

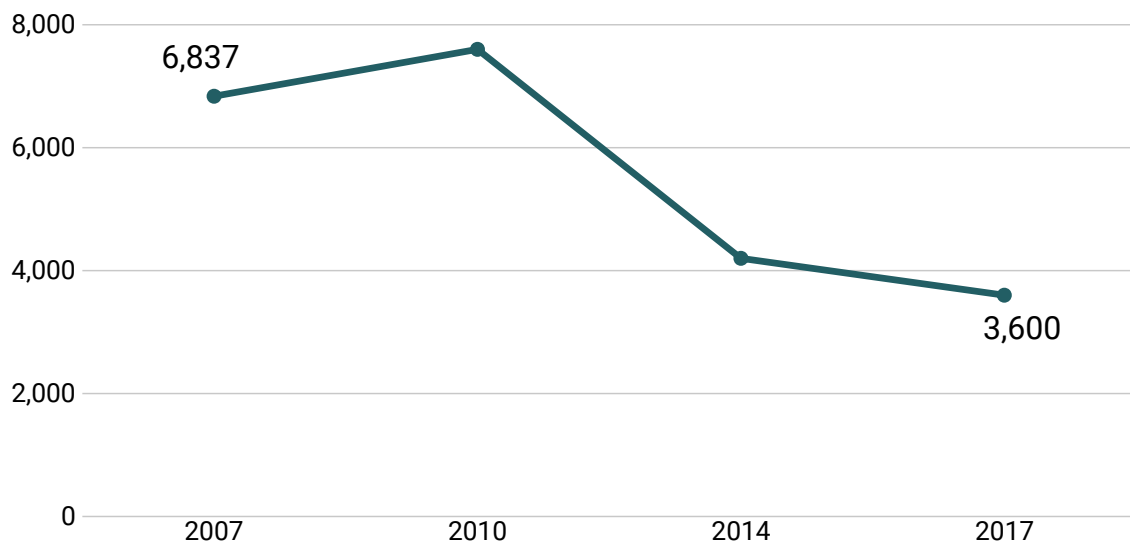
Jail & Prison Removal Reforms

2018-2019



Motivate. Advocate. Activate.

Jail Removal Reforms



NUMBER OF YOUTH HELD IN ADULT JAILS- SINGLE DAY COUNT (2007-2017)

Citation: Bureau of Justice Statistics - Jail Inmates in 2017 Report

On December 21, 2019, President Trump signed the Juvenile Justice Reform Act (JJRA) of 2018, which reauthorized the Juvenile Justice & Delinquency Prevention Act (JJDP). The law now requires that by December 21, 2021, states hold youth prosecuted as adults in juvenile facilities instead of adult facilities pre-trial. Some youth tried as adults may be held in jail, but only after a judge considers a list of factors and determines that it is in the “interest of justice” to hold them there. If a judge makes an initial determination that a youth should be held in adult jail, the judge must reconsider his or her decision every thirty days or forty-five days in rural communities.

Even before the passage of the JJRA, states were beginning to move youth held in their adult jails and prisons out of these facilities. Children in the adult criminal justice system are more likely to experience physical and sexual abuse, thirty-six times more likely to commit suicide than their peers held in juvenile facilities, and are more likely to be exposed to prolonged periods of solitary confinement, an experience the United Nations has found is akin to torture. Not only is the experience harmful for youth, but also harmful to public safety. Youth prosecuted in the adult system are at least thirty-four percent more likely to recidivate than their peers in the juvenile justice system. The Prison Rape Elimination Act’s Youthful Offender Standard requires states to keep youth under eighteen sight and sound separated from adults in housing units in prison. As a result, there have been a number of bipartisan reforms to safely hold youth tried as adults in juvenile facilities instead of adult facilities.

DELAWARE- HB 339 & HB 470 (2018)



Former Representative James Johnson (D)

HB 339, signed by Governor John Carney on July 11, 2018 and sponsored by former Representative James Johnson, allows children under the age of 18 to be transferred to the Department of Corrections only after adjudication and an imposition of a sentence of incarceration. Currently, Delaware permits youth charged with adult offenses to be held in default of bail in the custody of the Department of Corrections. This law provides for jail removal of youth prosecuted as adults pre-trial. In order to alleviate initial concerns over jail removal of youth prosecuted as adults, Representative Johnson also sponsored HB 470, which was signed by the Governor along with HB 339.

HB 470 allows the Department of Services for Children, Youth and Their Families to file a motion to the Superior Court to place a child 16-years-old or older in a facility that is not operated by the Department. The Department may motion the Superior Court if there is concern about a lack of detention capacity or a concern that the child is a risk to self or others held at the Department. HB 470 will sunset two years after its enactment.

TENNESSEE- SB 1575/HB 2106 (2018)



Former Senator Mark Norris (R)



Senator Ken Yager (R)



Representative Rob Travis (R)

SB 1575 and its companion bill HB 2106 were signed by Governor Bill Haslam on May 21, 2018. These bills, sponsored by former Senator Mark Norris and Representative Rob Travis, do a number of things. One of the things these bills did as a result of an amendment offered by Senator Ken Yager, is provided that sheriffs may hold a youth in a juvenile detention center instead of an adult jail when the sheriff can show to a committing court that the jail would be “insufficient for safekeeping” of the youth.

