

[2019 Session] “Raise the Age”: Hold 17-Year-Olds Accountable in the Juvenile Justice System

Policy Background

In Texas, 17-year-olds who are arrested are automatically sent to the adult justice system. Texas is one of only four states left to treat these teens as adults for criminal justice purposes¹ – removing their parents from the court process, and exposing kids to confinement in adult jails. Of the 20,000 17-year-olds arrested in Texas in 2017, more than 95 percent were arrested for nonviolent and misdemeanor offenses.² These kids could be processed through the juvenile system, where they would have more access to community-based rehabilitative services (e.g., counseling, education, and treatment), giving them positive and age-appropriate redirection. This is a common-sense approach, as kids are highly amenable to rehabilitation. Furthermore, keeping kids in the juvenile (vs. adult) system lowers their likelihood of re-offending by 34 percent,³ and it prevents them from receiving an adult criminal record, which can create barriers to a college education, employment, housing, and the military.

Note: Only 33 kids aged 17 or younger were actually incarcerated in a Texas prison or state jail as of August 2017 – a small population that, again, could be absorbed by the juvenile system, especially given that the incarcerated juvenile population declined from 1,026 in December 2017 to 879 in June 2018 under the leadership of Executive Director Camille Cain.⁴

Proposed Solution

Raise the automatic age of criminal jurisdiction from 17 to 18, which will start kids off in the juvenile system but give judges the discretion to transfer kids with the most serious offenses to the adult system on a case-by-case basis.

Relevant Bill

- **Bill Number:** [HB 344](#) [Dutton, Reynolds]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
TCJE Materials: [Fact Sheet](#) | [Infographic](#)
House Hearing Notice: [Juvenile Justice & Family Issues, March 13, 2019](#)

TCJE House Action: [Testimony in support](#)

House Hearing Video: [Juvenile Justice & Family Issues, 3/13/19](#)

- **Bill Number:** [HB 658](#) [Dutton, Meza]

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.

Other Bills Related to Age of Jurisdiction

- **Bill Number:** [HB 1364](#) [Wu, Zerwas, Sheffield, Dutton, White]

Bill Caption: Relating to the age of a child at which a juvenile court may exercise jurisdiction over the child and to the minimum age of criminal responsibility.

House Hearing Notice: [Juvenile Justice & Family Issues, March 13, 2019](#)

TCJE House Action: [Testimony in support](#) | [Card in support](#)

House Hearing Video: [Juvenile Justice & Family Issues, 3/13/19](#)

- **Bill Number:** [HB 2314](#) [Toth]

Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

- **Bill Number:** [SB 1698](#) [Whitmire]

Bill Caption: Relating to the eligibility of certain juvenile offenders to be transferred to criminal court.

Senate Hearing Notice: [Criminal Justice, April 10, 2019](#)

TCJE Senate Action: [Card in support](#)

Senate Hearing Video: [Criminal Justice, 4/10/19](#)

Other Materials

- Report: [Seventeen in the Adult Justice System](#) [October 2019]
- TCJE [Testimony](#) on the Texas Juvenile Justice Department, submitted to Senate Finance Committee [January 2019]
- TCJE Blog Post: ["We Can't Stop Beating the Drum on "Raise the Age"](#) [September 2018]
- TCJE Report: [Young Adults and Community Supervision: The Need for a Developmentally Appropriate Approach to Probation](#) [August 2018]
- TCJE [Testimony](#) on the Texas Juvenile Justice Department's Legislative Appropriations Request, submitted to the Governor's Office of Budget, Planning and Policy and the Legislative Budget Board [August 2018]
- Postcard: [Treat Kids Like Kids](#) [June 2018]

- 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]
- 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]

1 Other states that have not yet raised the age of criminal court jurisdiction to 18 include Georgia, Michigan, and Wisconsin.

2 Texas Department of Public Safety, [The Texas Crime Report for 2017 – Chapter 9: Texas Arrest Data](#).

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 Texas Department of Criminal Justice, [FY 2017 Statistical Support](#), 8.

See also: Camille Cain, [Short-Term Solutions and Long-Term Goals: A Plan for TJJD](#), June 1, 2018 [see introduction letter].