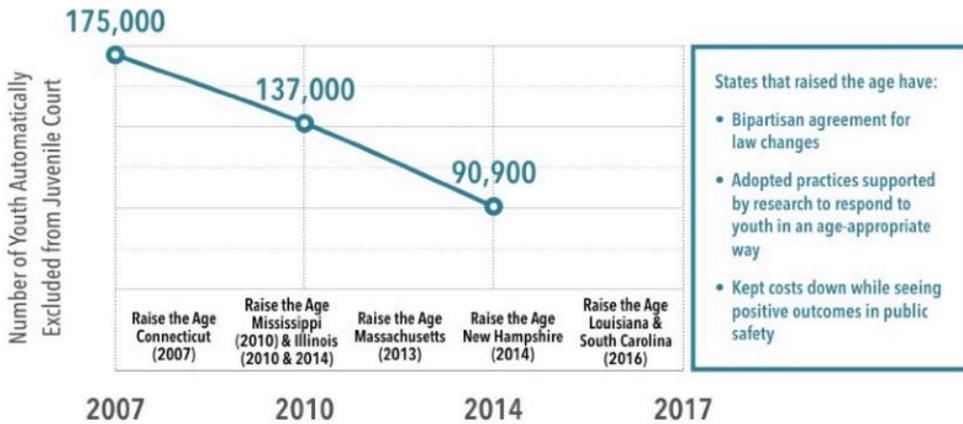


# Raise the Age

Number of Youth Automatically Excluded from Juvenile Court (2007-2014)



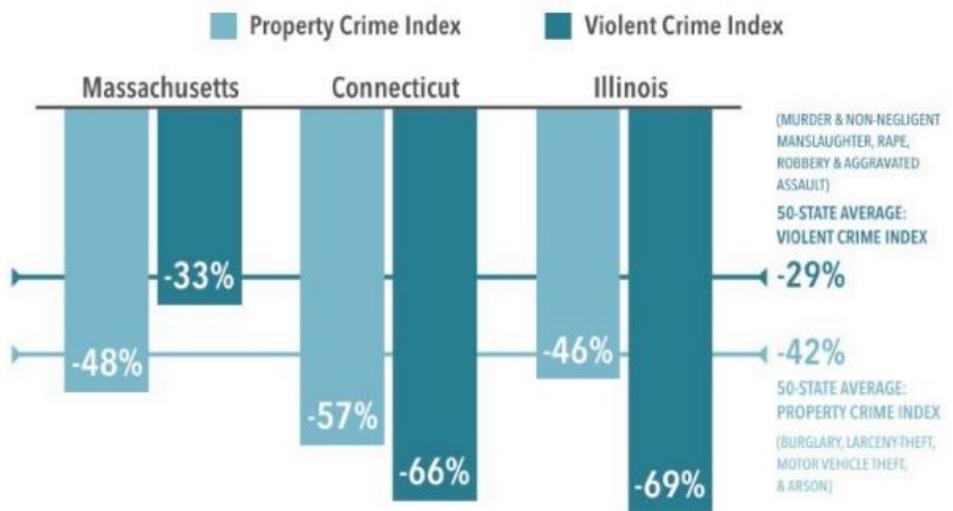
Source: Melissa Sickmund, Howard Snyder and Eileen Poe-Yamagata, *Juvenile Offenders and Victims: 1997 Update on Violence* (Washington, D.C.: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, U.S. Justice Department). Melissa Sickmund and Charles Puzanhera, *Juvenile Offenders and Victims: 2014 National Report* (Washington, D.C.: Office of Justice Programs, Office of Justice and Delinquency Prevention, U.S. Justice Department). Melissa Sickmund, email message to author, January 7, 2017.

“Raise the age” laws expand the age of juvenile court jurisdiction, thereby reforming laws that automatically exclude most youth from juvenile court. Over the past decade, many states that previously tried all 16 and 17 year olds in adult court have changed their laws to include the majority of those youth in the juvenile justice system. These states continue to have laws that transfer youth who commit certain crimes to adult court.

