Introduction

As COVID-19 continues its march across the country, youth, families, and advocates are in the forefront of the struggle to decarcerate as quickly as possible in order to protect youth from the even more significant dangers now posed by confinement. Through this publication, NJJN seeks to recognize and draw awareness to the legislative advances made by our members across the country in 2019 – advances which are helping to benefit and protect youth in many ways, including reducing justice system involvement and confinement.

In a promising trend, we saw many states pass legislation to help keep youth from getting through the front door of the justice system. States passed legislation expanding access to court-appointed counsel (NV, UT); expanding the factors for establishing incompetence for trial (UT); decriminalizing alcohol (DE) and drug (IL) possession; granting authority for the police to issue warnings in lieu of arrest (LA); reinvesting funds gained from reducing confinement into community-based programs (AR, CA, KS, UT); and tackling the school-to-prison pipeline (Boston, IL, LA, NE, TX, and VA).

Several states also passed laws to help prevent youth from being locked up. Three states addressed ways to reduce detention – Louisiana limited how detention can be used and expanded the ability of local government to create alternatives to secure detention; Maryland prohibited most children under the age of 12 from being securely detained; and Washington state is phasing out the use of the valid court order exception to securely detain youth for status offenses. Arkansas prohibited commitment for low-risk misdemeanor offenses.
Addressing reforms on the deeper end of the justice spectrum, several states made advances in the area of parole reform (AR, CA, IL, OR). Oregon banned life without parole sentences for youth.

Many states addressed reforms impacting youth in the adult system. After years of tireless advocacy, Michigan raised the age of juvenile court jurisdiction from 17 to 18-years-old. Two states provided funding to implement previous raise the age legislation (NC, SC). Regarding pre-trial confinement of youth being tried as adults, the reauthorized Juvenile Justice and Delinquency Prevention Act (JJDPA) requires that youth held in adult jails – including those charged as adults – be removed to juvenile detention centers by December 21, 2021. Many states have already taken steps to move towards or fully comply with the new jail removal provision (NV, NC, ND, OR, WA). Finally, two states passed laws ending the automatic transfer/waiver of youth into adult court by statute (FL, OR). Connecticut required a study of the methods used by other states to transfer youth to adult court.

Other positive trends included the following: legislation to reinvest funding from reducing youth confinement into community-based programs and services (AR, CA, KS, UT); legislation to reduce fees and fines for youth and their families (IL, ME, NV); legislation focused on police use of force (CA, CT); legislation improving and/or expanding record sealing and expungement provisions (CO, NE, WY); comprehensive youth justice reform legislation (AR, CO); and the establishment of task forces or reform councils to recommend policy reforms (ME, MD). Finally, two states limited the damaging practice of solitary confinement for youth (AR, NJ).

Often, we don’t see the full effect of a new law until sometime after it is implemented. One dramatic example of significant impacts for young people can already be seen in the 2018 passage of comprehensive youth justice reform in Massachusetts. Since the law went into effect, youth arrests dropped dramatically from nearly 2500 in fiscal year 2018 to 1400 in fiscal year 2019, juvenile complaints dropped by 26%, and delinquency filings dropped by 33%. With fewer arrests, fewer youth are being locked up – pretrial detention dropped 27% and juvenile commitments to the Dept. of Youth Services dropped by 17%. Some of the key aspects of the 2018 law believed to have played a big part in these reductions include raising the age at which a young person can be tried in juvenile court from age 7 to 12-years-old and decriminalizing public order offenses by students in schools.

Below are details of the youth justice legislative advances in 2019. We look forward to reporting on the positive impacts of many of these laws in future years.

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1 A report by the New Jersey Parents’ Caucus (NJPC) found that black youth are disproportionately represented in every justice system contact in New Jersey, including placement in solitary confinement – 73% of the youth in solitary confinement were Black. New Jersey Parents’ Caucus Brief, “The Solitary Confinement of Youth with Mental Health Disabilities in New Jersey’s Adult Prison System” (Elizabeth, NJ: May 2018): 13, http://newjerseyparentscaucus.org/wp-content/uploads/2018/05/NJPCSolitaryConfinementBriefFINAL.pdf.


