

REVIEW OF JUVENILE JUSTICE AND THE 2015 LEGISLATIVE SESSION

Legislature decriminalizes truancy, moves more juveniles closer to home, and expands the juvenile justice ombudsman's authority, but keeps 17-year-olds in the adult criminal justice system

This session the Legislature made a number of positive changes to help youth stay out of trouble and turn their lives around when they do get in trouble. As part of SB 1630, an omnibus juvenile justice bill, lawmakers approved our proposal to expand the authority of the **juvenile justice ombudsman**. In the past, the ombudsman has only been able to check on youth in the state's custody, in placements contracted by the state, or on parole. Under the new law, the ombudsman will have the authority to protect the rights and ensure the safety of youth in both state and local probation care, in both public and contract facilities.

The broader bill, SB 1630, seeks to keep more kids out of state secure facilities. The legislation requires the Texas Juvenile Justice Department (TJJD) to develop a regionalization plan to **keep youth closer to home**, where they are proven to have greater success. Under the bill, the only youth who will be committed to state

secure facilities are those who receive a determinate sentence and, unfortunately, those on an indeterminate sentence if the committing judge concludes that there is no appropriate placement to meet the youths' needs. The legislation also requires the validation of all risk and needs assessment instruments or processes used by juvenile probation departments, ensuring appropriate assessments are made before youth are placed away from their homes or provided services.



At the beginning of the legislative session, both appropriations bills filed in the House and Senate removed the structure for the TJJD budget, instead providing guidance that the budget would need to be written through policy decisions. Legislators wrote the final budget with the SB 1630 regionalization plan in mind, **shifting more funds to the front end of the juvenile justice system** and keeping more kids closer to home and out of state facilities. Many of the funding shifts will be developed through a grant structure created by the agency to provide community juvenile justice funding.

This session the Legislature also worked on making sure that a teenage mistake doesn't prevent Texans from going to college, getting a job, finding housing, and turning their lives around. Lawmakers passed bills to streamline the sealing of records, allowing more youth to have their records automatically sealed. They also approved a bill to limit the practice of sharing the fingerprints of youth for whom charges are dropped, or who are otherwise diverted and not adjudicated. The Legislature also passed a bill establishing an advisory committee to make recommendations for further improving **juvenile records** retention policies.

Another significant bill passed this session is aimed at keeping truant students in classrooms, not courtrooms. The legislation decriminalizes truancy, keeping **truancy** in the same courts but as a civil offense. It removes

schools' option to file a truancy report with the courts after a student misses three school days in four weeks. The bill requires schools to create truancy prevention measures and employ a truancy prevention officer. It also allows counties to create judicial trust funds to accept donations and grants for the purpose of providing services to families and youth to prevent truancy and delinquent conduct.

Truancy reform was not the only way that the Legislature sought to keep students out of trouble and out of the justice system. Legislators also passed a bill to require **school police officers** in the state's largest districts to receive training specific to the population they interact with every day – our children. The proposal gained momentum after a couple of high-profile incidents of school officers using excessive force on students. However, proposals to limit the use of Tasers and pepper sprays in schools fell short.



Unfortunately, the Legislature did not pass high-priority legislation to **raise the age** of juvenile jurisdiction.

Multiple legislators filed bills to send 17-year-old offenders to the juvenile system rather than continuing to send all of them to the adult system. A strong coalition of sheriffs, judges, business leaders, children's advocates, and legislators made great progress building support for the change this session. However, the House bill was placed on the House calendar too late to pass, and the Senate didn't hold a hearing on the Senate bill or accept a House amendment to SB 1630 to raise the age. This will be a top priority during the next legislative session. Proposals to keep the youngest kids out of the juvenile justice system and out of secure facilities were not given hearings.

