



Support Rep. White's Amendment to SB 562: Ensure Equity Between Court Systems for Juvenile Cases

Children shouldn't suffer adult consequences for fine-only misdemeanors

Texas is an outlier in the way that it prosecutes children for fine-only misdemeanors, the lowest level of criminal offenses in the Texas Penal Code. Rather than prosecute these cases in juvenile courts – as is done in the rest of the nation – Texas requires these cases to be prosecuted in justice and municipal courts, the same criminal courts where adult Class C cases are heard. In these forums, children face criminal penalties, including a criminal record, conviction, and the possibility of high fines and fees, but they have no right to appointed counsel as they do in juvenile court. This can create lifelong consequences for young people, limiting access to college, housing, and jobs before a child even turns 18.

TEXAS PROSECUTES MORE CHILDREN IN ADULT CRIMINAL COURTS THAN JUVENILE COURTS



Over the last six years, the Texas legislature has made great progress in reducing the number of Class C misdemeanor cases filed against children. Based on Texas Judicial Council recommendations, bills passed in 2013 and 2015 dramatically reduced the number of juvenile Class C cases filed annually. Even so, each year more children are criminally prosecuted in Texas justice and municipal courts than in civil juvenile courts,ⁱ a practice at odds with the state's understanding that children are capable of rehabilitation and should be protected from the "taint of criminality" by a civil process.

- Cases filed in Juvenile Courts in 2018: **28,980**
- Non-Traffic Class C Juvenile Cases filed in Criminal Courts in 2018: **48,592ⁱⁱ**

"A 12-year-old who steals a car from a neighbor is adjudicated as a juvenile in the civil justice system and faces no criminal penalty. Meanwhile, a 12-year-old who steals a \$10 die-cast metal car from a general store is prosecuted in the criminal system for a Class C misdemeanor. It makes no sense."

- Texas Supreme Court Justice Nathan L. Hecht, *The State of the Judiciary in Texas* (February 6, 2019).

PROSECUTING CHILDREN IN CRIMINAL COURTS LEADS TO POOR OUTCOMES



There is simply no research that supports charging and prosecuting children in adult, criminal courts for low-level offenses. Yet, an abundance of research suggests doing so leads to poor outcomes, even for more serious offenses.ⁱⁱⁱ A criminal record can pose a barrier to a young person's ability to attend college, enlist in the military, find housing, and obtain employment.^{iv} The civil juvenile system was created for the purpose of eliminating the stigma associated with the criminal process, and is more protective for that reason.^v

Today's system can result in imposition of high fines and fees and all the problems that stem from an inability to pay, including driver's license holds and suspensions,^{vi} and the possibility of adult jail time when a youth turns 17.^{vii}

HB 4606 HOLDS KIDS ACCOUNTABLE & CREATES EQUITY BETWEEN COURTS



The high volume of cases makes returning Class C's to juvenile courts unworkable. Instead, HB 4606 seeks to level the playing field by creating a system in the justice and municipal courts that is more like the juvenile courts.

HB 4606 does this by:

- ✓ **Creating a system focused on services and supports that holds youth accountable while focusing on rehabilitation; and**
- ✓ **Moving away from an overly punitive system that imposes high fines and fees on children and creates a criminal record that poses barriers to good outcomes in adulthood.**

ⁱ See TEXAS OFFICE OF COURT ADMINISTRATION, ANNUAL STATISTICAL REPORT FOR THE TEXAS JUDICIARY FISCAL YEAR 2018 (2018).

ⁱⁱ This excludes the 9,404 "truant conduct" cases that were filed in these courts.

ⁱⁱⁱ MICHELE DEITCH, JUVENILES IN THE ADULT CRIMINAL JUSTICE SYSTEM IN TEXAS (2011); MICHELE DEITCH ET AL., FROM TIME OUT TO HARD TIME: YOUNG CHILDREN IN THE ADULT CRIMINAL JUSTICE SYSTEM (2008).

^{iv} HELEN GAEBLER, CRIMINAL RECORDS IN THE DIGITAL AGE: A REVIEW OF CURRENT PRACTICES AND RECOMMENDATIONS FOR REFORM IN TEXAS (2013).

^v See Tex. Fam. Code Sec. 51.01(2)(B).

^{vi} Tex. Code Crim. Proc. Sec. 45.050.



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