

Section 6.14. Sentencing of Offenders Under the Age of 18.¹⁵

The following provisions shall apply to the sentencing of offenders under the age of 18 at the time of commission of their offenses:

(1) When assessing an offender's blameworthiness under Section 1.02(2)(a)(i), the offender's age shall be a mitigating factor, to be assigned greater weight for offenders of younger ages.

(2) Priority shall be given to the purposes of offender rehabilitation and reintegration into the law-abiding community among the utilitarian purposes of sentencing in Section 1.02(2)(a)(ii), except as provided in Subsection (3).

(3) When an offender has been convicted of a serious violent offense, and there is a reliable basis for belief that the offender presents a high risk of serious violent offending in the future, priority may be given to the goal of incapacitation among the utilitarian purposes of sentencing in Section 1.02(2)(a)(ii).

(4) Rather than sentencing the offender as an adult under this Code, the court may impose any disposition that would have been available if the offender had been adjudicated a delinquent for the same conduct in the juvenile court. Alternatively, the court may impose a juvenile-court disposition while reserving power to impose an adult sentence if the offender violates the conditions of the juvenile-court disposition.

(5) The court shall impose a juvenile-court disposition in the following circumstances:

(a) The offender's conviction is for any offense other than [a felony of the first or second degree];

(b) The case would have been adjudicated in the juvenile court but for the existence of a specific charge, and that charge did not result in conviction;

(c) There is a reliable basis for belief that the offender presents a low risk of serious violent offending in the future, and the offender has been convicted of an offense other than [murder]; or

(d) The offender was an accomplice who played a minor role in the criminal conduct of one or more other persons.

(6) The court shall have authority to impose a sentence that deviates from any mandatory-minimum term of incarceration under state law.

¹⁵ This Section was numbered Section 6.11A during the pre-approval drafting process. Subsections (1) through (11) were originally designated (a) through (k); Subsections (5)(a) through (5)(d) were shown as (e)(i) through (e)(iv). For the Comment and Reporters' Note prepared for this Section during the drafting process, see Proposed Final Draft (approved May 24, 2017), at 216-231.

(7) No sentence of incarceration longer than [25] years may be imposed for any offense or combination of offenses. For offenders under the age of 16 at the time of commission of their offenses, no sentence of incarceration longer than [20] years may be imposed. For offenders under the age of 14 at the time of commission of their offenses, no sentence of incarceration longer than [10] years may be imposed.

(8) Offenders shall be eligible for sentence modification under Section 11.02 after serving [10] years of incarceration. The court may order that eligibility under Section 11.02 shall occur at an earlier date, if warranted by the circumstances of an individual case.

(9) The sentencing commission shall develop guidelines for the sentencing of offenders under this Section.

(10) No person under the age of 18 shall be housed in any adult correctional facility.

[(11) The court may apply this Section when sentencing offenders above the age of 17 but under the age of 21 at the time of commission of their offenses, when substantial circumstances establish that this will best effectuate the purposes of sentencing in Section 1.02(2)(a). Subsections (4), (5), and (8) shall not apply in such cases.]

Section 6.15. Violations of Probation or Postrelease Supervision.¹⁶

(1) When there is probable cause to believe that an individual has violated a condition of probation or postrelease supervision, the supervising agent or agency shall promptly take one or more of the following steps:

(a) counsel the individual or issue a verbal or written warning;

(b) increase contacts with the individual to ensure compliance;

(c) provide opportunity for voluntary participation in programs designed to reduce identified risks of criminal re-offense;

(d) petition the court to remove or modify conditions that are no longer required for public safety, or with which the individual is reasonably unable to comply;

(e) petition the court to impose additional conditions or make changes in existing conditions designed to decrease the individual's risk of criminal re-offense, including but not limited to inpatient treatment programs, electronic monitoring, and other noncustodial restrictions; or

(f) petition the court for revocation of probation or postrelease supervision.

¹⁶ This Section was also numbered Section 6.15 during the pre-approval drafting process. For the Comment and Reporters' Note prepared for this Section during the drafting process, see Proposed Final Draft (approved May 24, 2017), at 232-237.