



State Senator Velmanette Montgomery

25th New York Senatorial District

Ranking Democratic Conference Member, Children & Families

RAISE THE AGE ANALYSIS

A. 4876 (Speaker Heastie-Assemblyman Lentol)/ S. 4157 (Senator Montgomery)

Differences	Governor's Proposal	Assembly Majority Conference A.4876 Lentol-Heastie/ Senate Democratic Conference S.4157 Montgomery
Sealing the Record	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.
Sentencing	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.
Placement of Facilities	There is no language that assures that facilities will be constructed "close to home" nor in smaller home-like facilities.	Language that supports home like facilities near home and family.
Removal from Adult Court to Family Court	District Attorneys have more discretion. More cases require the consent of District Attorneys before a case is removed from Adult Court to Family Court.	Maximize the amount of cases originating in Family Court with Judicial discretion. Allows all parties to request removal to Family Court.
List of Juvenile Offenses	Expanded list of approximately sixty offenses, which allows kids to be prosecuted in Adult Court.	Current list of juvenile offenses is updated to include acts of terrorism and other serious crimes but is still half of the expanded list proposed by the Governor.
Funding	Reimbursement is not guaranteed. Counties must apply for waivers, stay under the tax cap and reach other stringent requirements.	100% reimbursement to counties for implementation.