



# 2023 Youth Policy Advances

National Youth Justice Network  
nyjn.org

**NATIONAL YOUTH  
JUSTICE NETWORK**

# 2023 YOUTH POLICY ADVANCES

## JULY 2024

### CONTENTS

Introduction.....	1
Landscape of 2022 Youth Policy Advances.....	3
Highlights.....	4

# INTRODUCTION

As we take a comprehensive look back on 2023, it was heartening to find that advocates were able to pass 99 Advances for kids; nearly double the number of youth justice Advances made in 2022! States across the country and across the political spectrum passed legislation to help kids. In Michigan, alone, advocates helped to get 19 bills in the comprehensive “Justice for Kids and Communities” package passed! We thank our members, partners, and allies for their tireless efforts to make progress for kids.

Some of the issue areas in which we saw the greatest gains are the following:

- Eight states passed legislation limiting or ending the imposition of **juvenile<sup>1</sup> court fines and fees**: Arizona, Illinois, Indiana, Maine, Michigan, Montana, Texas, and Washington. In addition, Hawaii passed a resolution requiring data collection on fines, fees, and restitution assessed against minors for the last five years.
- Seven states passed legislation expanding the ability of young people to **expunge youth records** (and some adult records) under certain circumstances: Kentucky, Idaho, Oregon, South Carolina, Texas, Utah, and Vermont.
- Six states passed legislation addressing **youth in the adult system**, from limiting transfer to the adult system or adult facilities, to conditions for youth being tried as adults: Colorado, Connecticut, Illinois, Michigan, Oregon, and Texas.
- Five states passed legislation focused on **mental health**, from improving mental health services to youth in school, in the community, and in the legal system, to diverting youth with mental health challenges in the legal system: Hawaii, Illinois, Kentucky, Texas, and West Virginia.
- Four states passed legislation protecting young people from false statements made by law enforcement during an **interrogation**: Connecticut, Colorado, Indiana, and Nevada.
- Four states passed legislation **investing in resources for children and/or expanding community-based alternatives**: Colorado, Michigan, Oregon, and South Dakota.
- Four states passed legislation addressing the **school-to-prison pipeline**: California, Colorado, North Dakota, and Texas.
- Three states passed legislation banning **juvenile life without parole (JLWOP)**: Illinois, New Mexico, and Minnesota. This brings [the number to 28 states that ban JLWOP!](#)

<sup>1</sup> NYJN avoids the use of the term “juvenile” wherever possible, holding the view that the term connotes a negative descriptive category created by law and does not reflect the true dignity of young people. We have maintained its use throughout this document when used as a proper noun, as part of a direct quote from legislative statute or where it carries a specific legal meaning.

## Trends of Concern

While we celebrate this progress, we are mindful that legislation that harms kids was passed as well (where legislation both helped and harmed kids we noted this in our description of the bills below). Alarmist narratives regarding young people led to some of the following harmful bills passing in 2023:

- An increase in school threat assessment teams (North Carolina, Utah);
- Suspension of children less than 6 years old and permanent expulsion of children less than 8 years old from school (Nevada);
- Making it easier or expanding provisions to transfer/waive certain youth to adult court (Alabama, North Carolina, South Dakota, Tennessee, Vermont);
- Making it easier to file delinquency petitions (Utah);
- Requiring secure detention for certain offenses (Kentucky, Louisiana);
- Making it harder to get judicial review of a magistrate's decisions (Tennessee); and
- Reducing confidentiality of youth and/or certain youth records (Connecticut, Mississippi, Montana, North Carolina, Utah, Virginia).

We also saw rollbacks of vital laws:

- Louisiana passed [SB 159](#), which rolled back the upper age of "juvenile court jurisdiction" from 18 to 17 years old. Fortunately, Governor Edwards vetoed this bill. However, in 2024, Governor Landry called a special session and passed legislation rolling back the upper age to 17.
- Kansas passed [HB 2021](#), a bill which rolls back the case length limits that were put into place with SB 367, which passed in 2016. This increases the length and frequency of detention placements for youth.

We are continuing to monitor these concerning trends in 2024. Unfortunately, since 2024 is an election year, it is appearing to negatively impact children in states where "tough on crime" narratives have taken hold. We must continue the fight for a new vision of justice as articulated by young leaders in NYJN's youth action agenda, [Redesigning Justice](#). In this vision, the future of youth justice is:

- Grounded in abolition
- Realized with prevention
- Healing and restorative
- Provides endless opportunity for growth
- Achieves equity



