

NATIONAL JUVENILE JUSTICE NETWORK

2018 NJJN MEMBER YOUTH JUSTICE ADVANCES

May 2019

In 2018, NJJN members and allies across the nation were extremely successful in their efforts to transform our state youth justice systems with a multitude of policy advances. On the federal level, Congress passed [H.R. 6964](#), reauthorization of the [Juvenile Justice and Delinquency Prevention Act \(JJDP\)](#), with overwhelming bipartisan support. Years in the making, this new law strengthens the JJDP's core protections for youth and makes other significant improvements that reflect new youth justice developments since it was last reauthorized in 2002. The reauthorization is especially needed during this time when the Office of the United States Attorney General and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) took numerous actions that were harmful to our youth and communities, including rescinding OJJDP guidance on critical issues, loosening compliance standards for reducing racial and ethnic disparities, and issuing grant solicitations (now being challenged in the courts) that give a preference to applicants willing to collaborate with federal immigration authorities.

Despite this challenging climate, our members and allies successfully advanced many vital youth justice reforms. In this snapshot, we highlight a sampling of primarily legislative initiatives that were pursued by our NJJN community and were signed into law in 2018.

While advances were made in many areas, there are a few trends worth noting. One of the biggest areas of movement was in addressing the adultification of youth. Missouri raised the age of juvenile court jurisdiction from 17 to 18-years-old, leaving only four states left in the country that continue to prosecute all 17-year-olds as adults regardless of their offense (GA, MI, TX, WI). Several states imposed limitations on the transfer of youth to adult court (CA, DE, RI, TN, WA); California's law went the furthest by ending the transfer of youth under age 16 to adult court for any offense. Indiana expanded data collection on youth being tried as adults and Vermont created a pathway back to juvenile court for certain youth.

For those youth in adult facilities, several states passed laws either removing youth from adult jails or addressing the conditions in which they are held (CA, DE, TN, VA). Delaware specifically prohibited youth being tried for an adult offense from being held in an adult facility pre-trial, which is in keeping with the new requirements in the reauthorized JJDP.

Another significant trend was in addressing those school and justice policies that serve to pull youth of color out of schools and into the justice system (CA, DC, IN, MA, SC, VA). South Carolina repealed the “disturbing schools” offense, which was having a disproportionate impact on students of color and served as a major mechanism for funneling students into the school-to-prison pipeline, and Massachusetts similarly decriminalized public order offenses by students in school. Additional school legislation reforms included bills reducing suspension and/or expulsion (DC, IN, VA); limiting the roles of SROs (MA); truancy reforms (VA); and limiting the use of restraints/seclusion (CA).

Several states enhanced diversion possibilities for youth. California established a Youth Reinvestment Grant Program to help local jurisdictions implement diversion programs in underserved communities; Delaware continued a pilot pre-arrest civil citation program; Florida expanded their pre-arrest diversion statute; Massachusetts authorized judges to divert youth prior to arraignment; and Washington broadened the types of cases eligible for diversion and strengthened the network of community providers.

Other trends worth noting include: raising the lower age of juvenile court jurisdiction to 12-years-old (CA, MA); sentencing reform legislation (CA, DE, LA, MA, VA); the Washington State Supreme Court decision ending juvenile life without parole; movement in addressing emerging adults (AZ, DC, VT, WA); ending the indiscriminate shackling of youth in juvenile court (LA, MA); limiting solitary confinement of youth (MA, WI); and funding local programs for youth (CA, MD).

In this document, we have organized our partial list of 2018 youth justice advances according to topic. Note that for those bills that covered more than one subject matter category, we put the bill under each subject category to which it was related.

