

SUPPORT HB 122

OUTCOMES: 16- vs. 17-YEAR-OLD

Both juniors in high school, 16-year-old Matt and 17-year-old John get caught shoplifting video games worth \$75 (a Class B misdemeanor) from the local Target. What are the differences between what they encounter in the juvenile and adult systems?



MATT: 16 YEARS OLD

Following arrest, Matt's parents are promptly notified.

- Matt is briefly placed in a juvenile detention facility, where his parents have the right to communicate with him in person privately.
- If he is in detention during school hours, he will receive educational services.
- Matt's parents are required to be in court.

Matt may be offered deferred prosecution. If he is, Matt, his parents, the prosecuting attorney, and the juvenile probation department would agree to certain probation conditions as well as counseling or other rehabilitative services. **Upon successful completion, no record would be created.**

IF MATT IS CONVICTED...

- Matt's judge can proscribe a probation sentence that includes **rehabilitative services** for him, and can require Matt's parents to participate.
- Matt's judge can always revisit the sentence to determine whether it is serving his needs adequately and revise if need be.



IF MATT VIOLATES PROBATION...

If Matt goes to a high school party where alcohol is served and violates probation, the judge can order treatment, such as alcohol education classes, before ordering him into a juvenile facility.

MATT'S OUTCOME

If Matt successfully completes his probation, the court can seal his record. No one will have access to Matt's record except law enforcement, and for law enforcement to access it, they must petition the juvenile court.



JOHN: 17 YEARS OLD

Following arrest, John's parents are NOT notified.

- John is placed in jail. He may stay for several days, without access to educational services.
- For his safety, he may be kept in solitary confinement.
- His parents are not part of the court process.

John may be offered deferred adjudication, which would keep an actual conviction from his record. Upon completion of the probation terms, he could petition the court for non-disclosure; **however law enforcement and the military will still have access to his deferred adjudication record regardless.**

IF JOHN IS CONVICTED...

- John's judge has **only probation or jail time** as options.
- John's parents cannot be ordered to participate in therapy, leaving family issues unaddressed. John's probation officer cannot talk to his parents without his permission; even then, some information cannot be released to them.



IF JOHN VIOLATES PROBATION...



If John goes to the same high school party where alcohol is served and violates probation, he would be sent straight to an adult jail.

JOHN'S OUTCOME

If John successfully completes probation, his record will still be viewable by military and law enforcement even if the court grants an order of non-disclosure. If the court does not approve the non-disclosure order, John's record can make it difficult to find a job later.