

# **[2015 Session] Reform Policies that Subject Children to Criminal Penalties for Engaging in Conduct that Would Not Be Deemed Criminal if Engaged in by Adults**

## **Policy Background:**

While many youth enter the juvenile justice system because of delinquency, youth are also subject to penalties for engaging in conduct that would not be deemed criminal if engaged in by adults. **Acts such as running away, being persistently absent from school, breaking curfew, and consuming or possessing alcohol or tobacco are a few of the offenses more commonly referred to as “status offenses.”**

Youth who engage in status offenses are often experiencing personal, familial, community, or systemic issues and should not be processed through the juvenile system in the same way that youth who engage in delinquent behavior are processed. In fact, research has found that treating status offenders similarly to delinquent offenders is more harmful than helpful. Unfortunately, Texas continues to confine status offenders, ultimately exacerbating their issues and subjecting them to a correctional environment with youth being held for engaging in serious and violent behavior.

Further complicating this process are the criminal penalties that youth are subject to if they fail to appear before a judge for a status offense – causing additional, unnecessary harm.

Texas policy-makers should take steps to reduce the number of youth who become juvenile justice system-involved via status offenses. More specifically, this includes a prohibition on the confinement of youth charged with a status offense or with contempt of court for failing to adhere to conditions (e.g., tutoring, community service, etc.) related to a status offense.

## **Key Facts:**

- In 2013, youth in Texas were arrested in large number for status offenses: [\[1\]](#)
  - 8,806 arrests for running away
  - 3,518 arrests for curfew and loitering violations

- 1,180 liquor law violations

- Youth who run away from home are often attempting to escape a hazardous home life that can include abuse, exposure to violence, or exposure to alcohol and drug abuse.
- Confinement for status offenses poses various significant problems, including the inadequacy of facilities to address the root causes of status offenses, those facilities' potential to breed violence or pose other unsafe conditions, the lack of deterrent effect of confinement, and the removal of youth from their families and support networks.[\[2\]](#)
- According to the Texas Public Policy Foundation, Texas held about 1,300 youth in detention facilities related to status offenses at some point during 2010 – representing approximately 15% of all youth held for status offenses nationwide during that time period in 2010.[\[3\]](#)

## Relevant Bills:

- **Bill Number:** [HB 2793](#) (Huberty)  
**Bill Caption:** Relating to detention of juveniles accused only of running away from home.  
**TCJE Materials:** [Fact Sheet](#)  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on April 15, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [04/15/15 Video](#) [TCJE testimony begins at 01:13:26]
- **Bill Number:** [HB 3852](#) (Moody)  
**Bill Caption:** Relating to contempt of court committed by certain juvenile offenders and the detention of certain juvenile offenders.  
**TCJE Materials:** [Fact Sheet](#)  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on May 6, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [05/06/15 Video](#) [TCJE testimony begins at 01:02:02]
- **Bill Number:** [SB 943](#) (Rodríguez)  
**Bill Caption:** Relating to contempt of court committed by certain juvenile offenders and the detention of certain juvenile offenders.  
**TCJE Materials:** [Fact Sheet](#)

## Other TCJE Materials:

- **Flowchart:** Status Offenders – The Path to Secure Confinement

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[1] Texas Department of Public Safety, *Texas Arrest Data: 2013*, p. 75;  
<https://www.txdps.state.tx.us/crimereports/13/citCh9.pdf>

[2] Coalition for Juvenile Justice, *National Standards for the Care of Youth Charged with Status Offenses*, 2013, p. 12;  
[http://www.juvjustice.org/sites/default/files/resource-files/National%20Standards%20for%20the%20Care%20of%20Youth%20Charged%20with%20Status%20Offenses%20FINAL\\_0.pdf](http://www.juvjustice.org/sites/default/files/resource-files/National%20Standards%20for%20the%20Care%20of%20Youth%20Charged%20with%20Status%20Offenses%20FINAL_0.pdf)

[3] *The Texas Tribune*, “Report: Many Youths Still Detained for Minor Infractions,” March 20, 2014;  
<https://www.texastribune.org/2014/03/20/despite-drops-confinement-many-still-incarcerated/>. Also see: Marc Levin & Derek Cohen, “Kids Doing Time for What’s Not a Crime: The Over-Incarceration of Status Offenders,” Texas Public Policy Foundation, March 2014, pp. 6-7;  
<http://www.texaspolicy.com/center/effective-justice/reports/kids-doing-time-whats-not-crime>