Closing Youth Prisons

Connecticut

- Governor Dannel P. Malloy closed the Connecticut Juvenile Training School (CJTS) – Connecticut’s last large, youth prison in the youth justice system – in April 2018. CJTS was a high security prison-like facility that originally opened in 2001, costing \$57 million in taxpayer money to build and millions more in annual costs to operate. It housed male youth between the ages of 12 to 20-years-old and was built with the capacity to house over 200 youth.
NJJN Member: [Connecticut Juvenile Justice Alliance](#)
NJJN Ally: [Youth First Initiative](#)

New Jersey

- In January, 2018, [Governor Chris Christie announced the closure of two state youth prisons](#): the Female Secure Care and Intake Facility, known as Hayes, and the New Jersey Training School for Boys, known as Jamesburg, six months after advocates launched “[150 Years is Enough](#),” a campaign to close Jamesburg and Hayes and invest in the creation of a community-based system of care. Jamesburg was the largest youth prison for boys and Hayes was the state’s youth prison for girls. However, no plan is currently in place to effectuate the closure of these prisons. On October 26, 2018, Governor Murphy issued Executive Order 42 announcing the official formation of the Task Force for the Continued Transformation of Youth Justice in New

Jersey. The Task Force is responsible for providing recommendations on strategies and actions to continue the reform of New Jersey's Youth Justice System.

NJJN Members: [New Jersey Institute for Social Justice and New Jersey Parents' Caucus, members of the Youth Justice New Jersey Coalition](#)

Comprehensive System Improvement

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that includes the following: raises the lower age of juvenile jurisdiction from age 7 to 12-years-old; decriminalizes public order offenses by students in schools and limits the roles of SROs to public safety and not school discipline; allows limited expungement of non-violent offenses committed prior to age 21 for individuals with only one previous court case; creates a legal parent-child privilege so minor children can speak freely to their parents; gives judges authority to divert youth prior to arraignment; codifies the juvenile court's policy banning the indiscriminate shackling of youth in court; codifies the Dept. of Youth Services' policy significantly limiting the solitary confinement of children; decriminalizes violations of local ordinances by youth; raises the felony threshold from \$250 to \$1200; prohibits the secure detention of foster children merely because there is no other placement for them; eliminates attorney fees for all youth; and allows restorative justice programming to be available to juvenile and adult defendants pre-arraignment.

NJJN Member: [Citizens for Juvenile Justice](#)

Confinement and Detention

Delaware

- [HB 339](#) prohibits youth who are being tried for an adult offense from being held in an adult facility pre-trial. They may be transferred to the Department of Corrections only after adjudication and the imposition of a sentence of incarceration.

NJJN Member: [Delaware Center for Justice](#)

Illinois (Cook County)

- Cook County enacted [an ordinance](#) preventing the detention of youth under the age of 13-years-old. This ordinance states that "placement of a minor away from his or her home must be the last resort and be the least restrictive alternative available." In rare cases, if a youth must be removed from the home, Cook County can utilize 24/7 emergency services. This ordinance is in line with research by the American Pediatric Association stating that childhood detention has long lasting negative consequences.

NJJN Member: [Juvenile Justice Initiative](#)

Louisiana

- [SB 106](#) clarifies how and when children are entitled to post-dispositional hearings, in order to ensure children are released from confinement as soon as possible and that they are getting the review hearings to which they are entitled. This bill updates the 2016 legislation which created mandatory hearings after nine months in confinement, at which the child would be released unless the courts intervene.

NJJN Members: [Louisiana Center for Children’s Rights, Families and Friends of Louisiana’s Incarcerated Children](#), and [Southern Poverty Law Center - Louisiana](#)

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included prohibiting the secure detention of foster children, a provision intended to prevent foster youth from being securely detained merely because there is no other placement for them.

NJJN Member: [Citizens for Juvenile Justice](#)

Nebraska

- [LB 670](#) significantly restricts juvenile detention by prohibiting it for all children aged 12 or younger and prohibiting it for minors of any age for any of the following reasons: to allow a parent or guardian to avoid their legal responsibility; for punishment, treatment, or rehabilitation; for more convenient access to the youth; to facilitate further interrogation or investigation; or due to lack of a more appropriate facility. The court cannot detain a young person unless they pose a serious threat to the physical safety of community members or it is necessary to secure their presence at the next hearing, as evidenced by willful failure to appear at a scheduled court hearing within the last twelve months. The law will go into effect July 1, 2019.

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

NJJN Ally: [Annie E. Casey, Foundation – Juvenile Detention Alternatives Initiative \(JDAI\)](#)

Diversion

California

- [AB 1812](#) established a Youth Reinvestment Grant Program within the Board of State and Community Corrections which local jurisdictions access through a competitive grant process. The grant program funds evidence-based, trauma-informed, culturally relevant, and developmentally appropriate diversion programs in underserved communities with high rates of youth arrests and high rates of racial/ethnic disproportionality within those arrests. Three percent of the funds must be allocated to Native American tribes for implementing diversion programs for Native children. The legislature appropriated \$37.3 million dollars for this grant program.