3 Note that in this document we have organized the 2019 advances according to topic so some bills may appear multiple times; if the bill contents covered more than one subject matter category, we put the bill under each subject category to which it was related.
Youth Justice Advances Summaries

Access to Counsel

Nevada

AB 439 provides that parents are not required to pay for court appointed attorneys even if it is determined that they are not indigent.

NJN Member: American Civil Liberties Union (ACLU) - Nevada

Utah

SB 32 creates the assumption that all youth under the age of 18 are considered to be “indigent individuals” and requires the court to immediately appoint counsel for them. The court should appoint counsel for every stage of the proceedings, including initial detention hearings or arraignment, until court jurisdiction has ended.

NJN Member: Utah Juvenile Defender Attorneys

Competency

Utah

HB330 adds developmental immaturity to the juvenile competency statute as one of the bases for establishing incompetence and also shortened the time frame for attainment/restoration of competence from six months to three months. If the minor is showing substantial progress then the time frame can be extended.

NJN Member: Utah Juvenile Defender Attorneys

Comprehensive System Improvement

Arkansas

SB152 enacts a comprehensive package of youth justice reforms. The primary features of the legislation include the following: requires all juvenile courts in the state to use the same validated risk assessment tool in determining commitment; prohibits courts from committing youth to the Division of Youth Services for low-risk misdemeanor offenses and requires them to make specific written findings based on particular criteria, before committing other youth; requires the Division of Youth Services to develop a reinvestment plan to reallocate funds from the savings realized from reducing confinement towards community-based programs; and requires community-based alternative services to be evidence-based, developmentally appropriate, family centered, strengths-based, and trauma-informed.

NJN Member: Arkansas Advocates for Children & Families

Colorado

SB108, the “Juvenile Justice Reform Bill,” enacts a comprehensive package of youth justice reforms that make significant changes to the standards for detaining youth, making clear that detention should be used as a last resort and only when absolutely necessary for the community’s safety. The bill requires the development of an evidence-based detention screening tool to create clear criteria for detention. Additionally, the bill requires the adoption of a validated risk and needs assessment tool, a mental health screening tool, a validated risk screening tool for
prosecutors to use in determining diversion eligibility, as well as the development of plans for measuring the effectiveness of these tools, and the development of a system of graduated responses and rewards for youth parole officers to use.

**NJJN Member:** Colorado Juvenile Defender Center

**Maine**

In May 2019, the Maine Juvenile Justice System Assessment & Reinvestment Task Force was formed to work with the Center for Children’s Law and Policy (CCLP) to examine the state’s juvenile justice system and help inform recommendations for a continuum of community-based alternatives to incarceration for system-involved youth and those at risk for becoming involved in the justice system. Chaired by Representative Brennan, Department of Corrections Commissioner Randall Liberty, and Jill Ward of the Maine Center for Juvenile Policy and Law, the Task Force is comprised of government leaders from multiple agencies, legislators, the Judiciary, practitioners, and impacted communities. In February 2020, CCLP presented its final report of findings and recommendations to the Task Force. To learn more go to [www.mainejjtaskforce.org](http://www.mainejjtaskforce.org) and see the Final Report and Executive Summary.

**NJJN Member:** Maine Center for Juvenile Policy and Law

**Maryland**

[HB606](https://legiscalmari.org/bill/HB-606) establishes a Juvenile Justice Reform Council to recommend policy reforms that will improve the outcomes for youth involved within the justice system. The Council is required to submit a final report of its findings and recommendations to the Governor and the General Assembly on or before December 1, 2020.

**NJJN Members:** Advocates for Children and Youth (ACY); Community Law in Action (CLIA)

**Confidentiality**

**Maine**

[L.D. 1573](https://legiscalmari.org/bill/LD-1573) codifies a presumption of confidentiality of juvenile case records and clarifies the circumstances under which certain records may be released and to whom.

