



Brief: Raise the Age

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Key Points:

- 1. Under Texas law, adult criminal responsibility begins at 17 years old.**
- 2. We should not treat young offenders as fully-accountable adults.**
- 3. Reforms would allow 17-year-olds to access rehabilitative services.**

A Catholic perspective: Under current Texas law, adult criminal responsibility begins at 17 years old; we support raising this to 18 years. Our position is animated by Catholic Church's tradition, according to which the punishment of wrongdoers is clearly justified, but not for its own sake.^[1] Rather, punishment should restore the order disturbed or destroyed by crime and should aim at having a restorative effect on a criminal.^[2]

We are especially mindful of this teaching in cases of younger criminals who, because of their age, are naturally more able to reform their lives. While the actions of the most violent youth gravely damage the common good, civil law should not indiscriminately respond to minors who have committed crimes as though they are all equal to adults who are fully formed in conscience and fully aware of their actions. While grave offenders should be removed from society until they are no longer dangerous, we must recognize that, in many cases, criminal juvenile behavior points to our own negligence in raising children with a respect for life, providing a nurturing and loving environment, or addressing serious mental or emotional illnesses.^[3]

Therefore, the TCCB recalls that "Just as God never abandons us, so too we must be in cove-

nant with one another. We are all sinners, and our response to sin and failure should not be abandonment and despair, but rather justice, contrition, reparation, and return or reintegration of all into the community."^[4]

Texas Law & Policy: Texas law phases in responsibility for the commission of crimes: before age 10, children can only be prosecuted for or convicted of perjury and traffic violations.^[5] By age 14, children can also be held accountable for low-level misdemeanors, violations of local government ordinances, and severe felonies.^[6] However, before age 17 individuals cannot be prosecuted for severe felonies unless juvenile courts certify the individual as an adult and waive their jurisdiction.^[7] A juvenile court may certify children 14 and older as an adult if the seriousness of the alleged offense or the background of the child indicate that the welfare of the community requires criminal proceedings.^[8] By age 17, a person is no longer a child in the eyes of Texas law and may be held accountable for any offense.^[9]

As Table 1 (next page) illustrates, half of offenses leading to the arrest of 17-year-olds in 2017 were for possession of marijuana, theft, assault, violation of liquor laws, and drunkenness. Except for assault, a review of these most common offenses leads to the conclusion

Table 1: Top 10 offense types leading to arrests of children, 17-year-olds, and adults in Texas (2017)

Rank	Children (≤16 y/o)		Age 17		Adults (≥18 y/o)	
	Offense	Percent	Offense	Percent	Offense	Percent
1	Other Assaults	16%	Possession of marijuana	17%	Other assaults	12%
2	Larceny: theft*	14%	Larceny: theft*	16%	Driving under the influence	9%
3	Possession of marijuana	11%	Other assaults	11%	Drunkenness	9%
4	Runaway	8%	Liquor laws	4%	Larceny: theft*	8%
5	Curfew and loitering	5%	Drunkenness	3%	Possession of marijuana	8%
6	Burglary: breaking or entering	3%	Possession of dangerous nonnarcotic drugs	3%	Possession of opioids or cocaine	3%
7	Aggravated Assault	3%	Burglary: breaking or entering	3%	Possession of dangerous nonnarcotic drugs	3%
8	Vandalism	3%	Robbery	3%	Aggravated assault	3%
9	Disorderly Conduct	2%	Aggravated assault	2%	Carrying or possessing weapons	2%
10	Robbery	2%	Disorderly conduct	2%	Possession of narcotics that cause addiction	2%

*Excludes motor vehicle theft.

Table excludes "All Other Offenses." Source: Texas Dept. of Public Safety, *Texas Crime Report for 2017: Texas Arrest Data* (<https://bit.ly/1qmWejA>)

that the majority of crimes for which 17-year-olds are arrested are lower-level misdemeanors. Raising the age of criminal responsibility would not endanger the people of Texas nor the common good of our state, but it would allow all 17-year-old offenders to have access to juvenile rehabilitative services by default.^[10] Nevertheless, raising the age of responsibility to 18 would not—and should not—affect the ability of a juvenile court to certify a child as an adult if the seriousness of their offense or their background indicate that the welfare of the community requires criminal proceedings.

Key bill summary: HB 344 would raise the age of adult criminal responsibility from 17 to 18 years old. The TCCB supports this bill to

ensure that minors are not punished under the adult justice system.

A call to action: To support this proposal in the Texas legislature, please visit txcatholic.org/justice to find and contact your lawmaker. Please also pray for Texas and for our legislators, that they may maintain laws which uphold justice by consoling the suffering and rehabilitating offenders.

The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882 or find TXCatholic on [Facebook](#) and [Twitter](#).

Endnotes

1. Thomas Aquinas, Summa Theologica [I.II Q. 87 Art. 3, Reply 3](#).
2. Ibid, [I.II Q. 87 Art. 1, 6, and 7, Answers](#).
3. U.S. Conference of Catholic Bishops, [Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice](#). “Sacramental and Historical Heritage.” (Nov. 15, 2000)
4. Ibid. “Scriptural Foundations.”
5. Penal Code [§ 8.07](#). However, it must be shown that a child understands the nature of an oath.
6. Penal Code [§ 8.07](#). Includes capital, first-degree, and aggravated controlled substance felonies.
7. Id.
8. Juvenile Justice Code [§ 54.02\(a\)](#). Specifically, juvenile courts may waive jurisdiction for children over 13 for alleged capital felonies, aggravated controlled substance felony, or first degree felonies, and for children over 14 for alleged second or third degree felonies or state jail felonies. Nonetheless, no person can receive capital punishment for an offense committed before age 18.
9. Juvenile Justice Code [§ 51.02](#).
10. Raise the Age Coalition, [17-Year-Olds in the Criminal Justice System](#) (April 2017). 23.