



STATE POLICY AND LEGISLATIVE NEWS

IN THIS ISSUE

[State Policy and
Legislative News](#)

1

[State in Focus](#)

2

[From the Courts](#)

2

[Federal and State Action](#)

2

[Other News](#)

3

[Mark Your Calendars](#)

3

Indiana enacts sentencing reform, Maryland creates a Task Force on Juvenile Jurisdiction

In April, the Indiana Legislature passed [HB 1108](#), that gives judges new sentencing alternatives for youth under age 18 in the state's criminal courts. The law provides more discretion for judges when sentencing juvenile convicted of felonies. The court can now order those offenders to be placed in a juvenile facility instead of an adult facility, where age appropriate rehabilitative services are available. The "dual sentencing" provision allows a judge to send a juvenile convicted as an adult into a juvenile facility until the offender turns 18. When the offender turns 18, the judge can reassess the sentence and send the offender to adult prison to serve the criminal sentence, or send him or her into a community-based corrections program or in-home detention. Rep. Wendy McNamara, the author of the bill, recognizes that juveniles need to be treated differently than adult offenders. "We're not letting these kids off the hook," McNamara said. "But the law also says we're not going to lock them up and throw away the key."

The Maryland Legislature created a [Task Force on Juvenile Court Jurisdiction](#) in May. The task force is charged with studying current juvenile jurisdiction laws, reviewing current research on best practices for handling youth offenses in the court system, and making recommendations on whether or not to eliminate existing offenses that automatically result in adult charges. The task force must also recommend methods to reduce the number of youth in adult corrections and give information on the long-term fiscal impact of treating youth in the adult criminal justice system.

Arkansas enacted legislation, [HB 1029](#), that requires alleged sex offenders below the age of 18 to be referred to mental health services and evaluation. Texas also enacted [legislation](#) related to the mental health of juveniles. The new law provides that juvenile offenders in pre- or post-adjudication detention be examined to determine if the juvenile has a mental illness or suffers from chemical dependency.



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STATE IN FOCUS

Nebraska On May 29, juvenile justice legislation [LB 561](#), sponsored by Senator Brad Ashford, became law in Nebraska. One of the law's main goals is to keep juvenile offenders at home with their families instead of being locked up in local detention centers or state institutions. At the bill's signing, Governor Dave Heineman called it "one of the most important bills of this legislative session" and applauded Senator Ashford for his leadership on juvenile justice issues.

The new law allocates \$14.5 million for juvenile justice reform, including the creation of evidence-based diversion, mental health and reentry programming.

The law also expands the Nebraska Juvenile Service Delivery Project statewide, which provides needed services to juveniles and families who are in the juvenile court system. The law also creates the Office of Juvenile Assistance under the state's Supreme Court. The new office is responsible for coordinating many of the new services that focus on rehabilitating youth. In addition, it transfers supervision of juvenile offenders in the community from the Department of Health and Human Services to the Office of Probation Administration in the Nebraska Supreme Court.

FROM THE COURTS

In June, the Pennsylvania Juvenile Court Judges' Commission released [The Pennsylvania Juvenile Justice Recidivism Report: Juveniles with a 2007 Case Closure](#), detailing a study of youth recidivism in the state. The purpose of the study was to create a benchmark for recidivism rates, which could be used to measure the effectiveness of [Pennsylvania's Juvenile Justice System Enhancement Strategy \(JJSES\)](#). The JJSES uses evidence-based practices at every stage of the juvenile justice process to improve the quality of decisions, services and programs within the juvenile justice system.

Recidivism was defined in the study as a delinquency adjudication or conviction in criminal court for either a misdemeanor or felony offense within two years of a case closure. Some findings in the report include: one in five delinquent juveniles recidivate with 80 percent of those children coming from family situations where a parent had died, the parents never married or were separated or divorced. The study also found that males were almost three times as likely to recidivate than females and that the younger a juvenile was when he or she committed their first offense, the more likely they were to recidivate.

FEDERAL AND STATE ACTION

The federal [Prison Rape Elimination Act of 2003 \(PREA\)](#) was passed with the goal of eliminating the sexual abuse of adult and juvenile inmates in confinement by other inmates and staff. According to a [study on sexual victimization in juvenile facilities](#), nearly one in 10 juveniles report being sexually abused in state facilities. Another [study](#) found that 1.8 percent of juveniles age 16 to 17 held in adult facilities reported victimization by another inmate and 3.2 percent reported staff sexual misconduct.