NJJN Member: [Youth Justice Coalition, California Alliance for Youth and Community Justice \(CAYCJ\)](#)

NJJN Ally: [W. Haywood Burns Institute](#)

Delaware

- [HB 308](#) continues a pilot youth civil citation program that was set to expire later this year. It provides law enforcement with a civil citation procedure as an alternative to arrest for youth who are charged with first-time, minor misdemeanor offenses.

NJJN Member: [Delaware Center for Justice](#)

Florida

- [SB 1392](#) made significant and meaningful changes to the existing juvenile pre-arrest diversion statute. The legislation requires each judicial circuit to adopt a circuit-wide, juvenile pre-arrest diversion program. The program must be created by agreement among the state’s attorney and

public defender, clerks of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit. Other changes include the following: removes statutory restrictions on eligibility and the requirement that youth admit to the offenses; removes the cap on the number of times a youth may be diverted before arrest; and adds data reporting requirements which include data on demographics, offense details, and justification for the arrest of eligible youth.

NJJN Member: [Southern Poverty Law Center \(SPLC\), Florida](#)

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included giving judges authority to divert youth prior to arraignment.

NJJN Member: [Citizens for Juvenile Justice](#)

Washington

- [SB 6550](#) encourages diversion of youth from the juvenile justice system by broadening the types of cases eligible for diversion and strengthening the network of community-based providers, which now includes restorative justice programs. The law explicitly encourages prosecutors to divert youth cases whenever possible. [S. 6550](#) allows for the diversion of youth for second degree assault and robbery, offenses that had been excluded in the past. A major aim of the law is to ensure that youth can receive supportive services closer to home and without the stigma of court involvement. The law also requires the destruction and sealing of records upon the completion of diversion agreements.

NJJN Member: [TeamChild](#)

Emerging Adults

Arizona

- [HB 2356](#) extends the juvenile court's jurisdiction from age 18 to 19-years-old for certain youth adjudicated delinquent at the age of 17. Previously, the county attorney was prosecuting hundreds of 17-year-old youth as adults because of their belief that there was inadequate time to address the service needs of these youth and hold them sufficiently accountable in the youth justice system.

NJJN Member: [Children's Action Alliance](#)

District of Columbia

- [B22-0451](#) expands and strengthens the District of Columbia's youthful offender law, which was originally passed in 1985 to help emerging adults convicted of certain eligible crimes move forward without a criminal record. Pursuant to the new law, judges will decide whether emerging adults (ages 18-25-years-old) can have their conviction set aside upon sentence completion, rather than conviction, which may allow more emerging adults to be eligible. The bill also changed eligibility for the "set aside" to the age of the person at the time of the offense, rather than at sentencing, and raised the age eligibility from 22 to 24-years-old, making more emerging adults eligible. Finally, the bill requires the mayor to develop rehabilitative programming for emerging adults and expand diversion policies.

NJJN Member: Youth Justice Project, convened by NJJN member [Georgetown Law Juvenile Justice Clinic & Initiative](#)

Vermont

- [S. 234](#) puts Vermont in line to become the first state to raise the age of juvenile court jurisdiction to 20 years old. Pursuant to the new law, Vermont will study whether appropriate funding and supports are in place to implement expansion of juvenile court jurisdiction in accordance with the following timeline: raising the age of juvenile court jurisdiction to youth under the age of 19 by 2020; then raising the age to youth under the age of 20 by 2022. Timelines are in place to introduce legislation to amend the timeline for the rollout of this expansion if needed. In both cases, the expansion does not apply to certain violent offenses, including murder and armed robbery.

NJJN Ally: [Campaign for Youth Justice](#)

Washington

- [SB 6160](#) reduces the types of offenses for which youth aged 16 and 17-years-old are subject to automatic transfer to adult court and provides that a juvenile court can retain jurisdiction over a youth until they are 25-years-old for certain offenses. It does, however, enhance the sentence for some offenses, such as committing an offense with a firearm and gang involvement. The law requires that the Washington Institute for Public Policy assess its impact on community safety, racial disproportionality, recidivism, cost and youth rehabilitation and issue a preliminary report in December 2023, and a final report by December 2031.

