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Trends in Juvenile Justice State Legislation 2011-2015

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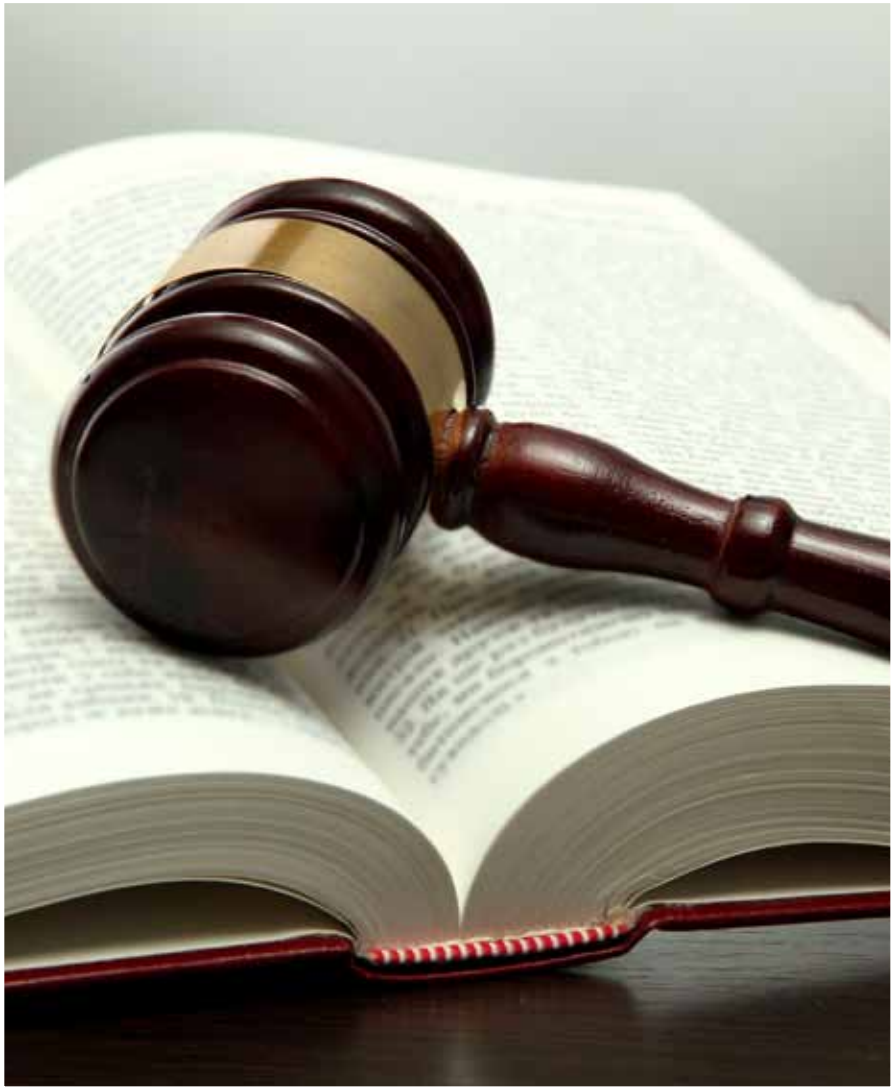
EXECUTIVE SUMMARY

Juvenile justice policies require balancing the interests of public safety, accountability and rehabilitation. The challenge for state lawmakers is to develop policies that seek to disrupt the pathways that youth follow into the justice system. In the past five years, juvenile justice reform legislation in the United States has grown at a remarkable pace. The reforms reflect an interest in developmentally appropriate approaches to more evidence-based and cost-effective alternatives to incarceration.

The recent shift in juvenile justice policy marks a clear departure from laws enacted 20 years ago. After a dramatic increase in serious juvenile crime in the late 1980s and early 1990s, legislatures in nearly every state passed laws to hold more young offenders accountable through adult sentencing options. Yet by 2015, state after state continues to re-examine its policies to produce more effective responses to juvenile crime and improve overall justice systems. Several factors can be attributed to these changes. First, juvenile crime rates have consistently dropped during the past 20 years, while at the same time, the budget climate in the states, although improving, prompts questions about the high costs of punitive reforms. Additionally, an abun-



Federal Standards

At the federal level, significant court rulings during the past decade also continue to reshape juvenile justice policy across the nation as the U.S. Supreme Court has repeatedly prohibited the most serious punishments for juvenile offenders. In 2005, the Court ruled in *Roper v. Simmons* that it is cruel and unusual punishment to sentence to death a juvenile who is under age 18 at the time of his or her crime. Five years later in *Graham v. Florida*, the Court abolished sentences of life without the possibility of parole for youth convicted of non-homicide crimes. Building on these two cases, in 2012, the Court abolished mandatory life sentences without the possibility of parole in *Miller v. Alabama*. Central to and cited in all three cases was the latest science on adolescent developmental research distinguishing juveniles from adult offenders.

Juvenile Life Without Parole: States Respond

At the time of the *Miller* ruling, 28 states had mandatory life-without-

dance of research is available to lawmakers today on the latest neuro, social and behavioral science that distinguishes juveniles from adult offenders.

The research illustrates that the adolescent brain does not fully develop until about age 25. It shows that the immature, emotional and impulsive nature characteristic of adolescence makes this age group more susceptible to committing delinquent and criminal acts. Juveniles also differ in how they recognize and respond to risks, are influenced by peers, and in their capacity for change. Other research, such as "The Pathways to Desistance Study," find that the majority of young offenders generally outgrow delinquency and criminal behavior, while their engagement in school and work increases as they reach adulthood.

