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Trends in Juvenile Justice State Legislation

Meeting of OJJDP's Federal Advisory Committee on Juvenile Justice

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National Conference of State Legislatures (NCSL)



- Bipartisan organization that has in its exclusive membership all 7,500 state legislators and their staff.
- Headquartered in Denver - have a program for every issue a state legislature may deal with.
 - Office in Washington, D.C. too - function to lobby for states' rights.

▪ Upcoming elections:

In Nov. 2012, **5,984** state legislative seats will be up for elections in **86** state legislative chambers in **44** states.

- Will bring **1/3** new legislative leaders, committee chairs, members staff = new information needs and policy opportunities emerge.





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The Trends Report: Decade of Juvenile Justice Laws





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Background of Trends Report

Analysis of Ten Year of Laws:

- 2001-2007: Lexis Nexis - enacted measures
- **NCSL 's Juvenile Justice Bill Tracking Database**
 - 2008-2012: StateNet JJ Database tracks all pending and enacted bills on pertinent juvenile justice issues and allows you to search by topic, state, key word or year.



www.ncsl.org/?tabid=12686



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14 Juvenile Justice Subtopics Analyzed and Currently Covered in Database

- Administrative/Organization
- Corrections, Detention & Conditions of Confinement
- Defense, Due Process and Procedural
- DMC
- Delinquency Prevention
- Juvenile Sex Offenders
- Mental Health & Substance Abuse
- Misc.
- Records and Information
- Reentry/Aftercare
- Restorative Justice
- Transfer/Waiver/Age
- Truancy & Schools
- Victims





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Juvenile Justice Policy Priorities

- **Promote Public Safety**
- **Producing Positive Outcomes for Adolescents**
- **Cost-Effective**





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Factors Contributing to New Trends



» Juvenile crime rate down



» New and better research available



» Current economic climate

» Shift -- treating young offenders as kids -- not adults

» Pendulum, swinging back





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Federal Standards: U.S. Supreme Court Rulings

- Death Penalty for juveniles abolished (*Roper v. Simmons, 2005*)
- Juveniles and Life Without Parole (JLWOP) for *non-homicide* crimes abolished (*Graham v. Florida, 2010*)
- In 2012, the Court ruled that mandatory JLWOP sentences unconstitutional (*Miller v. Alabama*)





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#1 Trend: Distinguishing Juvenile Offenders from Adults



■ Adolescent Development Research

- Laws Expanding Jurisdiction of Juvenile Court
 - raise the age

- Laws Reforming Transfer and Direct File Laws
 - Return discretion to juvenile court



- Laws Addressing Juvenile Competency



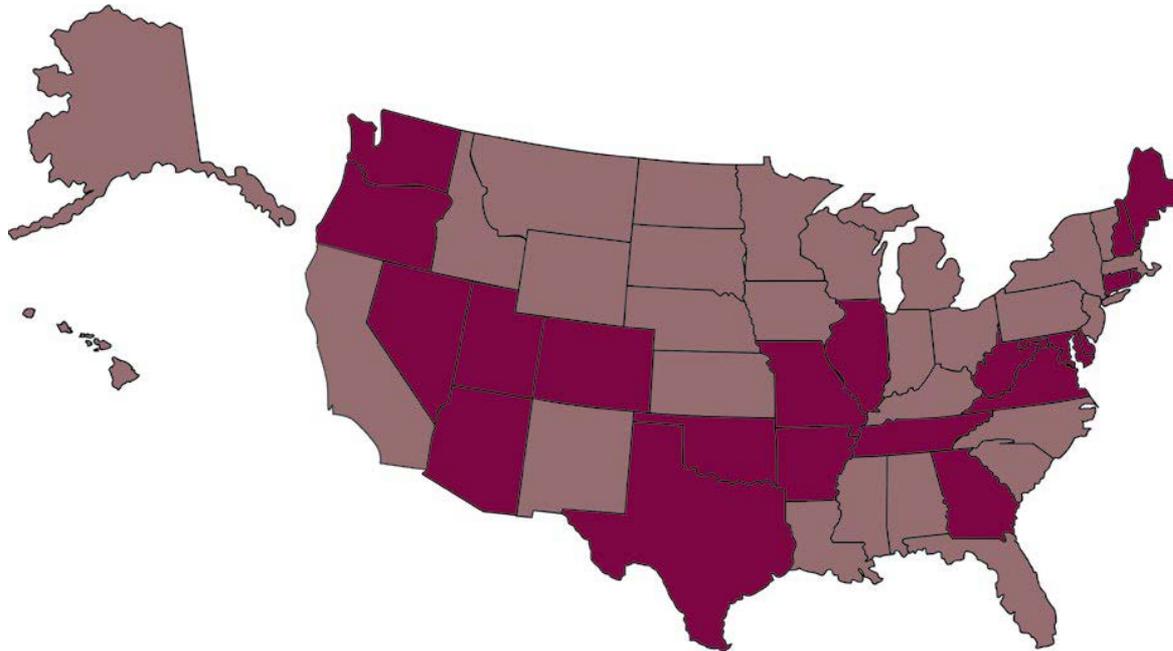


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Map: Restoring Juvenile Court Jurisdiction 2001 – 2011