**NJJN Member:** Maine Center for Juvenile Policy and Law

**Detention and Commitment**

**Arkansas**

[SB152](https://legiscalmari.org/bill/SB-152) is a youth justice reform package that includes a prohibition on court commitment of youth to the Division of Youth Services for low-risk misdemeanor offenses and a requirement that, before committing higher risk youth, courts must make written findings of fact based on particular criteria.

**NJJN Member:** Arkansas Advocates for Children & Families

**Louisiana**

[HB 158](https://legiscalmari.org/bill/HB-158) creates and mandates the use of a detention screening instrument. The bill also specifies that secure detention should only be used when determined necessary based on the child’s assessed risk to public safety or to secure their appearance in court, and not for a number of other
reasons, including to punish, treat, or rehabilitate the child or to facilitate further interrogation. In addition, the bill allows judicial districts or parishes to create programs to serve as alternatives to secure detention for youth.

**NJN Members:** Louisiana Center for Children’s Rights (LACCR); Families and Friends of Louisiana’s Incarcerated Children (FFLIC)

**Maryland**

**HB659** protects very young children (under age 12) from being placed in secure detention unless they are alleged to have committed an act that would be a crime of violence if committed by an adult or the child is likely to leave the jurisdiction of the court.

**NJN Members:** Advocates for Children and Youth (ACY); Community Law in Action (CLIA)

**Washington**

**SB5290** phases out the use of the valid court order exception to place youth in detention for status offenses or behavior that is not against the law for an adult. The law will be phased in over a three-year period beginning July 1, 2020, for different types of status offenses. Washington state previously used the exception more than any other jurisdiction.

**NJN Member:** TeamChild

**Drug and Alcohol Policy**

**Delaware**

- **SB 45** changes the possession or consumption of marijuana by a person under the age of 21 from a criminal to a civil offense.
- **SB 44** changes the underage possession and consumption of alcohol from a criminal to a civil offense.

**Illinois**

**HB 1438**, the “Cannabis Regulation and Tax Act,” legalizes the possession, use, and purchase of limited amounts of cannabis for personal use by those aged 21 and older. Youth under age 21 in possession of cannabis may be charged with a civil law violation, punishable by fine only. The Act allows registered, qualifying patients to grow limited amounts of cannabis for their personal use. It also provides for the expungement of certain minor cannabis violations. In December, 2019, the governor granted more than 11,000 pardons for low-level marijuana convictions and state officials estimate that 116,000 convictions are eligible for pardons under the new law. The legislation also seeks to ensure cannabis industry jobs are located in impacted communities and creates the Restore, Reinvest, Renew program, which directs investments to the communities most negatively impacted by the war on drugs.

**NJN Members:** Juvenile Justice Initiative; Garien Gatewood, Youth Justice Leadership Institute (YJLI) Alum, Program Director – Illinois Justice Project (IJP)
Emerging Adults

Colorado
HB19-1149 directs the Age of Delinquency Task Force of the Colorado Commission on Criminal and Juvenile Justice to compile data on youth ages 18 to 25 that have been in the Colorado criminal justice system in the last three years, study brain research and other research on this age group, and create a report that includes recommendations regarding the appropriate use of the juvenile justice system or youthful offender system for emerging adults.

NJJN Member: Colorado Juvenile Defender Center (CJDC)

Florida
SB7125 is a comprehensive package of criminal justice reforms that includes revisions to youth offender sentencing eligibility; the new law allows youth who commit crimes while under the age of 21 to be sentenced under less stringent guidelines regardless of their age at sentencing. Previously, if youth were over 21 when being sentenced, they were automatically sentenced as an adult even if they were under 21 when the crime was committed.

NJJN Member: Southern Poverty Law Center - Florida

Facility Based Education

Indiana
SB 29 requires school corporations to provide educational materials to youth in facilities if detained for at least seven days.

NJJN Member: Children's Policy and Law Initiative

Mississippi
SB 2449 clarifies the role of the home school district and the sponsoring school district to provide education for students in juvenile detention facilities, make reasonable accommodations for students with special education requirements, and share relevant records.

