



Review of  
**YOUTH  
JUSTICE  
POLICY**  
and the 2017  
Legislative Session

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An excerpt  
from our report  
***Texas Children  
and the 2017  
Legislative Session***

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June 27, 2017

# REVIEW OF YOUTH JUSTICE POLICY AND THE 2017 LEGISLATIVE SESSION

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This session, the number one goal for juvenile justice reform advocates was passing legislation to raise the age of juvenile court jurisdiction, ending the practice of automatically sending 17-year-olds to the adult justice system when they get in trouble. While the bill had more support in the House than ever before, it languished in the Senate and failed to pass. In fact, compared to recent legislative sessions, very few juvenile justice reform bills passed this session. Nonetheless, we were able to secure a few important victories in our work on youth justice issues, including reforms to the juvenile justice system and school discipline policies.

In a session with so much attention on Child Protective Services (CPS), we worked with legislators to successfully pass two bills to address **youth involved with both the juvenile justice and child welfare systems**. HB 1521 begins enhancing coordination and information sharing between the two systems to improve services for youth. HB 932 begins data collection and reporting of how many youth are affected by both systems. There are many youth involved with both CPS and the juvenile justice system. If CPS caseworkers and juvenile probation officials don't realize they are both trying to support the same youth, they can end up connecting the youth with duplicative or conflicting services. Providing a youth with two different, uncoordinated trauma counseling services, for example, is not only wasteful but it also could undermine services that would otherwise help the youth. Improving coordination will give youth a better chance of succeeding and eliminate wasteful inefficiencies.

Lawmakers also passed legislation to simplify and improve the handling of **juvenile records**. The legislation, SB 1304, will further limit who can access the records, ensuring more youth have the opportunity to rent an apartment, get a job, or go on to college rather than being held back by their record. Our staff served on the state task force on juvenile records prior to the session, helping to shape the recommendations that ultimately became law.

The Legislature also took some initial steps to address the **youngest children in the juvenile justice system**, an issue that we helped to put on the agenda through our work with the House Juvenile Justice and Family Issues Committee prior to the session. HB 1204 diverts some 10- and 11-year-olds from adjudication in the juvenile justice system and seeks to identify opportunities to provide the youth age-appropriate services. Under the bill, inter-agency coordinating groups composed of school districts, local mental health authorities, and other local child-serving agencies determine the right services for the youth. The Legislature should work to build on this legislation in the future, developing options to ensure more 10- to 13-year-olds who get in trouble receive the supports they need in the community rather than entering the juvenile justice system. HB 1204 also tasks the Texas Office of Court Administration with studying how "juvenile," "child," and "minor" are defined in the criminal and juvenile justice systems and how youth are charged with fine-only misdemeanors. The study is an opportunity to further explore the ages at which a youth should be subject to the juvenile justice system.



On the school discipline front, the Legislature passed HB 674 to curb the school-to-prison pipeline for the youngest Texans by banning out-of-school **suspensions for students in pre-k through second grade** with a few exceptions, such as students who bring weapons or drugs to school. The legislation outlines alternative strategies that school districts may use to provide support to teachers and students.

The Legislature also passed SB 179, known as "David's Law," to address **cyberbullying and youth suicide**. Our staff worked with legislators to limit the expansion of punitive measures, which have not been shown to prevent bullying or suicide. Our staff also worked successfully to include provisions in the bill to encourage safe and supportive school climates that reduce the risk of bullying and youth suicide.

The final bill expands the definition of the criminal offense harassment through "electronic communication" to include the forms of communication currently used in cyberbullying. It also creates an enhancement to a Class A

misdemeanor for those who cyberbully a youth under the age of 18 with the intention of the victim committing suicide or causing serious bodily injury. Additionally, the bill allows schools to expel students or send them to a Disciplinary Alternative Education Program (DAEP) if they are believed to have engaged in cyberbullying or "sexting."

As noted above, one of the great disappointments of the legislative session was lawmakers' failure to pass **HB 122 to "raise the age."** The legislation would have made the juvenile justice system, rather than the adult system, the default for 17-year-olds who get in trouble while maintaining the option to certify youth as adults when deemed appropriate by a judge. Supporters ranging from judges and business leaders to conservative think tanks and children's advocates pointed out the legislation would reduce recidivism; save taxpayer money in the long run; reduce the risk of youth suicide and sexual assault; and prevent 17-year-olds from receiving adult criminal records that keep them out of jobs, college, and housing.

Our staff worked closely with partners and legislators to get the bill off to a strong start in the House. During the 2015 session, the bill passed as an amendment to another bill late in the session. This year, by contrast, the bill came to the House floor early in the session and passed overwhelmingly. During the debate, legislators from all political factions in the House spoke out in favor of the bill, speaking with passion and armed with effective information and talking points. Unfortunately, the Senate never held a hearing on either the House bill or the Senate version of the bill.

During the interim, advocates and others will continue to work with the Legislature on this critical issue with the goal of passing "raise the age" legislation in 2019. ■

# OUTCOMES OF KEY YOUTH JUSTICE LEGISLATION

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## PASSED

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### Support Children

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**HB 674 by Rep. E. Johnson**

Similar bill: HB 2616 by Rep. Giddings  
Similar bill: SB 370 by Sen. Garcia

The bill limits out-of-school suspensions for students in grades pre-k through 2nd grade.

