

About Raise The Age Texas

WHAT DOES IT MEAN?

What Does It Mean to “Raise the Age?”

Right now, 17-year-olds in Texas are considered adults for criminal justice purposes. “Raising the age” refers to increasing the age of criminal responsibility from 17 to 18. That means that 17-year-olds will be under the jurisdiction of the juvenile justice system, unless a court finds they should be sent to the adult system on a case-by-case basis.

Legislative History in Texas

83rd (R) Legislative Session: 2013

The idea of “raising the age” in Texas was first introduced during the 83rd (R) legislative session.

- **Bill Number:** [HB 3634](#) [McClendon]
- **Bill Caption:** Relating to the creation of the Juvenile Court Jurisdiction Task Force.

HB 3634 was left pending in the House Corrections Committee and was later amended to [HB 990](#) [Senfronia Thompson] under Art. 1A.065. HB 990 made it through the House and was referred to the Senate Criminal Justice Committee, where it never received a hearing.

Representative McClendon filed HB 3634 at the request of the Texas Criminal Justice Coalition (TCJC) and used state-based research to support her push for passage. Professor Michele Deitch with the LBJ School of Public Affairs was the author of this research, [*Seventeen, Going on Eighteen: An Operational and Fiscal Analysis of a Proposal to Raise the Age of Juvenile Jurisdiction in Texas.*](#)

83rd Legislative Interim: 2013-2015

At the end of the 83rd (R) legislative session, Representative Herrero approached Professor Deitch about conducting a series of research projects that his committee – the House Committee on Criminal Jurisprudence – could use to inform their interim charges. One of those projects was to study “raising the age” of juvenile jurisdiction and issues of certification.

- **Interim Charge #1:** Study the classification of 17-year-olds as adults in the criminal justice system of Texas.
- **Hearing Date / Archived Recording:** [March 25, 2014](#)

The hearing reflected a growing a consensus around treating 17 year-olds in the juvenile justice system. The main points of concern were implementation (as in timing) and the short-term costs at the front-end (e.g., local juvenile probation departments).

84th (R) Legislative Session: 2015

Five bills were filed to “raise the age,” none of which advanced out of their original chamber:

- **Bill Number:** [HB 53](#) [McClendon]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
- **Bill Number:** [HB 69](#) [McClendon]
Bill Caption: Relating to the creation of the juvenile court jurisdiction task force.
- **Bill Number:** [HB 330](#) [Wu]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
- **Bill Number:** [HB 1240](#) [Walle]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
- **Bill Number:** [SB 104](#) [Hinojosa]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

85th (R) Legislative Session: 2017

Four bills were filed to “raise the age”; only the first bill below advanced out of its original chamber:

- **Bill Number:** [HB 122](#) [Dutton, Rose, Jarvis Johnson, Cook, Wu]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
- **Bill Number:** [HB 676](#) [Wu]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.
- **Bill Number:** [HB 1015](#) [Dutton]
Bill Caption: Relating to the age of a child at which a juvenile court may exercise jurisdiction over the child, to the age of criminal responsibility, and to certain substantive and procedural matters related to those ages.
- **Bill Number:** [SB 941](#) [Hughes]
Bill Caption: Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

Get The Facts

Holding 17-year-olds criminally responsible ignores the line that society has drawn for “age of maturity.” In the majority of instances, only youth who are 18 have the following rights:

- the right to vote
- the right to join the military without parental consent
- the right to buy a lottery ticket
- the right to purchase tobacco products
- the right to move out of your parent’s house without parental consent

When it comes to engaging in criminal behavior, 17-year-olds are no different than their 16-year-old peers.

In a recent article examining the operational and fiscal impact of raising the age from 17 to 18, policy experts found that 17-year-olds engage in the same types of offenses as their 16-year-old counterparts: mostly nonviolent and minor offenses (e.g., theft, possession of marijuana, and liquor law violations).

When 17-year-olds are arrested and tried in the adult criminal justice system, they are denied critical rehabilitative services.

In 1913, Texas passed the Juvenile Delinquency Court Act, which shifted the purpose of a court’s involvement from punishment to rehabilitation. The decision to do so was largely driven by national reform that identified the delinquent child as “in need of the court’s benevolent intervention.” Unlike adult criminal courts, the responsibilities of the juvenile system were made clear: provide treatment to youth to help them stay away from delinquency and get on the path of becoming productive members of society.

For more on the history of juvenile justice in Texas, click [here \[Part 1\]](#) and [here \[Part 2\]](#).
For more on the history of juvenile justice in the U.S., click [here](#).

