



Jennifer Carreon, Policy Researcher
Work: (512) 441-8123, ext. 103
Executive Director's Cell: (512) 587-7010
jcarreon@TexasCJC.org
www.TexasCJC.org

TESTIMONY 2013

H.B. 3634

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of H.B. 3634, which will examine the plausibility of extending juvenile court jurisdiction to 17-year-olds, who are currently considered adults in Texas. This possible policy change will ultimately protect thousands of youth from the dangers of the adult criminal justice system, and permit them access to age-appropriate rehabilitative programs and services that are unavailable in the adult system.

ADULT JURISDICTION IN TEXAS: THE HARMS TO 17-YEAR-OLDS IN THE ADULT SYSTEM

In Texas, a slew of rights are granted to teens when they reach 18 years of age: the rights to vote, join the military, and buy a lottery ticket are among them. Unfortunately, the right to be charged as an adult for a criminal offense comes sooner. The day a teen turns 17, he or she is legally considered an adult. Not only is this practice inconsistent with our societal consensus for "maturity," it also defies neurological research findings, which have indicated that youth of this age are unable to fully comprehend the consequences of their actions.¹

Bringing 17-year-olds under adult jurisdiction has impacted hundreds of thousands of youth across the state.² These youth may be exposed to unsupervised interrogations, isolation, and detention within a jail setting or incarceration within a prison setting – all of which pose a severe danger to youths' mental and physical health. Sadly, the majority of these youth are charged with low-level offenses that could be adequately handled in other ways, without subjecting them to an adult criminal record.³

Texas should examine current policies to determine the harms or benefits of keeping the age of juvenile jurisdiction at 17, and make all necessary changes to protect young Texans from the unnecessary risk of abuse or danger.

KEY FINDINGS

- The most common offenses for 17-year-old youth are minor offenses, such as disorderly conduct, violation of liquor laws, public drunkenness, vandalism, and larceny theft,⁴
- Texas is only one of 13 states that sets the age of juvenile jurisdiction below 18 years of age.⁵
- Setting the age of adult criminal justice jurisdiction at 17 negates neurological research findings that identify this age as a crucial point in developing cognitive reasoning.⁶
- Youth who are subjected to the adult criminal justice process face a range of dangers (e.g., unsupervised interrogations to physical and sexual assault in confinement), which can ultimately impact their mental and physical health.⁷

Solution offered on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 3634 BY REPRESENTATIVE MCCLENDON

H.B. 3634 mandates a juvenile jurisdiction task force to review the plausibility of extending juvenile court jurisdiction to 17-year-olds, who are legally considered adults in Texas. The Juvenile Court Jurisdiction Task Force must determine whether the Legislature should **consider the proposal, based on various criteria** (including benefits to the 17-year-olds, victims, and taxpayers; federal law and case law; available services for 17-year-olds; best practices; and others), and **develop an implementation plan as appropriate**. Furthermore, the Task Force must submit an interim report of its findings and recommendations, as well as a final report describing the results of potential plan implementation, to the Legislature, Texas Department of Criminal Justice, and Texas Juvenile Justice Department by 2014 and 2016 respectively.

This process will allow for a comprehensive evaluation of potential policy reform prior to implementation, with broad stakeholder input and full transparency that will ensure that Texas is taking the correct steps to meet the needs of system-involved adolescents.

CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of H.B. 3634. The current practice of bringing 17-year-olds under adult criminal jurisdiction not only goes against the societal consensus for “maturity,” it also defies scientific findings that have found youth at this age to be incapable of truly understanding the ramifications of their actions. Through the thorough examination of current policy set out in H.B. 3634, this State can ultimately improve its protection of thousands of youth each year through a more age-appropriate response to certain offenses, and the Texas Criminal Justice Coalition strongly urges you to support this bill.

Citations

¹ S. Johnson, R. Blum, and J. Giedd, *Adolescent Maturity and the Brain: The Promise and Pitfalls of Neuroscience Research in Health Policy*, *Journal of Adolescent Health* (2009).

² Between 2007 and 2011, approximately 213,000 17-year-olds were arrested in the state of Texas. Texas Department of Public Safety, *Criminal Arrest Records 2007-2011*.

³ Michele Deitch, Rebecca Breeden, and Ross Weingarten, *Seventeen, Going on Eighteen: An Operational Fiscal Analysis of a Proposal to Raise the Age of Juvenile Jurisdiction in Texas*, *American Journal of Criminal Law*, p. 40 (2013).

⁴ *Ibid.*

⁵ *Ibid.*

⁶ J.N. Giedd, *Structural Magnetic Resonance Imaging of the Adolescent Brain*, *Annals of the New York Academy of Sciences* (2004).

⁷ S. Johnson, R. Blum, and J. Giedd, *Adolescent Maturity and the Brain*.