



For Immediate Release

August 28, 2023

As advocates for youth with disabilities, we are grateful for the Senate's leadership in refusing to pass harmful juvenile justice legislation that seeks to criminalize children in a special session about protecting them. While we join many Tennesseans in mourning the lost opportunity to meaningfully address gun violence that this 2023 Special Session has come to represent, we acknowledge that little good can come out of its focus on harsh criminal penalties for youth (who are not responsible for the majority of crime in Tennessee) and stigmatizing mental illness. We are hopeful that the legislature as a whole will not succumb to attempts to use this "extraordinary" session, which is inherently less transparent and provides less opportunity for stakeholder feedback than a regular session, to pass complex, net-widening legislation that would unfairly punish Tennessee's children and make our communities less safe.

As data from the Tennessee Bureau of Investigation demonstrates, there is nothing "extraordinary" about youth crime in Tennessee that warrants legislative proposals to address it during a special session that was prompted by an event having nothing to do with youth crime. Crimes committed by youth under age 18, as well as those 18-24, have dropped across the state over the last 10 years. Even if youth crime were "out of control," the proposals being considered by the General Assembly would not be effective in deterring it. We agree with Lieutenant Governor McNally that such proposals deserve more testimony from stakeholders than is allowed during this expedited process and, thus, should be reserved for consideration during regular session come January 2024.

Last week, our organization, alongside representatives from the criminal defense bar, Youth Law Center, and the Raphah Institute, offered testimony related to Speaker Sexton's blended sentencing + mandatory transfer proposal in House Criminal Justice (sub- and full) Committees, which would require mandatory transfers for certain youth aged 16 and up and blended sentencing (i.e., a youth adjudication plus an adult sentence, without a jury trial) for certain youth aged 14 and up. **Over three hours of testimony and debate, we highlighted some of the detrimental, unintended consequences that would result from stripping juvenile court judges of all discretion in adjudicating a youth as a "serious youthful offender," a move that juvenile court and adult court judges do not support.** [You can view that testimony here.](#) We pointed to language in that portion of the proposed legislation that would send a young person to prison for deciding to go to college instead of getting a job after high school and would criminalize youth who experience barriers to education having nothing to do with their desire to access it. We also pointed to language that prohibits juvenile court judges from considering a youth's disability as part of sentencing, as well as other circumstances



given due consideration under our current youth adjudication process, such as history of trauma or abuse and whether the accused youth is a victim of sex trafficking.

Even though the bill has been amended, none of these issues have been addressed. And there are still more concerns that we were unable to highlight in the limited time we had before the Committee. We think it is wise to require such complicated and system-changing legislation to pass muster during regular session, especially when aspects of it run counter to the rehabilitative goals of the juvenile justice system; we should allow this legislation to have the full benefit of the stakeholder engagement and the democratic process.

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Spokespeople from Disability Rights Tennessee are available for comment.

For more information and for comment, contact:

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Disability Rights Tennessee (DRT) is the designated Protection & Advocacy (P&A) agency for Tennessee. DRT provides free legal advocacy services to protect the rights of Tennesseans with disabilities, and has broad access authority to monitor facilities, including juvenile justice facilities, and to investigate allegations of abuse and neglect. Visit www.DisabilityRightsTN.org for more information.