

A DECADE OF NATIONAL TRENDS IN JUVENILE JUSTICE STATE LEGISLATION

LEGISLATIVE SUMMIT ON JUVENILE JUSTICE

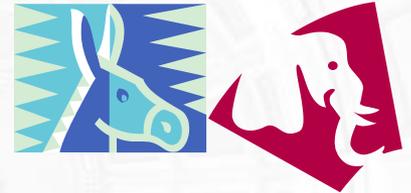
**JOINT MEETING OF THE LEGISLATIVE HEALTH AND HUMAN SERVICES
AND COURTS, CORRECTIONS AND JUSTICE COMMITTEES,
ALBUQUERQUE, NEW MEXICO**

SARAH BROWN, PROGRAM DIRECTOR, NCSL



National Conference of State Legislatures (NCSL)

- Bipartisan - membership all 50 state legislatures
- Mission Statement:
 - ▣ Improve the quality and effectiveness of state legislatures
 - ▣ Promote policy innovation and communication among state legislatures
 - ▣ Ensure state legislatures a strong, cohesive voice in the federal system
- Denver – Policy Headquarters: have a program for every policy issue a state legislator may deal with
- DC Office



Juvenile Justice Overview

□ Juvenile Justice System Goals:

- Public Safety
- Cost Considerations
- Reduce Recidivism
- Rehabilitation



□ Historical Background:

- Rise in juvenile violence in mid- 1980s to mid-1990s across the country
- National loss of faith in the rehabilitative model of the juvenile justice system
- State legislatures in all 50 states passed laws to hold more young offenders accountable through adults sentencing options



Juvenile Justice Reform Today: A Bipartisan Issue

□ Current Policies



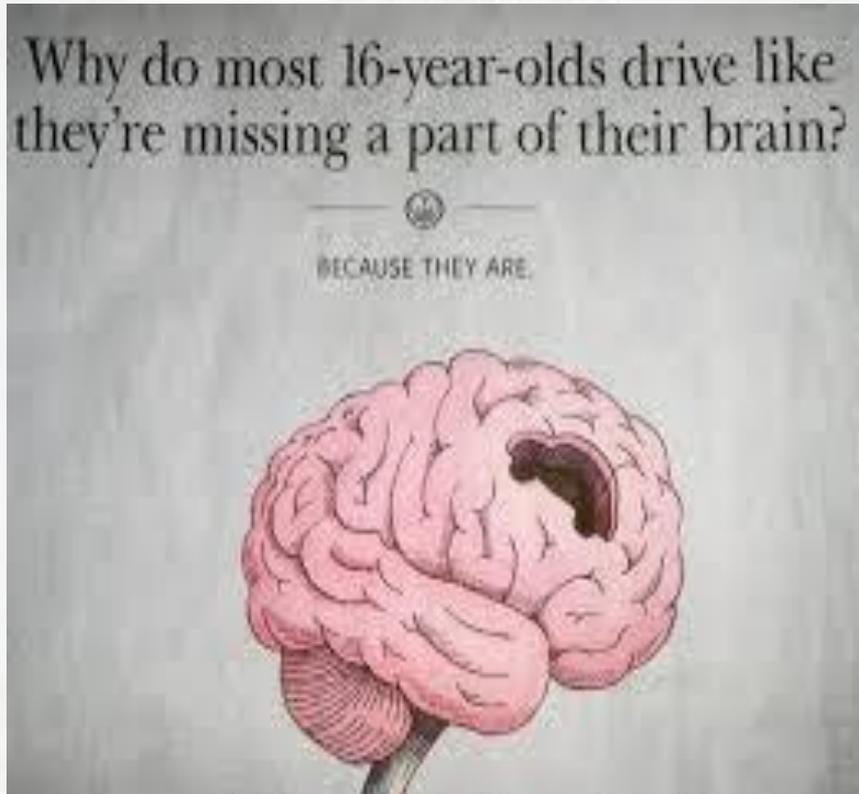
- Distinguishing Juvenile from Adults Offenders

- Priorities: Align fiscal responsibility, community safety and positive outcomes for youth

□ Contributing Factors



Contributing Behavioral and Neuroscience Research



□ Has Led To:



▣ Evidence-Based Practices



▣ New Laws and Policies

▣ Court Rulings



U.S. Supreme Court Rulings



- Abolishing the Most Severe Punishments for Juveniles
 - ▣ *Roper v. Simmons* (2005) - **Death Penalty**
 - ▣ *Graham v. Florida* (2010) - **Non-Homicide Life Without Parole**
 - ▣ *Miller v. Alabama* (2012) - **Mandatory Life Without Parole Sentences**
- 13 states have enacted compliance laws in past three years that generally give judges greater discretion in sentencing juveniles



