

# Preparing to **RAISE** the **AGE**

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*A Stakeholder Convening  
to Help Texas Get it Right*

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## Acknowledgements

In September 2014, Texans Care for Children convened a number of stakeholders for a two-day discussion about raising the age of juvenile jurisdiction in Texas. That meeting, this report about the meeting, and our ongoing “Raise the Age” initiative are the work of **Lauren Rose**, our Juvenile Justice Policy Associate. Without her dedication, inspiration, and vision, this work would not have taken place. Texans Care for Children was grateful for the opportunity to collaborate with multiple partners to host the Preparing to Raise the Age Convening. In particular we wish to thank the following individual and organizations for their generosity of time and effort.

First and foremost, thank you to the stakeholders who took two days out of their schedules to participate in thoughtful dialogue and share their expertise. Thank you, not only for your work on this issue, but all that you do for Texas children every day. A full list of participants can be found in the appendix.

Thank you to **Melissa Spooner**, Deputy Chief Probation Officer at Cook County Juvenile Probation and Court Services in Illinois, and **Stephanie Kollman**, research author of the Illinois Juvenile Justice Commission report on raising the age and policy attorney at the Children and Family Justice Center, Bluhm Legal Clinic, Northwestern University School of Law, for taking time out of their busy schedules to travel to Texas to share their knowledge and experience at the convening. Their insights proved invaluable. We are also grateful to the **ACLU of Texas** for its support in generously providing funding so the Illinois experts could travel to join us.

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We are grateful to the **Texas Juvenile Justice Department** for helping inform the discussion on statutory changes that would be needed to raise the age by providing a preliminary list of relevant sections of statute. We also appreciate the planning support and input of **Tarrant County Juvenile Services, El Paso County Juvenile Probation Department, ACLU of Texas, Michele Deitch, Travis County Juvenile Probation Department, Bexar County District Attorney's Office, Tarrant County Criminal District Attorney's Office, and Texas Criminal Justice Coalition.**

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help set up our meeting rooms, manage registration, and make sure our attendees were comfortable.

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**Preparing to Raise the Age**  
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**September 11-12, 2014**  
**Austin, TX**

**Introduction**

In Texas, every 17-year-old who commits a crime is considered an adult in the criminal justice system, no matter how minor the offense. High school-aged teenagers who cannot legally vote or buy cigarettes are prosecuted in adult courtrooms in Texas, held in adult jails, sentenced to adult probation or prison, and left with criminal records that can follow them for a lifetime. As evidence mounts that youth under 18 have poorer outcomes in the adult system, Texas is considering policy changes to raise the age of juvenile jurisdiction to include 17-year-olds in the juvenile justice system, while maintaining the option of charging them as adults when it is deemed necessary.

In the past several years, five states concluded that children under 18 belong in the juvenile justice system, and passed legislation to raise their ages of jurisdiction. There are just eight other states besides Texas who consider all 17-year-olds to be adults, and at least four of these are considering legislation that would move 17-year-olds into the juvenile justice system.<sup>1</sup> This trend reflects growing consensus among experts, practitioners, and legislators that children do not belong in adult courtrooms, adult jails, and adult prisons, and that they are more likely to be successful and less likely to recidivate if offered the juvenile justice system's age-appropriate interventions. Particularly with new Prison Rape Elimination Act standards in place to keep 17-year-olds safe in adult jails and prisons, some communities are finding the cost to taxpayers to be further reason to reconsider the practice of treating all 17-year-olds as adults; one Texas sheriff estimated it cost her county nearly \$80,000 per week to keep 17-year-olds safe in adult jail.<sup>2</sup>

Building on this momentum, during the interim following the 83<sup>rd</sup> Texas legislative session the Speaker of the House charged the House Committee on Criminal Jurisprudence to "study the classification of 17-year-olds as adults in the criminal justice system of Texas."<sup>3</sup> The committee held a hearing on the topic in March 2014, at which a broad range of stakeholders testified. Most agreed that raising the age would benefit public safety and improve outcomes for justice-involved youth. Most also noted, though, that the change would come with logistical challenges that the Legislature and systems stakeholders would need to appropriately prepare for to ensure successful implementation.

