE MEASURE DOES:

Requires court to inform youth and youth's parent or guardian of right to counsel in juvenile delinquency proceedings. Prohibits youth from waiving right to counsel, unless otherwise provided by law. Allows youth to waive counsel prior to entering into formal accountability agreement.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### ISSUES DISCUSSED:

- History of right to counsel in juvenile delinquency proceedings
- Fiscal impact
- Need and impact of this bill

#### EFFECT OF AMENDMENT:

-2 Directs court to appoint counsel for indigent youth in juvenile court if the offense alleged is classified as a crime, it is a probation proceeding or youth would be entitled to counsel if he or she were an adult charged with the same offense. Specifies procedures for youth to waive counsel.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

#### BACKGROUND:

A youth in a juvenile delinquency proceeding is entitled to counsel. If the youth is unable to afford counsel, as established under Public Defense Services Commission guidelines, the youth is entitled to counsel at state expense. House Bill 2616 requires the court to advise the youth, and the parent or guardian of the youth, of the right to counsel whenever jurisdiction is assumed in a juvenile delinquency proceeding. It also prohibits youth from waiving the right to counsel, unless otherwise provided by law. Finally, HB 2616 allows a youth to waive counsel prior to entering into a formal accountability agreement if the youth has been advised of the right to counsel and the waiver is in writing, signed by the youth and presented to the youth's juvenile department counselor. A formal accountability agreement allows a youth to avoid having a petition alleging a violation of the law filed against the youth if certain conditions are fulfilled.