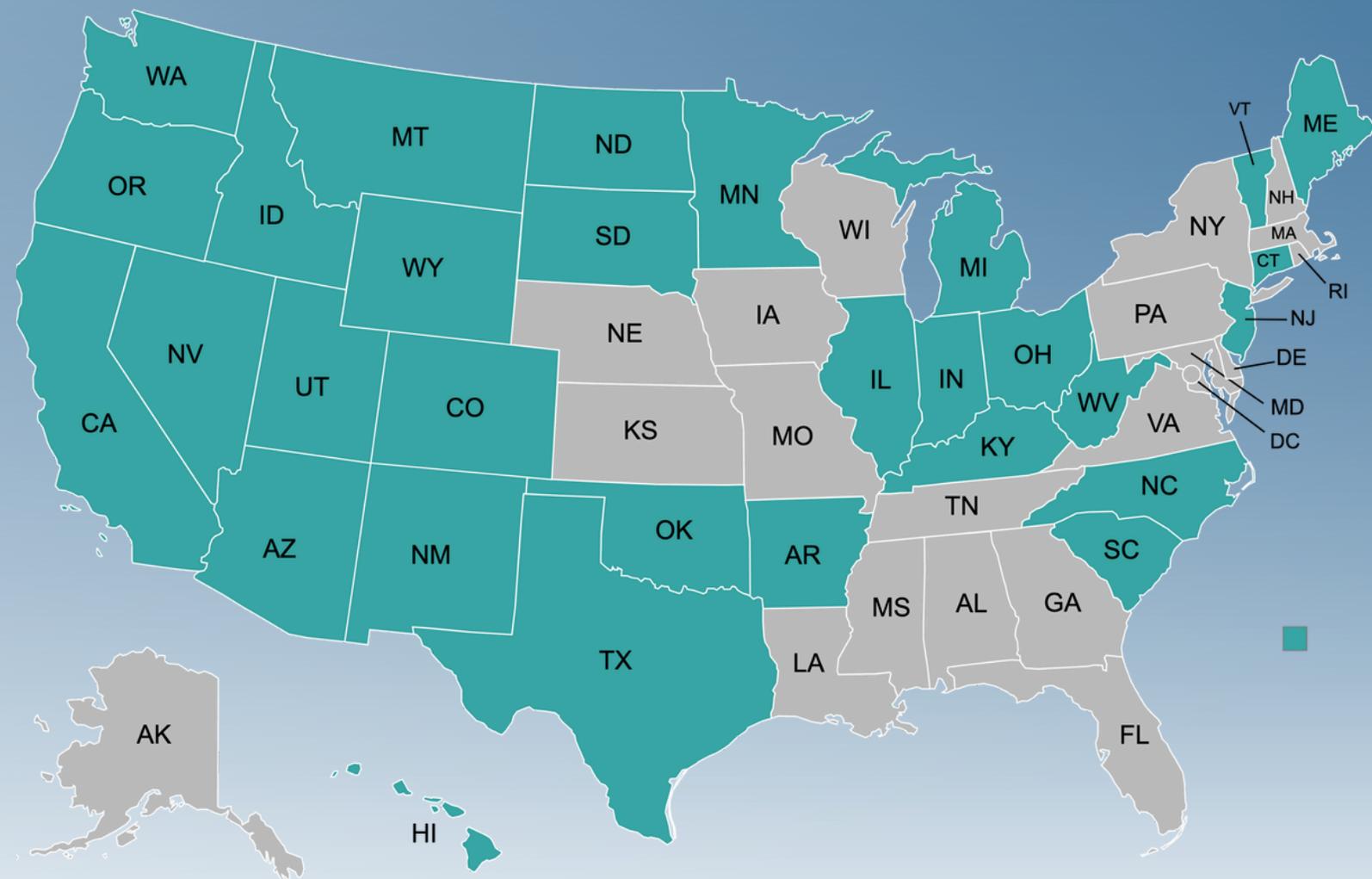
“When it comes to public safety, what’s best for kids, is best for everyone.”<sup>2</sup>

Only through a comprehensive vision that centers the needs of children and families can we achieve a safe and just society.

<sup>2</sup> Maryland Youth Justice Coalition (MYJC), "What's Best for Kids is Best for Everyone" (Annapolis, MD: MYJC, January 2024): 1, [https://www.md youthjustice.org/files/ugd/42b2a9\\_db7a00a63fe74865a401276619ec705b.pdf](https://www.md youthjustice.org/files/ugd/42b2a9_db7a00a63fe74865a401276619ec705b.pdf).

# LANDSCAPE OF 2023 YOUTH POLICY ADVANCES

**99 Advances in 30 States will create better outcomes for youth.**



*States in green are states that made legislative, legal, or policy advances.  
Map made with Mapchart.net*

# HIGHLIGHTS

Our members and allies nationwide continue to impact and transform the youth legal and other youth-impacting systems to treat young people and their families with dignity, humanity, and fairness. Below are details of the 2023 youth policy advances that many NYJN members and allies played leading roles in moving forward.

