

IN THE SENATE

SENATE BILL NO. 1235

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 20-511, IDAHO CODE, TO REMOVE REFERENCE TO AN ADMISSION OR DENIAL HEARING, TO REMOVE REFERENCE TO AN APPLICATION BY A JUVENILE OFFENDER AND TO REVISE TERMINOLOGY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20-511, Idaho Code, be, and the same is hereby amended to read as follows:

20-511. DIVERSION OR INFORMAL DISPOSITION OF THE PETITION. (1) Prior to the filing of any petition under this act, the prosecuting attorney may request a preliminary inquiry from the county probation officer to determine whether the interest of the public or the juvenile requires a formal court proceeding. If court action is not required, the prosecuting attorney may utilize the diversion process and refer the case directly to the county probation officer or a community-based diversion program for informal probation and counseling. If the diversion process is utilized pursuant to this subsection, then statements made by a juvenile in a diversion proceeding shall be inadmissible at an adjudicative proceeding on the underlying charge as substantive evidence of guilt. If community service is going to be utilized pursuant to this subsection, the prosecuting attorney shall collect a fee of sixty cents (60¢) per hour for each hour of community service work the juvenile is going to perform and remit the fee to the state insurance fund for the purpose of securing worker's compensation insurance for the juvenile offender performing community service. However, if a county is self-insured and provides worker's compensation insurance for persons performing community service pursuant to the provisions of this chapter, then remittance to the state insurance fund is not required.

(2) After the petition has been filed and where, ~~at the admission or denial hearing,~~ the juvenile offender admits to the allegations contained in the petition, the court may decide to make an informal adjustment of the petition. Informal adjustment includes, but is not limited to:

- (a) Reprimand of the juvenile offender;
- (b) Informal supervision with the probation department;
- (c) Community service work;
- (d) Restitution to the victim;
- (e) Participation in a community-based diversion program.

(3) The court ~~may shall~~ dismiss the case ~~upon an application by the juvenile offender if:~~

- (a) An informal adjustment has been granted and the juvenile offender has satisfied the terms or conditions of the informal adjustment;
- (b) The court is convinced by the showing made that there is no longer cause for continuing the period of informal adjustment; and
- (c) It ~~be~~ is compatible with the public interest.

1           (4) Information uniquely identifying the juvenile offender, the of-  
2 fense, and the type of program utilized shall be forwarded to the department.  
3 This information shall be maintained by the department in a statewide ju-  
4 venile offender information system. Access to the information shall be  
5 controlled by the department, subject to the provisions of section 74-113,  
6 Idaho Code.

7           (5) Such informal adjustment of the petition shall be conducted in the  
8 manner prescribed by the Idaho juvenile rules. When an informal adjustment  
9 is made pursuant to this section and the juvenile offender is to perform  
10 community service work, the court shall assess the juvenile offender a fee  
11 of sixty cents (60¢) per hour for each hour of community service work the  
12 juvenile offender is to perform. This fee shall be remitted by the court to  
13 the state insurance fund for the purpose of securing worker's compensation  
14 insurance for the juvenile offender performing community service. However,  
15 if a county is self-insured and provides worker's compensation insurance  
16 for persons performing community service pursuant to the provisions of this  
17 chapter, then remittance to the state insurance fund is not required.