

# NATIONAL JUVENILE JUSTICE NETWORK

## 2017 NJJN Member Youth Justice Advances

January 2018

In 2017, NJJN members were at the forefront of advancing major youth justice reforms in states and localities around the country. In this snapshot, we highlight a sampling of primarily legislative initiatives that were signed into law in 2017 and the NJJN members who pushed those reforms. We are grateful to our national partners who worked tirelessly to advance many of these reforms.

While these advances cover a wide range of issues, there are a few trends worth noting. Reforms that protect youth in the system include laws to improve conditions – such as ending shackling and other restraints (AZ, IA, NH, NJ, ND and OR), reporting on use of force (CO), and developing a juvenile justice bill of rights (NV). Laws that reduce the collateral consequences of system involvement include improvements to sealing and expunging records (CA, CO, DE, IL, KY, LA, TN, and TX), and ending fines and fees for youth (CA, Philadelphia, UT).

Another significant trend is the continued raising of the age of juvenile court jurisdiction – this year New York and North Carolina joined the majority of states in no longer automatically charging all 16 and 17-year-olds as adults. Also gaining traction is the movement to raise the lower age of youth confinement and detention. Colorado passed legislation this year banning pre-trial detention for children aged 10 – 13-years-old (felonies excluded) and proposals were pending in Illinois and Texas. Great movement is also being made in ending the sentencing of youth to life in prison without the possibility of parole (AR, CA, LA, NJ, ND).

Many members also saw success in efforts to keep youth out of the system through expanding diversion (DE, Los Angeles, New Orleans, UT, TX) and addressing the school-to-prison pipeline (IL, MD, TX, UT). Finally, gains were made in access to counsel – whether through reducing waiver of right to counsel (DE, NH) or requiring consult with counsel prior to interrogation (CA).

A partial list of 2017 youth justice advances across the United States are organized by topic below.

## Access to Counsel

### California

- [SB 395](#) safeguards the rights of youth in police custody by requiring that youth under 15-years-old consult with counsel prior to waiving their Miranda rights and proceeding with custodial interrogation.  
NJJN Members: [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#) and [Youth Justice Coalition](#)

### Delaware

- [HB 6](#) limits the instances in which a youth may waive the right to counsel and requires the youth to consult with an attorney prior to any waiver.  
NJJN Member: [Delaware Center for Justice](#)

### New Hampshire

- [HB 397](#) prohibits a prosecutor, law enforcement officer, or other state or municipal employee from advising a youth or their parent or guardian to waive the right to counsel.

## Conditions of Confinement

### Colorado

- [HB 1329](#) seeks to improve treatment of confined youth with public reporting on use of force by Division of Youth Corrections staff, local citizen “community boards” with the right to access youth facilities, and a comprehensive study of the Division’s policies and practices with recommendations for bringing them into line with best practices.  
NJJN Member: [Colorado Juvenile Defender Center](#) (CJDC)

### Nevada

- AB 180 – a [Juvenile Justice Bill of Rights](#) – mandates that detention facilities inform youth and their guardians of a youth’s right to be treated with dignity and respect, to receive healthcare, food, and education, and to be free from abuse. Youth who believe their rights are violated have the right to file a grievance for redress.  
NJJN Member: [ACLU of Nevada](#)

## Diversion

### California – Los Angeles

- The Los Angeles County Board of Supervisors adopted [a plan](#) to divert thousands of the county’s youth away from the juvenile and criminal justice systems, connecting them instead to a comprehensive array of supportive services.  
**NJJN Member:** [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#) and [Youth Justice Coalition](#)

### Delaware

- [HB 8](#) expands the State’s Juvenile Offender Civil Citation Program to include the offense of possession of drug paraphernalia and to permit a second referral to the program, if the first referral occurred more than 18 months prior for a different offense.  
**NJJN Member:** [Delaware Center for Justice](#)