## Advisory Boards/Commissions

### Connecticut

- [HB 6888](#) adds the following voting members to the Juvenile Justice Policy and Oversight Committee (JJPOC):
  - Two young adults, under the age of 26 years old, with lived experience in the legal system;
  - One community member, of any age who has first- or second-hand experience with the legal system; and
  - Two tribal members, one each from the Mashantucket Pequot Tribe and the Mohegan Tribe of Indians of Connecticut.

### Maine

- [HP 96/LD 155](#) establishes a working group that includes the Department of Corrections and the Department of Health and Human Services to promote coordinated policies and programs to support youth in the youth legal system. They will conduct a review of other states in regards to best practices and organizational structures for youth services.

### Oregon

- [HB 2320](#) establishes the Juvenile Justice Advisory Commission within the Oregon Criminal Justice Commission to provide data-driven policy recommendations to strengthen public safety and improve youth outcomes in the youth legal system. The Commission is required to analyze the youth legal system at the state and local levels and across branches of government and provide recommendations for improvements in law, policy, practice, and appropriation to improve public safety, youth outcomes, and system disparities.

## Competency

### North Carolina

- [HB 186](#) establishes procedures for determining a young person's capacity to proceed to trial (competency) and procedures for providing remediation services where needed.

# HIGHLIGHTS

## Comprehensive Youth Justice Legislation

### California

- [AB 505](#) improves protection for confined youth through greater access for the Office of Youth and Community Restoration (OYCR) ombudsperson, and other changes to keep up momentum for the transformation of the youth justice system. These changes include: requiring counties to convene a committee of community members, education, social services, and mental health experts at least twice a year to create and refine youth justice plans; and requiring counties to report annually to the OYCR on their progress toward health-based approaches in youth justice.

### Michigan

- Michigan passed all but one of 20 bills in the comprehensive “Justice for Kids and Communities” package! This package was developed as a result of the Task Force on Juvenile Justice Reform’s recommendations. A key element of the package is the expansion of the Child Care Fund ([SB 418/HB 4624](#)), which establishes a statewide minimum framework of youth justice best practices. These best practices will be reinforced by raising the reimbursement rate for community-based care to 75 percent; requiring the adoption of evidence-based practices like risk screening, assessment, detention screening; and hiring local quality assurance specialists. Additionally, counties can utilize CCF dollars for pre-arrest diversion, effectively redirecting low-risk youth from the youth legal system. This legislation takes effect on October 1, 2024. Another key element of the package were bills eliminating a majority of juvenile court fines and fees.

## Curfews

### Texas

- [HB 1819](#) prohibits local governments from enacting youth curfews and removes them from the Code as status offenses.

## Data

### Maine

- [HP 96/LD 155](#) requires the Department of Corrections to develop and publish on its website data regarding the number of youth involved in the youth legal system, updated monthly, including the number of youth referred, diverted, detained, placed on probation, confined, and committed to the department. The data must be organized by region of the state and broken down by age, gender, and race.

# HIGHLIGHTS

## Diversion

### Maine

- [HP 96/LD 155](#) requires the Department of Corrections to provide an annual report to the legislature regarding diversion. It must include information on their efforts to offer diversion options and to reduce the rates of detentions and commitments across the state, as well as their successes and challenges in expanding access to community-based, therapeutic services or programs for diverting youth from detention and commitment.

### Michigan

Michigan passed the following bills regarding diversion:

- [SB 418/ HB 4624](#) will allow counties to use the Child Care Fund (which is the primary source of funding for the youth legal system) for pre-arrest diversion, which they were not previously allowed to do.
- [HB 4625/SB0419](#) expands eligibility for diversion so that all offenses, with an exception for youth committing a “specified juvenile violation,” are eligible for pre-court diversion. The legislation requires the use of a risk screening tool and a mental health screening tool to inform decision making.
- [HB 4626/SB 0420](#) limits the length of time that a young person can be placed on pre-court diversion to three months, unless the court determines a longer period is needed for a young person to complete a specified treatment program.
- [HB 4628](#) aims to broaden access to diversion, especially for low-risk youth, based on using a risk screening tool and a mental health screening tool. Additionally, it prohibits restitution from being considered in determining whether a young person is eligible for diversion or a consent calendar. Lastly, it limits diversion agreements to a maximum duration of three months, unless an extended period is determined to be necessary for the minor to complete a specific treatment program.

### Texas

- [HB 3186](#) requires each justice and municipal court to adopt a written youth diversion plan for diverting children between the ages of 10 to 16 years old, charged with misdemeanors punishable by fine only (other than a traffic offense) to diversion services for up to 180 days. A young person will be referred for a court hearing if they have had a previously unsuccessful diversion, the prosecutor objects, or they do not comply with the terms of a diversion agreement.

# HIGHLIGHTS

## Drug Law Reform

### Ohio

- Ohio voters [approved Ballot Issue 2](#) in November, making Ohio the 24th state to legalize recreational marijuana. This measure allows adults age 21 and older to legally possess up to 2.5 ounces of cannabis. This means that for young people under 21, recreational marijuana use will become a status offense only.