NJJN Member: Southern Poverty Law Center (SPLC) - Mississippi

Tennessee
SB 62 requires the Department of Education to provide educational instruction to students incarcerated in juvenile detention centers for a minimum of four hours a day.

Family Involvement

Illinois
HB 3704 directs the Department of Juvenile Justice to develop policies and procedures that promote family engagement and visitation appropriate for youth in custody.

NJJN Member: Juvenile Justice Initiative
**Fees, Fines, and Restitution**

**Illinois**

**HB 2045** prohibits the Department of Corrections and the Department of Juvenile Justice from requiring co-payments from committed individuals for receiving medical or dental services.

**NJNJ Member:** Juvenile Justice Initiative

**Maine**

**L.D. 1304** eases the financial burden for youth involved in the justice system by creating a presumption that youth under 16-years-old are unable to pay restitution. It allows the court to reduce or eliminate the restitution amount and prohibits the court from considering a young person’s ability to make restitution when deciding on confinement.

**NJNJ Member:** Maine Center for Juvenile Policy and Law

**Nevada**

**AB439** eliminates a number of juvenile court fines and fees. The juvenile court can no longer collect payment from parents for ancillary services for children under the jurisdiction of the court, costs for supporting children in facilities, or costs for restitution programs in which children are ordered to participate. The legislation also provides that parents are not required to pay for court appointed attorneys even if they are found not to be indigent.

**NJNJ Member:** American Civil Liberties Union (ACLU) - Nevada

**Girls**

**Florida**

**HB49** requires juvenile and county detention centers, correctional and other facilities to provide girls and women in their facilities with certain health care products. Also, the bill restricts male employees from entering or viewing a space where an incarcerated girl or woman would be undressed or touching them at all, unless it is an emergency and a female employee is not available.

**NJNJ Members:** The Children’s Campaign; Southern Poverty Law Center - Florida

**Immigration**

**Virginia**

**SB1758/HB2679** allows Virginia’s Juvenile and Domestic Relations courts to explicitly be able to make findings of fact necessary to allow any child before the court to apply for any state or federal benefit, which includes Special Immigrant Juvenile Status (SIJS). This predicate order from a juvenile court is necessary to allow youth to proceed in immigration court with an SJIS application.

**NJNJ Member:** JustChildren - Legal Aid Justice Center
Interrogation

Colorado

HB19-1315, concerns the admissibility of statements made by a young person when being advised of their constitutional rights or interrogated. Previously, such statements were admissible if the young person was accompanied by certain specified adults. Under the new law, youth can contest the admissibility of these statements if there are issues regarding whether the adult accompanying the youth had an interest in the case that was adverse to that of the youth.

NJJN Member: Colorado Juvenile Defender Center

Juvenile Court Jurisdiction

Delaware

SB 41 establishes that the age of offense, not the age of arrest, determines whether an individual is tried in juvenile versus adult criminal court. If a young person commits an offense before the age of 18, but is arrested after reaching age 18, then the juvenile court retains jurisdiction unless they are over the age of 21.

NJJN Member: Delaware Center for Justice

Illinois – Cook County

The Cook County Board of Commissioners passed Resolution No. 19-5830, requiring all government agencies in Cook County, particularly those concerned with juvenile justice, to review their policies and practices in light of the recommendations of the Convention on the Rights of the Child and the Global Study on Children Deprived of Liberty. These recommendations included setting the minimum age of prosecution in juvenile court at 14-years-old and clarifying that international rights include the right of all children under 18 to be prosecuted solely in juvenile court.

NJJN Member: Juvenile Justice Initiative

Maryland

HB659 prohibits the continued detention, beyond emergency detention, of a child under the age of 12. The only exception is if the child is alleged to have committed a certain act that, if committed by an adult, would be a crime of violence or the child is likely to leave the jurisdiction of the court.

NJJN Members: Advocates for Children and Youth (ACY); Community Law in Action (CLIA)

Juvenile Life Without Parole

Oregon

SB 1008 bans life without parole sentences for youth. It also allows for a “second look” for youth with mandatory minimum sentences after serving at least half of their sentence.

