

# RAISE THE LOWER AGE: Support HB 1364

## YOUTH INCARCERATION HARMS KIDS



In Texas, children age 10 and up can be tried and confined in secure juvenile correctional facilities. **These prison like settings are no place for kids.**

### Incarcerating kids:

- Exposes youth to high levels of violence and abuse;
- Does not reduce recidivism among offending youth;
- Wastes taxpayer dollars;
- Provides no overall benefit to public safety; and
- Can exacerbate kids' social, academic, and emotional difficulties.

## 10-11 year olds in the system

Kids aged 10-11 make up a **small percentage of kids** referred to the juvenile justice system. **Most are referred for misdemeanor and non-violent behavior.**

- On average, there were 430 ten and 1,217 eleven year olds referred per year from 2011-2018.
- 46% of 10-12 year olds referred in 2015 were school-based.
- Around 72% of detained kids had mental health needs.
- On average, 57 ten and eleven year olds were in post-adjudication placements per year from 2011-2018.
- From 2011-2018, a total of 15 youth aged 10 and 11 were committed to TJJD state facilities.

## FAMILIES ARE KEY



When preadolescent children exhibit law-breaking behavior, there is often family dysfunction or behavioral health issues that are better addressed outside of the juvenile justice system. For example, Services to At-Risk Youth (STAR) is a prevention program available in all 254 counties that can provide counseling or parenting classes. Anyone can refer a child to STAR, including school officials.

## HB 1364 would ensure most 10 and 11 year olds' are not entangled in the juvenile justice system.

- HB 1364 does NOT raise the upper age, it only affects 10 and 11 year olds (clarified by Amendment 1).
- If a 10-11 year old is referred to juvenile probation with a felony of any degree (Amendment 2), a jurisdictional hearing can be requested to decide whether to detain and charge the child. This hearing is discretionary (Amendment 3).
- 10 and 11 year olds and their families can be referred to services by juvenile probation even if the court waives jurisdiction (Amendment 3).