

Raise Age of Adult Criminal Responsibility

Raise the age for mandatory prosecution as an adult from 17 to 18, allowing non-violent offenders who are 17 years of age to be charged as a minor.

Background

Texas is 1 of only 9 states to send all 17-year-olds accused of a crime to the adult criminal justice system. 41 other states treat 17 year olds as juveniles. This change to law would leave in place the certification process by which prosecutors can charge youth (14 and up) with adult crimes.

In states that have raised the age, youth benefit from more age appropriate interventions and when necessary, incarceration in a juvenile facility rather than an adult prison. The focus of the juvenile justice system is on rehabilitation, providing youth with the tools they need to avoid further interactions with the justice system.

When 17-year-olds are arrested in Texas, they are treated as adults. Law enforcement is not required to inform the parents of a 17 year old of their arrest. At age 17, parents do not have a right to be involved in the court process.

Eighteen year old Texans are able to vote, join the military, and buy a lottery ticket, and they are no longer covered by the compulsory school attendance law. Yet, juveniles must be charged as an adult for any criminal offense of which they are accused on or after the day they turn 17.

The majority, 96%, of 17-year-olds arrested in Texas in 2013 were arrested for nonviolent and misdemeanor offenses.

While raising the age of criminal adulthood to 18 would necessitate expanding juvenile facilities, generating a cost to the state, the federal Prison Rape Elimination Act (PREA) requires 17-year-olds to be separated from adults to ensure their safety in adult correctional facilities, necessitating costly retrofitting of buildings in the adult system as well.

In the adult system, 17-year-olds are subjected to a lifetime of collateral consequences. An adult criminal record creates barriers to getting an education, gaining employment, securing housing, and joining the military.

17-year-olds fare better in the juvenile justice system. According to the Centers for Disease Control and Prevention, teens who are transferred from the juvenile court system to the adult criminal justice system are approximately 34% more likely to be re-arrested for violent or other crimes than youth kept in the juvenile court system.

In the adult system, 17-year-olds are subjected to dangerous conditions.

- **Physical & Sexual Violence:** Teens held in adult facilities face a high risk of sexual assault. A study found that two-thirds reported being sexually victimized by other inmates.
- **Suicide Risk:** Teens in adult facilities are 36 times more likely to commit suicide than those in juvenile facilities.
- **Solitary Confinement:** Due to "sight and sound separation" requirements under PREA, teens in adult facilities can spend up to 23 hours per day in solitary confinement, which can lead to physical and psychological harm.