### Louisiana – New Orleans

- The New Orleans City Council passed an [ordinance](#) that allows police officers to warn youth or issue them court summonses, rather than arresting youth for minor offenses.  
**NJJN Member:** [Louisiana Center for Children’s Rights \(LACCR\)](#)

### Oregon

- The Safety and Savings Act ([HB 3078](#)) adds \$7 million to \$40 million in grant funds dedicated to diverting and shortening prison sentences for youth and adults. Part of the funding will be directed to Second Look, which will allow some youth who were sentenced as adults to serve the second half of their sentence under supervision in their community. This expansion nearly doubles the number of youth who can access Second Look, broadening the model for further adoption throughout the state.  
**NJJN Member:** [Partnership for Safety and Justice](#)

### Texas

- [HB 1204](#) establishes a process to divert many 10- and 11-year-old youth with low-level offenses to more appropriate settings.  
**NJJN Members:** [Texas Criminal Justice Coalition \(TCJC\)](#), [Texas Appleseed](#) and [Texans Care for Children](#)

### Utah

- [HB 239](#) requires diversion for some youth with lower-level offenses and limited delinquency history.  
**NJJN Member:** [Utah Juvenile Defender Resource Center](#)

## Dual Status Youth

### Texas

- [HB 1521](#) promotes communication and coordination of services between the Department of Family Protective Services, the Texas Juvenile Justice Department, and local juvenile probation departments by requiring each agency, on request, to share information relating to dual-system youth.  
**NJJN Members:** [Texas Criminal Justice Coalition \(TCJC\)](#), [Texas Appleseed](#) and [Texans Care for Children](#)
- [HB 932](#) requires state agencies to collect and compile information concerning the number of youth involved in both the juvenile justice and foster care systems.  
**NJJN Members:** [Texas Criminal Justice Coalition \(TCJC\)](#), [Texas Appleseed](#) and [Texans Care for Children](#)

## Emerging Adults

### California

- [AB 1308](#) extends through age 25 a special parole process, known as "Youth Offender Parole," which provides an earlier parole hearing and requires the Board of Parole Hearings to pay particular attention to the fact that someone was young at the time of their crime.  
**NJJN Member:** [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#)

## Fees and Fines

### California

- [SB 190](#) ends the costly assessment and collection of administrative fees against families with youth in the juvenile system.  
**NJJN Members:** [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#) and [Youth Justice Coalition](#)

### Pennsylvania - Philadelphia

- The city of [Philadelphia ended their practice of billing parents](#) for time their children spent in incarceration.  
**NJJN Member:** [Youth Sentencing and Reentry Project](#)

Utah

- [HB 239](#) lowers the maximum amount of fines and fees the court can order youth to pay and implements a sliding scale for payment for diversion fees. It closes the state-funded work camp programs in which youth were removed from home to work off fines, fees, or community service hours when they could not afford them or complete them while living at home. It also provides that the court may not detain or commit a youth for failure to pay a fine, fee, restitution, or other financial obligation.

**NJJN Member:** [Utah Juvenile Defender Resource Center](#)

**Gangs**California

- [AB 90](#) places a moratorium on the use of shared gang databases until issues exposed by a state audit are addressed; blocks federal law enforcement access to shared gang databases for immigration enforcement; and moves oversight of CalGang and shared databases that feed into CalGang away from law enforcement to the State's Department of Justice.

**NJJN Member:** [Youth Justice Coalition](#)

**General/Comprehensive System Improvement**Alabama

- The Legislature created a 17-member [Alabama Juvenile Justice Task Force](#) to evaluate ways to improve the juvenile justice system.

**NJJN Member:** [Southern Poverty Law Center - Alabama](#)

Utah

- [HB 239](#) is a comprehensive reform package that includes provisions which limit the amount of time youth can spend in detention centers and under probation, caps fines and fees, establishes standards and criteria for pre-court diversions, and limits school-based court referrals.

