



Trends Related to the Certification of Juveniles as Adults

Prepared for the Texas House of Representatives
Corrections Committee

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Overview



- Certification is the transfer of a juvenile's case from juvenile court to criminal court (the adult system)
- Certification does not determine guilt or punishment
- If certified, the case may be dismissed or the juvenile may be placed on probation or incarcerated
- Eligibility Requirements
 - Under Family Code 54.02(a), for juveniles under age 18 at the time of the juvenile court certification proceedings:
 - An adjudication hearing must not have occurred for the certification-eligible offense
 - The juvenile must have been:
 - At least age 14 or older at the time the alleged offense was committed for capital felonies, aggravated controlled substance felonies, or first degree felonies
 - At least age 15 or older at the time the alleged offense was committed for second degree, third degree, or state jail felonies
 - The juvenile court must conduct a full investigation and hearing and find:
 - Probable cause that the juvenile committed the alleged offense
 - Public safety requires certification given the seriousness of the alleged offense or the juvenile's background

Overview

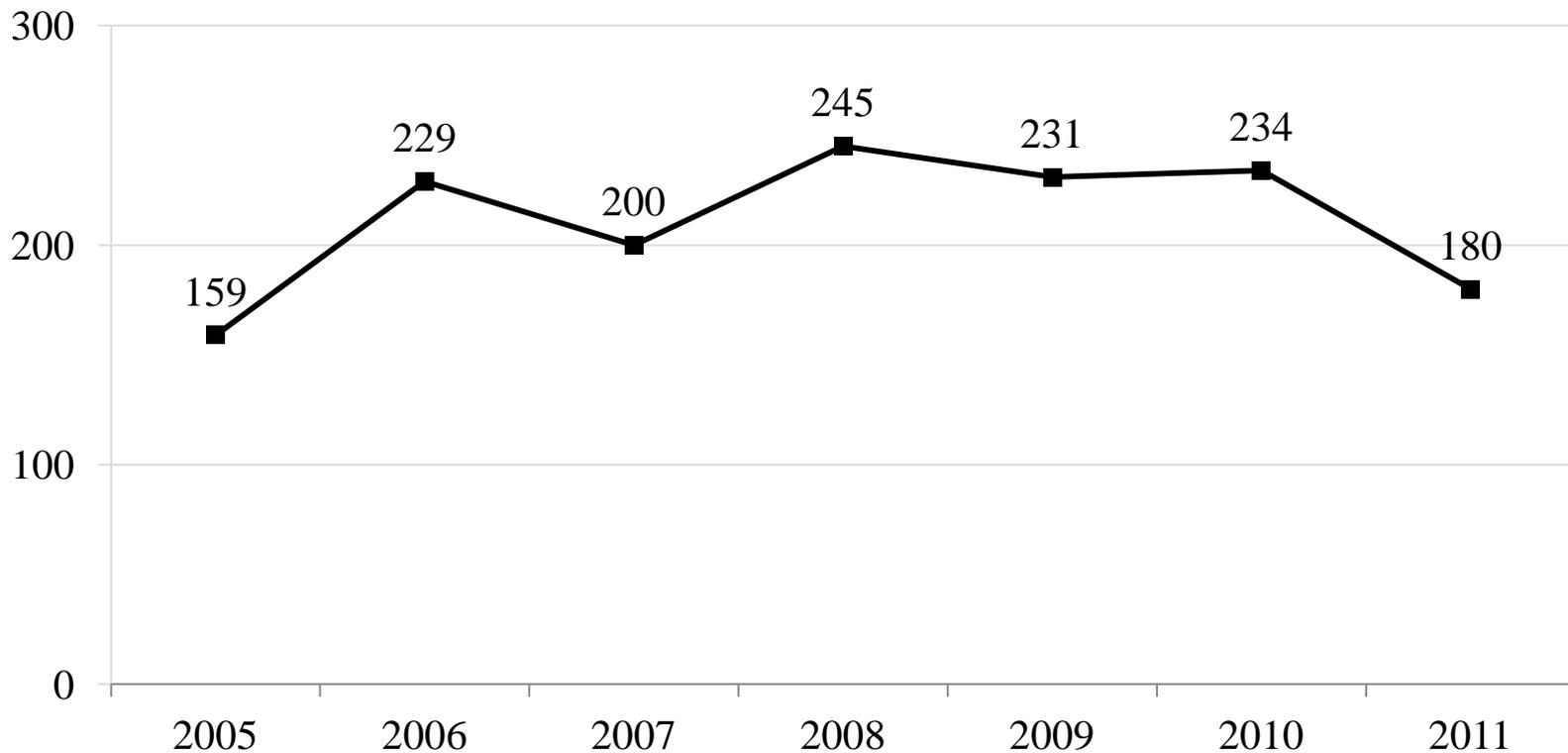


- Eligibility Requirements (continued)
 - Under Family Code 54.02(j), for individuals age 18 or older at the time of juvenile court certification proceedings
 - An adjudication hearing must not have occurred for the certification-eligible offense
 - The individual must have been:
 - At least age 10 and under age 17 at the time the alleged offense was committed for capital felonies or murder
 - At least age 14 and under age 17 at the time the alleged offense was committed for aggravated controlled substance felonies and first degree felonies (except murder)
 - At least age 15 and under age 17 at the time the alleged offense was committed for second degree, third degree, and state jail felonies
 - The juvenile court finds:
 - Probable cause that the individual committed the alleged offense
 - It was not feasible to process the case in juvenile court before the individual's 18th birthday

Certification Trends, FY05 – FY11



Certifications* have been stable over the last 7 years.



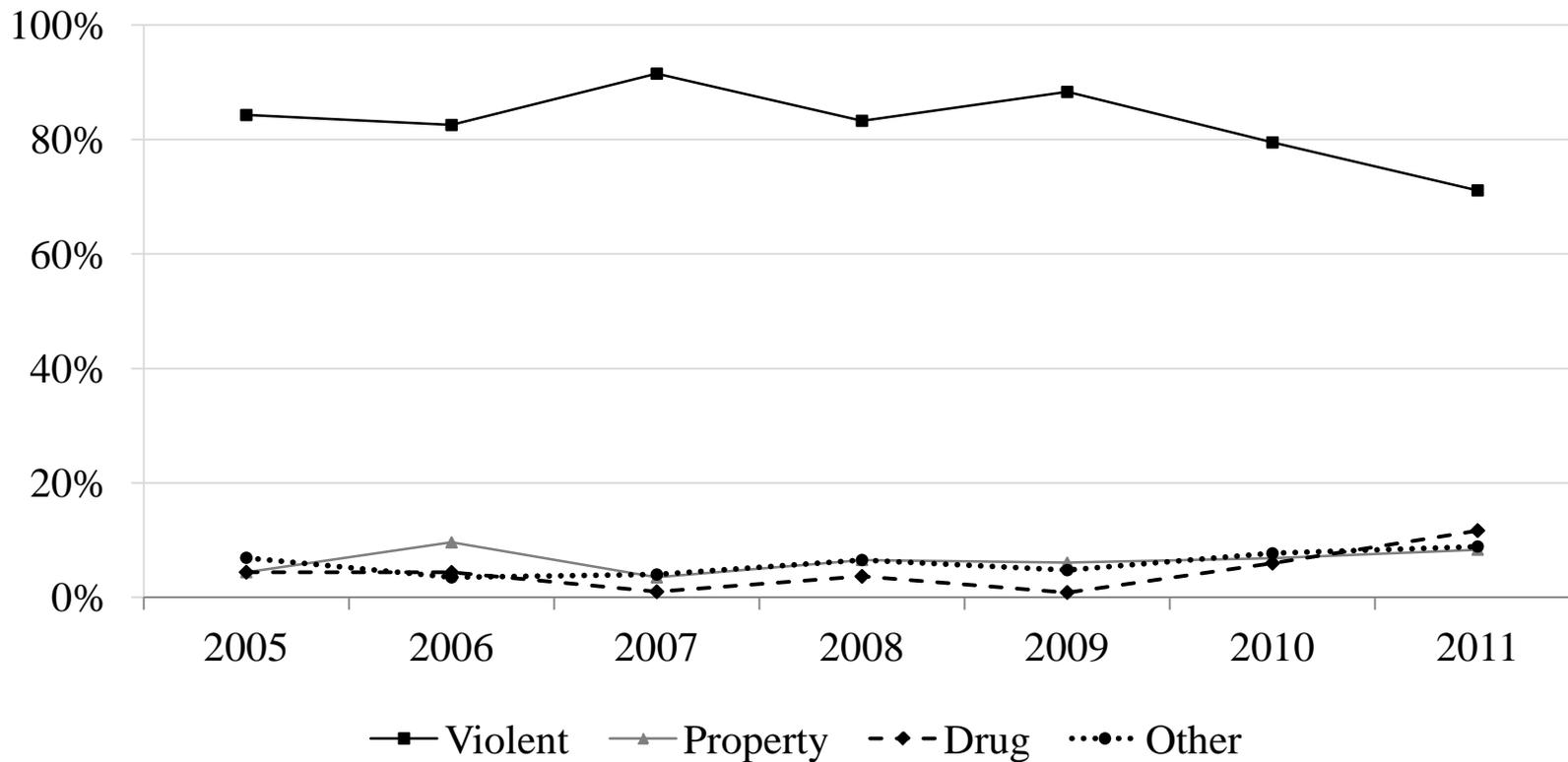
Data Source: Texas Juvenile Justice Department

* The certification counts reflect the number of unduplicated juveniles certified within a fiscal year.