Today, juvenile justice reform has become a largely bipartisan issue as lawmakers work together to develop new approaches in justice systems to align sound fiscal responsibility, community safety and better outcomes for youth. Significant trends have emerged to restore jurisdiction to the juvenile court; divert youth from the system; shift resources from incarceration to community-based alternatives; provide strong public defense for youth; and respond more effectively to the mental health needs of young offenders. These efforts continue to expand in states.

parole sentencing statutes. At least 13 states have enacted compliance laws in the past three years, which vary in detail, but generally give judges greater discretion in sentencing juveniles. The laws address the following:

1. Should life without parole still be a sentencing option?

Delaware, **Iowa**, **Louisiana**, **Michigan**, **Nebraska** and **Washington** kept life without parole as a possible sentence for certain offenses, while laws in nine other states—**California**, **Hawaii, Massachusetts**, **Nevada**, **Texas**, **Utah**, **Vermont**, **West Virginia** and **Wyoming**—eliminated life without parole altogether, which has become a growing trend.

2. How many years must a juvenile now serve before being eligible for parole review?

Laws in **Nebraska** and **Texas** require 40 years be served before parole review, with three states—**Louisiana**, **Massachusetts** and **Pennsylvania**—setting it at 35 years. Seven states—**Arkansas**, **Delaware**, **Michigan**, **North Carolina**, **Utah**, **Washington** and **Wyoming**—require that 25 to 30 years be served, **Nevada** has set it between 15 and 20 years, and **California** and **West Virginia** set it at 15 years. In **Iowa**, **South Dakota** and **Vermont**, an amount is not specified, with judges given discretion in setting the term.

3. Retroactive?

In *Miller*, the Court did not address the issue of retroactivity, leaving the decision to the states. **Arkansas**, **California**, **Delaware** and **North Carolina** laws explicitly require retroactivity, while **Hawaii, Massachusetts**, **Pennsylvania**, **Texas**, **Washington**, **West Virginia** and **Wyoming** do not. Two states, **Michigan** and **Nebraska**, state that retroactivity is dependent on the respective state court's case law. And **Iowa**, **Louisiana**, **Montana, Nevada**, **South Dakota**, **Utah** and **Vermont** laws are silent on retroactivity.

Thirteen states introduced measures in 2015 to comply with *Miller* and three so far been enacted in **Iowa**, **Nevada** and **Vermont**. Also in 2015, a **California** law now grants parole hearings to youth offenders who received lengthy state prison sentences for crimes committed under the age of 23. The law is an extension of a 2013 law that required the Board of Parole Hearings to review the cases of juvenile offenders who committed their crimes under the age of 18 after serving 15-25 years. In addition, the U.S. Supreme Court agreed to hear later in 2015 *Montgomery v. Louisiana*, which is expected to clarify once and for all whether *Miller* should be applied retroactively in all states.

This report highlights juvenile justice state laws and trends during the past five years, from 2011 to 2015. The appendix contains citations to referenced legislation.

TREND #1: Comprehensive Omnibus Reforms

During the past five years, several states have enacted comprehensive juvenile justice reforms. These states often first establish legislative commissions to study the effectiveness of their systems and then provide recommendations for legislation. In 2013, 2014 and 2015, broad reforms were enacted in **Arkansas, Georgia, Hawaii, Indiana, Kansas, Kentucky, Nebraska, New Hampshire, South Dakota, Utah** and **West Virginia** that embody public safety, divert lower-risk youth from the system and invest in effective community-based programming.

Nebraska's 2013 reform law allocated $14.5 million toward local and community-based alternatives to incarceration and directed implementation of research-based prevention programs. Also in 2013, **Georgia** streamlined its juvenile code to cut corrections costs by setting up programs that focus on early intervention, effective alternatives to detention and reducing youth recidivism. A 2015 report from the Georgia Council on Criminal Justice Reform shows that since the law took effect, the state has increased community-based options for low-level juvenile offenders and reduced its secure detention population by 14 percent.

Hawaii, Kansas, Kentucky and **New Hampshire** passed laws in 2014 to reform many aspects of their juvenile justice systems. **Kansas** expanded alternatives to detention and required assessment of the effectiveness of its youth residential centers and juvenile service providers. **Kentucky's** law improved funding for evidence-based programming, required data collection to study recidivism, and developed risk and needs assessment tools. **New Hampshire** updated its entire juvenile justice system to more effectively rehabilitate young offenders and preserve their rights. **Hawaii's** package, among other things, required its youth correctional facility to be used only for the state's most serious young offenders and that the savings be reinvested into community-based alternatives. Similarly, in 2015, **South Dakota** and **West Virginia** enacted significant reforms to increase diversion alternatives and expand the use of evidence-based community programs. **Utah** enacted an omnibus bill this year making many sentencing reforms for youth (see other sections). Also in 2015, **Arkansas** enacted a broad measure to improve the effectiveness of its juvenile justice system, and a new **Indiana** law implemented the recommendations of its Interim Study Committee on Corrections and Criminal Code to address many juvenile justice reforms in the state (see other sections).

TREND #2: Returning Jurisdiction to the Juvenile Justice System

Other state legislative action distinguishing juveniles from adults is reflected in the recent trend to restore jurisdiction to the juvenile court. During the past five years, lawmakers have reformed transfer, waiver and direct file statutes and raised the age of juvenile court jurisdiction, placing decisions about rehabilitation and appropriate treatment in the hands of the juvenile court.