**NJJN Member:** [Utah Juvenile Defender Resource Center](#)

**Juvenile Indigent Defense**Utah

- [SB 134](#) expands the state's indigent defense commission to include a juvenile defense representative and a parental defense attorney (attorney for a parent who is a party in a child welfare case). Separately, the commission, which oversees county funds for defense, expanded the use of the funds to be used for juvenile defense.

**NJJN Member:** [Utah Juvenile Defender Resource Center](#)

## Life Without Parole

### Arkansas

- [SB 294](#) abolishes life without parole for youth under the age of 18. It also provides for the possibility of parole after 20-30 years of incarceration, depending on the offense.  
**NJJN Member:** [Arkansas Advocates for Children and Families](#)

### California

- [SB 394](#) gives individuals serving life without parole for crimes they committed as youth under the age of 18 the opportunity to have a parole hearing after 25 years of incarceration. This parole hearing is specifically designed to recognize the developmental differences of youth.  
**NJJN Members:** [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#) and [Youth Justice Coalition](#)

### Louisiana

- [SB 16](#) limits life without parole sentences by barring youth convicted of 2<sup>nd</sup> degree murder from being sentenced to life without parole, though the sentence is retained for youth convicted of 1<sup>st</sup> degree murder. The law allows parole eligibility for youth with life sentences after serving 25 years.  
**NJJN Member:** [Louisiana Center for Children's Rights \(LACCR\)](#), [Southern Poverty Law Center - Louisiana](#)

### New Jersey

- [Assembly Bill A373](#) eliminates life without parole for anyone under the age of 18.

### Nevada

- [AB 218](#) strengthens the state's prohibition on life sentences for minors by allowing courts to consider the age of the young person at the time of the offense and their prospects for rehabilitation in sentencing.
- [AB 251](#) allows the State Board of Pardon Commissioners to commute the sentences of youth sentenced to life without parole for offenses committed when they were minors.  
**NJJN Member:** [ACLU of Nevada](#)

### North Dakota

- [HB 1195](#) bans life without parole sentences for youth under the age of 18. Individuals sentenced as children to lengthy prison terms are entitled to have their sentences reviewed by judges after they have served 20 years.

## Pre-trial Detention

### Colorado

- [HB 1207](#) bans pre-trial detention for youth between the ages of 10 to 13 who have not been charged with a serious offense.  
NJJN Member: [Colorado Juvenile Defender Center](#) (CJDC)

### Utah

- [HB 239](#) limits the amount of time youth can spend in detention centers.  
NJJN Member: [Utah Juvenile Defender Resource Center](#)

## Probation

### Nebraska

- [LB 8](#) changes youth probation to allow for graduated response sanctions and incentives in response to a violation of the terms and conditions of probation, and places limitations on revocations of probation.  
NJJN Member: [Voices for Children in Nebraska](#)

### Utah

- [HB 239](#) prohibits the use of a lengthy list of standard orders of probation and limits the time youth can spend on probation.  
NJJN Member: [Utah Juvenile Defender Resource Center](#)

## Racial and Ethnic Fairness

### New Jersey

- [S677/A3677](#) requires the Office of Legislative Services to prepare a racial and ethnic impact statement for each proposed criminal and juvenile justice bill, resolution, or amendment that would affect pretrial detention, sentencing, probation, or parole policies, concerning adults or youth, prior to any vote being taken on the bill, resolution, or amendment in either house of the Legislature.  
NJJN Member: Kathy Wright, YJLI Alum and ED of [New Jersey Parents Caucus](#)

Vermont

- [H. 308](#) establishes a Criminal and Juvenile Justice System Advisory Panel to address systemic racial disparities in state-level justice systems.  
**NJJN Member:** [Vermonters for Criminal Justice Reform](#)

**Raising the Age of Juvenile Court Jurisdiction**New York

- [A3009c/ S-2009c](#) included as part of the state budget, raises the age of juvenile court jurisdiction for 16-year-olds in October 2018 and 17-year-olds in October 2019. All youth misdemeanor cases, other than vehicle and traffic law offenses, will now be heard in Family Court. All youth charged with felonies will start in the “Youth Part” of the adult criminal court, and most non-violent, and some violent, offenses can then be transferred to Family Court.  
**NJJN Member:** [Children’s Defense Fund – New York](#)

