

Classification of 17-Year-Olds in the Criminal Justice System

Texas House Committee on Criminal Jurisprudence
March 25, 2014

By David Slayton

Administrative Director, Texas Office of Court Administration



17-Year-Olds in the State System

Texas Department of Criminal Justice (TDCJ)

- 196 in the system in 2013
 - State Jail: 61
 - Prison: 135

Community Justice Assistance Division (CJAD)

- 1,550 under adult community supervision as of August 31, 2013
 - Misdemeanor: 1,144
 - Felony: 406

• Total 17YO in State System = 1,746

- Source: TDCJ & CJAD



17-Year-Olds in the Local System

Local Jail (estimates)

- Felonies: 74-325
- Misdemeanor: 2,794
- Total 17YO in Local System = 2,868-3,119
- Source: Texas Judicial Council; OCA



Weighted Caseload Study

- The purpose of a judicial needs assessment or weighted caseload study is to develop an objective and statistically reliable method for determining the need for additional courts.
- Case weights represent the average amount of time judicial officers spend on the handling of cases in District Courts.

Case Types	Case Weights (Minutes)
Felony Group A	186
Felony Group B	39
Misdemeanor	12
Delinquent Conduct	54



Weighted Caseload Numbers

Case Type	Case Numbers	Case Weights (Minutes)	Total Judge Minutes
Felony Group A	260	186	48,360
Felony Group B	667	39	26,013
Misdemeanor	3,938	12	47,256
Totals	4,865 17YO Cases in 2013		Total Judge Minutes = 121,629



Weighted Caseload Numbers

Based on the number of 17-Year-Olds in TDCJ, CJAD and in the local systems in 2013. It's estimated moving 17-Year-Olds to the juvenile system would have a slight impact on the amount of judges needed to hear cases.

Judge Minutes as Adults	Judge Minutes as Delinquent Conduct *Based on 4,865 cases
121,629 = 1.57 Judges	262,710 = 3.39 Judges
*Using an urban judge year of 77,400 Minutes	Increased need of 1.82 judges



Indigent Defense Costs

Attorney Fees Per Case (All Appointment Systems – Assigned Counsel and Managed Assigned Counsel, Contract and Public Defender)	2013
Non - Capital Felony	\$523
Misdemeanor	\$196
Juvenile	\$291
Capital Murder Felony	\$21,717
Appeal	\$2,775



Indigent Defense Costs Breakdown for 17YO

Case Type	Case Numbers	Cost Per Case	Total Cost
Felony*	927	\$523	\$484,821
Misdemeanor	3,938	\$196	\$771,848
If Treated as Juveniles	4,865	\$291	\$1,415,715
*Assuming 325 felony cases		Total Cost Increase of \$159,046 if Classified as Juvenile Case	



Certification

- Juvenile Courts can waive original jurisdiction over juvenile cases and transfer them to adult criminal court.
- Under §54.02 of the Family Code – *Waiver of Jurisdiction and Discretionary Transfer to Criminal Court*, juveniles as young as 14 can be certified and tried as an adult.
- In 2013, there were **246 petitions** to certify a juvenile as an adult. In **204 of those cases**, the juvenile was certified and the case transferred to adult criminal court.