When 17-year-olds are arrested and tried in the adult criminal justice system, they are given an adult criminal record, ultimately impacting their chances of:

- obtaining employment
- obtaining housing
- furthering their education
- serving in the military

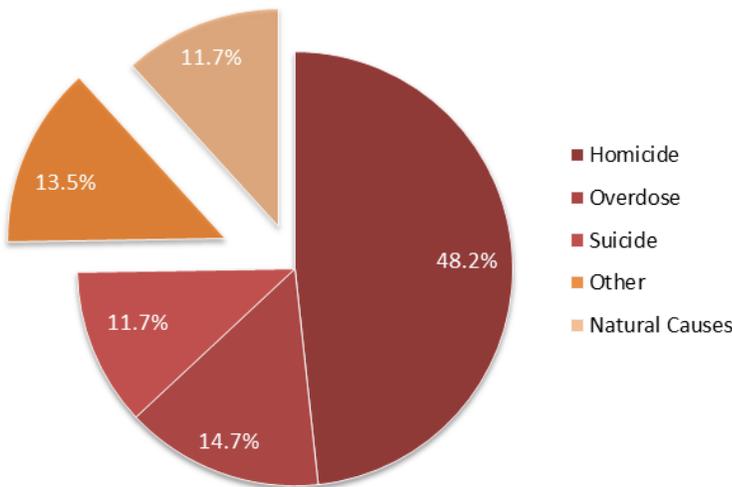
When 17-year-olds are arrested and tried in the adult criminal justice system, they are subject to confinement within an adult jail or prison setting, which exposes them to higher risks of physical and sexual abuse.

Adult correctional officers are not equipped with the skills they need to adequately protect youth from the dangers of adult jails and prisons. According to the [National Prison Rape Elimination Commission](#), “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.”

To learn more about the dangers that youth face in adult confinement, click [here](#).

When confined in a jail or prison setting, 17-year-olds are subject to isolation, which poses a severe danger to their mental and physical health.

Causes of Death Among Youth Offenders



Youth who are confined within adult settings are required to be kept "sight and sound" separated from their adult counterparts. Because the populations of these facilities are largely adult, youth are often put in isolation to meet this requirement. Research has indicated that the use of solitary confinement on youth is extremely dangerous to their mental development and significantly increases their risks of suicide.

To learn more about the harms of putting youth in isolation, click [here](#).

When confined in a jail or prison setting, 17-year-olds are more likely to re-offend and increase their chances of a continued life of crime.

According to the Centers for Disease Control and Prevention, youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth in the juvenile court system to be re-arrested for violent or other crimes.

To read the full report, click [here](#).

Figure 2

Longer Stays Do Not Yield Consistent Reductions in Juvenile Recidivism

Rearrest rates in 2 counties remained steady for offenders with longer placements



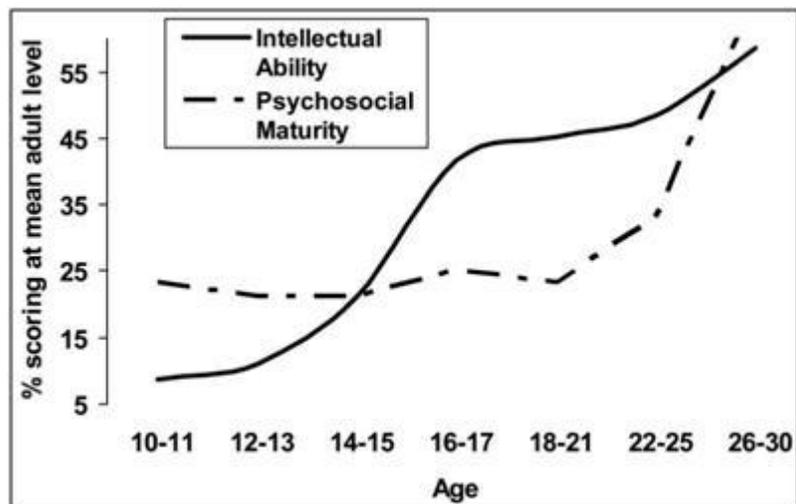
Note: Study evaluated serious adolescent offenders in Maricopa County, Arizona, and Philadelphia County, Pennsylvania.

Source: Thomas A. Loughran et al., "Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders," *Criminology* 47, no. 3 (2009): 699-740, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2801446>

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Scientific researchers have asserted that when it comes to engaging in risky or criminal behavior, youth are inherently different from adults and therefore should be treated in different ways.

Cognitive reasoning, otherwise known as the mental function that allows adults to adequately weigh rewards and consequences, does not fully develop until an individual reaches about 25 years of age; these findings have significant implications for youth who are being tried in the adult criminal justice system. Given the amount of research supporting this finding, one could argue that youth do not have the mental capacity to understand the full ramifications of their actions.



To learn more about what researchers are saying about adolescent development and crime, click [here](#).