Reforming Transfer, Waiver and Direct File Laws

Transfer, waiver and direct file laws enable youth to be tried in adult criminal court and not adjudicated in the juvenile justice system. Several states have amended their transfer laws in recent years to give more discretion to the juvenile court to make sentencing decisions. Between 2011 and 2013, six states—**Arizona, Indiana, Nevada, Missouri, Ohio and Vermont**—limited their transfer and waiver criteria, creating more options for juvenile courts to handle youth, leaving the adult system for only the most serious offenders. **Missouri** changed its "once an adult, always and adult" provisions to allow a young person to return to the juvenile system if he or she was found "not guilty" in adult court. The law previously required that any juvenile who had been transferred

Human Trafficking

In recent years, human trafficking has become an important part of state legislative criminal justice and child welfare policy agendas. A significant portion of legislative attention has focused on young female victims of trafficking, who are sexually exploited for commercial benefit. These victims are often status offenders, who have run away from some kind of abuse in the home, and now intersect with both the child welfare and juvenile justice systems. At least **31 states** have enacted "safe harbor" laws, which prevent these youth from being convicted as prostitutes and provide rehabilitation services.

to adult court for a crime could never be considered a juvenile again. Similarly, **Indiana** allows some youth convicted as adults to remain in a juvenile facility until age 18 and then be placed into a community-based corrections program or in-home detention. **Montana** now prohibits misdemeanor youthful offenders from being placed in adult state prison.

Other recent actions include 2014 laws in **California, Maryland** and **Nebraska** that require juvenile court judges to take into account factors such as age, physical and mental health, and the possibility of rehabilitation, when considering transfer. **Colorado** now allows certain young adult offenders between the ages of 18 and 24 to be sentenced to the youthful offender system. A 2015 **Illinois** law eliminates the automatic transfer of all 15-year-old juveniles to adult court, and only transfers 16- and 17-year-olds charged with certain serious offenses. Similarly, a **Connecticut** measure raises the age for transfer to the adult system to 15 and **New Jersey** raises the age for transfer to 16. And new **California** legislation updates the criteria used by judges when determining whether to transfer a juvenile to the adult system by ensuring judges consider factors required by the U.S. Supreme Court in *Miller*.

Raising the Age of Juvenile Court Jurisdiction

Another trend in recent years has been to make other age-related changes in order to expand the jurisdiction of the juvenile court. All states, by statute, provide a maximum age for juvenile court jurisdiction over all youth charged with a law violation who were younger than age 18 at the time of the offense, arrest, or referral to court. Forty-one states set the maximum age at 17, seven states draw the juvenile/adult line at 16 and two states—**New York** and **North Carolina**—set it at 15. Recent state legislation has increased the upper age of jurisdiction.

The trend began in 2007, when **Connecticut** legislation returned 16- and 17-year-olds to the juvenile court's jurisdiction. This has reduced overall spending on juvenile justice in the state by $102 million since 2002. In 2013 and 2014, three states—**Illinois,**

Massachusetts and **New Hampshire**—raised the age of juvenile court jurisdiction from 16 to 17 for all offenses. And in 2015, **New York** and **North Carolina** introduced measures to raise the age from 15 to 17, but both bills failed.

TREND #3: Prevention, Intervention and Detention Reform

Early intervention in children's lives can divert juveniles from the adverse consequences attributable to delinquency. State legislatures have enacted numerous laws in recent years that address delinquency prevention and intervention; reform detention; divert non-violent youth, including status offenders, from the system; and realign fiscal resources from state institutions to evidence-based community alternatives.

Diversion programs typically allow a juvenile to complete certain requirements in lieu of being placed in the system and to hold young people accountable through options other than confinement.

Many of the diversion programs include evidence-based treatments, which seek to improve behavior and emotional functioning for youth and their families. These approaches are supported by a rigorous outcome evaluation that monitors and demonstrates effectiveness. At least 18 states currently have statutes that support a commitment to evidence-based programs. In addition, **Vermont** and **Washington** recently enacted laws to evaluate and improve research and evidence-based programs in their states. The 2014 **Nebraska** reform law created new evidence-based diversion programs, and **Connecticut** recently funded a new state family violence-mediation diversion program.

Intervention and Realignment

Realignment measures have also increased in recent years, with legislative examples including 2011 laws in **Ohio** and **Texas** that reinvest savings from closed youth prisons to community-based rehabili-

tation programs. A year later, **New York** passed the "Close to Home Initiative," which allows low-level juvenile offenders to be placed in residential facilities closer to their homes, instead of in secure facilities hundreds of miles away. The initiative was designed to provide a continuum of services—from diversion, supervision, treatment and confinement—to ensure the most appropriate level of care is provided to youth. **Georgia** also created more community-based alternatives by using an incentive grant program to distribute federal and state funding to counties serving the majority of the state's at-risk youth.

And legislative actions in 2014 and 2015 in five states—**Arkansas, Idaho, Mississippi, South Dakota** and **West Virginia**—appropriate money to improve existing programs and create new community-based alternative programs.

Status Offenders

Other populations of youth that lawmakers seek to divert from the justice system include status offenders, juveniles charged with an offense that would not be a crime if committed by an adult, such as running away from home, truancy and some alcohol violations. State legislatures have implemented policies to address status offenders and also put in place coordinated, multi-system practices to better serve the "dually involved," or those who come into contact with both the child welfare and juvenile justice systems.

