

LEGISLATIVE AGENDA

2023



LONE STAR JUSTICE ALLIANCE

***WE ADVOCATE FOR A JUSTICE SYSTEM
THAT TREATS KIDS AS KIDS.***

WHO WE ARE

Lone Star Justice Alliance (LSJA) is a nonprofit legal organization that improves the lives of youth and emerging adults in the justice system. We envision a justice system that uses developmentally-appropriate responses to behavior and treats youth and emerging adults with equity and dignity to promote resilience, conserve costs, and increase public safety.

LSJA SUPPORTS POLICIES THAT RIGHT-SIZE THE CRIMINAL AND JUVENILE LEGAL SYSTEMS

LSJA's legislative priorities are developed directly from the experiences of the clients we serve, as well as the juvenile and criminal system stakeholders with whom we work. We are committed to advancing legislation that increases public safety, reduces cost, and improves outcomes for youth and emerging adults statewide.



Elizabeth Henneke is the Founder and Chief Executive Officer of LSJA, and a nationally recognized expert in juvenile and criminal justice issues. She the Secretary of the Juvenile Council for the State Bar of Texas, serves on the Federal Advisory Committee on Juvenile Justice, OJJDP Subcommittee on LGBTQ Issues, the Collaborative Council for the Judicial Commission on Mental Health, and the Emerging Adult Peer Learning Community for the National League of Cities. Elizabeth graduated from Yale University and the University of Texas School of Law before clerking for the South Africa Constitutional Court and Judge Edward C. Prado on the U.S. Court of Appeals, Fifth Circuit. She practiced at Williams & Connolly in Washington, D.C. before joining the faculty at the University of Southern California Gould School of Law.



Yulise Reaves Waters is the Chief Innovations Officer of LSJA. Previously, Yulise was an Assistant City Attorney and Lead Community Courts Prosecutor for the City of Dallas, where she co-founded the Second Chance Community Improvement Program (SCCIP), the first-ever felony Community Court and first emerging adult court in Dallas County. Yulise holds B.A. degrees in English, Spanish, and a B.B.A. in Organizational Behavior and Business Policy (each magna cum laude), and a Juris Doctorate, all from Southern Methodist University in Dallas, Texas. She holds memberships in the Juvenile Law, Criminal Justice, and Collaborative Law Sections of the State Bar of Texas and is a graduate of the Leadership Dallas Class of 2020. She serves on the The Dallas County Sheriff's Community Partnership Board, the Housing Forward Racial Equity Workgroup, was an appointee to the 2020-2021 Dallas ISD Racial Equity Office Trustee Appointed Advisory Council, and chair of the 2021 Dallas ISD District of Innovation Committee.

WHO WE ARE



Rachel Hampton, LMSW, LSS Greenbelt, is the Chief Mission Officer of LSJA. She has a Bachelor's Degree in Psychology from Southwestern University and a Master's of Science in Social Work from the University of Texas at Austin. Rachel holds a professional licensure in social work and is a certified Lean Six Sigma Green Belt. Rachel joins LSJA with more than 12 years of experience in developing, leading, and executing award winning workforce programming for young adults (aged 16-24) as well as adults returning to the community after significant periods of incarceration.



Nydia Thomas is the Director of Training at LSJA. Nydia served as Deputy General Counsel and Special Counsel for Legal Education and Technical Assistance at the Texas Juvenile Justice Department (TJJD) and its predecessor agency. Nydia is recognized for her work as a principal facilitator and subject-matter resource for legislative practitioner workgroups as well as a liaison for interagency and stakeholder engagement. She has also served as a recurring professional development trainer and faculty member for the Correctional Management Institute of Texas, the Juvenile Law Section of the State Bar of Texas as well as child-serving and criminal justice system partners. She was the contributing author and managing editor of the legal treatise Texas Juvenile Law, 5th - 9th editions and has written numerous professional articles. Nydia is a graduate of Howard University School of Law in Washington, DC.