Since 2007, when seven states "raised the age," the number of youth subjected to automatic transfers to adult court decreased by almost half.

Decreases in the Number of Arrests (2005-2015)

Relative to the national average, Connecticut Illinois and Massachusetts had the starkest decreases in violent and property arrests between 2005 and 2015, and outperformed all other states in reducing the use of confinement after they transferred youth under 18 out of the adult system.



Source: Department of Justice, Federal Bureau of Investigation, Uniform Crime Report

How have states not overwhelmed the juvenile justice system? A recent study published by the Justice Policy Institute (2017)

argues that **fiscal notes may not account for lower juvenile crime and rates of reoffending, especially as young people stay out of the adult system and are served in community based settings and juvenile facilities that are more rehabilitative, educational and developmentally appropriate than adult facilities.** The study recommends investing in diversion and probation aftercare and reducing the use of pretrial detention as additional ways to contain costs and enhance safety.

Connecticut, Massachusetts, Maryland and Vermont have introduced legislation proposing raising the age to 21.

## Illinois

In 2010, Illinois incorporated into the juvenile system 17 year olds charged with misdemeanors. The state raised the age of juvenile court jurisdiction to 18 in 2014.

- From 2005 to 2015, Illinois experienced **decrease of 46% in arrests** related to property crimes and **69%** reduction in violent crime arrests.
- Between 2009 and 2011, there was a **24% reduction in arrests** of youth between 10 and 17 years old and a **22% reduction in juvenile justice incarceration for all ages, and a 15% reduction in adult felony incarceration** of 17 year olds.
- One detention center and two state incarceration facilities have closed due to low numbers of residents.
- Illinois started a **community restorative justice court** for 16 to 18-years-olds starting in spring 2017 for misdemeanor and felony cases.
- Lawmakers have recently released several bills related to raise the age, including **HB 6308, which would raise the age to 21 for misdemeanors, and HB 6191, which would do so for felonies.**

## Massachusetts

Massachusetts raised the age of juvenile court jurisdiction from 17 to 18 years old in 2013.

- From 2005 to 2015, Massachusetts experienced a **decrease of 48% in arrests** related to property crimes and **33%** reduction in violent crime arrests. The number of youth detained and confined decreased.
- The cost to taxpayers of transferring most 17 year olds to the juvenile system was estimated at \$24.57 million for hiring new probation officers and clinicians. The Institutional cost to build 200 beds in 14 programs was projected at \$20.5 million. **The juvenile justice department received 37% less than the estimate: \$15.6 million.**
- SB 947 for consideration this legislative session would **raise the age of offenders sent to juvenile court to 21.**

## New York

In April 2017, New York passed raise the age legislation to include most 16 and 17 year olds in the juvenile justice system over the course of two years. Cases involving these youth will be heard in the Family Court, either by origin (for misdemeanors) or through transfer from the Youth Part of the adult criminal court.

- The newly created Youth Part of the adult criminal court will handle all felony cases. **Non-violent felonies will be transferred to the Family Court** unless the District Attorney files a motion showing “extraordinary circumstances” justifying that the case should be kept in adult court. The judge must decide within 5 days of the motion or a hearing whether to prevent the transfer to family court.
- **Violent felonies** not including a deadly weapon, resulting in significant physical injury or unlawful sexual conduct will also be transferred to Family Court by the same guidelines as above. Violent felonies that DO include these circumstances can only be transferred to Family Court with the consent of the District Attorney.
- Vehicle and Traffic Law Cases and Class A felonies (except for Class A drug offenses) will be processed in the Youth Part of the adult criminal court.
- 16 and 17 year olds managed in the Youth Part will be “Adolescent Offenders” and receive adult sentencing, although the judge must consider age and maturity. All youth under the age of 18 will be held in juvenile facilities.

### References:

- *Raise the Age*, Justice Policy Institute (2017)
- *Raise the Age NY Bill Summary* (2017)