**States that enacted legislation between 2001 and 2011 to
restore juvenile court jurisdiction**

– 20 states



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#2: Due Process and Procedural Issues

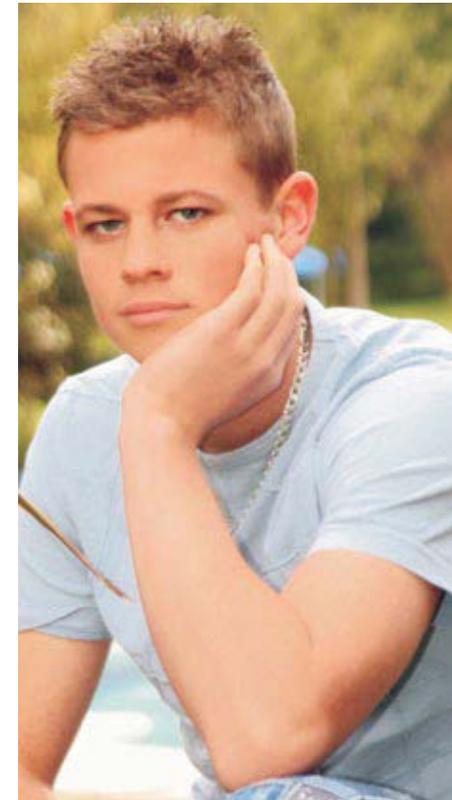


■ Legal Counsel

- Laws requiring quality counsel
- Prohibiting waiving right counsel

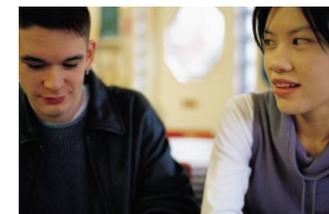


■ Indigent Defense





#3: Prevention and Intervention



- Evidence-Based Practices



- Diversion and Cost-Benefit Analysis



- Realignment strategies moving fiscal resources away from corrections and reinvested in community-based alternatives



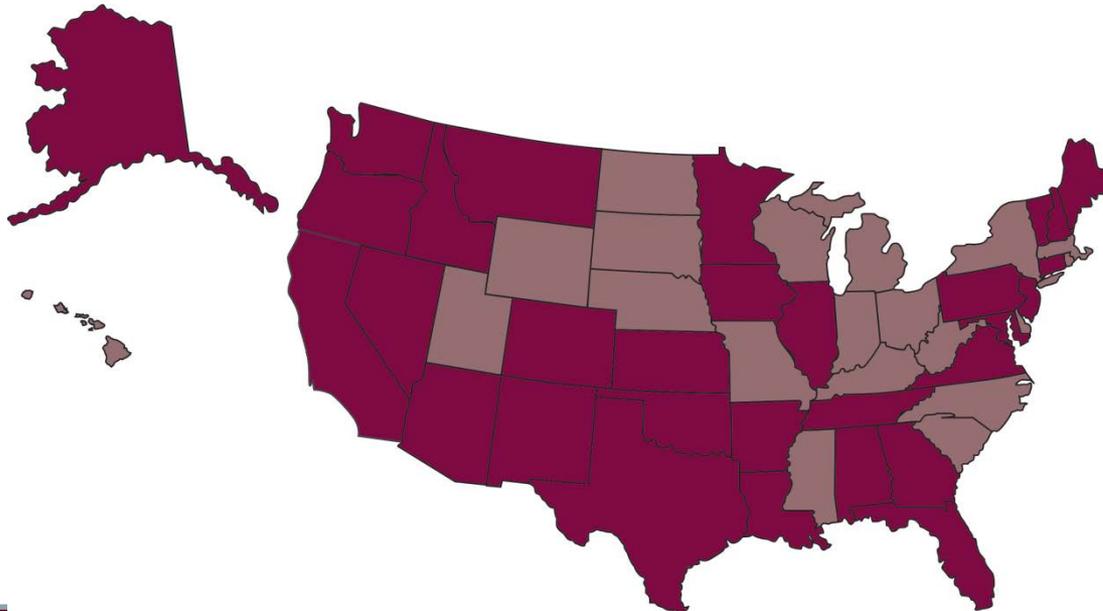


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#4: Treating Mental Health Needs of Juvenile Offenders