In 2012, **Massachusetts** legislation reformed the state's Children in Need of Service programs to establish status offender prevention programs and create a standardized data collection system to evaluate outcomes of dually involved youth. A recent **Indiana** law coordinates and improves services for dual status youth, and **Louisiana** limits the use of detention for status offenders. **Kansas** ended the practice of detaining status offenders for contempt of court and incorporated a statewide risk assessment into pre-sentence investigations. And **Kentucky** changed how the state addresses status offenders by placing them in diversion programs, rather than jail. In 2015, a **Rhode Island** law now prohibits the detention of juveniles who are in violation of a court order.

Specific to truancy, recent **Nebraska** legislation changes the way the state handles excessive truancy cases by establishing interventions outside of the justice system. **California** now prohibits courts from confining minors who are habitually truant for failure to comply with a court order to attend school. In 2015, an **Indiana** law prevented truants or runaways from being held in juvenile detention facilities and **Texas** decriminalized truancy. (Prior to this law, Texas was one of only two states—along with Wyoming—that sent truants to adult criminal court.)

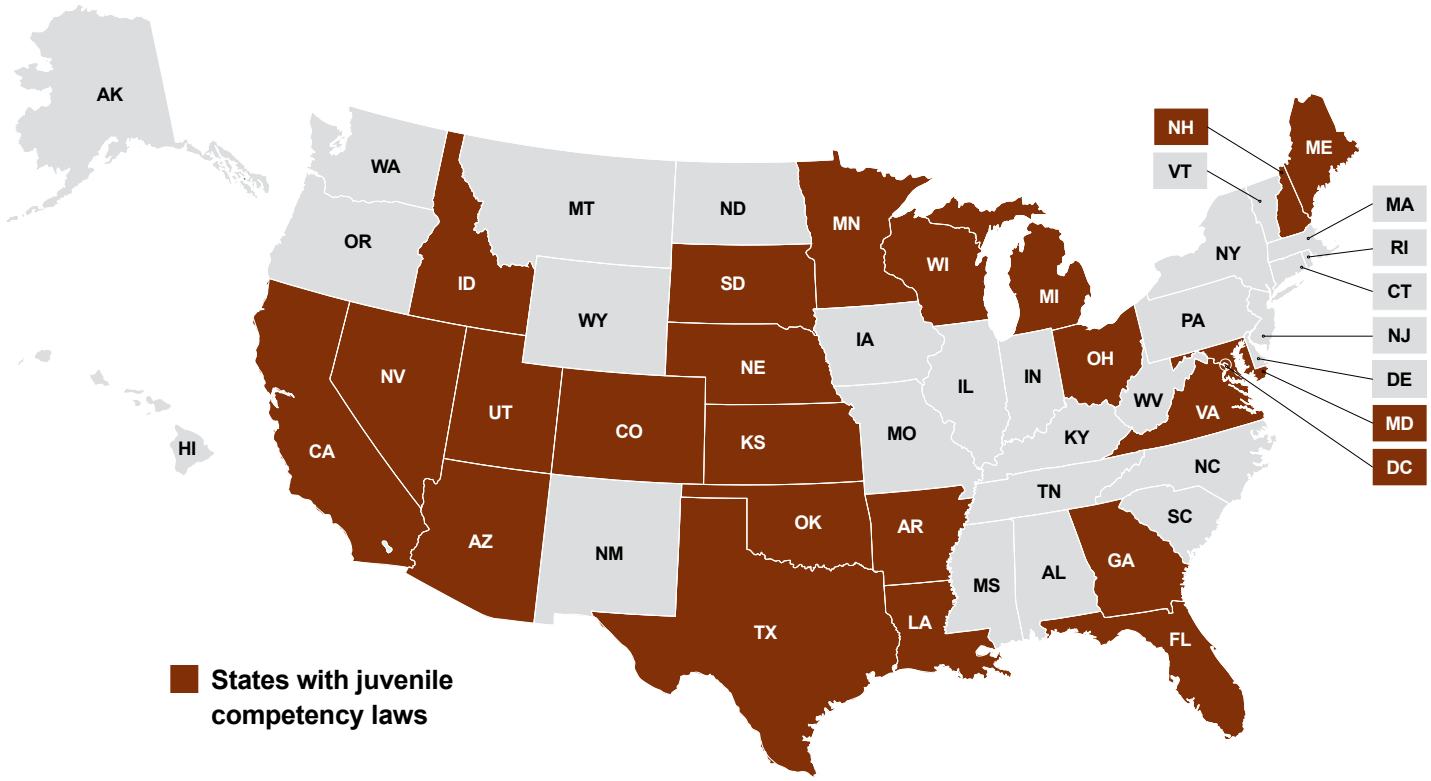
Detention Reform

A growing number of states are re-examining and amending juvenile detention policies to reduce over-reliance on detention for kids who do not pose a significant public safety risk. Detention centers typically are used for juveniles who are awaiting a court appearance or disposition; stays generally are short, averaging 15 days or less. Policymakers have passed laws to provide risk and needs assessments, shorten the length of time a juvenile remains in a detention setting, reform jail standards and provide alternatives to detention.

Alternatives to detention include supervised release programs, such as home detention, electronic monitoring, day and evening reporting centers, and local treatment programs. In 2014, **Ohio** revised its jail standards to state that youth should be held in adult jails only in "rare circumstances." In addition, a recent 2015 **Georgia** law provides new detention time limits for children waiting for delinquency cases to be adjudicated.

Another area of detention reform includes the implementation of risk and needs assessment tools that help guide detention decision-making, and provides courts with options other than detention or sending a juvenile home. More than half the states now use

States That Define Juvenile Competency



research-informed techniques for assessing risk factors of youth who come into contact with the juvenile justice system to make detention decisions. This year, **Arkansas** and **Kansas** enacted new laws requiring validated risk and needs assessment instruments.