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<sup>1</sup> Missouri, North Carolina, New York, and Wisconsin have all taken steps to consider raising the age.

<sup>2</sup> Garcia, A., Kirk, C, and Valdez, L. (May 2014). "Sending 17-year-olds to adult jails costly to teens and taxpayers." Op- Ed. Dallas Morning News.

<sup>3</sup> Straus, J. (2014). Interim Committee Charges, 83<sup>rd</sup> Legislature. Texas House of Representatives.

In response to growing stakeholder interest in developing a better understanding of the components of successful implementation, in September 2014 Texans Care for Children convened a two-day meeting of key juvenile justice stakeholders from around the state to discuss raising the age. The goals of the convening were to better understand the impact raising the age of jurisdiction would have in Texas, to analyze the operational and fiscal challenges stakeholders would face, and to identify what Texas would need to do to promote the best outcomes when the policy change is made.

Invited stakeholders included representatives from:

- Juvenile probation departments
- District attorneys' offices
- Defense attorneys
- Judges
- Sheriffs' departments
- The Texas Juvenile Justice Department
- The Office of Court Administration
- The State Bar of Texas
- The Texas Conference of Urban Counties
- The Legislative Budget Board
- Legislative offices
- University researchers
- Advocacy organizations
- Partners from Illinois, a state that recently raised its age of juvenile jurisdiction

A complete list of attendees is available in the appendix.

Attendees represented all regions of the state, including 24 different counties. These included small, medium, and large counties, and urban and rural counties. Probation department participants were selected by each of the regional juvenile probation associations to ensure diverse geographic representation.

This report provides a brief overview of what it means to "Raise the Age," and key reasons Texas needs to make this policy change. It then summarizes the outcomes of the two-day Raise the Age stakeholder convening. Detailed notes and materials from the convening are included in the appendices.

## The Case for *Raise the Age* in Texas

Seventeen-year-old Texans are too young to smoke cigarettes, enlist in the military, or vote in an election. Yet, every 17-year-old arrested in Texas is an adult in the eyes of the criminal justice system. As one long-time juvenile court judge put it, for 17-year-olds “the only way you can be an adult is if you commit a crime. You cannot be an adult for any other purpose in life but to commit a crime.”<sup>4</sup> This one way that 17-year-olds are treated as adults leaves them vulnerable to violence and more likely to commit crimes in the future. It can also limit their opportunities for a lifetime. Raising the maximum age of juvenile jurisdiction to include 17-year-olds while maintaining the option to certify teenagers as adults when deemed necessary would bring Texas in line with other areas of the law, reflect national and international standards, and produce better and more appropriate outcomes for impacted youth and for public safety.

The weight of evidence indicates that prosecution and conviction in the adult system make youth more likely to recidivate in the future than youth who are kept in the juvenile system, and with more serious, violent crimes.<sup>5</sup> A report from the Centers for Disease Control estimates that youth prosecuted in adult courts are 34% more likely to recidivate than youth adjudicated in the juvenile system.<sup>6</sup> Raising the age would reduce future victimization and save money in the long-run by averting adult incarceration costs.<sup>7</sup>

Adult confinement is also unsafe for children under 18. Youth confined in adult jails are more vulnerable to assault, isolation, and suicide.<sup>8</sup> According to the Bureau of Justice statistics, between 2009 and 2011, youth were victims in 3.5% of all cases of inmate-on-inmate sexual assault in local jails,<sup>9</sup> though they represented less than 1% of the total jail population.<sup>10</sup> Spending time in jail can be mentally and emotionally taxing for young people, and youth held in adult jails are 36 times more likely than youth held in juvenile facilities to commit suicide.<sup>11</sup>

Adult jails are also ill-designed to meet youths’ educational and programming needs. A recent study of conditions for youth in Texas jails found that 46% of jails do not have formal educational programming for youth, and just 4 of the 50 jails surveyed provided confined youth

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<sup>4</sup> Meurer, Jeanne. Testimony before the Texas House Criminal Jurisprudence Committee, March 25, 2014.