**HB 932 by Rep. J. Johnson**

Similar bill: SB 796 Sen. West

The bill requires improved data collection and information sharing for youth involved in both the juvenile justice and child welfare systems and directs TJJD and DFPS to develop reports on youth involved in both systems.

**HB 1204 by Rep. White**

The bill creates a mechanism to divert some ten- and eleven-year-olds from the juvenile justice system.

**HB 1521 by Rep. White**

Similar bill: SB 1857 by Sen. Whitmire

The bill requires improved information sharing between DFPS and juvenile probation in order to better serve youth in both systems and improve efficiency in both systems.

**HB 2907 by Rep. White****SB 1836 by Sen. Burton**

Passed as amendment to HB 1204

The bills commission a study on how youth who are charged with fine-only misdemeanors should be handled in the justice system.

**SB 1304 by Sen. Perry**

Similar bill: HB 2863 by Rep. White

The bill improves the handing of juvenile records, making the process more efficient and ensuring that youths' records do not make it more difficult to become successful adults.

**SB 1548 by Sen. Menéndez**

Similar bill: HB 3538 by Rep. Minjarez

The bill allows juvenile probation departments to provide services such as mentoring or mental health services for up to six months after a youth is discharged from probation if the youth agrees.

## Impact Children

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### **HB 156 by Rep. Raymond**

The bill creates a pilot program allowing schools to send youth to ROTC programs rather than disciplinary alternative placements or juvenile justice alternative programs.

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### **HB 678 by Rep. Wu**

The bill changes procedures regarding which judges can enter a plea or a stipulation of evidence by a child to improve court efficiency.

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### **SB 179 by Sen. Menéndez**

Similar bill: HB 306 by Rep. Minjarez

The bill expands the authority of schools and law enforcement to punish cyberbullying and includes provisions aimed at creating safe and supportive school climates where bullying is less likely to occur.

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## DID NOT PASS

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## Support Children

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### **HB 122 by Rep. Dutton**

### **HB 676 by Rep. Wu**

### **SB 941 by Sen. Hughes**

The bills would have raised the age of juvenile court jurisdiction to include 17-year-olds.

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### **HB 211 by Rep. Canales**

The bill would have allowed youth committed to TJJD to participate in UIL sponsored activities, providing youth with incentives and opportunities to develop and grow.

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### **HB 679 by Rep. Wu**

The bill would have prohibited the indiscriminate shackling of youth in court, instead requiring courts to develop a policy to determine which youth may be shackled while in the courtroom.

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### **HB 1015 by Rep. Dutton**

The bill would have shifted the ages at which a youth may become involved with the juvenile justice system, raising the lower age of the system from 10 to 12 and the upper age limit from 16 to 17.

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### **HB 1732 by Rep. Giddings**

The bill would have required that schools track and report data on student interactions with police, including arrests, Class C complaints, and use of force.

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## Support Children (continued)

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<b>HB 1972 by Rep. Giddings</b>	The bill would have required school police officers from districts with a student enrollment between 5,000 and 30,000 to participate in the youth-specific training that is already required of officers from districts that have a student enrollment above 30,000.
<b>SB 1977 by Sen. Whitmire</b>	The bill would have expanded the role of the independent ombudsman to include juvenile justice-involved youth in state hospitals and provided the ombudsman with appropriate access to records to ensure youth safety in juvenile probation facilities.
<b>HB 1999 by Rep. Israel</b>	The bill would have made the purchase, possession, or consumption of alcohol by a minor a civil offense rather than criminal offense, keeping minors from getting criminal records.
<b>HB 2245 by Rep. Dukes</b>	The bill would have limited the use of Tasers, pepper spray, and stun guns on students in schools.
<b>HB 2879 by Rep. Dutton SB 1828 by Sen. Rodríguez</b>	The bills would have reformed the sex offender registry for juveniles adjudicated of sex offenses to keep youth off of public registries.
<b>HB 3519 by Rep. White</b>	The bill would have waived or reduced the fines and fees resulting from involvement with juvenile probation if paying the fines or fees would cause undue burden on the youth or the youth's parents.
<b>SB 294 by Sen. Hinojosa</b>	The bill would have prohibited the use of Tasers and stun guns on students in school.
<b>SB 424 by Sen. Rodríguez</b>	The bill would have limited the use of secure confinement for the youngest youth in the juvenile justice system.
<b>SB 672 by Sen. Lucio</b>	The bill would have required that school districts report the number of school police and security guards assigned to each campus.

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## Impact Children

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<b>SB 1350 by Sen. Watson</b>	The bill would have continued the pilot project allowing for youth to be committed to the Travis County post-adjudication secure facility rather than to state-secure facilities.
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## Raise Concerns

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**HB 2872 by Rep. Burns**

The bill would have rolled back previous reforms and allowed school police officers to write Class C tickets to students in Disciplinary Alternative Education Programs instead of filing a complaint with the courts.

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**SB 1728 by Sen. Birdwell  
HB 2441 by Rep. Goldman**

The bills would have made it easier for a juvenile court proceedings to be opened up to the media and the public, creating more opportunity for youth to be identified publicly.

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