Gavriella Roisman is a Staff Attorney for the Survivors' Project at LSJA working with child victims of domestic violence and human trafficking. Gavriella previously served as Deputy Legal Program Director, Juvenile and Children's Advocacy Project and the Legal Clinical Supervisor, Adjunct Professor, University of Houston Law Center. Gavriella is a graduate of the University of Houston Law Center where she served as an Irene Merker Rosenberg scholar. She is a member of the 2023 Georgetown Law and Gault Center Ambassadors for Racial Justice cohort.



Emily Schuerman is the lead Mitigation Investigator for the JustSentencing Program at LSJA. Since joining the organization in 2019, Emily has championed her skills in meticulously investigating, analyzing, and developing evidence relevant to the client's life history for both trials and post-conviction proceedings. This critical work translates into a deep understanding of policy and necessary change in order to best defend Texas youth, and build a system that treats kids as kids. Emily is a graduate of the University of Texas at Austin where she studied Government and Sociology.

PRIORITY INITIATIVES

To Prevent Youth Violence, Invest in Young People

- Support diversionary interventions that would keep youth more shallow in the system and provide individualized, graduated options to meet the needs of youth.
- Require the development of a diversion plan to enhance community-based services and expand the procedural and administrative authority to divert youth from commitment and placement in secure facilities statewide.
- Grow community-based resources to improve public safety through expanded funding to support prevention efforts and address the statewide children's mental health crisis.
- Provide meaningful procedural review of cases that consider the unique circumstances of youth and emerging adults to ensure justice and public safety are achieved.

CLOSER TO HOME: HB 16

Texas should minimize system engagement as much as possible, grow community-based resources to improve public safety, require juvenile courts to coordinate with the Department of Family and Protective Services and community-based resources to focus on the specific, individualized needs of youth, provide scalable, graduated options to meet youth needs, and infuse trauma-informed care into all interventions.

MERCY FOR SURVIVORS: HB 327 / SB 968

Duress is an affirmative defense under the Texas Penal Code. Texas should evolve the Duress defense to include taking a survivor's situation and history into account, thus making the benchmark comparison a person similarly situated to the defendant. This critical update will benefit survivors of all ages and help reduce the system's criminalization of victims.

SECOND LOOK: HB 213 / SB 955

In Texas, youth can serve sometimes 40 years in prison before they are eligible for parole and then the parole process does not consider their youth at the time of the offense as a mitigating factor. Second Look legislation will shorten the time served before parole eligibility, allow the Parole Board to consider the cognitive changes that occur from childhood to adulthood that make them less likely to commit other crimes in the future, and provide an opportunity for youth to prove their rehabilitation.

HEALTH CARE FOR YOUTH: HB 4366

Texas should promote the mental and physical health of Texas youth by requiring Medicaid enrollment for eligible juveniles at both the county and state level, promoting the expansion of existing mental health workforce programs, and providing for incentives to recruit and retain mental health and substance use professionals.



MERCY FOR SURVIVORS

HB 327 SB 968

ALLOW FACT FINDERS TO CONSIDER THE HISTORY OF ABUSE OF VICTIMS AS DURESS

★ 3.3 ★

BILLION

THE COST TO TEXAS TAXPAYERS
TO FUND TEXAS PRISONS.

Since 1980, the number of
women incarcerated in Texas
has increased by

986%

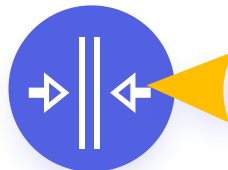
The affirmative defense of duress is intended to absolve victims who are compelled into committing a crime.

However, the current Texas duress statute only provides this defense to prosecution if the force or threat of force would render a person of reasonable firmness incapable of resisting the pressure.



Current statute does not consider victims.

Someone who has been sex trafficked or subjected to intimate partner violence has become **more susceptible to coercion and control.**



Narrow definition of compulsion.

Prevents courts from considering the complete picture and establishes a system whereby a current victim of trafficking may not introduce evidence of the history of her victimization.

THIS LIMITED DEFINITION OF DURESS IS CRIMINALIZING VICTIMS AND PRODUCING UNJUST CONSEQUENCES.

