



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

Senate Democrats Call For Real Action On Raise The Age, Don't Want Half-Measures

ANDREA STEWART-COUSINS February 13, 2017

| ISSUE: **RAISE THE AGE**

Albany, NY - The Senate Democratic Conference today demanded real action to raise the age of criminal responsibility for non-violent, youth offenders. The Senate Democrats have led the fight to Raise The Age since 2012 when legislation was first introduced to address this crisis. Under the Senate Democratic proposal 16- and 17-year-olds who commit non-violent crimes would be held to an age-appropriate level of responsibility which would ensure that children are not housed in the same correctional facilities as adults. This version of Raise the Age is the only version that will actually move our state forward and protect our children.

“Raise The Age must be more than a slogan or a way to score political points and headlines,” Senate Democratic Leader Andrea Stewart-Cousins said. “The Senate Democrats have led the fight to Raise The Age in New York State, and Senator Velmanette Montgomery has sponsored this legislation for over 5 years. The Senate Republican-IDC Coalition need to accept the facts that incarcerating our non-violent youth with hardened, adult criminals is cruel, costly, and ineffective. The Senate Democrats will keep up the fight to Raise The Age and bring New York State in line with the rest of the nation.”

Bill Sponsor, Senator Velmanette Montgomery said, "Raise the Age is a vital part of the Senate Democratic Conference's vision for reforming juvenile justice in New York State. Under the leadership of Senator Andrea Stewart-Cousins, the Senate Democrats continue to lead efforts to fundamentally change the way youth are treated in our criminal justice system. Raising the Age must be complemented with investments in alternatives to incarceration and educational and professional opportunities for our most vulnerable youth. Only then will we have a comprehensive approach that puts us on the path to ending mass incarceration and permanently ending the prison pipeline."

The Senate Democrats understand that incarcerating youth-offenders and treating them as hardened criminals will often lead to a vicious cycle in which these New Yorkers will likely never be able to become productive members of society. Youth housed in adult facilities are at considerably higher risk of being injured and/or sexually assaulted and are much more likely to commit suicide. The Senate Democratic bill to Raise The Age, would reduce recidivism and would likely save the state over \$100 million per year.

Senator John E. Brooks said, "Raising the Age in New York State should not be a political issue, but about doing the right thing. Aside from North Carolina, New York is the only other state still prosecuting 16-year-old children as adults. Research has proven that does not help our children nor does it help keep our communities safe. We must end the cycle and ensure that our children get the help they need to grow into contributing adults, not hardened criminals."

Senator Leroy Comrie said, "Incarcerating 16 and 17-year-old nonviolent offenders with adults is a disgraceful and destructive practice that does nothing to keep our communities safe. That is why 48 states have abandoned this practice. I am proud to stand with Senator Montgomery and my colleagues in the Democratic Conference in calling for the State Senate to pass Raise the Age legislation."

Senator Martin Malavé Dilan said, “I cannot think of a single argument against raising the age of criminal responsibility in New York. It doesn’t serve as a deterrent. It has no regard for the offense. It contradicts every principle that seeks to move our criminal justice system toward rehabilitation and away from punishment, principles that came about in the 18th century. Our best hope to correct behavior lies with our youngest offenders, and that hope is lost when we automatically sentence them to prison. It has to stop.”

Senate Democratic Deputy Leader Michael Gianaris said, “Forty-eight states correctly recognize that 16 and 17-year olds should not be tried as adults, but New York is not among them. This is unreasonable in a progressive state like ours that takes pride in treating its citizens fairly. Enacting critical criminal justice reforms like this will ensure greater equity for our fellow New Yorkers and should be done as quickly as possible.”

Senator Brad Hoylman, Ranking Member of the State Senate Judiciary Committee, said, “New York’s age of criminal responsibility at just 16 years destroys young lives and results in vast costs to individuals, families and society, in addition to enormous human suffering. I’m grateful to Senator Montgomery for championing this issue for years and join my Senate Democratic colleagues in demanding that Albany correct this egregious deficiency in New York’s legal system.”

Senator Liz Krueger said, “In 2017 it is simply unconscionable that New York State continues to throw children into the same criminal justice system faced by adults. Instead of being a leader in smart, effective, and humane criminal justice policy, we are one of only two states lagging way behind on this issue. And though it is no surprise, it is a shameful fact that the vast majority of 16- and 17-year-olds arrested in this state are children of color. I stand with my Senate Democratic colleagues in calling for a comprehensive approach to raising the age of criminal responsibility, and I commend Senator Velmanette Montgomery in particular for her years of work developing the right solutions.”

Senator Roxanne J. Persaud said, “I am in full support of Raise the Age and any initiative that would enable young people to create positive change. If we say that we care about the next generation then we must make a distinctive commitment to ensure our policies for young people are not only transformative but sustainable. The more the public understands the rationale for Raise the Age, the more Raise the Age will be welcomed by all.”

Senator Gustavo Rivera said, “Our State’s criminal justice system should not treat children the same way as it does adults as it places these children in a precarious and unjust situation where they are more likely to experience abuse and reoffend. The Senate Democratic Conference will continue to fight to pass this common sense measure and call on Senate Republicans to work with us to finally remove our State from that shameful list of States nationwide that continues to prosecute children 16 years and older as adults.”

Senator James Sanders Jr., said, “While it is important to be tough on crime, it is also important to recognize that adolescents are children and they should not be prosecuted in the same way as adults or placed in prisons alongside hardened criminals. Doing so, only scars our youth, endangers their safety and increases the rate of recidivism. However, New York continues to lag behind the times when it comes to reforming this aspect of our criminal justice system. It remains the only state other than North Carolina that prosecutes all youth as adults when they reach 16 years of age. This must change. We need to Raise the Age of criminal responsibility for children in New York, but at the same time we should be teaching our young people how to make responsible choices and steer them away from negative or delinquent behavior.”