North Carolina

- Under [SB 257, 16 and 17-year-olds will no longer be automatically charged as adults for all crimes](#). Youth charged with certain felony offenses will face either mandatory or discretionary transfer to adult court. The law takes effect Dec. 1, 2019.  
**NJJN Member:** [Youth Justice Project](#) (YJP)

**Reentry**California

- [AB 864](#) allows access to the California Conservation Corps for emerging adults on probation or other formal supervision. Corps members must be between the ages of 18 - 25. The Corps has emerged into a workforce development program where members can receive high school diplomas and industry certifications at the conclusion of their service.  
**NJJN Member:** [Anti-Recidivism Coalition](#)

**Restorative Justice**Illinois

- [HB 3165](#) requires Illinois Department of Juvenile Justice staff to receive training in restorative justice practices.  
**NJJN Member:** [Juvenile Justice Initiative](#)

**School-to-Prison Pipeline**

Illinois

- [HB 2663](#) prohibits early childhood programs receiving state funds from expelling children.  
NJJN Member: [Juvenile Justice Initiative](#)
- [HB 3903](#) bans police booking stations in schools.  
NJJN Member: [Juvenile Justice Initiative](#)

Maryland

- [SB 651](#) limits the suspension or expulsion of prekindergarten through second grade students from public schools.  
NJJN Member: [Advocates for Children and Youth \(ACY\)](#)
- [HB 1287](#) establishes the Commission on the School-to-Prison Pipeline and Restorative Practices, whose purpose is to study Maryland public school disciplinary practices and examine national best practices for training teachers and principals in restorative practices and eliminating the school-to-prison pipeline. The Commission must report its findings and recommendations to the Governor and the General Assembly on or before January 1, 2019.  
NJJN Member: [Advocates for Children and Youth \(ACY\)](#)

Texas

- [HB 674](#) prohibits the use of discretionary out-of-school suspensions for children in pre-kindergarten through second grade. The bill also encourages school districts to adopt age-appropriate, research-based positive behavior models, such as Positive Behavioral Interventions and Supports (PBIS), and restorative practices that do not rely on harmful, punitive disciplinary methods.  
NJJN Members: [Texas Criminal Justice Coalition \(TCJC\)](#), [Texas Appleseed](#) and [Texans Care for Children](#)

Utah

- [HB 239](#) limits school-based court referrals.  
NJJN Member: [Utah Juvenile Defender Resource Center](#)

**Sealing and Expunging Records**California

- [SB 312](#) authorizes courts to seal records for offenses committed by children aged 14 years or older.  
NJJN Members: [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#), and [Youth Justice Coalition](#)
- [AB 529](#) requires sealing of juvenile records when the petition is dismissed.

**NJJN Members:** [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#), and [Youth Justice Coalition](#)

- [SB 625](#) maintains the existing program for allowing local authorities to clear the record of youth with juvenile records who complete parole and earn an "honorable discharge."

#### Colorado

- [HB 1204](#) requires the court to automatically expunge cases where youth are found not guilty, the case is dismissed, or after completion of a youth's sentence for many petty offenses and misdemeanor charges. The legislation also requires that the court provide the youth with written notice of the right to expungement and the process of expungement.

**NJJN Member:** [Colorado Juvenile Defender Center](#) (CJDC)

#### Delaware

- [SB 54](#) expands the offenses that youth are eligible to expunge.

**NJJN Member:** [Delaware Center for Justice](#)

#### Illinois

- [HB 3817](#) requires automatic expungement of arrest records that do not result in delinquency, as well as records for other offenses after a set period of time. Offenses that are excluded from expungement eligibility include sexual crimes, most violent crimes, and crimes such as residential burglary. The law also restricts the ability for juvenile records to be shared with the public.

