



STATE POLICY AND LEGISLATIVE NEWS

2013 Year in Review

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At both the federal and state level, an ever-growing body of research on adolescent brain development and behavioral science has provided the basis for many new policies that seek to more effectively address and prevent youth crime. State juvenile justice legislation in 2013 focused on distinguishing juveniles from adult offenders, restoring the jurisdiction of the juvenile court, and addressing sentencing reforms. Illinois and Massachusetts raised the age of juvenile court jurisdiction and Arkansas and Washington passed legislation related to juvenile mental health. At least six states—including **California, Delaware, Indiana, Louisiana, South Dakota, and Wyoming** – passed sentencing reforms in 2013. California and Wyoming mandated

parole hearings for juvenile life without parole (JLWOP) cases. Other states such as **Nevada, Texas and Virginia** passed laws to divert juveniles from the system and amended transfer laws. For example, Nevada changed its criteria for transferring youth to adult court so that only juveniles who are 16 years old, have committed a specified felony and have previously been convicted of a felony, may be transferred to adult court. While Nebraska, Maryland, New York and Ohio all passed legislation closing down institutions and shifting the resources to community based alternatives. For more information please see [2013 Juvenile Justice Legislation](#) and [Trends in Juvenile Justice State Legislation 2001–2011](#).



The Forum for America's Ideas

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Interim Committees Report

Interim committees in Colorado and Kentucky each issued reports in late 2013 addressing juvenile justice issues.

The **Colorado** General Assembly passed House Joint Resolution 1019, which created the Juvenile Defense Attorney Interim Committee. The committee was assigned the task to study the role of legal defense counsel in the juvenile justice system.

In its [final report](#) to the Legislative Council in December 2013, the committee

advanced two bills. The first bill would require a juvenile who is detained to be represented by private counsel or a public defender at a detention hearing. The bill also creates procedures requiring that courts accept only “knowing, intelligent, and voluntary waivers of counsel by juveniles.” The second bill would authorize the Office of Public Defenders to hire social workers to assist in defending juveniles.

The **Kentucky** legislature established the Task Force on the Unified Juvenile Code in House Concurrent Resolution 129 in 2012. A senate resolution continued the task force’s work through 2013 and their [final report](#) was published in December 2013.

The task force found that Kentucky spends significant resources on out-of-home placement for low-level status offenders. They also found the length of time probation/court order violators and misdemeanor offenders spend in out-of-home facilities has increased by 31 percent and 21 percent, respectively, over the past decade. In order to address these findings, the task force made suggestions underpinning the importance of focusing expensive out-of-home facilities on more serious offenders and strengthening early intervention and prevention programs.

In 2014, a number of states, including Arkansas, Kansas, Nevada, New Hampshire, New York, North Carolina, Ohio, Tennessee and Washington, are also studying juvenile justice issues.

STATE IN FOCUS

Georgia Continues to Eye Juvenile Reform

Georgia lawmakers continue to look for ways to improve the juvenile justice system after passing legislation to reform the state’s code in 2013. The legislatively created Council on Criminal Justice Reform issued a [report](#) in January 2014 recommending additional measures to benefit the state. Two of the recommendations to the Legislature were specific to juvenile justice. The Council suggested lawmakers enact legislation to join the Interstate Compact for Juveniles and also recommended that judges write disposition orders in a way that enables juveniles to qualify for social security funding.

The Interstate Compact for Juveniles is an agreement between states that defines responsibility for the safe return of juveniles who have run away home and in doing so have left their state of residence. By joining the compact the Council believes Georgia would ensure appropriate supervision of juveniles, improve safety for juveniles and the general public and allocate costs equitably across the compact states.

Also, by standardizing judicial language written into disposition orders, the Council says Georgia could collect federal matching funds provided by Title IV-E of the social security act that help pay for maintenance of out-of-home youth as well as administration and training costs. To qualify, orders must contain specific language about how reasonable efforts were made to avoid the youth’s removal from home and why it is in their best interest. Georgia’s Department of Juvenile Justice estimates that by taking advantage of these funds, it could result in an additional \$2 million per year for The Department of Juvenile Justice.