Senator Daniel Squadron said, “There’s a reason 48 state recognize that assuming 16 and 17 year olds are adults in the criminal justice system is wrong -- it’s terrible for the kids, that state, and the cause of justice. The time is long overdue for this common-sense justice reform. I thank Leader Stewart-Cousins, Senator Montgomery, and the Democratic

Conference for continuing the push, as well as the Governor, Speaker Heastie and the Assembly.”

Senator Toby Ann Stavisky said, “New Yorkers pride themselves as innovators of progressive government. Unfortunately, our criminal justice system is stuck in the past. Nearly 28,000 16- and 17-year-olds and more than 600 children between the ages of 13 and 15 are processed in adult criminal courts, diminishing any real shot of turning their life around. These children face physical and emotional abuse in an environment that stunts their cognitive development. I find it unacceptable that New York and North Carolina stand alone as the only states that prosecute all youth as adults when they turn 16. I stand with my colleagues in the Senate asking the Republican majority to recognize what is fact: we cannot place children into the adult criminal justice system. It does not work for them and it does not work for public safety.”

Hector Figueroa, President of SEIU 32BJ, said, “Keeping children out of the adult criminal justice system reduces crime, protects our communities, and gives youth a chance at rehabilitation. New York State should immediately pass comprehensive legislation to raise the age of criminal responsibility and provide 16 and 17-year-olds with age-appropriate interventions that give them a real chance to improve their futures.”

Jennifer March, Executive Director of the Citizens’ Committee of Children, said, “It’s time for New York to finally get smart on crime and raise the age of criminal responsibility. New York should join the 48 other states who have raised the age and ensure our system of justice holds youth accountable in an age-appropriate manner. We thank the Governor, the State Assembly and State Senate for their support to pass common sense legislation that would improve outcomes for our youth and improve public safety within our communities.”

Stephen J. Acquario, Executive Director of the New York State Association of Counties (NYSAC), said. "Counties have supported the public policy goals of raising the age of criminal responsibility from 16 to 18 for nonviolent offenses, but we have also consistently raised concerns about the costs of such actions. Previous proposals to raise the age have included 100 percent state reimbursement of all new costs associated with this policy change. The current proposal no longer provides this full state funding guarantee and also requires county taxpayers to front the bill and then seek partial state reimbursement later, a notable challenge when we are operating under a tax cap," "We support state legislative efforts to ensure the state covers 100 percent of the new costs related to this policy change, while ensuring that new property tax cap pressures are not unintentionally created."

Allison Lake, Deputy Director of Westchester Children's Association, said, "As the lead agency in Westchester County for the Raise the Age NY campaign, Westchester Children's Association (WCA) welcomes the support of the Senate Democratic Leader, State Senator, Andrea Stewart-Cousins. Treating 16 and 17 year olds as children, rather than adults, in the justice system will positively impact the lives of over 700 Westchester youth every single year. Only when the 7 Policy Principles set forth by the campaign are adopted, will real reform be achieved. These reforms will provide our county's youth with the rehabilitative, therapeutic and educational opportunities that will help them turn their lives around. With the right supports youth are less likely to recidivate, therefore making our communities safer and giving our young people the chance for a productive, engaged future."

Ron Bunce, Executive Director of the National Association of Social Workers-NYS, said, "We are hopeful that change is imminent with respect to Raising the Age of criminal responsibility. It is long past the time for New York State to join with the other 48 states in the nation that recognize and support the research that demonstrates youth are not the same developmentally as adults and therefore should not be treated as such. We will

continue to work with the Raise the Age NY Campaign to advocate for developmentally appropriate reforms.”

Paige Pierce, CEO of Families Together in New York State, said, “We’ve spent years presenting the scientific and fiscal evidence, advocating for reformation of an archaic system, and sharing the dire consequences our current system exacts on youth and their families. The time has come to Raise the Age. We, the families, are urging the legislature and Governor to reach an undoubtedly life-saving consensus for our youth and we stand hopeful this will be the year.”

Jennifer Jones Austin, CEO and Executive Director of FPWA, said, “By raising the age of criminal responsibility in New York, we have an opportunity to help change the life trajectories of many young people. Research has demonstrated the negative impact adult incarceration has on youth, families and society as a whole. We look forward to working with the Senate Democratic Conference and all allies to ensure fairness and humanity for our youth.”

Naomi Post, Executive Director of the Children’s Defense Fund - New York, said, “We are encouraged by the Senate’s prioritizing criminal justice reform that would treat youth charged with crimes in an age appropriate manner to ensure their successful rehabilitation while enhancing public safety. With leadership from the Governor, Senate and Assembly, New York is positioned to join 48 other states in being smart on crime.”

Laurie Parise, Executive Director of Youth Represent, said, “Youth Represent applauds the Senate Democratic Conference for introducing a comprehensive proposal built on the pillars of science, public safety, and fairness for our youth. We urge the legislature and governor to act swiftly to pass Raise the Age and protect thousands of young New Yorkers from the lifelong harms of adult prosecution and incarceration.”

Jessica Wisneski, Legislative and Campaigns Director, Citizen Action of NY, said, “When we treat our children like seasoned criminals, we strip them of their right to change and grow, and we knowingly put their safety and welfare at risk. These kids deserve a second chance- their future is not etched in stone. Now is the time to put an end to a broken cycle and stand up for New York’s kids.”

RELATED LEGISLATION

2017-S4121

- Introduced

- ◦ In Committee Assembly
 - In Committee Senate

- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Raises the age of criminal responsibility to eighteen; repealer

February 03, 2017

In Senate Committee [Codes](#)

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