<sup>5</sup> Fagan, J., Kupchik, A., and Liverman, A. (2007). “Be Careful What You Wish For: Legal Sanctions and Public Safety among Adolescent Felony Offenders in Juvenile and Criminal Court.” Columbia Law School, Pub. Law Research Paper No. 03-61.

<sup>6</sup> Hahn, R. et al. (2007). “Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult System: A Report on Recommendations of the Task Force on Community Preventive Services.” *Centers for Disease Control Morbidity and Mortality Weekly Report*, Vol. 56, RR9.

<sup>7</sup> Deitch, M. et. al. (2012). “Seventeen, Going on Eighteen: An Operational and Fiscal Analysis of a Proposal to Raise the Age of Juvenile Jurisdiction in Texas.”

<sup>8</sup> *Ibid.*

<sup>9</sup> Beck, A.J., Rantala, R.R., and Rexroat, J. (2014). *Sexual Victimization Reported by Adult Correctional Authorities, 2009 – 11*. Washington D.C.: US Department of Justice, Bureau of Justice Statistics.

<sup>10</sup> Minton, T.D. (2012). *Jail Inmates at Midyear 2011 – Statistical Tables*. Washington D.C.: US Department of Justice, Bureau of Justice Statistics.

<sup>11</sup> Campaign for Youth Justice (2007). *Jailing Juveniles; The dangers of incarcerating youth in adult jails in America*. Available at [http://www.campaignforyouthjustice.org/documents/CFYJNR\\_jailingjuveniles.pdf](http://www.campaignforyouthjustice.org/documents/CFYJNR_jailingjuveniles.pdf).

with more than 10 hours of educational programming weekly.<sup>12</sup> This is problematic given that most justice-involved 17-year-olds still need to complete their high school education.<sup>13</sup>

The U.S. Department of Justice Office of Juvenile Justice Delinquency and Prevention (OJJDP) reported that the lesser rehabilitative focus of the adult system, along with the stigma of an adult conviction and the increased possibility that youth in the adult system will learn criminal behavior from adults, all contribute to increased recidivism rates for youth prosecuted in adult courtrooms.<sup>14</sup> If Texas raises the age, most 17-year-olds adjudicated as delinquent would be placed on probation in their communities. Juvenile probation departments offer a range of programs specifically designed to meet the needs of high school-aged youth. These officers often have smaller caseloads than adult probation workers, and they emphasize rehabilitation, accountability, and educational and vocational training.<sup>15</sup>

The vast majority of 17-year-olds arrested in Texas are charged with minor non-violent crimes such as marijuana possession, theft, and crimes related to alcohol.<sup>16</sup> In 2013, just 3.5% of all 17-year-old arrests were for violent crimes.<sup>17</sup> While the offenses may be minor, an adult criminal record can limit a young person's opportunities for the rest of his or her life. Youth who are convicted in the adult system are left with criminal records that can keep them from getting jobs, housing, and a college education. In the juvenile justice system, youth benefit from confidentiality and sealed records, which keep future employers and others from holding their teenage mistakes against them.

Crime rates for 17-year-olds have declined in recent years across the country and here in Texas. Between 2012 and 2013, the number of 17-year-olds arrested in Texas dropped by 20% to 26,274, and arrests for 10-16 year-olds dropped by 21,603.<sup>18</sup> Arrest rates have been steadily declining across the state for several years, but this most recent year represents the most significant drop between two years that the state has seen in the past decade. As system pressures ease, now is the time for Texas to make a policy change and do right by youth and our communities by moving 17-year-olds into the juvenile system. It is important, though, that Texas ensure that juvenile justice professionals have the information, tools, and resources they need to serve all youth well.

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<sup>12</sup> Deitch, M., Galbraith, A.L., and Pollock, J. (2012). "Conditions for Certified Juveniles in County Jails." Austin: The University of Texas.