NJJN Ally: Campaign for the Fair Sentencing of Youth (CFSY)
**Law Enforcement**

**California**

AB 392 revises California’s statewide use of deadly force standard for law enforcement from one which allows them to use deadly force whenever “reasonable” to a more stringent standard that only allows use of force when the officer reasonably believes, based on the totality of circumstances, that deadly force is necessary to defend against an imminent threat of death or serious bodily injury. It also specifies that the “totality of the circumstances” means all facts known to the officer at the time, including the conduct of the officer and the victim leading up to the use of deadly force. This is the first time that the statute has been updated since 1872 and it will be one of the strongest laws on law enforcement use of deadly force in the country.

**NJN Members:** Anti-Recidivism Coalition (ARC); Arts for Incarcerated Youth Network (AIYN); Youth Justice Coalition (YJC); California Alliance for Youth and Community Justice (CAYCJ); Life After Uncivil Ruthless Acts; Anthony DiMartino, Youth Justice Leadership Institute (YJLI) Alum, Legislative Director for Assembly Member Weber

**Louisiana**

HB158 grants authority for police to issue warnings in lieu of arrest and allows judicial districts or parishes to create programs to serve as alternatives to secure detention for youth.

**NJN Members:** Louisiana Center for Children’s Rights (LACCR); Families and Friends of Louisiana’s Incarcerated Children (FFLIC)

**Connecticut**

SB 380 will require the state, for the first time, to collect all police use of force reports, and will mandate police to publicly release body and dashboard camera recordings within 96 hours after a request from a member of the public. The bill also establishes a task force that will study police transparency and accountability and requires the Police Officer Standards and Training Council (POST) to study and review the use of firearms by police officers during a pursuit.

**NJN Member:** Connecticut Juvenile Justice Alliance (CTJJA)

**Parole**

**Arkansas**

SB573 provides that the parole board can discharge an individual on parole who was incarcerated for committing an offense while a minor if they have served at least five years on parole without a violation and the prosecuting attorney from the county in which the youth was convicted has consented to their discharge from parole.

**NJN Member:** Arkansas Advocates for Children and Families

**NJN Ally:** Human Rights for Kids

**California**

AB965 expands the reach of Prop. 57, which was intended to incentivize incarcerated people to participate in educational and rehabilitative programming, to allow individuals eligible for youth offender parole the opportunity to move their parole dates forward based on achievements and
participation in programming.

**NJJN Members:** Anti-Recidivism Coalition (ARC); Arts for Incarcerated Youth Network (AIYN); Youth Justice Coalition (YJC); California Alliance for Youth and Community Justice (CAYCJ); Life After Uncivil Ruthless Acts

**Illinois**

*HB531* provides that individuals convicted of a crime before the age of 21, and after the effective date of this Act, will be able to petition the Illinois Prisoner Review Board for parole. For most crimes, young adults will be eligible for a parole review after serving 10 years. Those convicted of first-degree murder or aggravated criminal sexual assault will not be eligible for parole until they have served 20 years. Individuals convicted of predatory criminal assault of a child or those given a life sentence will still not be eligible for parole. This is the first time that the state will be permitted to grant discretionary parole since it was abolished in 1978.

**NJJN Members:** Juvenile Justice Initiative; Garien Gatewood, Youth Justice Leadership Institute (YJLI) Alum, Program Director – Illinois Justice Project (IJP)

**Oregon**

*SB 1008* bans life without parole sentences for youth. The law requires that those who were convicted of crimes that occurred when they were under 18 receive a hearing before the parole board after serving 15 years.

**NJJN Ally:** Campaign for Youth Justice (CFYJ)

**Prosecution**

**Connecticut**

*SB 880*, An Act Increasing Fairness and Transparency in the Criminal Justice System, requires that the Division of Criminal Justice report data on prosecutors’ actions on charging, plea deals, diversionary programs, and sentencing, and demographic data on the people accused of or convicted of a crime. The Office of Policy and Management must publish this information on its website annually, beginning no later than July 1, 2020.