## Due Process

### Oklahoma

- [HB 1032](#) provides that for youth securely detained, adjudication must occur within thirty days of detainment for that charge. However, it does not apply in cases where the young person requested a trial.

## Emerging Adults

### South Dakota

- [HB 1063](#) requires the Unified Judicial System to assemble a task force to examine barriers to services for emerging adults (18-25 years old) involved in the adult criminal legal system in the state. The task force examination must include the following: recommending best practices for supporting emerging adults; creating training opportunities for justice system professionals and partners; identifying opportunities to expand diversion programming; exploring ways to overcome barriers to housing and employment; recommending ways to develop culturally responsive, community-based mentoring programs; and recommending funding structures for supportive services.

### Wyoming

- [HB 9](#) clarifies that the juvenile court has concurrent jurisdiction in proceedings involving persons under the age of 21 who are alleged to have committed offenses or delinquent acts as minors.

# HIGHLIGHTS

## Expungement

### Kentucky

- [HB 369](#) expands the ability to expunge juvenile court records to those youth with multiple felony adjudications.
- [HB 3](#) provides that for youth who have made an admission or been adjudicated for a violent felony offense, if they do not receive any additional public offense convictions for three years following the admission or adjudication, all records in the case shall be automatically sealed.

### Idaho

- [HB 262](#) reduces the amount of time before a young person can petition for expungement from five to three years from the date of termination of the juvenile court's jurisdiction, or the date of release from incarceration, whichever occurs last.

### Oregon

- [SB 519](#) requires the Juvenile Department to file with the juvenile court for automatic expunction of records in certain cases. It also reduces the waiting period for expunctions by application from five to four years, and eliminates court-appointed counsel fees for a contested expungement hearing or a hearing for which expungement was denied. Note that the legislation adds a requirement that if a person is not eligible for automatic expungement, owing restitution would disqualify them from expungement.

### South Carolina

- South Carolina overrode a gubernatorial veto to pass [HB 3890](#), which allows expungement for youthful offender convictions involving driving under suspension or disturbing schools offenses.

### Texas

- [SB 1725](#) allows minors with a first time offense of multiple alcohol violations linked to one incident, to have the entire incident expunged from their record.

# HIGHLIGHTS

## Utah

- [HB 60](#) amends the statute related to “juvenile delinquency records” and eliminates obstacles to obtaining expungements. It also creates auto expungement for certain cases and creates protections for individuals with adjudications or expungements when seeking employment. The legislature allocated \$566,100 in funding for the program.

## Vermont

- [HB 28](#) removes the requirement that the prosecutor dismiss a young person’s case in order for the case to be expunged.

## Fines and Fees

### Arizona

- [SB 1197](#) eliminates all court-ordered fees for youth and their families, except for victim restitution and specified driving under the influence (DUI) offenses.

### Hawaii

- [SR 202](#) requires the Office of the Administrative Director of the Courts to collect, compile, and share data on the assessment of fees, court costs, fines, and restitution in cases against minors and report its findings and recommendations to the legislature.

### Illinois

- [SB 1463](#) eliminates all fines and fees assessed against minors or their legal guardians in juvenile court or in cases where the minor has been transferred to adult court. The bill also canceled all outstanding collections and waived all existing debt.

### Indiana

- [HB 1493](#) prohibits minors and their parents/guardians from being ordered to pay for, or reimburse, the Department of Child Services for the cost of services provided to the minor, unless the court makes a specific finding that the parent/guardian is able to pay. A parent/guardian is presumed indigent unless the court makes a specific finding that states otherwise.

# HIGHLIGHTS

## Maine

- [SB 31](#) provides that the court cannot require a minor to pay a supervision fee.

## Michigan

- HB 4634/[SB 0428](#), HB 4635/[SB 0429](#), [HB 4636](#)/SB 0430, and [HB 4637](#)/SB 0431 eliminate most costs associated with the youth legal system. This includes removing fees and costs related to the consent calendar, DNA testing costs, fees and costs associated with residential placement, and court-appointed attorney fees. The legislation does not remove costs related to restitution and the Crime Victims Fund.

## Montana

- [HB 500](#) eliminates youth court fees and fines so that the young person and their parents/guardian may no longer be required to contribute to the cost of adjudication, disposition, supervision, care, commitment, or treatment of the young person.

## Texas

- [SB 1612](#) repeals many of the remaining fees that were assessed against youth involved in the youth legal system and their families. They had previously eliminated many youth fees in 2021.

## Washington

- [HB 1169](#) removes a number of fees that had been assessed against youth involved in the youth legal system and their families, including special sex offender disposition evaluations and treatment and substance use disorder or mental health evaluation and treatment ordered by the court. It also provides that judgments against minors for any fines or fees associated with juvenile court, other than restitution, are not enforceable against them.

