

Make the juvenile justice system more age-appropriate by revising the ages at which a youth can be involved in the system.

Background:

Texas is one of only four states across the United States that consider 17-year-olds as adults in terms of criminal liability, even though 17-year-olds are high school juniors and seniors and are not considered old enough to vote, get a tattoo, join the military, buy cigarettes, or buy alcohol. Research shows that brain development continues through age 25, and that young people are more likely to mature and grow out of their challenging behaviors. They are also more receptive to rehabilitative treatment available in the juvenile system.

Acknowledging that 17-year-olds are not safe in the criminal justice system, the federal Prison Rape Elimination Act requires that 17-year-olds be kept sight and sound separate from adults in the criminal justice system, creating additional financial and staffing burdens on county jails.

At the same time, pre-teens as young as 10 years old can go into the juvenile justice system, be held in detention, or incarcerated for years in Texas. These youth have often had more difficult childhoods, experienced significant trauma, and have more mental health treatment needs than their peers. In fact, research shows they are more likely to have been or currently be in the foster care system.¹ Community-based services to address behavior challenges and trauma are more appropriate for these children and their families. Children and young adults who enter the justice system are more likely to re-enter the criminal justice system later in life than their peers, thus creating a lifelong pattern of instability.

Snapshot:

- Texas is one of only four states where 17-year-olds enter the adult criminal justice system by default.²
- According to the most recent data publicly available, between 10,000 and 16,000 17-year-olds are arrested as adults in Texas in any given year.³
- There were nearly 5,000 children ages ten, eleven, and twelve arrested or referred to juvenile probation in 2023, the majority for misdemeanor offenses.⁴

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Raising both the minimum and maximum ages for young people to enter the criminal system would have a tremendous impact on young people as well as their families. These policies can benefit Texas by:

- Lessening the barriers of arrest and criminal records that young people entering adulthood face, including difficulties obtaining jobs and housing.
- Providing rehabilitative treatment and holding youth accountable for mistakes in more age-appropriate ways.
- Allowing for healthier growth and development of children.
- Putting children and youth on a trajectory for success.

TNOYS Recommendations:

- Raise the lower age of juvenile court jurisdiction to 13 so that children ages 10, 11, and 12 are supported in age-appropriate settings.
- Raise the upper age of juvenile court jurisdiction so that 17-year-olds are not considered adults but rather juveniles.

1: Malvaso, Catia et al. Early versus late contact with the youth justice system: opportunities for prevention and diversion. *Current Issues in Criminal Justice*, volume 36, 2024, Issue 1. <https://doi.org/10.1080/10345329.2023.2214973>

2: Only Texas, Wisconsin, Georgia and Louisiana treat all 17-year-olds automatically as an adult.

3: Texas Department of Public Safety. *Crime in Texas Report 2019*. Pages 22 and 24; *Crime in Texas Report 2019*. Pages 31 and 35..

<https://www.dps.texas.gov/sites/default/files/documents/crimereports/19/cit2019.pdf>,

<https://www.dps.texas.gov/sites/default/files/documents/crimereports/20/2020cit.pdf>

4: Texas Juvenile Justice Department. *The State of Juvenile Probation Activity in Texas: Statistical and Other Data on the Juvenile Justice System in Texas*. 2024. <https://www.tjjd.texas.gov/wp-content/uploads/2024/08/The-State-of-Juvenile-Probation-Activity-in-Texas-Calendar-Year-2023.pdf>