**NJJN Member:** Connecticut Juvenile Justice Alliance

**Record Sealing and Expungement**

**Colorado**

*HB1335*, the “Juvenile Record Expungement Clean-Up Bill,” made changes and clarifications to the juvenile record expungement provision. The changes made by the bill include making clear that juvenile record expungement is applicable in municipal court, clarifying which dismissals and alternative dispositions are eligible for automatic expungement, allowing expungement of a diversion record without filing a case, and allowing class 2 and 3 misdemeanor sex offenses to be expunged.

**NJJN Member:** Colorado Juvenile Defender Center
Nebraska

**LB 354** requires the automatic sealing of juvenile records at the time probation or court orders are successfully completed and provides for a number of other clarifications and protections for young people to ensure a clean slate when exiting the juvenile justice system.

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

Tennessee

**HB941** fully eliminates the state expungement fee. Tennessee used to have one of the highest expungement fees in the nation. Local clerks can still charge a $100 fee, however.

**NJJN Member:** [Just City](#)

Wyoming

**HB 0044** simplifies the expungement process by allowing prosecutors to petition for expungement instead of putting the burden on the young person. The legislation also got rid of the state filing fee, so the cost of expunging a record no longer stands as an impediment for those who cannot afford to pay to get their record expunged on their own.

**NJJN Member:** [Wyoming Children's Law Center, Inc. (WYOCLC)](#)

Reinvestment

Arkansas

**SB152** enacted a comprehensive package of youth justice reforms, which included a requirement that the Division of Youth Services develop a reinvestment plan to reallocate funds from the savings realized from reducing confinement towards community-based programs.

**NJJN Member:** [Arkansas Advocates for Children & Families](#)

California

**A.B. 1454** allows community-based organizations to apply directly for pre-arrest diversion program funding through the Youth Reinvestment Grant program.

**NJJN Members:** [Anti-Recidivism Coalition (ARC)]; [Arts for Incarcerated Youth Network (AIYN)]; [Youth Justice Coalition (YJC)]; [California Alliance for Youth and Community Justice (CAYCJ)]; [Life After Uncivil Ruthless Acts]

Kansas

The Kansas legislature restored $6 million to the Juvenile Justice Evidence Based Program Fund, which holds all funds for juvenile justice reinvestment and was removed last year. The fund was established to capture the savings that would be realized from passing a comprehensive youth justice reform [bill](#) in 2016 designed to reduce the number of youth in out of home placements. These dollars are critically important to continuing to develop and strengthen the array of programs and services available to justice-involved youth and their families in their local communities.

**NJJN Member:** [Kansas Appleseed](#)
Utah

HB404 builds upon the youth justice reform bill passed in 2017. During that year, a comprehensive set of reforms (H.B. 239) helped more youth to stay in their homes, avoid formal court proceedings for minor issues, and gain access to expanded community-based programs. The 2017 reform bill also stipulated that money saved from these efforts would be re-invested in evidence-based services. This year’s passage of H.B. 404 further stipulated that re-investment dollars be used only for non-residential, evidenced-based programs. As a result, funds will now be available to help youth access counseling, family therapy, special classes or evaluations needed to keep them in their homes.

NJNJ Member: Utah Juvenile Defense Attorneys

School to Prison Pipeline

Illinois

HB 2627 provides that before a law enforcement officer, school resource officer, or school security personnel can detain or question a student who is under 18-years-old on school grounds, they must notify or attempt to notify the child’s parent or guardian. It also specifies that reasonable accommodations should be made to ensure a parent is present for any questioning and if they are unable to attend, a mental health professional, such as a school guidance counselor, must be present. These requirements can be exempted, however, if the circumstance calls for urgent and immediate action.

NJNJ Members: Juvenile Justice Initiative; Communities United

Louisiana

HB160 requires school districts to collect and report on more comprehensive data regarding school discipline on a per school basis. The data required to be collected includes information on suspensions, expulsions, removals to alternative education settings, referrals to law enforcement, and school related arrests. Additionally, the school district must disaggregate the data by race, ethnicity, gender, sex, English learner status, and students with exceptionalities. The school districts must also collect data on the number of school resource officers at each school.