WASHINGTON- HB 1646 (2019)



Representative Carolyn Eslick (R) Representative Roger Goodman (D)

HB 1646 was signed by Governor Jay Inslee on May 13, 2019 and is effective July 28, 2019. This bill, which had bi-partisan primary sponsorship by Representative Carolyn Eslick and Representative Roger Goodman, provides that youth prosecuted and convicted as adults may remain under the custody of the Department of Children, Youth, and Families until age twenty-five. Before the passage of this law, youth were eligible to remain in a youth facility until age twenty-one and were placed in a Department of Corrections facility to determine their earned release date.

NORTH DAKOTA- HB 1076 (2019)



Representative Kim Koppelman (R)

On March 7, 2019, Governor Doug Burgum signed HB 1076, a bill sponsored by the House Judiciary Committee, chaired by Representative Kim Koppelman, at the request of the Department of Corrections and Rehabilitation. This bill eliminated the ability of the Department of Corrections and Rehabilitation to transfer a youth prosecuted as an adult who is between the ages of 16-18 to an adult correctional facility from a juvenile facility.

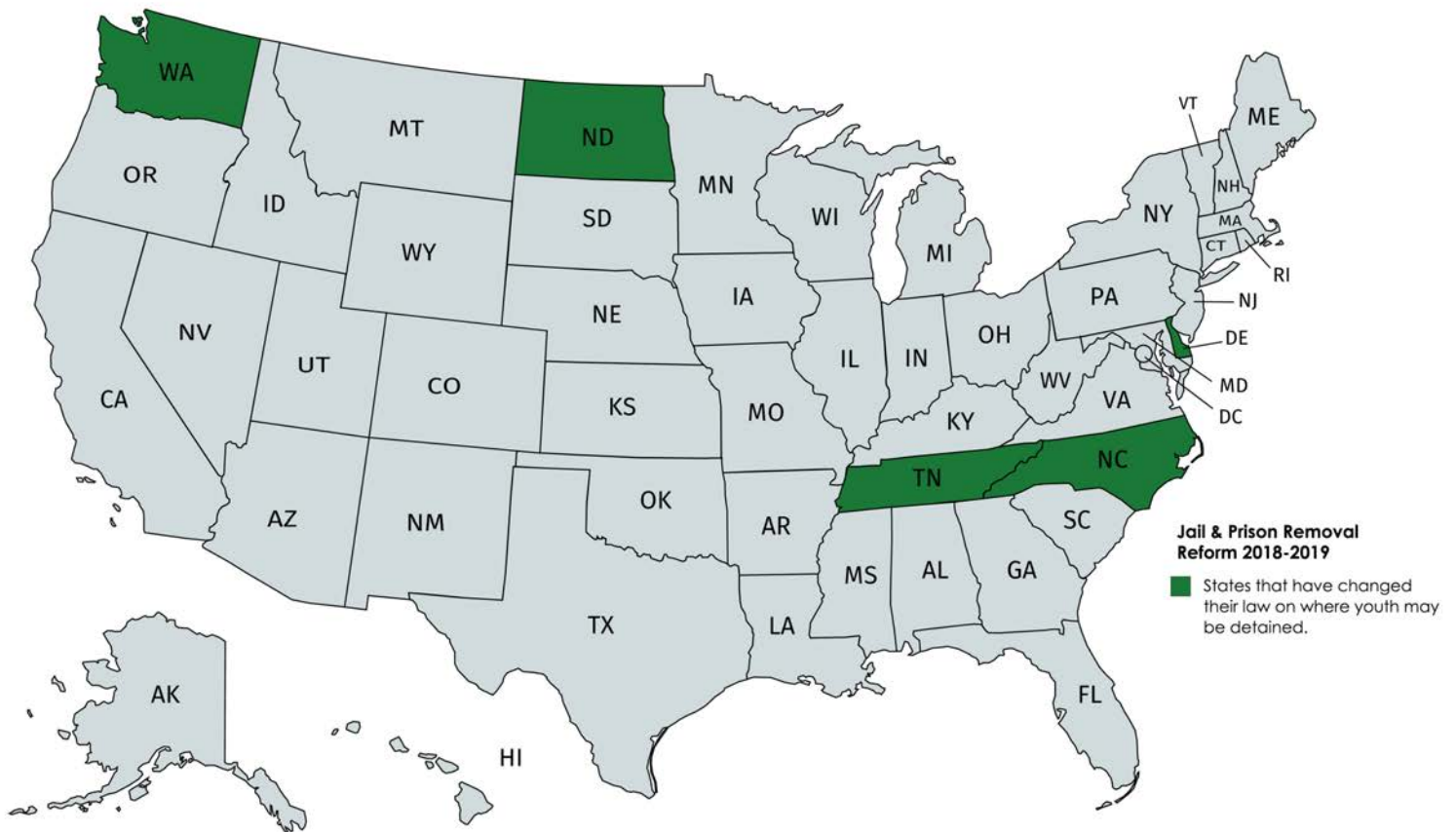
NORTH CAROLINA- SB 413 (2019)




Senator Don Davis (D)

On August 1, 2019, Governor Roy Cooper signed SB 413, a bill primarily sponsored by Senator Don Davis to modify the state's "Raise the Age" law. One of the central provisions in the bill clarifies that juveniles under eighteen who are detained pre-trial must be held in a juvenile detention facility.

Jail & Prison Removal Reforms



CAMPAIGN FOR
YOUTH  JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR