



86TH LEGISLATIVE SESSION

# TEXAS PTA LEGISLATIVE PRIORITY

## JUVENILE JUSTICE REFORM

Support comprehensive reform of the Juvenile justice system, increasing the age of adult criminal responsibility from 17 to 18, and policies that reduce the school-to-prison pipeline.

### BACKGROUND

- Texas Juvenile Justice Department, under new leadership, is in the beginning stages of a comprehensive reform of the juvenile justice system that is constitutionally required to be a safe environment where youth receive treatment and rehabilitation.
- Understanding that, if possible, these reforms should happen prior to returning 17-year-olds to the juvenile system, Texas PTA will support policies and funding that restructures the juvenile system:
  - Closing the large state secure facilities and moving youth and resources closer to their home communities
  - Reinvesting the savings in county run probation departments to create a continuum of care for youth
  - Establishing standards of care for youth with mental health diagnoses and youth with intellectual and developmental disabilities
  - Incorporating plans to include 17-year-olds in the juvenile justice system
- Texas PTA will continue to educate about the need to raise the age of adult criminal responsibility to 18 years of age.
  - Texas is one of only four states that send all 17-year-olds accused of a crime through the adult criminal justice system, regardless of circumstances or offense.
  - In 2013, 96% of 17-year-olds arrested in Texas were jailed for nonviolent, misdemeanor offenses.
  - Raising the age of adult criminal responsibility would leave in place the certification process by which prosecutors can charge youth (14 and up) with violent crimes.
- Teens in the state of Texas are not considered adults until they turn 18 when they are able to vote, join the military, purchase lottery tickets, and are no longer required to attend school.
- When 17-year-olds are arrested in Texas, they are treated as adults.
  - 17-year-olds must be charged as an adult for ANY criminal offense of which they are accused
  - Law enforcement is not required to inform parents of their arrest
  - Parents do not have the right to be involved in the court process

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- In the adult system, 17-year-olds are subjected to dangerous conditions and legal barriers to rehabilitation.
  - Physical and Sexual Violence: Teens held in adult facilities face high risk of sexual assault; 2/3 report 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.<sup>1</sup>
  - Solitary Confinement: Teens in adult facilities can spend up to 23 hours per day in solitary confinement, which can lead to physical and psychological damage.
  - Adult criminal records create 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 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.<sup>2</sup>
  - Youth benefit from more age appropriate interventions
  - Focus of the juvenile system is on rehabilitation, providing youth with tools they need to avoid further interactions with the justice system.
  - Federal Prison Rape Elimination Act (PREA) requires 17-year-olds to be separated from adults to ensure their safety in adult correctional facilities.

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<sup>1</sup>The Campaign for Youth Justice, *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America* 10 (2007).

<sup>2</sup>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).