State Legislative Trends



□ Trend #1: Comprehensive Omnibus Reforms



□ Legislative commissions study justice system

□ Provide recommendations

■ **11 states** between 2013-2015

■ Arkansas, Georgia, Hawaii, Indiana, Kansas, Kentucky, Nebraska, New Hampshire, South Dakota, Utah and West Virginia

■ Laws embody public safety, divert lower-risk youth from the system and invest in effective community-based programming



Trend #2: Reestablishing Boundaries Between the Adult and Juvenile Justice System

- Expanding Jurisdiction of the Juvenile Court
 - ▣ Reforming Transfer, Waiver and Direct File Laws
 - 23 states
 - ▣ Raising the Age of Juvenile Court Jurisdiction
 - 10 states



Trend #3:

Prevention, Intervention and Corrections/Detention Reform

□ Evidence-Based Policies

- 18 states

□ Realignment and Community-Based Interventions

- 13 states

□ Status Offender Reform

- 10 states

□ Corrections/Detention Reform

- Risk and Need Assessments

- 25 states

- JDAI

- Missouri Model

Girls in the System

- Trafficking: Safe Harbor Laws

- 31 states

- Gender-Responsive Programming

- 8 states



Trend #4:

Due Process and Defense Reform



- **Juvenile Competency**
 - ▣ 12 states in last five years – 23 laws total

- **Indigent Defense, Waiver and Adequate Counsel**
 - ▣ Laws requiring quality counsel and prohibiting waiver – 13 states

- **Shackling**
 - ▣ 7 laws – 16 bills introduced in 2015

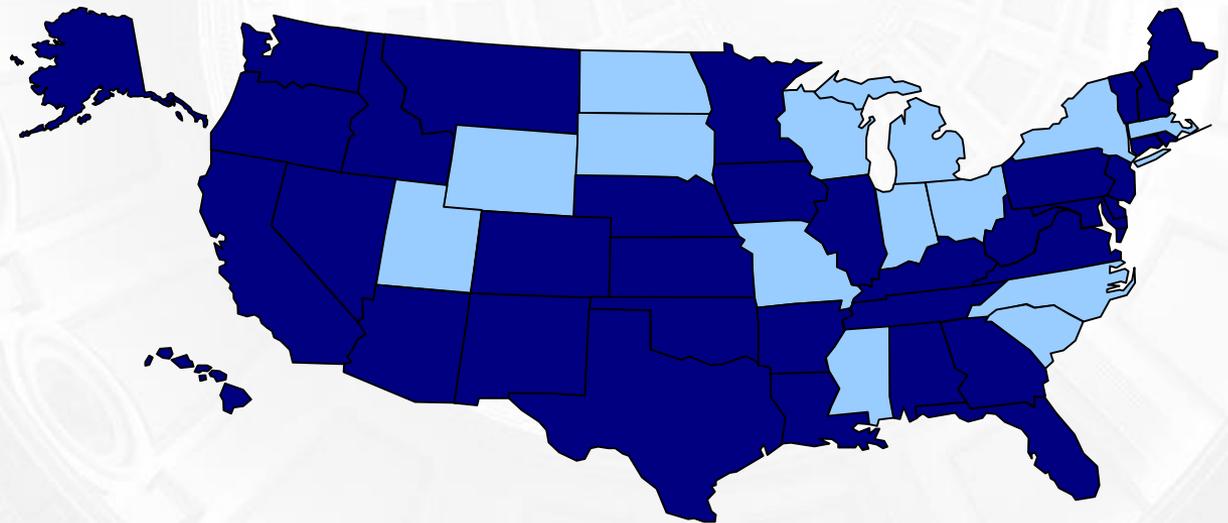
- **Solitary Confinement** – 7 states



Trend #5:

Treating Mental Health Needs of Juvenile Offenders

- Of the more than 1.4 million youth arrested each year, 70 percent have a diagnosable mental health disorder
 - ▣ Laws focus on proper screening and assessment
 - ▣ Collaboration



Enacted legislation related to juvenile mental health in last 10 years – 35 states



Trend #6:

Addressing Racial and Ethnic Disparities

- Minority youth come into contact with the juvenile justice system at a higher rate than their white counterparts. In response, state legislatures have taken measures to study the cause of disproportionality and identify strategies to reduce it
- Community Policing - 18 states 
- Racial Profiling – 31 states
- Data Collection - 10 states
- Racial Impact Statements - 6 states



Trend #7:

Reentry/Aftercare



□ Confidentiality of Juvenile Records and Expungement

- 33 states now allow records to be sealed or expunged
- 7 states have automatic expungement laws



Looking Ahead...



- New Direction

- Continued Juvenile Justice Reform Momentum



Resources and Contact for More Information

- www.ncsl.org
- **Juvenile Justice Bill Tracking Database:**
<http://www.ncsl.org/research/civil-and-criminal-justice/ncsls-juvenile-justice-bill-tracking-database.aspx>
- sarah.brown@ncsl.org and anne.teigen@ncsl.org



Thank you!