## Immigration

### Utah

- [SB 290](#) simplifies the Special Immigrant Juvenile Status (SIJS) application process for young people. It does this by amending the original jurisdiction of juvenile courts to include jurisdiction over a petition for special findings and allowing juvenile courts to enter an order with special findings regarding the abuse, neglect, or dependence of a non-citizen younger than 21 years old.

# HIGHLIGHTS

## Incarceration

### Maine

- [HP 96/LD 155](#) requires the Department of Corrections to provide an annual report to the legislature on the status of their identification and development of two small, secure, therapeutic residences for detaining and confining youth in a therapeutic setting that will have a maximum occupancy of twenty young people.

### New Jersey

- [A3117/S269](#) requires oversight of out of home placements in delinquency cases. The court must conduct a placement review no later than 12 months after entry of a dispositional order, and may also conduct a formal hearing on its own initiative, or if requested by the young person. The court must review the treatment and care of the young person and determine whether the placement continues to be consistent with the factors weighed in determining the original disposition. At the young person's request, the court may conduct subsequent placement reviews every 12 months throughout the duration of any out-of-home placement ordered by the court.

### Oregon

- [SB 904](#) provides that the maximum allowable population level for youth correction facilities must include consideration of the ratio of population to staff assigned primarily or exclusively for supervision and control of adjudicated youth.

### Utah

- [SB 67](#) prohibits the Youth Parole Authority from extending a young person's term of secure care for a misdemeanor offense if it exceeds a term of imprisonment for an adult for the same offense. It also allows the Authority to immediately release a young person ordered to secure care if treatment is available in a community-based placement.

## Indigent Defense

### Michigan

- [HB 4631/SB 0425](#) adds a member with the interests of youth to the Appellate Defender Commission. Additionally, the commission must keep a statewide roster of attorneys eligible for and willing to accept appointments to serve as appellate defense counsel for indigent youth.

# HIGHLIGHTS

## New Jersey

- [A3117/S269](#) clarifies that a minor has a right to an attorney during every court appearance, including all post dispositional appearances, and any interrogation, identification procedure, or other investigative activity undertaken by law enforcement or prosecutorial personnel subsequent to the filing of the complaint.

## South Dakota

- [HB 1064](#) requires the Unified Judicial System to assemble a task force to examine the delivery of legal services to indigent parties in the South Dakota court system. The task force examination must include, “identifying how legal services are delivered in South Dakota to indigent parties in criminal, juvenile, and child abuse and neglect proceedings statewide,” and recommending ways to improve delivery of those legal services. It must also address how to ensure competent representation is provided to indigent parties, and identify potential funding options to ensure delivery of legal services for indigent parties.

## Washington

- [SB 5046](#) requires the Office of Public Defense to provide counsel for indigent persons, incarcerated in youth or adult facilities, to file and prosecute a particular type of post-conviction petition, subject to the appropriations of funds for this purpose.

## Interrogation

### Connecticut

- [SB 1071](#) provides that a minor’s statement made during a custodial interrogation is presumptively inadmissible if the law enforcement official engaged in deceptive or coercive tactics during the interrogation.

### Colorado

- [HB 1042](#) provides that a minor’s statement or admission made during a custodial interrogation is presumptively inadmissible if the law enforcement official communicated any untruthful information or beliefs to obtain the statement of admission. Additionally, all custodial interrogations of minors must be recorded.

# HIGHLIGHTS

## Indiana

- [SB 415](#) provides that a minor's statement made during custodial interrogation is inadmissible if made in response to a law enforcement or school resource officer communicating materially false information regarding the evidence, the penalty for the act, or leniency that would be shown to the young person.

## Nevada

- [AI93](#) provides that a minor's statement made during a custodial interrogation is presumptively inadmissible if the law enforcement official engaged in deceptive tactics or made an express or implied promise of leniency.

## Utah

- [SB 49](#) requires officers to inform minors of their rights using youth friendly language specified in the legislation before they can consent to an interview. However, on the negative side, it extends the time that police officers can detain a minor to complete an interrogation from two to four hours.

## Investment (prevention, community-based alternatives)

### Colorado

- [HB 1249](#) increased funding for local collaborative management programs, which provide individualized services and support for children, including through referrals from school, law enforcement, prosecutors, family resource centers, child advocacy centers, and county departments of human or social services. The legislation requires all counties to participate and requires the local collaborative management program to form a service and support team to create service and support plans for children aged 10 to 12 years old.

### Michigan

- [SB 418](#)/[HB 4624](#) will expand the Child Care Fund (CCF), increasing the reimbursement rate for community-based services to 75 percent, in order to incentivize community-based care over out of home placement.

