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FACT SHEET 2013
H.B. 529

Require Courts to Continue Juvenile Detention Following a Youth's Transfer to an Adult Criminal Court

Confining youth in adult facilities pending trial is inappropriate and dangerous

CONDITIONS OF CONFINEMENT FOR CERTIFIED YOUTH

Under current law, Texas juvenile courts are allowed to transfer youth to adult criminal courts in certain instances. However, current law does not allow those juvenile courts to order that the youth continue to be detained in a juvenile detention facility pending trial. The result is that many Texas youth are detained in adult county jails, environments that pose severe danger to youths' rehabilitation and mental and physical health. The lack of standards regulating how youth are supervised within adult jails and the inadequate educational programming for youth in such facilities pose particular rehabilitative challenges and dangers.

Texas should require courts to continue detention of certified youth in juvenile facilities pending trial, which will improve access to programming and services that decrease recidivism, and minimize the chances of abuse against youth in age-inappropriate adult county jails.

KEY FINDINGS

- While in adult jail, Texas youth are more likely than their peers in juvenile facilities to be violently assaulted.¹
- Due to large adult criminal court caseloads, youth transferred to adult courts wait much longer for trial than their peers in the juvenile system. Long waits in adult jails place youth at great risk of psychiatric problems stemming from separation from loved ones, facility crowding, or solitary confinement.² 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 acts as a "crime college," adding to their overall knowledge of crime, while also heightening their risk of recidivism.³ Indeed, Texas youth who have been detained in adult jails are more likely to re-offend than youth with similar offense histories who have been detained in a juvenile facility.⁴

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 529 BY REPRESENTATIVE TURNER

- **H.B. 529 requires juvenile courts to order youth under 17 years of age to be detained in a certified juvenile detention facility pending trial in an adult criminal court.** The bill does limit this new authority by allowing the judge in the adult criminal court to override the juvenile court and order the juvenile held in adult jail.
- **H.B. 529 reduces the time that a juvenile must wait in an adult jail, when necessary, thus lowering the risk of psychiatric and physical harm.** The bill adds the prosecution of juveniles under the age of 17 to the list of case types that must receive priority in trial scheduling in adult criminal courts.

Citations on reverse.

Citations

¹ Center for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*, 2007.

² 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.

³ John Roman, *Putting Juveniles in Adult Jails Doesn't Work*, Urban Institute Public Policy Center, Publications, 2008, <http://www.urban.org/publications/901138.html>.

⁴ Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?*, 2008.