NJNJ Members: Louisiana Center for Children’s Rights (LACCR); Families and Friends of Louisiana's Incarcerated Children (FFLIC)

Massachusetts (Boston)

In response to complaints brought by Greater Boston Legal Services, Boston Public Schools has made significant changes to its discipline policies, including:

- Ending the suspension of kindergartners, first graders, and second graders (now in effect)
- Limiting suspensions of third, fourth, and fifth graders to incidents of serious misconduct such as "serious physical harm" (to take effect September 2019)
- Collaborating with community groups to design training for staff members to encourage and increase the use of alternative forms of discipline and to educate staff about the disproportionate effects of suspensions and expulsions on students of color and students with disabilities.

NJNJ Member: Citizens for Juvenile Justice
Nebraska

LB 390 requires that the State Department of Education develop a model Memorandum of Understanding (MOU) for use between school districts and law enforcement and all law enforcement agencies with school resource officers (SROs) must adopt the model or a similar one. SROs and one administrator from the school they are at are also required to receive 20 hours of training in a number of areas, including adolescent development, responding to students with disabilities, de-escalation, and implicit bias. Records must be kept on each student an SRO refers for prosecution, including demographic characteristics.

NJNN Member: Voices for Children in Nebraska

Texas

- **HB 692** – Prohibits schools from punishing youth experiencing homelessness with out-of-school suspension (with some exceptions).
- **HB 811** – Adds foster care and homelessness to the list of mitigating factors that school administrators must consider when determining disciplinary actions for students.

NJNN Member: Texas Appleseed, Texas Criminal Justice Coalition (TCJC)

Virginia

Passed several advances to create safer and more equitable schools:

- **SB1298** and **HB1985** – Requires schools to report a broad spectrum of data points on the use of alternative education in discipline matters.
- **SB1406/HB2053** - Secured an initial $12 million to seed a phase-in plan to reduce school counselor caseloads to the nationally recognized best practice of one counselor per 250 students across school levels beginning in FY2020.
- **HB1729** – Improves work ratio for school counselors to increase direct service to students to at least 80% of overall staff time.
- Final budget conference report increased Virginia’s “At-Risk Add-On” funding stream, which directly benefits economically disadvantaged students, to an increase of approximately $25 million to the fund.
- A number of pieces of legislation passed requiring mandatory training, certification, and recertification for all School Resource Officers (SROs) and a requirement that at least one school administrator from each school complete a school safety training to be developed by the Department of Criminal Justice Services. Legislation also passed mandating the use of a memorandum of understanding (MOUs) between schools and law enforcement on the roles and use of SROs and providing for periodic review of the document.

NJNN Members: Legal Aid Justice Center; Rise for Youth

Solitary Confinement

Arkansas

HB1755 prohibits punitive isolation or solitary confinement as a punishment for incarcerated youth. However, the bill provides for exemptions if an incarcerated youth has committed an act of sexual or physical assault, or if the youth is deemed an imminent threat. With regards to the
exemption, the director of the youth detention facility is required to give a written authorization for every twenty-four-hour period that the youth stays in punitive isolation or solitary confinement.

NJNJ Member: Arkansas Advocates for Children & Families

New Jersey
A314 limits the use of isolation for vulnerable populations, which includes anyone under the age of 21. The legislation also builds in additional protections that require mental health screenings, time limits, review periods, and specifies baseline conditions requirements for isolation.

NJNJ Members: New Jersey Parents Caucus; Youth Justice New Jersey

Voting Rights/ Civic Education

Arkansas
SB573 restores the voting rights of those incarcerated for an offense committed as a minor after they have been discharged from parole.

NJNJ Member: Arkansas Advocates for Children and Families
NJNJ Ally: Human Rights for Kids

Youth in the Adult System

Jail Removal

Nevada
AB 449 created a Legislative Committee on Child Welfare and Juvenile Justice to look at the state’s detention and sentencing practices for children with an eye towards ending the practice of sending minors tried as adults to adult correctional institutions.