**NJJN Member:** [Juvenile Justice Initiative](#)

#### Kentucky

- [SB 195](#) expands the expungement and sealing of juvenile records and creates automatic expungement processes.

**NJJN Member:** [Kentucky Youth Advocates](#)

#### Louisiana

- [H.B. 506](#) makes many juvenile offenses eligible for expungement; eliminates the waiting period for all but the most serious offenses so that when a case is closed the court may immediately expunge it; and eliminates all court fees associated with the process.

**NJJN Member:** [Louisiana Center for Children's Rights \(LACCR\)](#)

#### Tennessee

- [HB 0578](#) requires expunction of certain juvenile records upon motion and simplifies the process for youth to expunge their records.

Texas

- [SB 1304](#) requires the automatic record sealing and in some cases permanent record destruction of most youths' juvenile justice records, while further limiting who has access to all records before sealing or destruction.  
**NJJN Members:** [Texas Criminal Justice Coalition \(TCJC\)](#), [Texas Appleseed](#) and [Texans Care for Children](#)

**Sentencing**California

- [AB 1308](#) extends relief of extreme sentencing by extending a special parole process known as 'Youth Offender Parole' through the age of 25. This provides for an earlier parole hearing and requires the Board of Parole Hearings to pay attention to the fact that someone was young at the time of the offense.  
**NJJN Members:** [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#), and [Youth Justice Coalition](#)
- [SB 620](#) eliminates mandatory gun enhancements in sentencing, returning discretion to judges.  
**NJJN Members:** [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#), and [Youth Justice Coalition](#)
- [SB 180](#) ends mandatory enhancements to new convictions for prior drug convictions.  
**NJJN Members:** [Anti-Recidivism Coalition](#), [California Alliance for Youth and Community Justice](#), and [Youth Justice Coalition](#)

Kentucky

- A trial judge in Lexington, Kentucky found the [Kentucky death penalty statute unconstitutional](#), and extended the Supreme Court's ruling in *Roper v. Simmons* that executing youth under 18 is cruel and unusual punishment to defendants under 21 years old.

**Sexual Offenses**California

- [SB 384](#) reforms California's sex offender registry laws. A part of the bill specifically impacts youth making it possible for minors tried in juvenile court to petition for removal from the sex offender registry within five to 10 years so that they will no longer be subjected to being on the registry for life.

Nevada

- [AB 395](#) repeals the requirement that all youth 14 years of age and older who were adjudicated delinquent for certain sexual offense must register as sex offenders and be subject to community notification in the same manner as adults. In its place, the new statute provides for registration of youth aged 14 and older who have committed aggravated sexual offenses with the juvenile court and provides provisions for the juvenile court to exempt youth from community notification under certain circumstances.

**NJJN Member:** [ACLU of Nevada](#)

#### Utah

- [HB 123](#) amends the state’s Romero and Juliet laws to create a class of offenses designated as “unlawful adolescent sexual activity” for which there are gradient charges based on the age differential between the youth, but for which no youth is required to register on the sex offender registry.

**NJJN Member:** [Utah Juvenile Defender Resource Center](#)

## Shackling<sup>1</sup>

#### New Hampshire

- [HB 397](#) prohibits the use of handcuffs and shackles on a youth who is the subject of a juvenile delinquency petition while the youth is in a court facility occupied by members of the public.

#### Oregon

- [SB 846](#) prohibits the use of shackling in juvenile court and during transport.

**NJJN Member:** [Partnership for Safety and Justice](#)

## Solitary Confinement/Room Confinement/Isolation

#### Colorado

- [HB 1329](#) creates a pilot program in which the Division of Youth Services (DYS) will test a therapeutic/rehabilitative model of care that will phase out use of solitary confinement and punitive restraints within one year.

