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Chairman Dave Nething
 Legislative Interim Committee

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Re: Extended Juvenile Jurisdiction

Dear Chairman Nething:

I am writing as a proponent of establishing Extended Juvenile Jurisdiction legislation in the State of North Dakota. As an assistant public defender for the State of Minnesota for the past sixteen years, I have had the opportunity to work directly with such a process and I find it to be an extremely valuable tool for the judicial system as a whole.

Extended Juvenile Jurisdiction is a unique and useful tool for dealing with juveniles who may have committed a crime late in their juvenile life, but who have a relatively minor, or no, criminal history. It allows the judicial system to have jurisdiction over the juvenile for a longer period of time in order to attempt rehabilitation, yet it also allows for the security that, if rehabilitation is not possible or the juvenile is simply not taking the judicial system seriously, the option still exists to impose the adult sentence.

Only the court should be allowed to designate an EJJ proceeding, following a request by the prosecuting attorney and a hearing in which the court takes into consideration various factors that would serve public safety, unless the parties agree that EJJ prosecution is appropriate without such a hearing. There should also be certain age requirements put into place before a matter can be designated as EJJ.

Should a juvenile case be designated as an EJJ proceeding, or the parties agree to such designation, the juvenile must be granted the right to a jury trial as there is the possibility in the future that his/her probation could be revoked and an adult sentence could be imposed. An EJJ proceeding should be in no way more complicated for the judicial system to handle than a typical juvenile proceeding. The only difference is that, at the time of sentencing, you are imposing a stayed adult sentence in addition to the juvenile sentence. It should be viewed as a better deterrent for the juvenile as they will know what they may be facing if they are not successful in the juvenile system and our system should be imposing the necessary incentive to rehabilitate our juveniles, which, if successful, should result in monetary savings to the judicial system in the adult criminal system as we should see less recidivism.

Should a juvenile be alleged to have violated his/her probation, and the court makes a determination that they have violated, the court should be allowed to either continue to maintain the case as an EJJ proceeding, or revoke the EJJ status and impose an adult sentence.

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Again, working in the State of Minnesota as an Assistant Public Defender, I do not see the use of EJJ proceedings to be cost prohibitive by any means. In all honesty, I do not see many cases where the prosecution requests that EJJ status be imposed. In most cases, use of the EJJ status is agreed upon between the parties as a bargaining tool to avoid having a juvenile certified as an adult and giving them "one last chance" in the juvenile system. In my opinion, appointed counsel expenses will not be affected by the availability of an EJJ status. In fact, it may very well result in less expense as I see this as more of a bargaining tool to be used between the prosecution and defense in order to prevent a case from being certified into adult court.

Although not utilized often, I have seen the EJJ designation to be an extremely beneficial tool for not only negotiation of cases, but for better rehabilitation of the juveniles I have dealt with. Having been doing public defense work for sixteen years and seeing first hand the recidivism rate among my own clients, any tool that can be utilized in order to assist in the rehabilitation of our clients should be considered useful legislation for the State of North Dakota to enact.

Thank you.

Very truly yours,


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