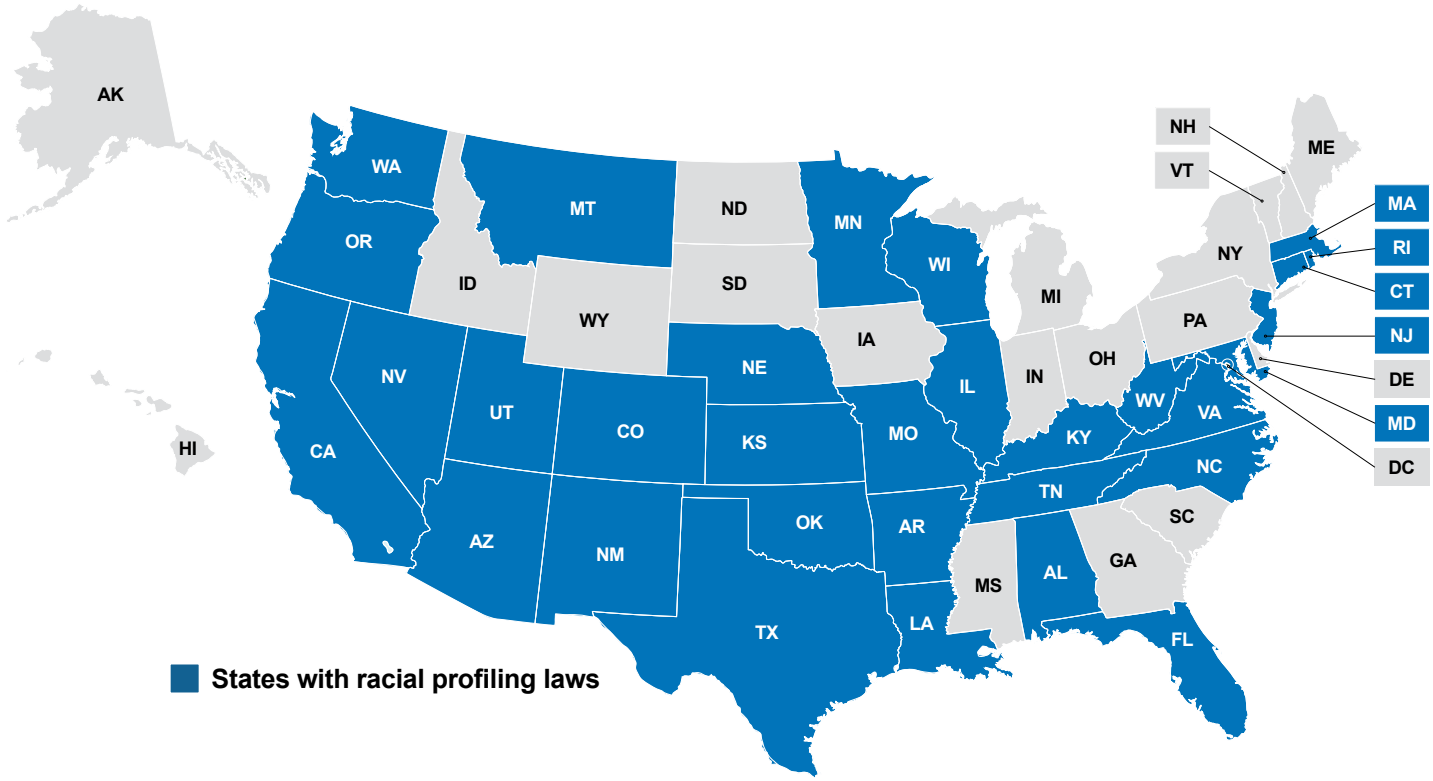
TREND #4: Due Process and Defense Reform

In the past five years, another emerging trend in juvenile justice policy has been to increase due process protections for juvenile offenders. Lawmakers are addressing juvenile competency, limiting the number of youth who may waive counsel and providing quality counsel to youth, including for indigent juvenile offenders.

Juvenile Competency

Competency is an individual's cognitive ability to comprehend and participate in legal proceedings. Underdeveloped cognitive and reasoning abilities, poor risk assessment skills and emotional impulses may hinder juveniles from understanding the proceedings against them and making informed decisions. A juvenile's lack of competency raises questions about the administration of justice in both juvenile and criminal courts. As a result, in just the past five years, 12 states enacted new laws to expand definitions of "competence" for juveniles that take into account social and cognitive development, including **Nevada** in 2015. Such laws allow a juvenile to be found incompetent to stand trial on the basis of developmental immaturity, mental illness or intellectual disability. The states include **Arkansas, California, Idaho, Louisiana, Maine, Maryland, Michigan New Hampshire, Nevada, Ohio, Oklahoma** and **South Dakota**, plus the **District of Columbia**, bringing the total to 23 states and D.C. that have enacted juvenile competency statutes in the past decade.

States That Prohibit Racial Profiling



Indigent Defense and Other Procedural Issues

An "indigent defendant" is someone who has been arrested or charged with a crime punishable by imprisonment, who lacks sufficient resources to hire a lawyer without suffering undue hardship. Increasingly, legislative measures provide indigent juveniles with a legal defense. Laws in four states—**Colorado, Maryland, Oklahoma** and **Utah**—now provide counsel for indigent juveniles during critical stages of proceedings and **Maine** recently passed legislation to ensure high-quality representation to indigent juvenile defendants.