# HIGHLIGHTS

## Oregon

- [HB 2372](#) amends the purpose of the Youth Development Council to add that it “promotes protective factors, prevents justice system involvement.” Additionally, the legislation adds prioritized funding for culturally specific and traditional practices and other emerging models; programs taking a public health approach; community-based programs; workforce development; and other types of programming designed to support educational success, increase career readiness, and promote positive youth development.

## South Dakota

- [SB 6](#) authorizes community response teams to recommend alternative community-based resources for children alleged to be delinquent and children alleged to be in need of supervision prior to adjudication.

## Juvenile Life Without Parole (JLWOP)

### Illinois

- [HB 1064](#) extends parole eligibility for people convicted of offenses when they were under 21 years old. While Illinois had provided parole review for most young people in 2019, this bill eliminates the exceptions that had remained for some.

### Minnesota

- [SF 2909](#) provides that an individual who was 18 years old at the time of their offense is eligible for early supervised release if they have served a minimum of 15 to 30 years, depending on their sentence. The bill also creates a Supervised Release Board. The Board is required to have a mental health professional prepare a development report for any individual who was under 18 at the time of the commission of the offense before making a supervised release decision.

### New Mexico

- [SB 64](#) provides that for persons under 18 years old at the time of the commission of their offense, they will be eligible for parole review after serving 15 to 25 years, depending on the offense. The provisions of the bill apply retroactively to all individuals serving an adult sentence for an offense committed as a child.

# HIGHLIGHTS

## Mental Health

### Hawaii

- [HB 948](#) establishes a two-year child and adolescent crisis mobile outreach team pilot program on Oahu and one neighbor island site to expand existing crisis response services and appropriates funds for it.

### Illinois

- [SB 0724](#) creates an Interagency Children's Behavioral Health Services Act. The Act establishes a Children's Behavioral Health Transformation Officer (Officer) and requires the Officer to lead the state's comprehensive, interagency effort to ensure that youth with significant and complex behavioral health needs receive appropriate community and residential services and that the state-supported system is transparent and easier for youth and their families to navigate.

### Kentucky

- [HB 3](#) provides that youth who are detained and committed must be assessed by mental health professionals for the need for a behavioral health or substance use treatment program. The treatment is to be provided by the Department of Juvenile Justice (DJJ), who can contract with a behavioral health services organization. Such treatment can include restorative practices.
- [SB 162](#) provides that DJJ must ensure the availability of treatment for children with "severe emotional disturbance or mental illness" as soon as practical and provide children in crisis residing in a detention facility access to a mental health professional whose communications are confidential. However, note that this legislation also has negative provisions that require detention staff to be trained in the use of tasers and pepper spray.

### Texas

- [SB 1585](#) simplifies juvenile court proceedings involving children with mental illness or intellectual disabilities. The legislation clarifies how to identify these children, creates comprehensive criteria for court-ordered inpatient or outpatient mental health services, makes a transfer to criminal court on a child's 18th birthday discretionary versus mandatory if the child has a mental illness or intellectual disability, and gives probation departments more flexibility to work with various treatment and service providers to provide competency restoration.

# HIGHLIGHTS

## West Virginia

- [SB 232](#) develops a multi-disciplinary study group to advise the legislature on the development of a [Sequential Intercept Model](#) to divert adults and youth with mental health challenges, developmental disabilities, and/or substance use challenges away from the criminal and youth legal systems.

## Ombudsman

### California

- [AB 505](#) improves protection for confined youth through greater access for the Office of Youth and Community Restoration (OYCR) ombudsperson. The bill authorizes the OYCR ombudsperson to speak with youth, access detention facilities, and obtain records immediately, at any time, and without prior notice to probation.

### Illinois

- [SB 2197](#) expands the jurisdiction of the ombudsperson's office for the Department of Juvenile Justice to include county detention centers.

### Michigan

- Michigan passed a number of bills strengthening the Office of the Child Advocate: HB 4638/[SB 0432](#); [HB 4639](#)/SB 0433; [HB 4640](#)/SB 0434; HB 4641/[SB 435](#); HB 4642/[SB 436](#); and [HB 4643](#)/SB 0437. This legislation renames the Children's Ombudsman Office to the Office of the Child Advocate. It also expands the powers and responsibilities of the Office to include residential facilities that provide youth legal system services and are state-operated, county-operated, public, private and contracted, secure, or nonsecure. It contains stipulations surrounding informing youth and families about the role of the Office.

## Parole

### Arkansas

- [SB 444](#) expands the capacity of the Parole Board to terminate parole for offenses committed as a minor to a larger group of individuals.

# HIGHLIGHTS

## Connecticut

- [SB 952](#) expands youth parole eligibility provisions to encompass young people under the age of 21 at the time of their offense from the current limitation of age 18. However, NYJN member CT Justice Alliance (CTJA) was disappointed that the bill did not expand youth parole eligibility provisions to those aged 25 or younger.

