



NEW YORK STATE SENATOR

Velmanette Montgomery

## Analysis of Differences between Governor's Proposal and Lentol-Heastie (A.4876)/Montgomery (S.4157) Raise The Age Legislation

SENATOR VELMANETTE MONTGOMERY March 16, 2017

| ISSUE: **RAISE THE AGE, JUVENILE JUSTICE REFORM, CRIMINAL JUSTICE REFORM**



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*A.4876/S.4157 passed the Assembly and is the Raise the Age proposal supported by the Assembly Speaker, his Assembly Majority, the Senate Democratic Conference as well as the Black, Puerto Rican, Hispanic & Asian Legislative Caucus.*

While the Governor has offered an alternative version as part of his Executive budget proposal, there are some **significant differences between the two bills**:

- o **S. 4157 would Raise the Age for non-violent youth offenders to 18-years old on January 1, 2018; while the Governor’s proposal would stagger the raise to 17-years old on January 1, 2018 and then 18-years old on January 1, 2020** (This time difference would have an enormous impact on the approximately 28,000 children who are charged as adults annually; 70% of these children are charged with misdemeanors).

- o **S.4157 also makes provisions for youth with mental disabilities and who are unable to stand trial, but the Governor’s plan does not address this issue.**

- o **When it comes to sealing records to help youthful offenders move past their indiscretions after they serve their sentence, the Governor’s plan would require a 10-year wait to seal records, S4157 has a 1-year wait for misdemeanors and a 3-year wait for felonies.**

- o **The governor’s bill also has a higher number of offenses that youth can still be charged with as an adult.**

- o **Senator Montgomery's bill requires all vehicle and traffic violations be handled in Family Court, the Governor’s bill still has traffic and vehicle violations assigned to Criminal Court; and still has charges for simple drug possession, also assigned to Criminal Court. As we move toward decriminalization of marijuana, Raise the Age legislation must reflect this.**

**These distinctions between the two bills are meaningful, and that is why Senator Montgomery urges the Senate Majority Coalition to follow the Assembly’s lead and bring S. 4157 to the floor for a vote.**

For more info, download the chart comparing the two Raise the Age proposals.

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RELATED LEGISLATION

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**2017-S4157**

- 
- 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
  
  -

Relates to raising the age for prosecution of certain crimes

February 03, 2017

In Senate Committee [Judiciary](#)

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Do you support this bill?