Other state legislative actions address a youth's constitutional right to have "quality" defense counsel and limit juvenile waiver of counsel. Two 2012 laws in **Pennsylvania** provide that juvenile defendants be represented by counsel and require the juvenile court judges to state in court the reasoning behind their sentences. In 2014, **Colorado** created the right to counsel at juvenile detention hearings and first court appearances, and provided that before a juvenile can waive the right to counsel, the court must determine that he or she has the sufficient maturity level and has not been coerced to do so. Other recent laws in **Louisiana, Montana, North Carolina** and **Virginia** require that counsel undergo specialized training to better serve juvenile defendants. And 2015 **New Hampshire** and **Utah** laws require the court to determine that a minor is knowingly and intentionally waiving counsel.

Shackling

Across the country, some youth in the juvenile justice system are automatically shackled in court—regardless of age, or charge, whether they have been found guilty, and regardless of risk. Youth are shackled with handcuffs and/or leg irons, which are sometimes attached to belly chains around the waist. Shackling is justified as a means to protect individuals in the court-

room, or the youth him/herself, or to prevent a juvenile from attempting to escape.

States in recent years have taken steps to ban the practice of indiscriminate shackling through legislation, regulation, appellate case law or court policy. In 2012 **Pennsylvania** and in 2014 **South Carolina** passed laws prohibiting the use of juvenile restraints in court proceedings. And in 2015, measures to end indiscriminate shackling passed in **Indiana, Nebraska** and **Utah**. At least 12 other states—**Alabama, Colorado, Connecticut, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nevada, New York, Tennessee** and **Texas**—introduced measures. Also this year, **Washington** and **Alaska's** state supreme courts passed orders ending indiscriminate juvenile shackling.

Solitary Confinement

Solitary confinement, or "seclusion," is the most extreme form of isolation in a detention setting and can include physical and social isolation in a cell for 22 to 24 hours per day. Seven states—**Alaska, Connecticut, Maine, Nevada, Oklahoma, West Virginia** and **Texas**—have passed laws that limit or prohibit the use of solitary confinement for youth in detention facilities. Also, a recent **Louisiana** law evaluates the use of solitary confinement and its effectiveness and impact on housing costs, prison violence, inmate safety, recidivism, and the mental health of the juvenile placed in such conditions. Three other states—**California, Florida** and **Montana**—have introduced measures to prohibit solitary confinement in the past two years.

TREND #5: Treating Mental Health Needs of Juvenile Offenders

Of the more than 1.4 million youth arrested each year, close to 70 percent have a diagnosable mental health disorder, with more than 60 percent experiencing a co-occurring substance abuse disorder. Almost 30 percent have disorders severe enough to require immediate and significant treatment. Mental health needs of court-involved youth challenge juvenile justice systems to respond with effective evaluations and interventions. During the past five years, state policies have focused on providing proper screening and assessment to help determine risk, placement and treatment to keep young people from continuing on a path deeper into the justice system.

Lawmakers have also encouraged collaboration with the mental health community and child-serving organizations, and increased resources to help divert young offenders with mental health needs from the system. The **Idaho** Legislature appropriated more than $4 million in 2011 to the Department of Juvenile Corrections to evaluate mental health treatment programs, and a recent **Montana** law appropriates money for mental health youth crisis diversion pilot projects. Other laws in **Arkansas, Louisiana, Michigan** and **Texas** require proper mental health screening and assessment of juvenile offenders to ensure proper treatment. Reforms also include two recent **Washington** laws that: 1) specifically authorize law enforcement to bring juveniles to an evaluation and treatment facility for non-serious offenses, and 2) prohibit juvenile statements, admissions or confessions in the course of a mental health screening from being admitted into evidence. And in 2015 a **Mississippi** law creates a new grant program in the state for juveniles with mental health needs.

TREND #6: Racial and Ethnic Disparities

Minority youth disproportionately outnumber those who are white at every stage in the nation's juvenile justice system, which has prompted questions about the equality of their treatment by police, courts and other personnel in the justice system. In 2015, several incidents involving police have placed more national attention on the issue of racial justice, including police relations with communities of color and the treatment of minority youth.

Lawmakers have been working to identify policy options to improve the relationship between the police and the people they serve. **Eighteen states** have

statutes that either specifically incorporate community policing ideals into law enforcement standards; require training for officers on community policing; or provide funding for programs that foster community policing efforts. Other actions have addressed "racial profiling," the practice of stopping individuals on the basis of race. Currently, **31 states** have laws that generally define and prohibit racial profiling.

Policymakers are also attentive to research and information on the value of improved data collection to address racial and ethnic disparities in justice systems. Legislative actions during the past five years have established special committees to study the issue, required more racial impact analysis and race-neutral assessments, and required collaboration and training in the community. **Texas** created an interagency council in 2011 to better understand the issues surrounding minorities in the justice system. While recent laws in **Connecticut, Iowa** and **Oregon** established "racial impact statements" to require legislation be screened for language that might result in unequal targeting or treatment of minority youth. **Minnesota** conducts comparable analyses, but without legislation. Similarly, a 2013 **Colorado** law provides that if proposed legislation creates or changes an offense or classification, a fiscal note must include data on the projected effect on minority offender populations. And **Georgia** now requires juvenile justice and probation staff to use "race-neutral" risk assessments instruments to eliminate racial and ethnic bias in detention screening.