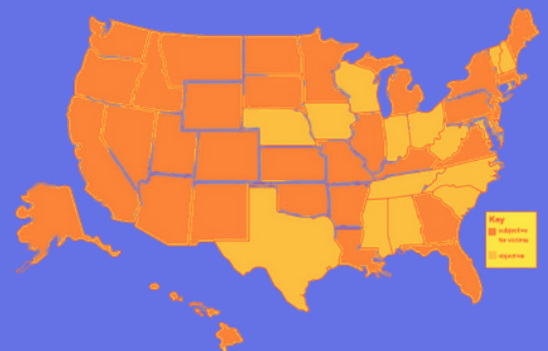


Current Penal Code:

8.05(c): Compulsion within the meaning of this section exists only if the force or threat of force would render a person of reasonable firmness incapable of resisting the pressure.

How the Texas Statute Falls Short:

- 1) The fundamental purpose of duress is that the victim was not able to exercise their free will because of the history between the victim and their abuser.
- 2) Targeting a victim who acted against their own will is targeting the wrong actor.
- 3) Duress victims are not a danger to society.



Proposed Penal Code

8.05(c): Compulsion within the meaning of this section exists only if the force or threat of force would *render a reasonable person in the situation of the defendant* incapable of resisting pressure.

33 STATES

Already allow victims to introduce evidence of trafficking and abuse

**TEXAS IS IN THE
MINORITY OF STATES BY
NOT ALLOWING VICTIMS
TO INTRODUCE A
HISTORY OF ABUSE TO
PROVE DURESS.**

SECOND LOOK

HB 213 SB 955

SUPPORT A MEANINGFUL OPPORTUNITY FOR RELEASE FOR YOUTH SENTENCED TO ADULT FACILITIES

**YOUTH AS YOUNG AS 14 WHO COMMIT CERTAIN
CRIMES ARE SENTENCED TO LIFE, WITH NO
OPPORTUNITY FOR PAROLE FOR 40 YEARS**

- Lengthy sentences for youth do no account for the fact that their brains are not fully developed. Tremendous growth and maturity often occur in a person's late teens through mid-20s.
- In part, this lack of maturity is why the U.S. Supreme Court has recognized that it is unconstitutional to deny someone who commits a crime under the age of 18 the opportunity to demonstrate rehabilitation.



**IT COSTS TAXPAYERS \$2.5 MILLION TO
INCARCERATE ONE JUVENILE FOR LIFE.**

This is an extraordinary cost and does not reflect the research which shows that young people often have the highest rates of rehabilitation.

**Policy change could save tax payers between
\$4 and \$12 million per year following
implementation.**

SUPPORT THE SECOND LOOK BILL

The Second Look Bill allows for parole reform for Texas children sentenced to adult prisons. In Texas, children as young as 14 can spend 40 years in prison without anyone considering evidence of their rehabilitation or their transformation from the person they were at the time of their offense. These sentences were handed down largely during the tough on crime era of the 90s, and many Second Lookers are now in their early to mid-forties.



LONE STAR
JUSTICE ALLIANCE



TEXAS YOUTH IN CRISIS

Youth in Texas are being placed in facilities far from their families and communities under the auspice of needing treatment, when in fact the facilities are overcrowded and unable to even provide the bare minimum of care.

With devastating conditions in the Texas Juvenile Justice Department (TJJD) that Executive Director Shandra Carter has referred to as “crisis” conditions, Texas is again tasked with lowering the TJJD populations and returning children closer to their families.

"Our youth are spending up to 22 hours each day in their rooms during lockdowns."

Testimony by TJJD Executive Director Shandra Carter

THE SOLUTION:

KEEP YOUTH CLOSER TO HOME

555

Youth currently detained in state-run juvenile facilities

HB 16: CLOSER TO HOME

Relying upon evidence-based practices and building upon the success of prior reforms, the Closer to Home Bill enhances the court's procedural discretion at key intercept points to keep youth shallow in the system by partnering with community-based rehabilitative service providers to achieve public safety goals and yield cost-savings to the state.