**NJJN Member:** [Colorado Juvenile Defender Center](#) (CJDC)

#### Connecticut

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<sup>1</sup> Note that in several other states Court Rules were adopted in 2017 that limited the use of shackling on youth in juvenile court: Arizona Court Rule (effective Jan 1, 2017)- 17B A.R.S. JUV. CT. RULES OF PROC. 12(E) (2017); Iowa Court Rule-Iowa Rule of Juvenile Procedure 8.41 (2017); New Jersey Administrative Order (effective Jan 1, 2017): N.J. R. CH. DIV. FAM. PT. 5:19-4 (2017); and North Dakota-Court Rule (effective March 1, 2017) N.D. R. Juv. P. Rule 20.

- [HB 7302](#) prohibits the Department of Correction from holding any youth under 18 in isolated confinement and provides greater transparency around the use of isolation in Connecticut's prisons.

**NJJN Member:** [Connecticut Juvenile Justice Alliance](#)

#### New Hampshire

- [HB 397](#) limits the use of room confinement at the Youth Services Center to situations in which there is an immediate risk of serious bodily injury and all other less restrictive measures have been exhausted.

#### Oregon

- [SB 82](#) specifies that the Oregon Youth Authority cannot place youth in their custody alone in a locked room as a sanction or punishment for violation of rules regulating conduct.

**NJJN Member:** [Partnership for Safety and Justice](#)

### Status Offenses

- Utah
  - [HB 239](#) imposes restrictions on placing a youth out of home for violating a court order or committing a status offense like a curfew violation. It also removes truancy cases from court.

**NJJN Member:** [Utah Juvenile Defender Resource Center](#)

### Stopping Youth Prisons

#### Virginia - Chesapeake

- Lacking sufficient votes, the [City Manager pulled the vote](#) from consideration for a new youth prison in Chesapeake, Virginia.

**NJJN Member:** [JustChildren/RISE for Youth](#)

### Youth in the Adult System

#### Delaware

- [HB 9](#) gives Superior Court judges the discretion to transfer some youth charged as adults back to the family court system.

**NJJN Member:** [Delaware Center for Justice](#)

#### Nebraska

- [LB 11](#) clarifies that a decision to transfer a young person to adult court is a final order thereby allowing an immediate appeal of that decision.

**NJJN Member:** [Voices for Children in Nebraska](#)

### Ohio

- In [\*State v. Aalim\*](#), the Ohio Supreme Court found that Ohio's mandatory bindover laws, which allow 16 and 17-year-olds charged with certain crimes to be directly transferred to adult court, are unconstitutional. Now all bindovers of youth to adult court must include an individualized hearing that allows a juvenile court judge to consider the unique circumstances of each case.  
**NJJN Member:** [Juvenile Justice Coalition \(JJC\)](#) signed an [amicus brief](#) in the *Aalim* case.

### Oregon

- [HB 2251](#) prohibits youth under 18-years-old from being incarcerated in an adult facility.  
**NJJN Member:** [Partnership for Safety and Justice](#)

## Bills to Watch

### Massachusetts

- Massachusetts' House ([H. 4011](#)) and Senate ([S. 2170](#)) have passed sweeping juvenile justice reform bills. While the two versions are still being conferenced into a final bill, juvenile justice reforms are imminent. Both versions of the bill currently include provisions that would ban the indiscriminate shackling of youth in juvenile court, expand expungement, raise the lower age of delinquency court jurisdiction, and improve data collection.  
**NJJN Members:** [Citizens for Juvenile Justice](#)

## For More Information

For further information about NJJN and our members, please visit our [website](#). For more information on national organizations with state legislative youth justice reform campaigns please see the following:

[Campaign Against Indiscriminate Juvenile Shackling](#) – end the automatic shackling of youth in delinquency court

[Campaign for the Fair Sentencing of Youth](#) – end sentencing of youth to life in prison without the possibility of parole

[Campaign for Youth Justice](#) – end the prosecution, sentencing, and incarceration of youth in the adult criminal justice system

[Dignity in Schools Campaign](#) - challenge the systemic problem of pushout in our nation's schools and advocate for the human right of every young person to a quality education and to be treated with dignity

[Stop Solitary for Kids](#) – end solitary confinement for youth

[Youth First](#) – closing youth prisons