Illinois has passed several laws over recent years to require the collection of ethnic and racial data on individuals arrested or committed to the Department of Juvenile Justice. A new 2015 **Illinois** law also encourages faith and community-based organizations to collaborate with law enforcement, juvenile justice and mental health professionals to develop policies to address juvenile racial and ethnic disparities.

Restorative Justice

Restorative justice is a philosophy that guides the juvenile justice systems in many states. Restorative justice seeks to balance the needs of the victim, offender and community by repairing the harm caused by delinquent acts. In recent years lawmakers have implemented legislation and policies that provide restorative responses to crime and wrongful occurrences, such as juvenile offenders meeting with the victims of their crime. A majority of states have incorporated restorative justice language in legislation, policy and practice. Further, several state justice systems have significantly restructured their visions to align with restorative principles, such as in **Colorado**, **Minnesota**, **Pennsylvania** and **Vermont**.

TREND #7: Reentry/Aftercare

Juveniles leaving secure confinement face many challenges that can hinder successful reentry into society. Youth may return to neighborhoods with unstable households and family relationships, unemployment, and obstacles at school and with peers. State legislators continue to provide improved aftercare programs to help transition and reintegrate

juveniles back into society, and reduce recidivism. Such efforts incorporate meaningful opportunities for self-sufficiency and community integration. Since 2011, examples in five states—**Louisiana**, **Oregon**, **Florida**, **Illinois** and **Washington**—have enhanced and improved aftercare support for juveniles through work release programs, transitional housing and continuums of post-release treatment services. And **Hawaii's** 2014 juvenile justice reform law focuses on successful reentry into the community by strengthening juvenile probation practices and implementing an oversight process to track system effectiveness.

Confidentiality of Juvenile Records and Expungement

Young people also face obstacles to success as a result of delinquency or criminal records that may follow them years after an adjudication. Lawmakers are mindful of both the immediate and long-term collateral consequences that juvenile records can impose on future education, employment and housing opportunities, as well as on other transitions to adulthood. State legislation has included provisions to seal, expunge and implement other confidentiality safeguards. At least **33 states** now allow records to be sealed or expunged. Five states—**Indiana, Maryland, Missouri, Oregon** and **Wisconsin**—have both complete sealing and expungement available for juvenile records. In just the past three years, laws in **Colorado, Delaware, Hawaii, Indiana**, **Michigan, Minnesota, Mississippi** and **Ohio** allow juveniles to petition for their records to be expunged.

Other examples include a **Delaware** law that allows juvenile cases that are dismissed, acquitted or not prosecuted to be expunged from a young person's record. And in 2012, eight states—**California, Colorado, Hawaii, Louisiana, Ohio, Oregon, Vermont** and **Washington**—passed legislation to help victims of sex trafficking—who often are juveniles—reenter society by vacating or expunging prostitution charges.

In addition, several states have addressed the automatic sealing of juvenile records. Automatic sealing or expungement means that juvenile records are sealed or expunged without any action on the part of the juvenile. **Iowa, North Carolina, Oklahoma** and **Washington** now require juvenile courts to schedule hearings to seal juvenile records, while an **Ohio** law reduces the waiting time for youth records to be sealed. A new 2015 **South Carolina** law provides for the automatic expungement of juvenile records for non-violent crimes that occur before the age of 16 and a 2015 **Illinois** law automatically expunges low-level misdemeanor offenses.

CONCLUSION

Recent trends in juvenile justice legislation across the country represent a significant new direction to broadly reform justice systems by identifying methods that provide the best results for both public safety and young offenders. Policymakers are now empowered to make informed decisions based on calculated, supported research and analysis that clearly distinguishes juveniles from adults. They also are better equipped to spend resources more effectively and invest in cost-saving approaches to juvenile crime. Looking forward, as state lawmakers continue to pass new juvenile justice reform policies and create systems that recognize youths' capacity for change—aligning fiscal responsibility, community safety and positive outcomes for youth will be central to these efforts.

APPENDIX

Executive Summary

Mulvey, Edward P. *Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders*. Pittsburgh, Pa. Department of Psychiatry, University of Pittsburgh, 2000-2003.

Comprehensive Omnibus Reform

Georgia HB 242 (2013); Nebraska LB 561 (2013); Hawaii HB 2490 (2014); Kansas HB 2588 (2014); Kentucky SB 200 (2014); New Hampshire HB 1624 (2014) ; Arkansas SB 982 (2015); Indiana HB 1304 (2015); South Dakota SB 73 (2015); West Virginia SB 393 (2015); Utah SB 167 (2015).

Federal Standards and Juvenile Life Without Parole

California SB 9 (2012); North Carolina SB 635 (2012); Pennsylvania SB 850 (2012); Arkansas HB 1993 (2013); California SB 260 (2013); Delaware (SB 9) (2013); Louisiana HB 152 (2013); Montana HB 137 (2013); Nebraska LB 44 (2013); South Dakota SB 39 (2013); Texas (SB 2) (2013); Utah SB 228 (2013); Washington SB 5064 (2013); Wyoming HB 23 (2013); Hawaii HB 2116 (2014); Massachusetts HB 4307 (2014); Michigan SB 319 (2014); West Virginia HB 4210 (2014); California SB 261 (2015); Iowa SF 448 (2015); Nevada AB 267 (2015); Vermont HB 62 (2015).

