



NEW YORK STATE SENATOR

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## 2017 Raise the Age Legislation Top 10 Things You Should Know

SENATOR VELMANETTE MONTGOMERY April 11, 2017

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

### 2017 Raise the Age Legislation Top Ten Things You Should Know

1. This act takes effect on **October 1, 2018 for 16 year olds**; and will take effect on **October 1, 2019 for 17 year olds**.
2. Sealing Provision has a 10-year look-back period. **Starting October 10, 2017**, eligible individuals convicted of non-violent offenses may apply for the sealing of up to two misdemeanors and up to 1 felony. **Sentencing Court will supply the form at the Clerk's Office.**
3. **Parental Notification of the Arrest** of a 16 and 17-year-old becomes **Mandatory**.
4. Starting April 1, 2018 and no later than October 1, 2018, all 16 and 17 year olds will be moved **OUT of Rikers Correctional Facility**.
5. Beginning October 1, 2018 all 16 year olds and subsequently beginning October 1, 2019 all 17 year olds, **adjudicated or pending prosecution** will be housed in **specialized secure detention facilities** for older youth that are certified and regulated by the Office of Children and Family Services in conjunction with the State Commission of Correction working with the local municipality and Sheriff.

6. **16 and 17 year olds convicted of a felony offense** sentenced to an indeterminate or determinate sentence will be committed to **Hudson Correctional facility** which is envisioned to be a hybrid adolescent facility run by the Department of Corrections with services and programming rendered by the Office of Children and Family Services.
7. Beginning October 1, 2018 all 16 year olds and subsequently beginning October 1, 2019 all 17 year olds, charged with most **MISDEMEANORS** will be diverted to Family Court **NOT** criminal court. **ALL violations and Vehicle and Traffic offenses including misdemeanors** will continue to be heard in **local criminal court**.
8. Beginning October 1, 2018 all 16 year olds and subsequently beginning October 1, 2019 all 17 year olds, charged with a **FELONY** offense will be sent to a **Youth Part in a Superior Court**.
9. A **presumption** has been inserted in the law to **direct as many non-violent felonies to a Family Court** for disposition absent extraordinary circumstances.
10. In place is a **legal mechanism to allow for the removal of certain violent felonies** to a Family Court, where the elements of the particular crime do not require or is **absent the use of a deadly weapon** in furtherance of a crime, offense did **not result in significant physical injury** and it did **not include an unlawful sex act or unlawful sexual contact**.