PREA mandates the development of [National Standards to Prevent, Detect, and Respond to Prison Rape](#), which were published in June 2012. These standards set minimum staffing levels for juvenile facilities and provide clear requirements for juveniles housed in adult facilities.

These include requirements that no inmate under 18 be placed in a housing area where there will be contact with adult inmates and that there must be direct staff supervision when adults and youth are together outside of housing areas.

FEDERAL AND STATE ACTION (CONT.)

States are also addressing PREA in legislation. In May 2013, Colorado enacted into law [SB 216](#), which requires the Department of Corrections implement policies to ensure compliance with PREA for juvenile offenders. And in North Carolina, 2013 pending legislation ([HB 585](#)) provides that all correctional facilities and juvenile facilities comply with the provisions of PREA.

For additional information and resources, visit the [National PREA Resource Center](#).

OTHER NEWS

Launched in 2010, The [Defending Childhood Initiative](#) aims to prevent children’s exposure to violence, mitigate the negative effects experienced by children exposed to violence, and develop knowledge about and spread awareness of this issue. The research showed that more than 60 percent of children were exposed to violence, crime, or abuse in the past year.



As part of the Defending Childhood Initiative, Attorney General Eric Holder established a National Task Force on Children Exposed to Violence in 2012. From late 2011 through early 2012, the task force held four public hearings around the country to hear directly from practitioners, policymakers, academics, and community members about the problem of children’s exposure to violence. The task force briefed Congress on the public hearings and used the input from the hearings to develop a report of their recommendations, which was submitted to the attorney general in December 2012. The [report](#) will serve as a blueprint for addressing children’s exposure to violence.

* Defending Childhood is a result of the National Survey of Children’s Exposure to Violence (NatSCEV), a research project sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) with support from the Centers for Disease Control and Prevention.

MARK YOUR CALENDARS

2013 Legislative Summit in Atlanta, Ga.



[Join us](#) in Atlanta Aug. 12–15 as the nation’s legislators and staff will gather in Atlanta at the 2013 NCSL Legislative Summit. The Summit gives you the best value—speakers, training, resources, experts, events and more—in the shortest time anywhere. The meeting, structured around the needs of legislators and legislative staff, will be your only opportunity this year to share experiences and learn together with many legislative colleagues from across the nation.

MARK YOUR CALENDARS (CONT.)

NCSL's Legislative Summit will feature:

- "Celebrating Progress in Juvenile Justice Reform: A Reception with the John D. and Catherine T. MacArthur Foundation"

John D. and Catherine T. MacArthur Foundation Reception, Tuesday, August 13th, 5:00 – 6:30 p.m., Room 212, Georgia World Congress Center

State legislators provide critical leadership in improving our nation's juvenile justice systems. As part of the NCSL Summit, the [John D. & Catherine T. MacArthur Foundation](#) will host a reception to recognize these contributions and unveil the launch of four new Resource Centers as part of its [Models for Change](#) juvenile justice reform initiative. The reception will feature Laurie Garduque, Director of Justice Reform at MacArthur, who will honor lawmakers taking action to create more effective juvenile justice systems across the country. Come hear about successful ideas and new resources to support juvenile justice reform in your state. Light hors d'oeuvres and cocktails will be served. For more information, email sarah.brown@ncsl.org.

- *Brain Science and Kids: New Policy Approaches, Wednesday, Aug. 14, 11 a.m. –12:15 p.m., Room 308, Georgia World Congress Center*

Kids are different from adults, and a growing body of research on brain development and behavioral science is directing policies to tackle risky behavior, prevent youth crime and reduce costs. Learn how states are reforming health care and justice systems and identifying ways to reduce teen pregnancy, drop-out rates, delinquency and crime.

NOTE: Links to external websites and reports are for information purposes only and do not indicate NCSL's endorsement of the content on those sites.

This newsletter is prepared under a partnership project of NCSL's Criminal Justice Program in Denver, Colo., and the John D. and Catherine T. MacArthur Foundation in Chicago, Ill. The NCSL project is designed to help states tap the best research and information available to put a lens to juvenile justice policy options and reforms.