Returning Jurisdiction to the Juvenile Justice System

Reforming Direct File and Transfer Laws

Arizona SB 1191 (2011); Idaho HB 140 (2011); Nevada AB 134 (2011); Colorado HB 1271 (2012); Vermont HB 751 (2012); Ohio SB 337 (2012); Indiana HB 1108 (2013); Vermont SB 1 (2013); Missouri SB 260 (2013); Nevada AB 202 (2013); California A 1276 (2014); Nebraska LB 464 (2014); Maryland HB 1295 and SB 515 (2014); California SB 382 (2015); Connecticut HB 7050 (2015); Illinois HB 3718 (2015); Montana HB 134 (2015); New Jersey SB 2003 (2015).

Raise the Age of Juvenile Court Jurisdiction

Connecticut SB 1500 (2007); Illinois HB 2404 (2013); Massachusetts HB 1432 (2013); New Hampshire HB 1624 (2014).

Prevention, Intervention and Detention Reform

Nebraska LB 561 (2013); Vermont HB 86 (2013); Washington HB 15 (2014).

Intervention and Realignment

Ohio HB 86 and HB 153 (2011); Texas SB 653 (2011); New York AB 9057(2012); Georgia HB 242 (2013); Arkansas SB 347 (2015); Mississippi HB 404 (2014); Idaho SB 982 (2015); South Dakota SB 73 (2015); West Virginia SB 393 (2015).

Status Offenders

Massachusetts SB 2410 (2012); Indiana HB 1196 (2013); Louisiana SB 107 (2013); Kansas HB 2588 (2014); Kentucky SB 200 (2014); California AB 1296 (2014); Nebraska LB 464 (2014); Indiana HB 1304 (2015); Rhode Island SB 583 Sub. A (2015); Texas HB 2398 (2015).

Detention Reform

Hawaii SB 932 (2011); New Mexico HB 40 (2011); Vermont SB 108 (2011); Tennessee HB 3839 (2012); Washington HB 2536 (2012); Colorado SB 177 (2013); Nebraska LB 561 (2013); Arkansas SB 347 and SB 982 (2015); Georgia HB 361 (2015); Arkansas SB 848 (2015); Kansas HB 2336 (2015).

Juvenile Defense Reform
Illinois HB 6129 (2011); Pennsylvania SB 818 and SB 815 (2012); Colorado HB 1032 (2014); New Hampshire HB 305 (2015); Utah SB 167 (2015).

Competency
Michigan HB 4555 (2012); Utah HB 393 (2012); South Dakota HB 1073 (2012); Nevada AB 138 (2015); Ariz. Rev. Stat. Ann. §8-291.01 et seq.; Ark. Stat. Ann. §9-27-502; Cal. Welfare and Institutions §709 (West 2012); Colo. Rev. Stat. §19-2-130; Fla. Stat. Ann. §985.19; Ga. Code §15-11-152; Idaho Code §20-519A; Kan. Stat. Ann. 38-23-48; La. Children's Code Ann. Art. 832 et seq; Me. Rev. Stat. Ann. Tit. 15, §3318-A; Md. Code, Courts and Judicial Proceedings §3-8A-17 et seq; 52 Minn. Stat. Ann., Juvenile Delinquency Procedure Rule 20.01; Neb. Rev. Stat. §43-258; 2014; New Hampshire HB 1624; Ohio Rev. Code Ann. §2152.51 et seq; Oklahoma SB 457 (2015); S.D. Codified Laws Ann. 26-7A-32.1; Texas Family Code Ann. §51.20; Va. Code Ann. §16.1-356 et seq; Wis. Stat. §938.295.

Indigent Defense and Other Procedural Issues
Louisiana SB 65 (2012); Maryland SB 261 (2012); Oklahoma SB 679 (2013); Colorado HB 1032 (2014); Utah SB 221 (2014).

Shackling
Pennsylvania SB 817 (2013); South Carolina SB 440 (2014); Indiana HB 1304 (2015); Nebraska LB 482 (2015); Utah SB 167 (2015).

Solitary Confinement
Florida SB 182 (2013); Louisiana HR 1 (2014); California SB 124 (2015); Montana HB 316 (2015).

Treating Mental Health Needs of Juvenile Offenders
Iowa SB 327 (2011); Kansas HB 2104 (2011); Arkansas HB 1029 (2013); Texas SB 421 (2013); Washington HB 1524 and HB 1724 (2014); Michigan HB 4694 (2015); Mississippi SB 2867 (2015); Montana HB 47 and 422 (2015).

Disproportionate Minority Contact
Connecticut HB 6634 (2011); Illinois SB 2271 (2011); Texas SB 501 (2011); Colorado S 229 (2013); Illinois SB 1598 (2013), SR 1049 (2014) and SB 1598 (2015).

Reentry/Aftercare
Arkansas SB 339 (2011); Connecticut HB 6634 (2011); North Carolina SB 397 (2011); Oregon SB 188 (2013); Louisiana HB 179 (2012); Oregon SB 93 (2013); Illinois SB 1192 (2014); Washington HB 1674 (2015); Hawaii HB 2116 (2014).

Confidentiality of Juvenile Records and Expungement
Delaware HB 177 (2011); California AB 2040 (2012); Colorado HB 1151 (2012); Hawaii SB 2576 (2012); Louisiana HB 49 (2012); Ohio HB 262 (2012); Oregon HB 4146 (2012); Vermont SB 122 (2012); Washington SB 6255 (2012); Michigan HB 5600 (2012); Colorado HB 1082 (2013); Mississippi HB 1043 (2013); Florida HB 7055 (2014); Iowa SB 383 (2014); Washington HB 1651 (2014); Minnesota HB 392 (2014); Illinois SB 978 (2015); Indiana HB 1302 (2015); North Carolina HB 879 (2015); South Carolina SB 133 (2015).

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