



NEW YORK STATE SENATOR

Velmanette Montgomery

The Devil is in the Details - Governor's Raise The Age Budget Proposal vs S4157/A4876 backed by the Senate Democratic Conference, Assembly Democrats and Black, Puerto Rican, Hispanic and Asian Legislative Caucus members.

SENATOR VELMANETTE MONTGOMERY April 1, 2017

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

<b>Sealing the Record</b>	10-year waiting period before sealing up to two convictions. The conditional sealing of a conviction may be opened upon re-arrest and can be used by a prosecutor to charge a more serious crime.	One year for misdemeanor and three years for a felony. Much shorter waiting period to seal up to two convictions. This bill makes it easier for individuals to have convictions sealed by removing any future obstacles as a result of conviction to employment, housing, or government sponsored financial programs quicker.
<b>Sentencing</b>	Judges have limited discretion. Increases the amount of time kids charged with felonies spend in detention facilities.	Judges have more discretion to sentence kids appropriately.
<b>Placement of Facilities</b>	There is no language that assures that facilities will be constructed "close to home" nor in in smaller home-like facilities.	Language that supports home like facilities near home and family.
<b>Removal from Adult</b>	District Attorneys have more discretion. More cases require	Maximize the amount of cases originating in Family Court with Judicial discretion.

There are significant differences between the Governor's Raise the Age budget proposal and the bill (S4157/A4876) backed by the Senate Democratic Conference, Speaker Heastie and the Assembly Democrats and the Black, Puerto Rican, Hispanic and Asian Legislative Caucus members.

The Governor's proposal includes:

- 60 new offenses that will force children into Adult Criminal Court
- A 10-year waiting period to seal juvenile records
- Assign simple drug possession, traffic and vehicle violations to criminal court
- Allocates \$110 million to build a new youth detention facility

The Senate Democratic Conference, Speaker Heastie and the Assembly Democrats and the Black, Puerto Rican, Hispanic and Asian Legislative Caucus members are fighting for a Raise the Age proposal that will protect children and not just create a new pathway for them into adult prisons. I continue to call on the powerbrokers in the Senate: Senator Flanagan and Senator Klein to stand with Senator Stewart-Cousins, the Senate Democratic Conference and Assembly to support S4157/A4876 and Raise The Age Right.

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#### RELATED LEGISLATION

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### **2017-S4157**

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- 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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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?