Outcomes of significant juvenile justice initiatives this session:

BECAME LAW

SUPPORT CHILDREN IN SCHOOL

HB 2398 - Decriminalizing truancy and seeking to help chronically absent students stay in the classroom

- *Provisions from many of the other truancy bills filed this session were added to HB 2398*

HB 2684 - Creating a model training program and training requirement for school police officers

SB 107 - Creating campus behavior coordinators on school campuses, seeking to reduce disciplinary measures that remove youth from the classroom

SB 133 - Expanding optional mental health training to additional public school employees, including coaches and school police officers

SUPPORT CHILDREN THROUGH IMPROVED JUVENILE RECORDS POLICY

HB 431 - Creating an advisory committee to examine and make recommendations to improve the handling of juvenile records

HB 1491 - Prohibiting business entities from publishing confidential juvenile records

SB 409 - Limiting the sharing of fingerprints of youth who are not adjudicated

SB 1707 and HB 263 - Streamlining the system to allow more youth to have their records automatically sealed

SUPPORT CHILDREN BY IMPROVING THE JUVENILE JUSTICE SYSTEM

HB 257 - Prohibiting judges from having a financial interest in a private correctional or rehabilitation facility

HB 839 - Automatically reinstating CHIP and Medicaid when a previously covered youth leaves a juvenile facility

HB 1144 - Creating a state task force on studying and improving the outcomes for juvenile sex offenders

HB 2372 - Realigning training hours for juvenile correctional officers to allow for on-the-job training and promote retention of new officers

HB 3277 - Expanding the authority of the juvenile justice ombudsman

- *Similar provisions were included in SB 1630; HB 3277 passed the House but did not receive a Senate hearing*

SB 239 - Increasing the mental health workforce by making loan repayment assistance available to mental health professionals who provide services in workforce shortage areas, including the Texas Juvenile Justice Department

SB 888 - Allowing youth to appeal the court's decision to certify them as an adult before trial rather than waiting for a conviction in adult court

SB 1149 - Adding additional protections for youth committed to local post-adjudication secure correctional facilities

SB 1630 - Keeping more youth offenders out of state juvenile justice facilities and in local programs, developing a regionalization plan, and expanding the authority of the juvenile justice ombudsman

DID NOT PASS

SUPPORT CHILDREN IN SCHOOL

HB 2885, HB 3341 and HB 2285 - Improving accountability of school police officers by requiring data collection regarding school police activities

- *HB 2885 and HB 3341 both passed the House committee but were not voted on by the full House*

HB 3979, SB 625 and SB 1696 - Prohibiting school police officers from using Tasers and pepper spray on students

- *SB 625 was left pending in committee following a hearing; the others did not receive a hearing*

SB 1334 - Requiring school districts with a pattern of disproportionately disciplining youth of color and youth with disabilities to develop an improvement plan

- *Did not receive a hearing*

SUPPORT CHILDREN BY IMPROVING THE JUVENILE JUSTICE SYSTEM

HB 1205, HB 35, HB 330 and SB 104 - Raising the age of juvenile jurisdiction to include 17-year-olds in the juvenile justice system instead of the adult criminal justice system

- *HB 1205 passed the House committee but was not voted on by the full House; a similar amendment was added to SB 1630 in the House but was removed by the conference committee*

HB 2626 and SB 1401 - Creating a state task force to identify alternatives to the juvenile justice system for the youngest children who make mistakes

- *Did not receive a hearing*

HB 2793 - Limiting secure confinement for youth who have run away from home

- *Passed the House committee but was not voted on by the full House*

HB 2931 and SB 1333 - Limiting secure confinement in post-adjudication facilities or state-run facilities to youth over the age of 14

- *Did not receive a hearing*

HB 2934 - Prohibiting the indiscriminate shackling of youth in the courtroom

- *Passed the House committee but was not voted on by the full House*

HB 3852 and SB 943 - Prohibiting secure confinement of status offenders

- *HB 3852 passed the House committee but was not voted on by the full House; SB 943 did not receive hearing*