

[2019 Session] Eliminate Mandatory Minimum Terms for Determinate Sentences

Policy Background

Determinate sentencing is a hybrid system that allows kids adjudicated of certain offenses to serve a portion of their sentence in the juvenile justice system, with the possibility of being transferred to the adult criminal justice system between the ages of 16 and 19. If a kid with a determinate sentence responds well to services and treatment and demonstrates rehabilitation while in the juvenile system, he or she can instead be released on parole and supervised by the Texas Juvenile Justice Department. However, kids cannot be paroled until they have served the mandatory minimum length of stay required for the adjudicated offense. These minimum lengths of stay range from 1 to 10 years.¹

Supreme Courts in Iowa and Washington have found mandatory minimum sentences unconstitutional as applied to youth – asserting that courts should have full discretion to depart from mandatory sentencing, and that they must take a defendant’s youthfulness into consideration during sentencing, as well as that mandatory minimum terms do not satisfy standards of decency and fairness.²

Proposed Solution

Eliminate mandatory minimum terms for determinate sentences, allowing judges to have full discretion in determining the appropriate length of stay.

Materials

- Advocates’ [Recommendations](#) for Next Steps in Texas Juvenile Justice Reform [produced by TCJE, Texans Care for Children, Disability Rights Texas, Texas Appleseed, ACLU of Texas, and Children’s Defense Fund–Texas, January 2018]

¹ Ryan J. Mitchell, [Determinate Sentencing](#), February 22, 2016.

² Emily Steiner, [Mandatory Minimums, Maximum Consequences](#), Juvenile Law Center, August 16, 2017.