**Enacted legislation related to juvenile mental health
between 2001 and 2011**

– 33 states



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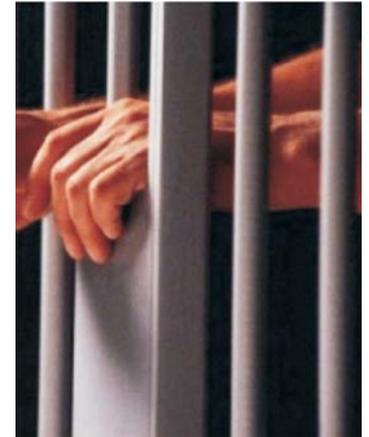
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#5: Detention and Corrections Reform



- States laws exploring ways to reduce the unwarranted detention of certain juveniles and provide meaningful alternatives to detention



- Gender-Responsive Programming Statutes



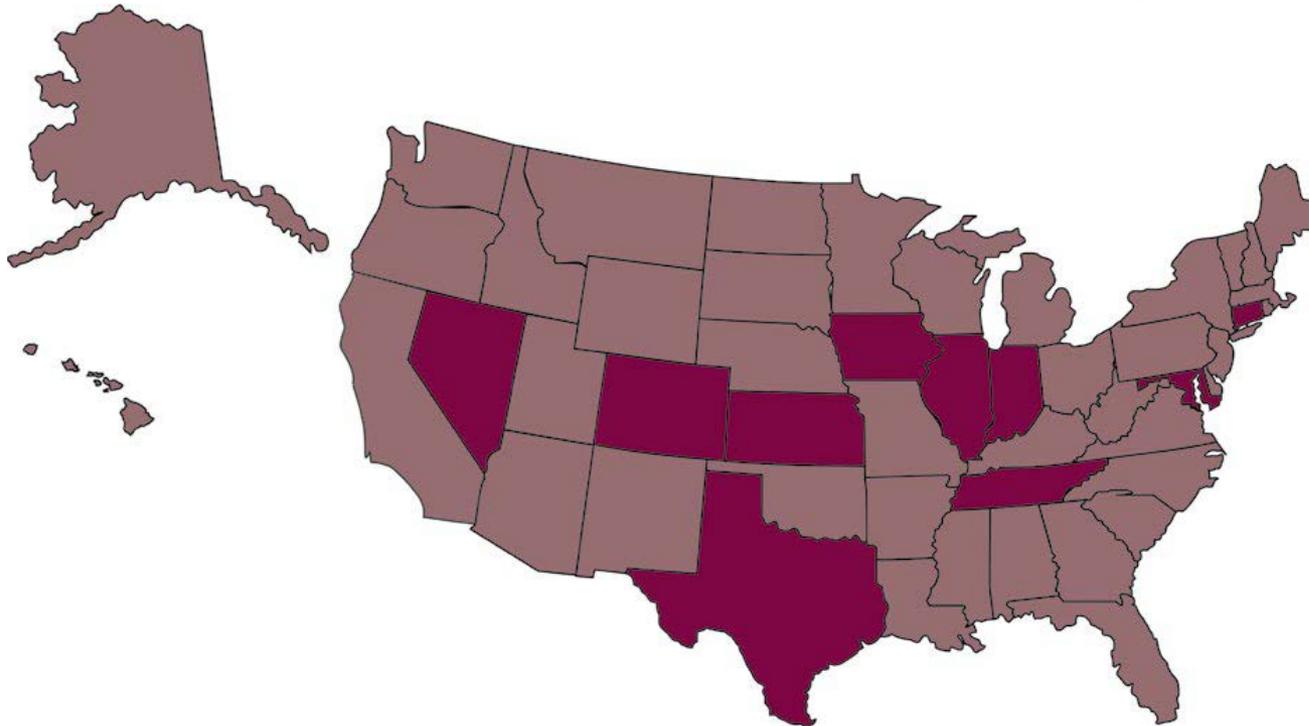


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#6: Disproportionate Minority Contact



**States that enacted DMC legislation
between 2001 and 2011**

•10 states



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#7: Reentry/Aftercare



- Every year 100,000 juveniles are released from confinement; 2/3 of incarcerated youth were convicted for non-violent offenses
- Laws have worked to improve post-release supervision, supports and help to juveniles for successful transitions home
 - At least half of the states have passed such laws in the past decade
- Confidentiality of Juvenile Records and Expungement





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Other NCSL Resources and Activities

- **Quarterly Newsletter:**

<http://www.ncsl.org/issues-research/justice/the-juvenile-justice-quarterly-newsletter.aspx>

- **Juvenile Justice Guide Book for Legislators:**

<http://www.ncsl.org/issues-research/justice/juvenile-justice-guidebook-for-legislators.aspx>

- **Spring 2013 Juvenile Justice Webinar**



- **Legislative Summit, Atlanta, GA - August 12-15th, 2013**



- **Technical Assistance**





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