In addition to these recommendations, the Council also identified performance measures that can help Georgia quantify the benefit last year’s juvenile reforms will have on their state.

ON THE FISCAL FRONT

In November 2013, the Justice Department [awarded](#) more than \$62 million in grants to strengthen efforts to help adults and juveniles returning from prison rejoin their communities and become productive, law-abiding citizens. “Over the course of my career, I’ve seen just how important—and powerful—reentry programs can be,” said Attorney General Eric Holder.

The Office of Justice Programs made 112 competitive and supplemental Second Chance Act awards to state, tribal and local governments, and non-profit organizations to reduce recidivism, provide reentry services, conduct research and evaluate the impact of reentry programs. The Second Chance Act programs, administered through the Bureau of Justice Assistance and the Office of Juvenile Justice and Delinquency Prevention, are designed to help communities develop and implement comprehensive strategies to reduce recidivism and address the challenges faced by incarcerated adults and youth when they return to their communities following release from confinement.

The Office of Juvenile Justice and Delinquency Prevention awarded more than \$9.7 million in Second Chance Act Juvenile Reentry Program grant awards to reduce recidivism and assist youth in successfully returning to their communities after secure confinement. This includes \$176,000 to assist four jurisdictions in planning a juvenile reentry program, and \$6,573,177 for 10 jurisdictions to implement evidence-based reentry programs that provide a comprehensive range of services for juveniles up to 18 years of age. This also includes \$2,977,252 for five community programs to reduce long-term alcohol and other substance abuse among youth in secure confinement facilities and to increase drug treatment and mental health services for these youth.

FROM THE COURTS

Since the United States Supreme Court declared mandatory life without parole sentences for juveniles was unconstitutional in, *Miller v. Alabama*, state legislatures and courts have been addressing the questions left open by the case, including whether or not it applies retroactivity and what sentences should be imposed in its place.

Twelve states have enacted laws in response to the *Miller* ruling—Arkansas, California, Delaware, Louisiana, Montana, Nebraska, North Carolina, Pennsylvania, South Dakota, Texas, Utah and Wyoming—and several others have considered pending measures. In addition to this legislative attention, state courts also have addressed the issues faced by their juvenile life without parole populations.

The Massachusetts Supreme Court ruled on two cases impacting juvenile life without parole sentences in the Commonwealth on Dec. 24, 2013. In *Diatchenko v. District Attorney for the Suffolk Dist.*, the court found that the *Miller* holding should be applied retroactively and ruled that both mandatory and discretionary juvenile life without parole sentences violated the state’s Declaration of Rights. Prior to *Diatchenko* and *Commonwealth v. Brown*, Massachusetts law required juveniles 14 years of age and older who committed first degree murder to be sentenced to mandatory life without parole. The court removed the unconstitutional sections of state law and applied the next highest sentence: life with the possibility of parole after 15 years.

The Illinois Supreme Court recently heard oral arguments in the case of Adolfo Davis, who is serving a life sentence without possibility of parole for a crime committed in 1990 when he was 14, and is expected to issue its ruling on these issues in the coming months.

FEDERAL NEWS

The Substance Abuse and Mental Health Services Administration (SAMHSA) and the John D. and Catharine T. MacArthur Foundation are [collaborating](#) on an effort targeting the behavioral health needs of youth in contact with the juvenile justice system. Studies have found that up to 70 percent of youth in the juvenile justice system met criteria for a mental disorder and more than 60 percent of these youth also met criteria for a substance use disorder. Of those youth with mental and substance needs, almost 30 percent experienced disorders so severe that their ability to function was highly impaired.