CLOSER TO HOME

HB 16

TASK FORCE ON COMMUNITY-BASED PROGRAMS AND SERVICES

Builds on the 2015 regionalization initiatives to strengthen local infrastructure for community-based programs and services. Creates a stakeholder task force to work with TJJD to develop a plan that would expand access to available community-based diversion resources to individualize rehabilitative and dispositional options for youth and reduce placements of children in post-adjudication facilities and free up local beds for greater diversions from TJJD.

EARLY INTERVENTION SERVICES

Gives the juvenile court greater discretion to make appropriate early intervention referrals to the Department of Family and Protective Services (DFPS) at the initial detention hearing. Enhances local coordination between DFPS and juvenile probation departments for children who would otherwise be detained solely due to a lack of parental supervision.

SPECIAL COMMITMENT FINDINGS AND MITIGATING EVIDENCE

Defines mitigating evidence as applied to juveniles and codifies what has been recognized by the U.S. Supreme Court as the unique features distinguishing youth from adults. Allows the court to consider mitigating evidence presented at disposition and requires special commitment findings for probation violations that are revoked to an indeterminate commitment to TJJD.

TJJD OFFENSE ELIGIBILITY

Restricts the use of TJJD state facilities to those youth who have committed aggravated, violent offenses or those who have committed an offense in a local post-adjudication facility, thus prioritizing options for all other youth.

TRANSFER HEARINGS

Gives the juvenile court greater guidance regarding the inclusion of case-specific findings sufficient to provide a meaningful review of certification proceedings to transfer jurisdiction of a child's delinquency case to adult court.

TJJD MINIMUM LENGTH OF STAY AND TIME CREDIT

Clarifies that TJJD is authorized to reduce or extend the minimum length of stay (MLOS) for youth committed on an indeterminate sentence in accordance with the Progressive Sanctions Model. Ensures that a youth committed to TJJD on an indeterminate sentence who is retained in a secure county facility while awaiting transport to TJJD can receive credit toward the youth's MLOS.

LSJA SUPPORTS

Youth-Centered Reform

HB 5195: Thompson

Relating to education, programming, and services for certain children awaiting criminal proceedings.

SB 83: Johnson, N. / HB 77: Neave

Relating to status offenses committed by a child, including the repeal of the status offense of a child voluntarily running away from home.

HB 507: Wu

Relating to the waiver of jurisdiction and the discretionary transfer of a child from a juvenile court to a criminal court.

HB 828: Dutton

Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.

HB 98: Moody / SB 113: Menéndez

Relating to the provision of on-campus mental health services by a school district and reimbursement under Medicaid for certain services provided to eligible students.

HB 195: González

Relating to provisions and plans by public schools to ensure the safety of individuals with disabilities during a disaster or emergency situation.

SB 112: Menéndez

Relating to the inclusion of a mental health course in the required curriculum for public high school students.

HB 1965: Plesa

Relating to providing children committed to the Texas Juvenile Justice Department and prisoners serving a sentence in a county jail with certain documents on discharge or release; authorizing a fee.

HB 1504: Johnson, A.

Relating to juveniles committed to the Texas Juvenile Justice Department.

HB 1359: Wu / HB 2037: Johnson, A. / SB 1585: Sparks

Relating to certain proceedings in juvenile court for children with mental illness and intellectual disabilities.

HB 459: Hull; González, M.; Cain; Moody; Lozano / SB 133: West

Relating to prohibiting the physical restraint of or use of chemical irritants on certain public school students by peace officers and school security personnel under certain circumstances.

HB 516: Wu; Allen

Relating to requiring a school district or open-enrollment charter school to report data regarding certain disciplinary or law enforcement actions taken against students.

HB 1626: Allen; Johnson, A.; Thompson, S.; Wu; Hull / SB 2083 Menéndez

Relating to a public school student's transition from an alternative education program to a regular classroom and the admission of certain students with a criminal or disciplinary history.



LONE STAR

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