

**Hall of the House of Representatives**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of House Bill No. 1544**

"TO AMEND THE CRIMINAL JUSTICE SYSTEM TO PROVIDE THAT JUVENILE  
DEFENDANTS CONVICTED IN MUNICIPAL COURTS AND SENTENCED TO TERMS OF  
IMPRISONMENT SHALL BE COMMITTED TO THE DIVISION OF YOUTH SERVICES."

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**Amendment No. 1 to House Bill No. 1544.**

Amend House Bill No. 1544 as originally introduced:

Delete the title and substitute the following:

"AN ACT PERTAINING TO THE JURISDICTION OF MUNICIPAL COURTS TO INCARCERATE  
JUVENILE DEFENDANTS; AND FOR OTHER PURPOSES. "

AND

Delete the subtitle and substitute the following:

"AN ACT PERTAINING TO THE JURISDICTION OF MUNICIPAL COURTS TO INCARCERATE  
JUVENILE DEFENDANTS. "

AND

Delete Section 1 and substitute the following:

"SECTION 1. Limitation of the incarceration of juvenile defendants in  
municipal courts.

(a) Municipal courts have jurisdiction of juvenile defendants for  
violation of local codes or ordinances, game and fish violations and traffic  
offenses. Juveniles charged with these offenses are subject to the same  
penalties as adults unless otherwise provided herein.

(b) A juvenile subject to the jurisdiction of a municipal court shall  
not be incarcerated unless the juvenile commits a second offense for which  
the court has jurisdiction within one (1) year of the first offense,  
willfully violates probation, or willfully fails to pay a fine, perform  
community service work or other sanction properly ordered by the court.

(c) As an alternative to incarceration on a first offense or otherwise  
the municipal court may place a juvenile on residential detention, which may  
be supervised by electronic monitoring for up to thirty (30) days.

(d) For a juvenile to be found in contempt for violating a court order  
the order must have been in writing and served on the juvenile and the  
juvenile's parent or guardian. If a juvenile is found in contempt of court

the court may:

(1) Order that the juvenile be committed for a period not to exceed ten (10) days; or

(2) Place the juvenile on residential detention, which may be supervised by electronic monitoring for up to thirty (30) days.

(e) Any juvenile incarcerated under this act shall be separated from individuals eighteen (18) years of age or older. Where space is available a juvenile who pleads guilty or nolo contendere to, or is found guilty of, an offense under this act may be placed in a juvenile detention facility rather than the county jail. Juveniles being detained on allegations of delinquency or who have been adjudicated delinquent shall have priority for juvenile detention beds over juveniles sentenced in municipal court.

(f) A municipal court may also order the juvenile, juvenile's parent, both parents, or the guardian of any juvenile punishable as provided for herein to be liable for the cost of the incarceration or electronic monitoring. Prior to ordering such payment a municipal court shall take into account:

(1) The financial ability of the parent, both parents, or the guardian to pay for the detention or electronic monitoring;

(2) The past efforts of the parent, both parents, or the guardian to correct or prevent the juvenile's misconduct;

(3) If the parent is a non-custodial parent, the opportunity the parent has had to correct the delinquent juvenile's misconduct; and

(4) Any other factors the court deems relevant."

**The Amendment was read** \_\_\_\_\_

**By: Representative Napper**

**LH/RRS - 031920011550**

**RRS721**

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**Chief Clerk**