NJNJ Member: American Civil Liberties Union (ACLU)- Nevada
NJNJ Ally: Campaign for Youth Justice (CFYJ)

North Carolina
SB 413 provides that youth under 18-years-old being tried as adults cannot be jailed in adult facilities.

NJNJ Member: Youth Justice Project
NJNJ Ally: Campaign for Youth Justice (CFYJ)

North Dakota
HB1076 removes language that allowed youth prosecuted as adults to be transferred from a juvenile facility to an adult prison before their eighteenth birthday.

Oregon
SB15 authorizes the Youth Development Division to collect data and inspect any facility in which minors are detained in order to ensure compliance with the updated jail removal provisions of federal Juvenile Justice and Delinquency Prevention Act (JJDPA).
Washington

**HB1646** provides that youth convicted in adult court of a crime committed while they were under the age of 18, if ordered confined, must be placed initially in the custody of the Department of Children, Youth, and Families (DCYF) instead of the Department of Corrections (DOC). These individuals may remain in the custody of the DCYF until they reach the age of 25-years-old and cannot be transferred to the custody of the DOC without the approval of the DCYF.

**NJJN Member:** TeamChild

*Raising the Age*

**Michigan**

**HB 4135** and **HB 4140** conclude years of advocacy to raise the age of juvenile court jurisdiction from 17 to 18-years-old. They also establish funding to ensure that services in the juvenile justice system are accessible to 17-year-olds. They do not, however, prohibit youth charged as adults from being detained in adult facilities.

**NJJN Member:** Michigan Center for Youth Justice

**North Carolina**

**HB 1001** provides needed funding to support implementation of the Raise the Age legislation.

**NJJN Member:** Youth Justice Project

**NJJN Ally:** Campaign for Youth Justice (CFYJ)

**South Carolina**

**Budget Proviso 67.14** is a Raise the Age Proviso inserted in the state budget in order to implement South Carolina’s raise the age law. The law, passed in 2016, required that funding be provided by July 1, 2019, in order to raise the age of juvenile court jurisdiction from 17 to 18-years-old. The proviso is good for one fiscal year and after that new funding will need to be secured. The proviso also requires the Department of Juvenile Justice to use carry forward funding to increase local diversion and intervention programs to prevent incarceration.

**NJJN Member:** ACLU of South Carolina

**NJJN Ally:** Campaign for Youth Justice (CFYJ)

*Transfer/Waiver/Statutory Exclusion – Mechanisms for Trying Youth in Adult Court*

**Connecticut**

**HB 7389** requires the Juvenile Justice Policy and Oversight Committee (JJPOC) to do a study of methods used by other states to transfer youth to adult criminal court and detain youth aged 15, 16, and 17-years-old who are transferred. The review is to consider the outcomes associated with the transfer, the impact on public safety, the effectiveness in changing the behavior of the youth, and include an examination of alternatives. JJPOC was to issue a report by January 1, 2020, to the general assembly on their findings, which would include a plan for implementation of any recommended changes and cost options where appropriate. A presentation was given to the JJPOC in November by CCLP, which is serving as JJPOC’s report, and can be found [here](#).

**NJJN Member:** Connecticut Juvenile Justice Alliance

**NJJN Ally:** Campaign for Youth Justice (CFYJ)
Florida

HB7125 eliminates mandatory direct file, or the automatic transfer of youth charged with certain offenses to adult court. However, Florida prosecutors still have the discretion to charge youth as adults without the independent review of a judge.

NJIN Member: Southern Policy Law Center (SPLC)-Florida
NJIN Ally: Campaign for Youth Justice (CFYJ)

Oregon

SB1008 ends the automatic transfer of children to adult court. It allows for children to only be transferred to adult court by a judge and, even then, children charged or sentenced as adults can remain housed in the juvenile system until their 25th birthday, at which time they have an opportunity for resentencing.

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