NJJN Member: Nick Allen, Youth Justice Leadership Institute (YJLI) Alum, [Columbia Legal Services](#)

Expungement

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms including limited expungement of non-violent offenses committed prior to age 21 for individuals with only one previous court case.

NJJN Member: [Citizens for Juvenile Justice](#)

Fees and Fines

California (Los Angeles)

- The Los Angeles County Board of Supervisors [approved a motion](#) to stop collecting old fees that had been charged to families for incarcerating their youth in the delinquency system. In 2009, the Probation Department stopped collecting new fees but continued to collect payment of old fees. Through this motion, the Probation Department is directed to cancel nearly \$90 million in juvenile detention fee debt.

NJJN Member: [Youth Justice Coalition](#)

Louisiana (New Orleans)

- [The New Orleans Parish Juvenile Court](#) adopted a resolution to stop charging administrative fees to families with children in the youth justice system. In support of the resolution, the court cited research that these fees undermine the system's rehabilitative and public safety goals and net little revenue.

NJJN Members: [Louisiana Center for Children's Rights \(LACCR\)](#), [Families and Friends of Louisiana's Incarcerated Children \(FFLIC\)](#) in conjunction with the Berkeley Law Policy Advocacy Clinic, and [Southern Poverty Law Center - Louisiana](#)

Funding Local Programs

California

- [AB 1812](#) established a Youth Reinvestment Grant Program within the Board of State and Community Corrections which local jurisdictions access through a competitive grant process. The grant program is for implementing evidence-based, trauma-informed, culturally relevant, and developmentally appropriate diversion programs in under-served communities with high rates of juvenile arrests and high rates of racial/ethnic disproportionality within those juvenile arrests. Three percent of the funds must be allocated to Native American tribes for implementing diversion programs for Native children. The legislature appropriated \$37.3 million dollars for this grant program.

NJJN Member: [Youth Justice Coalition, California Alliance for Youth and Community Justice \(CAYCJ\)](#)

NJJN Ally: [W. Haywood Burns Institute](#)

Maryland

- [SB 545/HB 432](#) created the Maryland Violence Intervention and Prevention Program Fund to support effective violence reduction strategies by providing competitive grants to local governments and nonprofit organizations to fund evidence-based programs, with the funding authorized at up to \$10,000,000 to the Fund.

NJJN Member: [Advocates for Children and Youth](#)

Immigration

Nebraska

- [LB 670](#) affirms that state court judges have the jurisdiction and authority to make Special Immigrant Juvenile (SIJ) predicate findings, which can be used to help a youthful immigrant gain legal status. These are factual findings that can be made by any court with jurisdiction over a minor, including a delinquency court, regarding abused, abandoned, and/or neglected children and whether it is in the best interest of the child to be removed from the United States. The bill authorizes a party to the proceeding to request that SIJ predicate findings be made, authorizes state courts to issue such an order on their own initiative, and requires the court to make those findings where there is sufficient evidence to support it.

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

Juvenile Court Jurisdiction

California

- [Senate Bill 439](#) raises the lower age of juvenile court jurisdiction to 12-years-old, ending the prosecution of children under the age of 12 in California, except for charges of murder and forcible rape, beginning in 2020. Each year in California nearly 700 children between the ages of 5 to 11-years-old are arrested and referred to juvenile court. With the passage of SB 439, this will no longer be the norm.

NJJN Members: [Anti-Recidivism Coalition \(ARC\)](#), [California Alliance for Youth and Community Justice \(CAYCJ\)](#), and [Youth Justice Coalition \(YJC\)](#)

NJJN Ally: [W. Haywood Burns Institute](#)

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included raising the lower age of juvenile jurisdiction from age 7 to 12-years-old.

NJJN Member: [Citizens for Juvenile Justice](#)

Juvenile Indigent Defense

Illinois

- The Illinois General Assembly created and funded the Illinois Juvenile Defender Resource Center, which will provide support to juvenile defenders and study and implement model systems for the delivery of juvenile defender services in Illinois. It opened in September 2018 and is a division of the Illinois Office of the State Public Defender.

