

THE BEAUMONT ENTERPRISE

Sweeping reforms will drop TYC age limit

By [SARAH MOORE](#), The Enterprise
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When a Port Neches teen was convicted of capital murder in 2004 for killing her newborn, she began her 13-year sentence in Texas Youth Commission custody.

Because she was convicted under a determinate sentencing statute, her case would be reviewed after she turned 17.

Determinate sentencing allows judges to sentence juveniles to specific terms, of which the first part would be served in TYC. Depending on the progress made in rehabilitation, the youth could be sent to adult prison, paroled under TYC supervision or discharged.

Since a juvenile must serve at least 10 years for capital murder under Texas law, this offender had the option to either stay in TYC or go to adult prison.

The girl, who was 15 at the time of her offense, recently turned 19 and still is in juvenile custody - meaning, presumably, that she was making progress, Jefferson County Assistant District Attorney King said.

However, under a new law, the cutoff age for TYC has been reduced from 21 to 19. Senate Bill 103, a package of sweeping reforms to TYC, goes into effect Sept. 1.

So far it is unclear what will become of the girl.

As for prosecutors, they say the sweeping changes to a troubled juvenile correctional system will give them fewer options for dealing with juvenile offenders and result in more being tried as adults.

"I think it's going to change the way those cases get handled," said Shannon Edmonds, director of governmental relations at the Texas District and County Attorneys Association.

Edmonds was in Beaumont on Thursday to give a legislative update to local criminal justice officials.

"Definitely in some cases it's going to be a disadvantage to the juvenile, who will be more likely to be sent to the adult system ... which is rarely in a child's best interests," Edmonds said.

Edmonds and King said it might increase the number of juveniles certified to be tried as adults as well as the number of determinate sentencing cases.

Having more options, they said, allows the criminal justice system to tailor the punishment to fit the crime - and the criminal.

And it gives troubled kids a chance to get their acts together before they are faced with adult consequences, they said.

"Sending young teens to adult prison does not do them any good - it is used as a last resort when they pose a threat to public safety," Edmonds said.

Chief juvenile probation officer James Martin said that while juvenile system problems warranted attention, the Legislature rushed into a "knee-jerk reaction" without fully considering ramifications.

"A lot of young people in TYC, even at 18 or 19, are not very mature and still have a lot of growing up to do," Martin said. "The way I see it, it could be a situation where those of that age going into prison from a youth facility where they were making progress might have been able to come out without going into an adult facility at all.

"There's a shorter window of time for the system to work in the favor of the young." Some of the advantages of the juvenile system include mandatory school attendance and drug counseling, King, a prosecutor in the county's juvenile division, said.

A big part of the reason for reducing the age of juveniles in custody was to curb abuse of young inmates by the older ones - but King said there are ways to solve that problem other than changing the age limit. Juvenile offenders simply could be segregated by age, she said.

She said some kids who need more time in a therapeutic setting will age out of the system.

"How is this giving kids a chance to reform?" she said.

In the case of the Port Neches girl, who killed her baby on Thanksgiving Day 2003, the TYC recently asked the 317th District Court for a hearing to determine if she will be released or go to adult prison.

The Port Neches-Groves High School student gave birth alone in her bedroom and zipped the baby into a duffle bag, where he suffocated. Her family, alarmed by her bleeding, rushed her to the hospital.

The girl, a victim of long-term sexual abuse by a relative, had hidden her pregnancy from her family.

King said it is unclear what could happen with her, the TYC hearing likely would not take place.

"You don't have to have this for capital murder cases," she said. "They just get transferred ... she has to serve 10 years before she's eligible for parole."

But King said transfer to adult prison was not necessarily in the teen's best interests - or society's.

Recalling a psychologist who said at the 2004 trial that the teen would benefit from counseling and a structured environment, King said she thought a longer stay at TYC would help with rehabilitation.

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