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House Bill 3351

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PROTECT PUBLIC SAFETY BY ENSURING THAT NONVIOLENT JUVENILE CRIME IS ADJUDICATED IN THE MOST EFFECTIVE FORUM

PROBLEM

Recognizing the different developmental abilities and needs of children, Texas requires every county to maintain a juvenile board to oversee the county's juvenile probation system. Under that system, children between the ages of 10 and 17 who are charged with delinquent conduct are referred to a juvenile court that has expertise in the adjudication and rehabilitation of underage defendants. For the most serious crimes – including a capital or first degree felony – a juvenile can be certified as an adult and transferred to an adult criminal court; while awaiting trial, the juvenile will also be placed in an adult jail.

However, in addition to crimes such as murder or rape, a juvenile can be certified as an adult for drug or property crimes. Research shows that, unlike the violent crimes of murder or rape, nonviolent crimes such as vandalism are most effectively adjudicated in the juvenile probation system.¹ If such nonviolent cases are instead transferred to an adult criminal court, juveniles are actually more likely to commit future crimes,² as well as face increased physical and mental abuse.³ Texas legislators should protect public safety and ensure nonviolent juveniles remain in the more effective and rehabilitative juvenile justice system.

KEY FINDINGS

- 72 percent of juveniles certified as adults in Texas have no history of violence; 29 percent are first-time offenders.⁴ These juveniles would be more effectively adjudicated and rehabilitated in the juvenile justice system.
- While in adult jail, Texas youth are more likely than their peers in juvenile facilities to be violently assaulted.⁵
- Youth in adult jails wait much longer for trial than their peers in juvenile facilities, placing them at greater risk of psychiatric problems stemming from separation from loved ones, facility crowding, or solitary confinement.⁶ Furthermore, programs and services offered to adult inmates are not geared towards rehabilitating juveniles and therefore can be ineffective for youth inmates.
- Housing juveniles in adult jails adds to their overall knowledge of crime, acting as a “crime college,” and ultimately heightening their risk of recidivism.⁷ In fact, Texas youth who have been detained in adult jail are more likely to re-offend than youth with similar offense histories who have been detained in juvenile facilities.⁸

SUPPORT H.B. 3351 BY REPRESENTATIVE TURNER

H.B. 3351 ensures that juveniles are adjudicated and rehabilitated in the most effective forums. Youth who commit serious violent crimes may be transferred to adult court; those with nonviolent offenses will remain in juvenile court. The bill allows the certification of a juvenile to stand trial in an adult court only if the juvenile is charge with committing a “violent or habitual” felony offense.

Citations on reverse.

¹ Larry S. Siegal, Brandon C. Welsh, & Joseph J. Senna, *Juvenile Delinquency: Theory, Practice, and Law* (8th ed), Chapters 3-5 Theories of Delinquency, Thompson & Wadsworth Publishing (2003).

² Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* 2008.

³ Center for Disease Control, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, 2007.

⁴ Allan Turner, Houston & Texas News, *Harris County Leads State in Trying Kids as Adults*, March 25, 2011.

⁵ Center for Disease Control, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, 2007.

⁶ Jason J. Washburn, Ph.D., et al, *Psychiatric Disorders Among Detained Youth: A Comparison of Youths Processed in Juvenile and Criminal Court*, Psychiatric Services, September, 2008.

⁷ John Roman, *Putting Juveniles in Adult Jails Doesn't Work*, Urban Institute Public Policy Center, Publications, 2008, <http://www.urban.org/publications/901138.html>.

⁸ Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* 2008.