NJJN Member: [Juvenile Justice Initiative](#)

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included eliminating attorney fees for all youth.

NJJN Member: [Citizens for Juvenile Justice](#)

Juvenile Life Without Parole

Washington

- In [State of Washington vs. Brian Basset](#), the Washington State Supreme Court ruled that sentencing children to life without parole is unconstitutional. Washington became the 21st state, plus the District of Columbia, to ban the sentencing of children to life without parole.

NJJN Member: [TeamChild](#)

NJJN Allies: [Juvenile Law Center](#); [Campaign for the Fair Sentencing of Youth](#)

Mental Health

Tennessee

- [HB 2271/ SB 2261](#) provides an annual \$4 million investment in mental health programs for youth, reserved for youth in rural areas.

Parent-Child Privilege

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included the creation of a legal parent-child privilege so minor children can speak freely to their parents.
NJJN Member: [Citizens for Juvenile Justice](#)

Police Transparency

California

- [SB 1421](#) dramatically increases public access to law enforcement personnel records. It will require disclosure of law enforcement personnel records and information relating to the following types of incidents: discharge of a firearm at a person; use of force that results in death or great bodily injury; cases of proven sexual assault against civilians; and cases of proven dishonesty related to the reporting, investigation, and prosecution of crimes, including perjury and destroying evidence. Access to records of how departments handle these critical incidents will allow the public to make informed judgements about whether existing processes and infrastructures are adequate. To account for privacy or safety interests, SB 1421 permits redaction of or withholding these records in a variety of circumstances, such as to remove personal data or information or if there is a risk or danger to an officer or someone else.
NJJN Members: [Anti-Recidivism Coalition \(ARC\)](#), [California Alliance for Youth and Community Justice \(CAYCJ\)](#), and [Youth Justice Coalition \(YJC\)](#)

Racial and Ethnic Fairness

Nebraska

- [LB 670](#) adds as a requirement for participation in the Commission Grant Program or the Community-based Juvenile Services Aid Program, that the data an applicant presents as part of the comprehensive juvenile services plan must include an examination of disproportionate minority contact in order to identify prevention efforts and system improvement efforts to reduce the disproportionate number of non-white youth of who come into contact with the youth justice system.
NJJN Member: [Voices for Children in Nebraska](#)

Restorative Justice

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included allowing restorative justice programming to be available to juvenile and adult defendants pre-arraignment.

NJJN Member: [Citizens for Juvenile Justice](#)

Washington

- [SB 6550](#) encourages diversion of youth from the juvenile justice system by broadening the types of cases eligible for diversion and strengthening the network of community-based providers, which now includes restorative justice programs. The law explicitly encourages prosecutors to divert youth cases whenever possible. A major aim of the law is to ensure that youth can receive supportive services closer to home and without the stigma of court involvement. The law also requires the destruction and sealing of records upon the completion of diversion agreements.

NJJN Member: [TeamChild](#)

Schools

California

- [AB 2657](#) limits the use of restraint and seclusion in schools. It also requires schools to collect data annually on the use of restraints and seclusion and report it to the State Department of Education.

NJJN Member: Anthony DiMartino, Youth Justice Leadership Institute (YJLI) Alum, Legislative Director for Assembly Member Weber

District of Columbia

- The [Student Fair Access to School Amendment Act of 2018 \(Law 22-057\)](#) enacts uniform school discipline reforms that apply to both public and charter schools. The Act sets limits on schools' use of suspensions, expulsions, and involuntary transfers as disciplinary consequences. Other reforms include right to a due process hearing for shorter suspensions; improved disability protections; outlaws extended suspensions due to parental failure to come to school to attend various meetings; fosters reform in school climate and discipline policies; and creates additional supports to promote trauma-informed educational settings.

NJJN Member: Every Student Every Day Coalition, co-convened by NJJN member [Georgetown Law Juvenile Justice Clinic & Initiative](#)

- In [Brown v. District of Columbia](#),¹ the United States District Court for the District of Columbia held that the District of Columbia is required to provide special education and related services under the Individuals with Disabilities Education Act (IDEA) to eligible District residents convicted of DC Code Offenses and incarcerated in a Federal Bureau of Prisons (BOP) facility. This is the first time that a federal court has held that DC or any state remains responsible for providing IDEA services to its residents who are in federal custody. Note that the District of Columbia has filed a motion for reconsideration of the judge's ruling and plaintiffs have cross-filed motions for summary judgement, all of which are pending as of April 2019.