<sup>13</sup> *Ibid.*

<sup>14</sup> Redding, R.E. (2010). "Juvenile Transfer Laws: An Effective Deterrent to Delinquency?" Office of Juvenile Justice Delinquency, US Department of Justice.

<sup>15</sup> Deitch, M. et. al. (2012). "Seventeen, Going on Eighteen: An Operational and Fiscal Analysis of a Proposal to Raise the Age of Juvenile Jurisdiction in Texas."

<sup>16</sup> *Ibid.*

<sup>17</sup> Analysis based on data from: Texas Department of Public Safety (2014). Crime in Texas 2013. Texas Department of Public Safety. In the FBI's Uniform Crime Reporting program, "Violent crimes" include murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. See [http://www2.fbi.gov/ucr/cius2009/offenses/violent\\_crime/](http://www2.fbi.gov/ucr/cius2009/offenses/violent_crime/).

<sup>18</sup> Analysis based on data from: Texas Department of Public Safety. "Crime in Texas 2013." Texas Department of Public Safety (2014), and Texas Department of Public Safety. "Crime in Texas 2012." Texas Department of Public Safety (2013).

## Summary: A Stakeholder Convening to Help Texas Get it Right

Texans Care for Children called the two-day stakeholder meeting in September 2014 to identify what changes would be needed to make raising the age in Texas most responsive to youth and community needs. The convening took place in Austin. David Slayton, Administrative Director of the Office of Court Administration and Executive Director of the Texas Judicial Council, served as facilitator.

Before the meeting, stakeholders identified three key topic categories that they hoped to address:

### 1. Funding and Resources for Programming:

- *What are the funding implications of raising the age?*
- *What resources will different systems stakeholders need to successfully implement the change, and how should funds be distributed?*
- *Do current program offerings in the juvenile system meet the needs of older youth?*
- *What is the capacity of the juvenile system to absorb 17-year-olds?*
- *What specific concerns do small and medium counties have?*

### 2. Implementation and System Readiness:

- *What would be the ideal implementation timeline?*
- *How much time do counties need to reallocate resources?*
- *Should the change be retroactive/applicable to youth awaiting trial on the effective date?*

### 3. Statutory Changes:

- *What other ages does the state need to consider changing (e.g. maximum age of confinement in state secure facilities and maximum age of juvenile probation supervision)?*
- *What other relevant statutes will be affected?*

## ***Raise the Age Experience Panel: Perspectives from Illinois***

Stephanie Kollman, research author of the Illinois Juvenile Justice Commission report on raising the age, and Melissa Spooner, Deputy Chief Probation Officer in Illinois' Cook County, attended the convening to share the Illinois Raise the Age story and to serve as resources to stakeholders in Texas as they begin preparing for the change. Illinois raised its age in 2009 to move 17-year-olds who committed misdemeanors into the juvenile system, and in 2012 it raised the age to include 17-year-olds who committed felonies.



They shared several lessons from Illinois' experience:

1. **Raising the age at a time when crime is decreasing minimizes the system impact.** In Illinois, juvenile probation caseloads, juvenile detention numbers, and juvenile commitment numbers all *decreased* after raising the age to include 17-year-olds charged with misdemeanors, despite fears and projections that the policy change would cause a massive increase in all of these. Raising the age for 17-year-olds charged with felonies caused detention numbers to go up slightly, but so far this effect has been minimal and manageable. A pool of funding was set aside for counties to use as needed, but so far counties have not requested funds. The impact was so minimal in Illinois because the state raised the age at a time when crime had been dropping steadily for over a decade (as it is now in Texas). Adding 17-year-olds into the system only brought numbers in the juvenile system back to the levels they had been at a few years earlier.
2. **The bifurcated approach (only raising the age for misdemeanants at first) was a difficult approach, confused arresting officers, and created significant challenges.** Arresting officers often were unsure whether to apply adult or juvenile procedures at arrest. At the time of arrest, the least is known about the young person and his or her situation. The difference between a misdemeanor and a felony offense could, for example, be the difference between a few dollars in the value of a stolen item. Additionally, if a 17-year-old was arrested for a felony and later pled down to a misdemeanor, a common practice, the courts had no mechanism to transfer him or her back to juvenile jurisdiction.
3. **Flexibility in funding for Raise the Age may be important.** The big predictions about cost and impact in Illinois have not yet come to fruition. Predictions about where the system would need additional funding were incorrect. If Texas raises the age, funds may be needed in places the state cannot accurately predict until after the policy is implemented.
4. **Evaluate detention practices and consider ways to reduce the use of detention.** Cook County (Chicago) was already working on reducing its detention numbers. It is a Juvenile Detention Alternatives Initiative (JDAI) site. The county's shift away from detention and residential placements, and toward community-based alternatives, made it easier to absorb the new population of 17-year-olds.

