

[2017 Session] Return Children Under the Age of 18 to the State's Juvenile Justice System

Policy Background:

In Texas, 17-year-olds who commit a crime are considered adults and enter the adult criminal justice system. Texas is one of only 7 remaining states that charge 17-year-olds as adults, regardless of the offense or the teen's personal experiences – making us out of line with best practices. The impact of this policy is significant: In 2015, over 22,000 17-year-olds were arrested and subjected to Texas' adult criminal justice system.¹ The overwhelming majority of those arrests were for nonviolent offenses, including marijuana possession and theft.²

Texas policy-makers should extend the age of juvenile jurisdiction from 17 to 18 years, a common sense approach that would also remove youth from dangerous mental and physical conditions inside adult facilities.

Key Facts:

- Because 17 year-olds are handled in the adult criminal justice system, they do not have a right to the rehabilitative services or legal protections provided by the juvenile justice system.

These services can include, but are not limited to, the following: anger management, counseling, cognitive behavioral therapy, education, family preservation, gang prevention/intervention, life skills, substance abuse prevention/intervention, and vocational skills.

Legal protections can include parent notification upon referral, private hearings, and private records.

- Research shows that young people who are kept in the juvenile justice system are less likely to re-offend than young people who are transferred into the adult system. According to the Centers for Disease Control and Prevention, youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crimes.³

- In September 2003, the U.S. Congress unanimously passed the Prison Rape Elimination Act (PREA),⁴ aimed at preventing sexual assault and victimization in youth and adult corrections facilities. Over the course of 10 years, experts around the country developed comprehensive PREA standards; the Youthful Inmates Standard requires youth to be “sight and sound” separated from adult inmates in corrections facilities. This standard has greatly impacted adult county jails, forcing them to expend thousands per week in extra costs to comply, and leaving many counties simply unable to comply due to architectural constraints.

Relevant Bills:

- **Bill Number:** [HB 122](#) [Dutton, Rose, Jarvis Johnson, Cook, Wu]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
TCJE Materials: [Testimony](#) | [HB 122 Fact Sheet](#) | [Fact Sheet on Juvenile Probation](#) | [Flyer: Texas Voter Support for "Raise the Age"](#)
House Hearing Notice: [Juvenile Justice & Family Issues, March 8, 2017](#)
TCJE House Action: [Testimony in support](#)
- **Bill Number:** [HB 676](#) [Wu]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
- **Bill Number:** [HB 1015](#) [Dutton]
Bill Caption: Relating to the age of a child at which a juvenile court may exercise jurisdiction over the child, to the age of criminal responsibility, and to certain substantive and procedural matters related to those ages.
- **Bill Number:** [SB 941](#) [Hughes]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

Other Materials:

- Report: [Raise the Age: 17-Year-Olds in the Criminal Justice System](#) [produced by Texas Appleseed on behalf of TCJE, Texans Care for Children, Right On Crime, and the ACLU of Texas, 2017]
- Infographic: [Raise the Age Outcomes: 16- vs. 17-Year-Olds](#) [produced by Texas Appleseed on behalf of TCJE, Texans Care for Children, Right On Crime, and the ACLU of Texas, 2017]
- Texas Public Policy Foundation Policy Perspective: [Raising the Age of Juvenile Court Jurisdiction in Texas](#) [April 2017]

- Justice Policy Institute Report: [Raising the Age: Shifting to a safer and more effective juvenile justice system](#) [March 2017]

[Click here](#) for the report's Executive Summary.

- [TCJE Interim Testimony](#) before House Juvenile Justice & Family Issues Committee [September 2016]
- Infographic: [Raise the Age](#) [produced by TCJE, the ACLU of Texas, Texans Care for Children, and Texas Appleseed, 2015]

Charge 5: Review juvenile justice penalties and sanctions determined by or disallowed by age of the juvenile. Identify best practices in other states relating to juvenile age. Determine if alternatives or changes, based on age or other factors, are required to address penalties and sanctions in the juvenile age population.

¹ Texas Department of Public Safety, *Texas Crime Report for 2015*, Chapter 9, p. 78, 80.

² Ibid.

³ Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, MMWR 56, No. RR-9 (2007).

⁴ Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§ 15601-15609 (2003).