## Probation

### Nevada

- [SB 415](#) establishes time limits for initial periods of probation and limits on extensions. At any hearing regarding an extension of time, all parties must be allowed to present evidence and testimony.

## Prosecution Limitations

### Illinois

- [HB 2223](#) limits the scope of the Juvenile Court Act to violations of Illinois law only, not the laws of other states.

## Racial Justice

### Hawaii

- [HR 73](#), a resolution passed by the Hawaii House of Representatives, provides that since children of Micronesian or Native Hawaiian ancestry and other Pacific Island youth are overrepresented in the state's youth legal system, the Office of Youth Services and District Family Court of the First Judicial Circuit, are urged to collaborate in identifying processes, procedures, and strategies for partnering with community organizations to maximize rehabilitation and minimize youth recidivism; to consider best practices from other nations and states; and to submit their findings and recommendations to the legislature.

# HIGHLIGHTS

## Oregon

- [SB 903](#) directs the Oregon Youth Authority (OYA) to keep data reflecting the demographics, including race, ethnicity and gender, of all adjudicated youth committed to its care and all OYA employees. It further directs the OYA to take into consideration the demographic disparities among adjudicated youth and between adjudicated youth and youth authority employees and how those disparities may affect the cultural appropriateness of the programs. The OYA is also required to monitor outcomes and recidivism rates and analyze any disparities based on the demographics of the youth in their custody.
- [HB 2320](#) establishes the Juvenile Justice Advisory Commission within the Oregon Criminal Justice Commission and one of its duties is to analyze racial, ethnic, and other forms of disparities among youth impacted by the youth legal system and provide recommendations for improvements.

## Restorative Justice

### California

- [AB 60](#) provides that victims must be notified of the availability of community-based restorative justice programs and processes available to them, including programs serving their community, county, county jails, detention facilities, and the Department of Corrections and Rehabilitation.
- [AB 1165](#) provides that for students that have been suspended for an incident of racist bullying, harassment, or intimidation, local educational agencies are encouraged to have both the youth who caused harm and the harmed party engage in a restorative justice practice that is found to suit the needs of both. Local educational agencies are encouraged to regularly check on the harmed party to ensure that they are not in danger of suffering from long-lasting mental health issues, and local educational agencies are encouraged to require those who caused harm to engage in culturally sensitive programs, as provided.

# HIGHLIGHTS

## Minnesota

- Omnibus bill [SF 2909](#) created a statewide Office of Restorative Practices which will promote the use of restorative practices across multiple disciplines, including the delinquency and education systems. The Office will also work throughout the state to build the capacity of all jurisdictions to use restorative practices.

## School-to-Prison Pipeline

### California

- [SB 274](#) extends the prohibition against the suspension of pupils in 6th-8th grade for disrupting school activities by 4 years.

### Colorado

- [SB 29](#) establishes a School Discipline Task Force to review best practices and identify alternative approaches to discipline and recommend legislation as necessary.

### North Dakota

- [HB 1137](#) prohibits a child who commits an infraction or misdemeanor offense on school property from being referred to juvenile court unless documented school interventions have been unsuccessful. Certain misdemeanor offenses are excluded.

### Texas

- [HB 473](#) provides that a school must notify parents before conducting a threat assessment of a student and the parent must be given an opportunity to participate in the assessment and submit information to the team.

## Sentencing Reform

### Indiana

- [SB 464](#) provides that minors who were transferred to adult court can petition the court for a sentence modification without the consent of the prosecutor if they have served a minimum of fifteen years, or twenty years if the offense was for murder.

# HIGHLIGHTS

## Washington

- [HB 1324](#) provides that an individual's prior juvenile dispositions may not be included in their offender score calculations for any subsequent adult convictions, except for adjudications of guilt for first degree murder, second degree murder, and class A felony sex offenses. These calculations are used to determine an individual's criminal sentence.

## Sexual Exploitation

### California

- [SB 545](#) prohibits child victims of trafficking, sexual abuse, or sexual battery who commit crimes against their abusers from being convicted and sentenced as adults in criminal court.

### Illinois

- [HB 3414](#), The Prevent Unfair Sentencing of Youth Act, makes Illinois the fourth state in the nation to pass legislation allowing judges to take a trauma-informed approach to sentencing child sex crime survivors accused of harming their abusers. It also marks the first instance in statute where a young person whose case was moved to adult court will have the opportunity to go back to juvenile court for sentencing.

### Nevada

- [AB 183](#) requires screening of young people in the youth legal system for commercial sexual exploitation and requires that any exploitation be reported to an agency which provides child welfare services.

### Utah

- [HB 60](#) allows youth victims of trafficking and youth with adjudications for prostitution to petition to have their adjudications vacated and, if successful, this can be followed by expungement.