### ***Presentation of Texas Data***

Following the presentation from Kollman and Spooner, David Slayton provided a summary of the current data on 17-year-olds in the system. He noted that the Texas Department of Criminal Justice had 196 17-year-olds in custody in 2013, and that the Community Justice Assistance Division (CJAD) reported 1,144 17-year-olds convicted of misdemeanors and 406 17-year-olds convicted of felonies under supervision (adult probation) in a one-day snapshot in August 2013.

The state had a total of 1,746 17-year-olds under its supervision or custody in 2013. Slayton estimated that between 2,868 and 3,119 17-year-olds were in local jail custody, most of whom were charged with misdemeanors (see Appendix for complete presentation).

The group discussed these numbers, and questioned how accurately they represent the number of 17-year-olds who would be in the juvenile system if and when the age is raised. They noted that this view from the court perspective does not necessarily account for all the youth who would potentially touch the juvenile system in some way. One participant pointed out that some of the 17-year-olds under CJAD supervision may be under dual supervision with juvenile probation, and therefore not all would represent new cases for the juvenile system.

### ***Programmatic Impacts Discussion***

The group spent the latter part of the first day of the convening brainstorming the potential programmatic implications of raising the age. Stakeholders generally agreed that juvenile probation departments would see the greatest impact. They expressed concern about how the state would determine funding, noting that the funding formula currently does not take into account youth who are referred to probation but not kept under supervision. One participant recommended creating an impact formula, based on certain common measures, so that all jurisdictions in the state use the same information.

The group then reflected on Cook County's use of detention alternatives. Participants noted that especially for smaller counties with limited detention bed space, reconsidering the criteria they use to detain youth could help them avoid the need to expand their detention facilities.

Participants also briefly discussed the presence of young children (10 and 11-year-olds) in detention facilities, the declining caseloads across the state, concerns about the work that probation departments do that is not captured in these declining numbers, and the minimal impact on the adult system and support for the change from adult system stakeholders. The group addressed all of these topics in greater detail during the second day of the convening.

Attendees came to a consensus that certification – the process by which judges may transfer youth to the adult system in certain serious cases – works and should not be changed if the age is raised. One attendee brought up the idea of making certain serious offenses “direct file,” meaning that adult courts would automatically have jurisdiction over certain crimes. But the group agreed that this was *not* a good idea, and that the certification process should be left alone.

## ***Convening Outcomes***

On Day 2 of the convening, participants joined breakout groups to address three topics.

- 1. Implementation timeline**
- 2. Funding**
- 3. The youngest in the system (10 to 13-year-olds)**

The groups then presented back to all of the attendees. The larger group came to consensus on several recommendations pertaining to these topic areas.