Indiana

- [HB 1421](#) requires the Department of Education (DOE) to produce a model plan that would reduce out of school suspensions and school based arrests and provide technical assistance to schools that request assistance. It also requires the DOE to conduct a survey of schools to

¹ *Brown v. District of Columbia*, 324 F. Supp.3d 154 (2018).

measure the extent to which positive school discipline and restorative justice practices are being used.

NJJN Member: [Children’s Law and Policy Initiative of Indiana](#)

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included decriminalizing public order offenses by students in schools and limiting the roles of SROs to public safety, rather than school discipline.

NJJN Member: [Citizens for Juvenile Justice](#)

South Carolina

- [SB 131](#) repeals the offense of "disturbing schools" for students in South Carolina, a vague law which had served to criminalize student actions such as talking too loudly or talking back to teachers or school police. The “disturbing schools” law had a disproportionate impact on students of color and its repeal will eliminate a major mechanism for funneling students into the school-to-prison pipeline. The language of the bill also states the legislature’s intent that schools exhaust all avenues of behavioral discipline before contacting law enforcement.

NJJN Member: [ACLU of South Carolina](#)

Virginia

- [SB 170](#) dramatically curbs suspensions and expulsions of children in grades pre-K through third grade by capping most suspensions of these children at no more than three days and prohibiting expulsions, except for drug and firearm offenses.

NJJN Member: [Legal Aid Justice Center](#)

- [HB1600](#) narrows the length of most long-term suspensions to a period of 11-45 days, down from its current span of 11-364 days, in an effort to reduce school pushout.

NJJN Member: [Legal Aid Justice Center](#)

- [SB841/HB1485](#) made several changes to Virginia’s truancy statute, most significantly it makes referrals to court by the school for truancy (after six absences) discretionary rather than mandatory, and the legislation also places more requirements on schools to address truancy with wraparound services rather than simply referring youth to court.

NJJN Member: [Legal Aid Justice Center](#)

Sentencing

California

- [SB 1437](#) reforms the state’s felony murder rule to amend its accomplice liability, giving much needed relief to people who are serving disproportionately long sentences for homicides for which they were not directly responsible. Under the new law, a person can only be convicted of murder if they committed the act or “aided, abetted, counseled, commanded, induced, solicited,

requested, or assisted” in the commission of the act. The new law is retroactive and creates a pathway to resentencing for hundreds of convicted prisoners.

NJJN Members: [Anti-Recidivism Coalition \(ARC\)](#), [California Alliance for Youth and Community Justice \(CAYCJ\)](#), and [Youth Justice Coalition \(YJC\)](#)

Delaware

- [HB 307](#) repeals and removes all mandatory-minimum sentences for youth adjudicated delinquent in Family Court. Family Court judges can still commit youth to a secure placement but now have the discretion to determine the most appropriate disposition for a particular youth.

NJJN Member: [Delaware Center for Justice](#)

Louisiana

- [SB 102](#) rolled back mandatory sentencing in the juvenile justice system. It removed a prohibition on judicial review and early release for youth committed to state custody for the most serious offenses, after they have served a certain proportion of their disposition.

NJJN Members: [Louisiana Center for Children’s Rights, Families and Friends of Louisiana’s Incarcerated Children](#), and [Southern Poverty Law Center - Louisiana](#)

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included decriminalizing violations of local ordinances by youth and raising the felony threshold from \$250 to \$1200.

NJJN Member: [Citizens for Juvenile Justice](#)

Virginia

- [SB105/HB1550](#) raised the grand larceny threshold from \$200 to \$500. This means that theft or fraud involving anything valued at less than \$500 would be a Class 1 misdemeanor rather than a felony, as it is now. Youth will be a big beneficiary of this change as in 2018 felony larceny complaints were 34% of all felony juvenile complaints, larceny was the most common offense resulting in commitment, and between 2010 and 2017, it was the third most common charge for which youth were convicted in adult Circuit Court in Virginia, behind robbery and assault.