Up to five states will be selected competitively to participate in this new initiative based on the state's commitment to improving policies and programs for these youth. This effort integrates SAMHSA's Policy Academy

mechanism, which brings together state leadership teams to learn about effective interventions and the latest research. The states' leadership teams also learn about the Foundation's Models for Change Action Networks strategy, which supports and links teams working on similar innovations in policy and practice. This combination of resources will support state efforts to develop and implement policies and programs that divert young people with mental health and substance abuse needs, as early as possible, from the juvenile justice system. "This innovative public-private collaboration will help promote strategies to ensure that fewer at-risk youth get detained in a juvenile justice system that is very often unable to address their underlying behavioral health problems," said SAMHSA Administrator Pamela S. Hyde. "This initiative focuses on getting these youth to community-based behavioral health services that can actually turn their lives around for the better."

JUVENILE JUSTICE NEWS



The [National Center for Mental Health and Juvenile Justice](#) at [Policy Research Associates](#) has launched a new online Resource Center. The [Mental Health and Juvenile Justice Collaborative for Change](#) is one of four new Resource Centers supported by the [John D. and Catherine T. MacArthur Foundation](#) as part of the new [Models for Change Resource Center Partnership](#).

The Collaborative for Change promotes the mental health reforms that came from Models for Change by actively supporting their adaptation, replication and expansion in the field. Its primary areas of focus include topics such as:

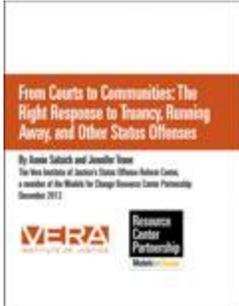
- Mental health screening within juvenile justice settings
- Diversion strategies and models for youth with mental health needs
- Adolescent mental health training for juvenile justice staff and police
- Guidance on implementing evidence-based practices
- Training and resources to support family involvement in the juvenile justice system
- Juvenile competency

The Collaborative for Change provides juvenile justice and mental health system administrators, policymakers, program providers, and direct care staff with:

- 24/7 access to information and resources on the new website
- A help desk staffed with professionals ready to answer questions and provide information
- Consultation and assistance for complex requests
- On-site training opportunities

JUVENILE JUSTICE PUBLICATIONS

The Vera Institute Center on Youth Justice released two reports this year.



- Thousands of young people end up in the justice system each year because they run away from home, skip school, violate curfew or engage in other risky behavior known as “status offenses.” In [From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses](#), the Vera Center on Youth Justice brings light to status offenses and how to effectively address them through state and local reform. The report encourages conversations about the circumstances behind youth misbehavior and explores whether courts are equipped to address status offenses effectively.
- The Center on Youth Justice at the Vera Institute also published, [A Generation Later: What We've Learned about Zero Tolerance in Schools](#), which examines research on the effects of zero tolerance policies in schools. Long standing debates about zero tolerance policies include questions about how harsh punishments affect individual students and the school environment. This publication uses the best empirical evidence to discuss the costs, effects and alternatives to zero tolerance policies.

The National Center for Mental Health and Juvenile Justice released new white paper, [Better Solutions for Youth with Mental Health Needs in the Juvenile Justice System](#). Up to 70 percent of all youth in contact with the juvenile justice system have a diagnosable mental health disorder. Yet, the juvenile justice system is not always the best or most appropriate place to access the services they need. The white paper discusses the scope of this problem, scientific breakthroughs that can help, and how communities can adopt better solutions for youth with mental health needs in the juvenile justice system.

MARK YOUR CALENDAR

The [Legislative Summit](#) is a meeting like no other. It's where legislators and staff come together from across the aisle to solve critical problems and build strong states. Join NCSL next summer for the 2014 Legislative Summit, August 19–22 in Minneapolis, Minn.

Juvenile Life without Parole: Miller v. Alabama – State Action Webinar, April 11, 2014. [Register](#) for this webinar to learn how states have taken action to address the questions left open by the *Miller* decision.

NCSL Juvenile Justice staff are available to visit your legislature to provide testimony or other technical assistance on a variety of juvenile justice issues. Please contact: Sarah Brown, (303) 364–7700 ext. 1361 or at sarah.brown@ncsl.org.

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.

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