**Topic 1: Implementation timeline** – *What is an appropriate timeframe to implement raising the age? What details need to be decided in advance and are there measures that should be taken to help the transition?*

*Discussion:* The group discussed the conflict between the need for stakeholders to have time to prepare and the need to have time between implementation and the 85<sup>th</sup> legislative session to evaluate progress. Assuming passage of legislation by the upcoming 84<sup>th</sup> Legislature, there would be value in having the law go into effect with enough time so that assessments could be made, allowing the 85<sup>th</sup> Legislature to modify policy accordingly. With a slower implementation schedule, communities might find themselves without policy solutions until the subsequent session in 2019. Attendees also discussed the challenge of retroactivity, and whether or not to apply the law retroactively to 17-year-olds awaiting trial for crimes they were charged with before the effective date. Participants also noted the need to raise the maximum age for juvenile determinate and indeterminate probation, and the Texas Juvenile Justice Department (TJJD) facility maximum age. Finally, the group flagged other systems that would likely be affected, including Child Protective Services (CPS), Local Mental Health Authorities (LMHAs), Department of State Health Services (DSHS), prosecutors, defense attorneys, and adult probation departments (CSCDs).

Attendees recommended legislators take the following into account when considering implementation:

- Some county budget cycles differ from the state budget cycle, and if the law takes effect immediately or in January 2016, many counties would not have incorporated Raise the Age into their budgets.
- Consider reallocating funds saved in the adult system to the juvenile system. If TDCJ spends less on incarcerating 17-year-olds, some of that funding could be reallocated to TJJD.
- Contracts and Memoranda of Understanding (MOUs) will need to be revised, and this will take time.
- If the state waits too long to implement the policy, the Legislature will be unable to correct any issues in the 2017 legislative session. The state needs to strike a balance

between allocating enough time for implementation, while also leaving enough time to collect data before the legislative session.

**Recommendations:** Stakeholders at the convening made the following implementation recommendations:

1. **Set an appropriate implementation date.** Though many stakeholders would prefer a January 2017 effective date for preparation time, for purposes of collecting data before the next legislative session, the group recommends a **September 2016** effective date.
2. **Raise court jurisdiction, probation, and TJJD maximum ages.** Currently, youth age out of determinate sentence probation and TJJD at 19. The group recommended this be raised to 20 for probation, and 20 or 21 for TJJD determinate sentence commitment. Currently, youth age out of indeterminate sentence probation at 18, and the group recommended this be raised to 19.
3. **Address all affected statutes** including those outside of the juvenile code.
4. **From the start, determine how the state will measure success and what data will need to be collected throughout implementation.** This will allow the state to appropriately evaluate progress and funding in real time and determine if any adjustments need to be made.

**Topic 2: Funding** - *What is an appropriate mechanism for funding Raise the Age at the county level? If state funding is made available to local communities, what are appropriate avenues to getting the funding where it needs to go?*

*Discussion:* The group identified entities that would be impacted. These include juvenile probation, which the group predicted would bear the largest share of the cost; prosecutors; courts; and indigent defense. They also noted that adult probation (CSCDs) would lose some funding, and that adult jails, prisons, and prosecutors would save money. Sheriffs and counties would avoid the costs of retrofitting jails to become Prison Rape Elimination Act (PREA) compliant. PREA requires that youth under 18 in adult facilities be held sight and sound separate from adults, without the use of isolation.<sup>19</sup>

Attendees discussed two possible funding options:

- Option 1: Increase formula funding
- Option 2: Set aside a pool of grant funding that counties can apply for

**Recommendations:** The group did not come to a consensus about which of the above funding options would be best. However, the group did reach some consensus on the following:

1. **Consider differences between county and state budgeting.** In determining funding and the implementation timeline, the Legislature must take into account that state budgeting is on a biennial schedule while county budgeting is annual. Additionally,

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<sup>19</sup> National Standards to Prevent, Detect, and Respond to Prison Rape (2012). US Department of Justice, 28 CFR Part 115. Sec 115.14.

county fiscal years vary. Attendees noted that depending on the effective date of Raise the Age, some counties may not have time to adjust for it in their usual budgeting cycle. Making a flexible funding pool available to counties might offset this challenge.

2. **Raise the Age will cost less than we expect**, but there will still be costs associated with raising the age that the Legislature needs to take into account.
3. **There are qualitative differences between the ways adults and juveniles are treated in the system.** For example, law enforcement officers may be less likely to arrest juveniles than adults. These differences make it hard to predict exact costs.