Offense Types, FY05 – FY11



Most juveniles are certified for violent offenses.

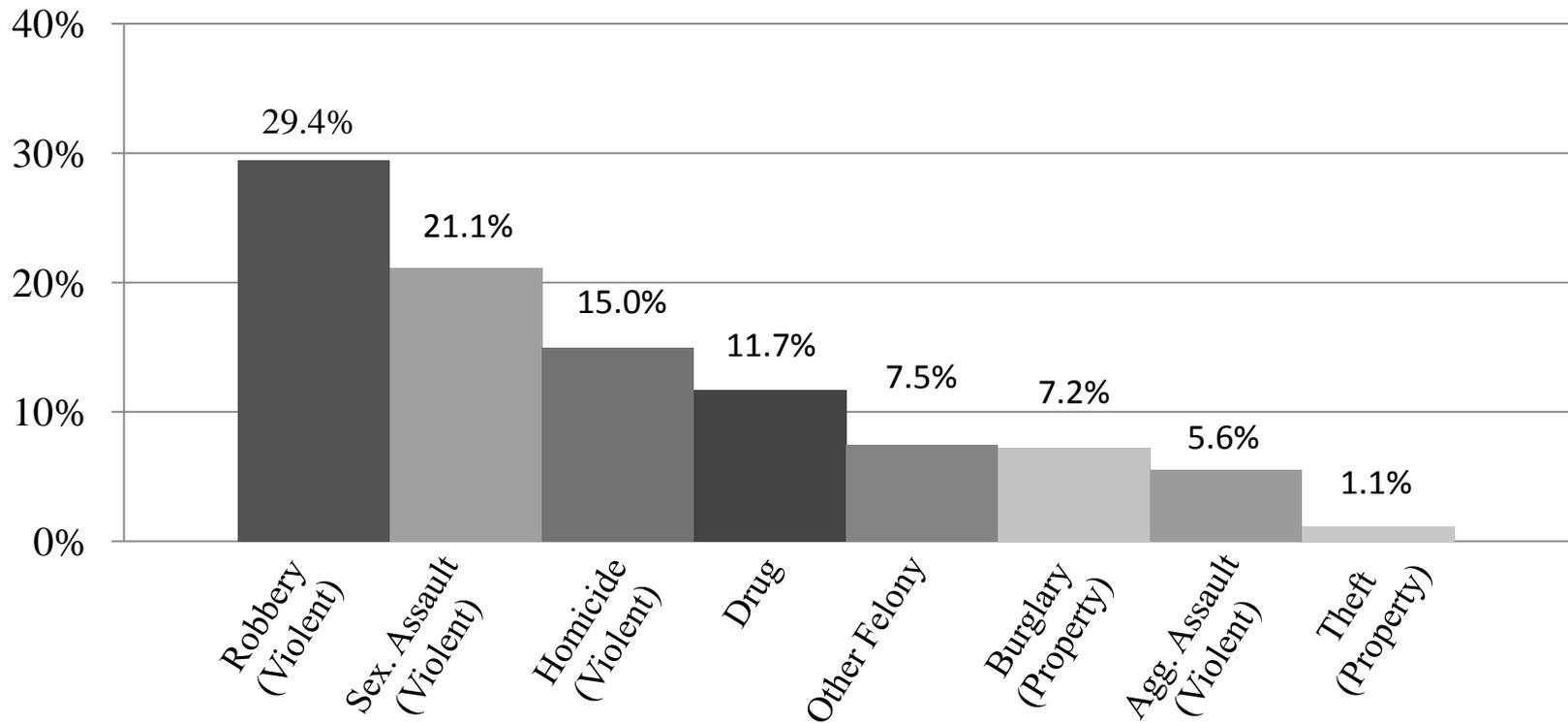


Data Source: Texas Juvenile Justice Department

Offense Types in Detail, FY11



Robbery, sexual assault, and homicide accounted for two-thirds of certification offenses in fiscal year 2011.