NJJN Member: [Legal Aid Justice Center](#)

Washington

- In [State of Washington vs. Brian Basset](#), the Washington State Supreme Court ruled that sentencing children to life without parole is unconstitutional. Washington became the 21st state, plus the District of Columbia, to ban the sentencing of children to life without parole.

NJJN Member: [TeamChild](#)

NJJN Allies: [Juvenile Law Center](#); [Campaign for the Fair Sentencing of Youth](#)

Shackling

Louisiana

- [HB 187](#) prohibits the use of restraints on youth during juvenile court proceedings, unless the court finds that restraints are necessary because the youth presents a particularized risk of harm to themselves or others or a substantial risk of flight from the courtroom, and there are no less

restrictive alternatives. The youth's attorney must be given an opportunity to be heard and object on the record.

NJJN Members: [Louisiana Center for Children's Rights \(LACCR\)](#), [Families and Friends of Louisiana's Incarcerated Children \(FFLIC\)](#), and [Southern Poverty Law Center - Louisiana](#)

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included codifying the juvenile court's policy banning the indiscriminate shackling of youth in court.
NJJN Member: [Citizens for Juvenile Justice](#)

Solitary Confinement/Room Confinement/Isolation

Massachusetts

- [S. 2371](#) enacted a comprehensive package of youth justice reforms that included codifying the Dept. of Youth Services' policy significantly limiting the solitary confinement of children.
NJJN Member: [Citizens for Juvenile Justice](#)

Wisconsin

- In [J.J. v. Litscher](#), Juvenile Law Center, with co-counsel ACLU of Wisconsin and Quarles & Brady, LLP, [filed a federal civil rights class action lawsuit](#) in 2017 in the U.S. District Court for the Western District of Wisconsin against the Wisconsin juvenile corrections officials and administrators of the Lincoln Hills School for Boys and the Copper Lake School for Girls, for their excessive use of solitary confinement, restraints, and pepper spray on youth. On June 1, 2018, the State of Wisconsin agreed to settle the lawsuit with key settlement terms including: fully eliminating punitive solitary confinement within 10 months; fully eliminating the use of pepper spray within 12 months; strictly limiting the use of all forms of mechanical restraints; and prohibiting strip searches without individualized probable cause.
NJJN Allies: [Juvenile Law Center](#); [YouthFirst](#)

Victims

California

- [AB 1639](#) prohibits the California Victim Compensation Board from denying an application made to the California Victim Compensation Program solely because of the victim's or victim's family member's connection or suspected connection with a gang, or a victim's or victim's family member's immigration status. The legislature found that families were often being denied victim's compensation based on alleged gang affiliation or immigration status of the victim. They further found that this exclusion was increasing victimization rather than healing the state's most vulnerable residents and communities.
NJJN Members: [Anti-Recidivism Coalition \(ARC\)](#), [California Alliance for Youth and Community Justice \(CAYCJ\)](#), and [Youth Justice Coalition \(YJC\)](#)

Youth in the Adult System

Data Collection

Indiana

- [HB 1228](#) requires the Indiana Criminal Justice Institute to expand the data they collect on youth statutorily excluded from juvenile court or transferred from juvenile court to adult court. Previously required to track these youth by age and offense, the demographic data they will now be required to collect will include age, gender, race, county of prosecution, offenses charged, convictions received, and sentence received, and they must publish it annually.
NJJN Member: [Children's Law and Policy Initiative of Indiana](#)

Jail Removal and Conditions

California

- [AB 1812](#) requires the Division of Juvenile Facilities to establish and operate a 7-year pilot program for transition-age youth. On or after January 1, 2019, the program would divert specified transition-aged youth from adult prison to a juvenile facility to provide developmentally appropriate rehabilitative programming designed for transition-age youth with the goal of improving outcomes and reducing recidivism. The bill would require the department to develop program placement criteria and to initially target youth sentenced by a superior court who committed a specified crime when under 18 years of age and whose period of incarceration would be completed on or before their 25th birthday. The bill would require the division to contract with various entities to evaluate the effects of participation in the program.
NJJN Member: [Youth Justice Coalition, California Alliance for Youth and Community Justice \(CAYCJ\)](#)
NJJN Ally: [Campaign for Youth Justice](#)