**Topic 3: Youngest kids in the system (10 to 13-year-old youth) – If older youth are moved into the juvenile justice system, should anything be done differently to address the needs of the youngest children in the system?**

*Discussion:* The group discussed the unique developmental needs of 10, 11, and 12-year-olds, and agreed that children of those ages are very different than older teenagers with regard to culpability, maturity, and adolescent development. They expressed frustration that the “system is broken” for younger youth in the ways that they are charged and detained. Participants felt that the juvenile system is often a “dumping ground” for troubled children. They noted that counties vary greatly in how they deal with younger children and that county size often determines the capacity detention centers have to address the needs of younger children. Detention centers, they argued, are not set up for young children, and young children often cannot comply with the behavioral expectations in detention centers because of their maturity levels. The breakout group considered a recommendation to keep justice-involved 10, 11 and 12-year-olds out of secure lockups, but concluded they do not belong in the juvenile system at all, unrelated to any changes made to the upper age.

**Recommendation:** Attendees expressed consensus that 10, 11, and 12-year-olds do not belong in the juvenile justice system.

1. **Raise the lower age of juvenile jurisdiction to remove youth under 13 from the juvenile justice system**, for all crimes except 3G offenses.<sup>20</sup> The group discussed that our court system should not charge young children with crimes in order to get them the services they need. Juvenile probation should consider increasing prevention services to 10, 11, and 12-year-olds.

### ***Statute Considerations***

The convening concluded with a discussion of other statutes that would be affected by Raise the Age. In addition to raising the maximum age of juvenile probation and TJJD commitment noted above under “implementation,” the group discussed the following areas of statute:

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<sup>20</sup> 3G offenses are offenses listed under the Texas Code of Criminal Procedure, section 42.12 (3) (g). They are considered the most serious offenses in Texas.

1. **Trial Court Extended Jurisdiction** – Currently, juvenile courts can retain jurisdiction if a case is brought before a young person’s 18<sup>th</sup> birthday for conduct occurring before his or her 17<sup>th</sup> birthday. The court also retains jurisdiction over certain incomplete proceedings relating to petitions or motions filed before the young person ages out of the juvenile system (18 for indeterminate sentences, 19 for determinate sentences). The group agreed that these maximum ages should be raised consistent with raising the age for probation and TJJD commitment.
2. **Juvenile Records** – The group discussed the possibility of making juvenile record sealing retroactive. This is an adult criminal law issue, and may require separate legislation to address expunction/nondisclosure. Attendees agreed that additional legal research was necessary and that the Legislature would likely need to deal with this separately.
3. **Court Procedure** – Participants recommended making sure that statutes related to CPS and other agencies aligned. They recommended looking at justice court provisions, the Education Code, and the definition of sexual assault on a child. One participant recommended raising the age at which the public can access hearings from 14-years-old to 15-years-old. Another participant suggested reviewing child support laws.
4. **Detention and Confinement** – Some in the group expressed confusion about whether the Juvenile Justice Delinquency and Prevention Act (JJDP A) and PREA standards bar housing youth over 18 in juvenile facilities with youth under 18. They expressed concern that this would pose a challenge if Texas raises the age of probation and determinate sentence commitment to 19 or 20-years-old. A legal researcher in the room clarified that this should not be an issue. Under JJDP A, the requirement that youth be sight and sound separated from adults does not include sight and sound separation from persons over the age of 18 who were subject to juvenile court adjudication and who are under juvenile court jurisdiction. “Adult” under JJDP A includes only persons who are older than the state’s jurisdictional age of adult criminal responsibility *and* are being held under the jurisdiction of adult courts.<sup>21</sup> PREA sight and sound separation standards do not apply to youth in juvenile facilities; they only apply to youth in adult facilities.<sup>22</sup>

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<sup>21</sup> Juvenile Justice Delinquency and Prevention Act of 2002 as amended, US Pub. L. No. 93-415 (1974)

<sup>22</sup>National Standards to Prevent, Detect, and Respond to Prison Rape (2012).