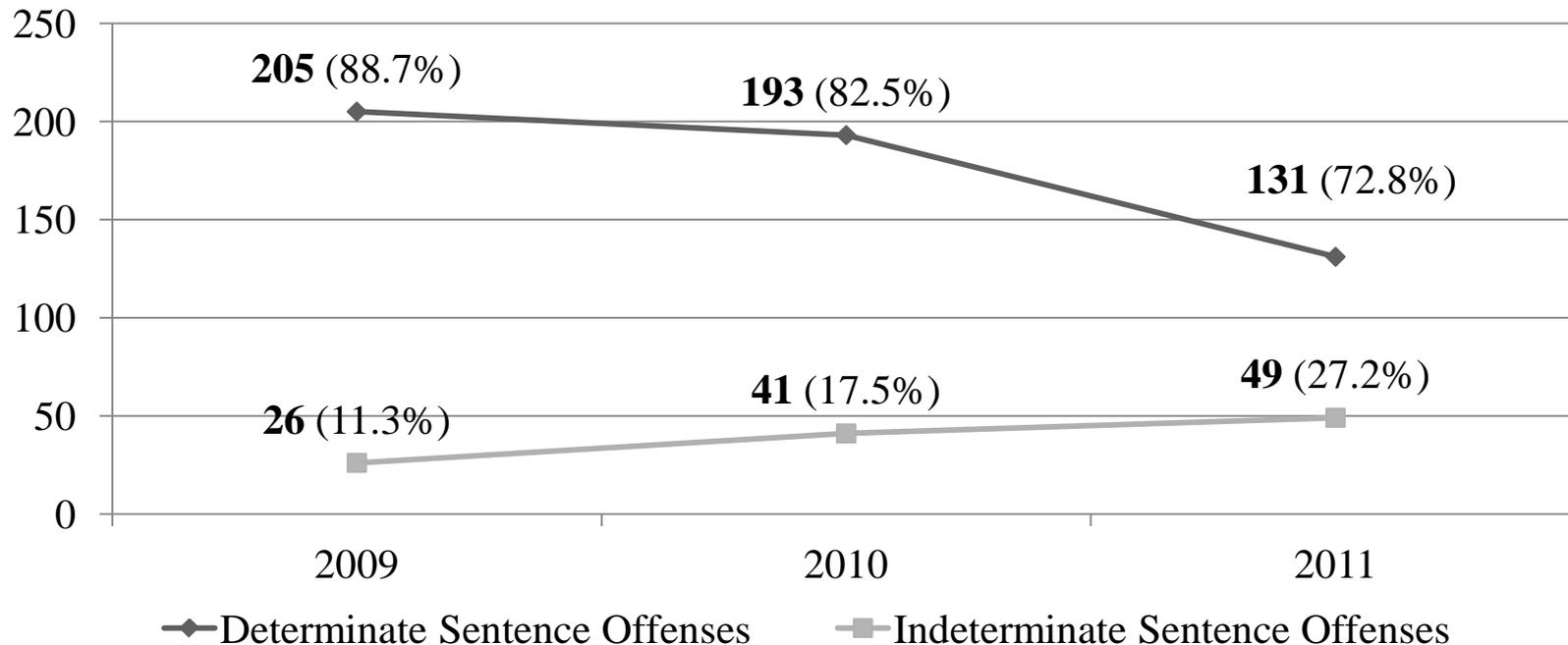


Data Source: Texas Juvenile Justice Department

Determinate and Indeterminate Sentence Offenses, FY09 – FY11



Indeterminate sentence offenses account for a small but slightly rising share of certification offenses.



Data Source: Texas Juvenile Justice Department

Determinate sentence offenses cover approximately 30 felony offenses, can entail a maximum sentence of between 10 and 40 years depending on the offense, and may result in the transfer of a juvenile into the adult criminal justice system following a term of probation or commitment to the Texas Juvenile Justice Department state residential facilities.

Demographics, FY11



Nearly all certifications are 16 years of age or older, male, and Hispanic or African American.

<u>Age at Certification</u>		<u>Gender</u>		<u>Race/Ethnicity</u>	
14	0.6%	Male	96.1%	Hispanic	50.6%
15	6.1%	Female	3.9%	African American	31.7%
16	40.6%	Total	100.0%	Anglo	17.8%
17	36.7%			Total	100.0%
18 and Up	16.1%				
Total	100.0%				

Data Source: Texas Juvenile Justice Department