

[2021 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 three 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 16,000 17-year-olds arrested in Texas in 2019, approximately 95% 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: Between 2016 and 2019, arrests of 17-year-olds fell nearly 25 percent (from 21,374 to 16,104).⁴ Also during that time, the average daily population in Texas’ secure juvenile facilities fell 16 percent (from 1,129 youth aged 10-16 to 949 youth).⁵ With COVID-19 also reducing populations of kids in county facilities,⁶ the Texas Juvenile Justice Department is well equipped to absorb 17-year-olds who are confined to or facing adult prison. Importantly, reports from other states that have recently “raised the age” have not shown evidence that such a policy change has overwhelmed their juvenile systems.⁷

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 Bills

- **Bill Number:** **HB 967** [Dutton, Reynolds]
Bill Caption: Relating to the age of criminal responsibility and to certain

substantive and procedural matters related to that age.

- **Bill Number:** [HB 1430](#) [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 1552](#) [Hinojosa]
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:** [HB 4371](#) [Allen]
Bill Caption: Relating to juvenile justice reform, including the age of a child at which a juvenile court may exercise jurisdiction over the child and the age of criminal responsibility.
TCJE Materials: [Testimony on omnibus bill](#)
- **Bill Number:** [HB 486](#) [Wu]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
- **Bill Number:** [HB 1273](#) [Crockett]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

Other Materials

- TCJE's "Spend Your Values, Cut Your Losses" [portfolio](#) and [webpage](#) [Smart and Safe Solution #6]
- TCJE [Infographic](#) on Raise the Age: Why Texas Should Treat Kids Like Kids [March 2021]
- TCJE [Testimony](#) on the Texas Juvenile Justice Department, submitted to the House Appropriations Subcommittee on Article I, IV & V [March 2021]
- TCJE [Testimony](#) on the Texas Juvenile Justice Department, submitted to the Senate Finance Committee [March 2021]

- TCJE [Fact Sheet](#) on "Raise the Age" and the Collateral Consequences of Charging 17-Year-Olds as Adults [February 2021]
- TCJE [Testimony](#) on the Texas Juvenile Justice Department's Legislative Appropriations Request, submitted to the Legislative Budget Board [November 2020]
- TCJE Report: [Seventeen in the Adult Justice System](#) [October 2019]
Also see the report's [Quick Guide](#). And see the [video](#) on why Texas needs to raise the age.
- TCJE Report: [On the Line: Insight from Youth Justice Visioning Sessions Across Texas \(opens in a new tab\)](#)[March 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]
- TCJE Fact Sheet: [Raise the Age & Juvenile Probation](#) [April 2017]

- TCJE Fact Sheet: [Texas Counties: Room to Spare for Raising the Age](#) [April 2017]
- Flyer: [GOP Voter Support for Raise the Age](#) [April 2017]
- TCJE Fact Sheet: [Raise the Age: Keep Kids out of Adult Jails and Prisons](#) [March 2017]
- Infographic: [Raise the Age TX](#) [February 2017]
- [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 and Wisconsin.

2 Texas Department of Public Safety, [Crime in Texas: 2019](#), p. 22, 24.

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 Public Safety, [The Texas Crime Report for 2016](#); also: Texas Department of Public Safety, [Crime in Texas: 2019](#), p. 22, 24.

5 Texas Juvenile Justice Department, [The State of Juvenile Probation Activity in Texas: Statistical and Other Data on the Juvenile Justice System in Texas, 2016](#) and [2019](#).

6 Texas County Juvenile Court Case Counts, [file](#) received via email, October 8, 2020, compiled from the Office of Juvenile Justice and Delinquency Prevention. File available upon request.

7 Justice Policy Institute, [Raise the Age: Shifting to a Safer and More Effective Juvenile Justice System](#), 2016.