# APPENDIX

## CONVENING PARTICIPANTS

Anthony Scott	Liberty County Juvenile Probation
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Brandt Taylor	Garza County Probation
Brett Smith	Grayson County District Attorney's Office
Brian Hawthorne	Chambers County Sherriff's Department
David Slayton	Office of Court Administration; Texas Judicial Council
Durrand Hill	Dallas County District Attorney's Office and Texas Bar
Ed Sinclair	Legislative Budget Board
Ed Cockrell	Jefferson County Juvenile Probation Department, Texas Probation Association
Eileen Garcia	Texans Care for Children
Elizabeth Henneke	Texas Criminal Justice Coalition
Estela Medina	Travis County Juvenile Probation Department & Advisory Council on Juvenile Services
Forest Hanna	Midland County, Texas Probation Association
Hans Nielsen	Harris County District Attorney's Office
Homer Flores	Nueces County Juvenile Department
James Williams	Texas Juvenile Justice Department
Jay Monkerud	Caldwell County Juvenile Probation Department
Jennifer Carreon	Texas Criminal Justice Coalition
Jill Mata	Bexar County District Attorney's Office
Joe Barton	Randall County Juvenile Probation
John Hildreth	National Campaign to Reform State Juvenile Justice Systems
John Dahill	Texas Conference of Urban Counties
John Brewer	Harris County District Attorney's Office
Laura Parker	386th District Court
Laura Nicholes	Texas Association of Counties
Lauren Rose	Texans Care for Children
Laurie Molina	Legislative Budget Board
Leah Shapiro	Harris County District Attorney's Office
Linda Brooke	Tarrant County Juvenile Service
Luis Leija	Calhoun County Juvenile Probation Department
Lynne Wilkerson	Bexar County Juvenile Probation Department
Marc Bittner	33rd and 424th Judicial District and Gillespie County Juvenile Probation Department
Matt Simpson	ACLU of Texas
Megan LaVoie	Office of Court Administration; Texas Judicial Council
Melissa Mojica	Webb County Juvenile Probation Department
Melissa Spooner	Cook County Juvenile Probation and Court Services, Cook County Illinois
Michele Deitch	LBJ School of Public Affairs, Univ. of Texas
Miguel Liscano	House Committee on Criminal Jurisprudence
Monica Kelley	Hardin County Juvenile Probation Department
Nydia Thomas	Texas Juvenile Justice Department
Patricia Cummings	Texas Criminal Defense Lawyers Association
Phillip Hayes	Cass County Juvenile Probation



Randy Turner	Tarrant County Juvenile Services
Riley Shaw	Tarrant County Criminal District Attorney's Office
Roger Martinez	El Paso County Juvenile Probation Department, Juvenile Justice Association of Texas
Ross Worley	Smith County Juvenile Services
Scott Ehlers	Harris County Public Defender's Office
Shanna Floyd	100th Judicial District Juvenile Probation Department
Stephanie Kollmann	Children and Family Justice Center, Northwestern University in Illinois
Terra Tucker	Senate Criminal Justice Committee
Tom Kidd	Parker County Juvenile Probation
William Carter	Lubbock County Juvenile Justice Center, Juvenile Justice Association of Texas

***Convening Presentations can be found online:***

***Stephanie Kollmann: [www.txchildren.org/Images/Interior/rta/kollmann.pdf](http://www.txchildren.org/Images/Interior/rta/kollmann.pdf)***

***Melissa Spooner: [www.txchildren.org/Images/Interior/rta/spooner.pdf](http://www.txchildren.org/Images/Interior/rta/spooner.pdf)***

***David Slayton: [www.txchildren.org/Images/Interior/rta/slayton.pdf](http://www.txchildren.org/Images/Interior/rta/slayton.pdf)***

***Notes from the convening can be found online at:  
[www.txchildren.org/Images/Interior/rta/notes.pdf](http://www.txchildren.org/Images/Interior/rta/notes.pdf)***