Delaware

- [HB 339](#) prohibits youth who are being tried for an adult offense from being held in an adult facility pre-trial. They may be transferred to the Department of Corrections only after adjudication and the imposition of a sentence of incarceration.
NJJN Member: [Delaware Center for Justice](#)
NJJN Ally: [Campaign for Youth Justice](#)

Tennessee

- [SB 1575](#) allows sheriffs, committing courts, and circuit or criminal court judges upon application of the sheriff, to move a youth that is held in an adult jail to the nearest sufficient jail or juvenile detention facility for their safekeeping. They can no longer move youth to an adult prison.
NJJN Member: [Just City Memphis](#)
NJJN Ally: [Campaign for Youth Justice](#)

Virginia

- [SB 52/HB 35](#) requires that youth transferred to adult court and ordered held pretrial in an adult jail or detention facility must be held sight and sound separated from adults; this was not previously required. The facility the youth are held in must also be approved by the State Board of Corrections for the detention of youth.
NJJN Member: [Legal Aid Justice Center](#)

Pathways Back to Juvenile Court

Vermont

- [S. 234](#) creates an opportunity for youth charged with specific serious offenses under section 5204 to be moved, or “reverse waived” back to juvenile court.

Raising the Age

Missouri

- [SB 793](#) raised the age for automatically trying youth as adults from 17 to 18-years-old; it goes into effect January 1, 2021. All youth under 18-years-old will start in juvenile court and may only be transferred at the discretion of a juvenile court judge who must consider numerous factors specified in the legislation and detail this information in a written report.

NJJN Member: [Metropolitan Congregations United](#)

NJJN Ally: [Campaign for Youth Justice](#)

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

California

- [SB 1391](#) ends the transfer of youth under age 16 to adult court for any offense, unless the individual was not apprehended prior to the end of juvenile court jurisdiction. Youth impacted by California’s decision to transfer youth under the age of 16 to adult court were instrumental in passing SB 1391. Because of the hard work of these young people, SB 1391 helps to restore a more sensible balance to CA law by recognizing that younger youth should not be handled in the adult system.

NJJN Members: [Anti-Recidivism Coalition \(ARC\)](#), [California Alliance for Youth and Community Justice \(CAYCJ\)](#), and [Youth Justice Coalition \(YJC\)](#)

NJJN Allies: [W. Haywood Burns Institute](#), [Campaign for Youth Justice](#)

Delaware

- [HB 306](#) raises the age at which a youth can be transferred to adult court for possession of a firearm during commission of a felony from 15 to 16-years-old and no longer makes this offense an automatic transfer to adult court. Instead, it is up to a judge’s discretion whether to transfer such youth following an evidentiary hearing where the Superior Court finds proof positive or presumption great that the accused used, displayed, or discharged a firearm. The Attorney General may elect to proceed in Family Court.

NJJN Member: [Delaware Center for Justice](#)

NJJN Ally: [Campaign for Youth Justice](#)

Rhode Island

- [SB 2458](#) ends the automatic transfer of 17-year-olds to adult court, which had been mandated in cases of murder, first degree assault, first degree child molestation or assault with intent to commit murder.

NJJN Member: [Rhode Island KIDS COUNT](#)

NJJN Ally: [Campaign for Youth Justice](#)

Tennessee

- [HB 2271/ SB 2261](#) imposed limitations on transferring youth to adult court. For youth under 14-years-old, the new law limits the offenses for which the court can transfer youth to adult court from several felony offenses to only criminal homicide or attempted criminal homicide. The new law also limits transfers to adult court for children aged 14 and older to specified serious felony offenses instead of allowing transfers for any offense.
NJJN Ally: [Campaign for Youth Justice](#)

Washington

- [SB 6160](#) reduces the types of offenses for which youth aged 16 and 17-years-old are subject to automatic transfer to adult court and provides that a juvenile court can retain jurisdiction over a youth until they are 25-years-old for certain offenses. It does, however, enhance the sentence for some of these offenses, such as committing an offense with a firearm and gang involvement. The law requires that the Washington Institute for Public Policy assess its impact on community safety, racial disproportionality, recidivism, cost and youth rehabilitation and issue a preliminary report in December 2023, and a final report by December 2031.
NJJN Member: Nick Allen, Youth Justice Leadership Institute (YJLI) Alum, [Columbia Legal Services](#)