# HIGHLIGHTS

## Sexual Offenses

### Indiana

- [SB 464](#) provides that a person ordered to register as a sex or violent offender may petition the court to reconsider the order after completing court ordered treatment. It further provides that the court shall consider expert testimony concerning whether a child or adult is likely to repeat a specified offense.

### Utah

- [HB 122](#) requires that young people who must register be placed on a private, rather than a public registry, even for adult convictions. It also allows a young person under 21 years old, whose conviction did not involve force or coercion, to request that a lifetime registration requirement be reduced to a ten-year requirement.

### Washington

- [HB 1394](#) carves out some limitations regarding which minors must register as sex offenders and reduces the number of years that minors are required to register compared to adults.

## Shackling

### Montana

- [HB 742](#) provides that a child under age 10 cannot be restrained in court proceedings. If a child is 10 years old or over, restraints cannot be used on them during a court proceeding unless the court holds a hearing and finds by clear and convincing evidence that restraints are the least restrictive means necessary to prevent harm, or if the court finds that the young person is a substantial flight risk. The court must make written findings of fact.

## Solitary Confinement

### Illinois

- [HB 3140](#) places limits on the use of solitary confinement for youth. The legislation provides that the use of room confinement at a youth facility for discipline, punishment, retaliation, or any reason other than as a temporary response to behavior posing a serious and immediate risk of physical harm to the young person or another individual, is prohibited.

# HIGHLIGHTS

## Minnesota

- Omnibus bill [SF 2909](#) prohibits the use of physical or social isolation to discipline a young person. A report must be made to the legislature each year with data on the use of isolation.

## Strip Searches

### Minnesota

- Omnibus bill [SF 2909](#) limits the conditions under which youth in facilities can be strip searched, requires approval of the facility's chief administrator or designee, restricts who can conduct the search to health care professionals or those trained in trauma-informed search techniques, and requires that it be documented. A report must be made to the legislature each year with data on the use of strip searches.

## Transfer/Waiver/Jail Removal

### Colorado

- [HB 1145](#) requires that if a minor petitions for a review of the court's decision to detain them in an adult jail, the court must hold a hearing to determine if continuing to hold the young person in an adult jail or permitting them to have sight and sound contact with adult inmates is in the interest of justice. The young person cannot be held in an adult jail for more than 180 days unless the court determines, in writing, that there is good cause for the extension or the minor waives this limitation. The court must hold a hearing at least every 30 days, and every 45 days in rural areas, to determine if it is still in the interest of justice to keep the young person locked up in an adult jail.

### Connecticut

- [HB 6888](#) requires a review and update of the plan to remove youth under 18 from the custody of the Department of Correction.

### Illinois

- [HB 3414](#) adds additional factors that the court must take into account in determining whether to transfer a minor to adult court, including involvement in the child welfare system, evidence of being subjected to outside pressure, and the young person's degree of participation in and specific role in the offense.

# HIGHLIGHTS

## Michigan

- [HB 4633](#)/SB 0427 adds additional criteria that a court must consider in determining whether to waive a young person to adult court, which include adequacy of rehabilitative services within the youth legal system and the young person's amenability to treatment; developmental maturity, mental, and emotional health; culturally honoring traditions if the young person is a member of a Tribe; and victim impact.

## Oregon

- [SB 902](#) makes retroactive portions of previous legislation (SB 1008, 2019) permitting an individual over 20 years of age to remain in Oregon Youth Authority's custody upon resentencing that occurs or has occurred after January 1, 2020, if the individual was 18 at the time of the offense. It also allows the Department of Corrections and the Oregon Youth Authority (OYA) to determine whether to transfer such individuals resentenced for a crime they committed when under 18 years of age after January 1, 2020, but before the effective date of the measure, to the custody of OYA due to the person's age, immaturity, mental or emotional condition, or risk of physical harm to the person in an adult correctional facility.

## Texas

- [HB 5195](#) provides that youth being tried as adults who are ordered to be detained in detention facilities must be provided, to the extent practical, with education and other services that meet the minimum standards already in place for children in a detention facility. The Administrator must do an initial assessment of the young person's needs, develop a plan to make sure they progress towards rehabilitative goals, and provide a status report to the court every ninety days.

## National Youth Justice Network

The National Youth Justice Network (NYJN) builds the movement for anti-racist, healing-centered youth justice. We unite a diverse network of advocates and organizers to shift youth justice away from policing and prisons toward community-based, trauma-informed and healing-centered responses to youth needs. Our work centers the needs of the most marginalized, and we seek a reimagined future where Black, Brown, Indigenous, LGBTQIA+ youth, and youth with disabilities have the freedom, resources and opportunities necessary to thrive.

© July 2024 by the National Youth Justice Network.

**1200 G ST. NW, SUITE 800**

**WASHINGTON, DC 20005, USA**

**INFO@NYJN.ORG | WWW.NYJN.ORG | @WEARENYJN**

