



Senator Velmanette Montgomery
Ranking Member, Children and Families Committee

Senate Democratic Conference



**Senate Democratic Leader
Andrea Stewart-Cousins**

Implementing Juvenile Justice Reform through “Raise the Age”

The Senate Democratic Conference has led the fight to ‘raise the age’ of adult criminal responsibility so that 16- and 17-year old kids are no longer automatically forced into the adult criminal justice system. Only New York State and North Carolina treat children so harshly, as the rest of the nation has already realized how cruel it is to treat children like adults in the corrections system. We need to end this practice, and not allow half-measures or watered-down compromises to keep our children behind bars.

The legislation supported by the Senate Democratic Conference (S.4157/A.4876) has already passed the State Assembly and has the support of the Black, Puerto Rican, Hispanic and Asian Legislative Caucus. This bill, sponsored for over five years by Democratic Senator Velmanette Montgomery, is the only true ‘raise the age’ option, as alternative plans would continue to lock up 16- and 17-year old kids and deny them services designed to help children reform and lead productive lives.

Activists, advocates and concerned parents all stood with the Senate Democratic Conference as we unveiled our ‘raise the age’ proposal. These advocate organizations created a list of principles that any bill which seeks to ‘raise the age’ must address, and only the Senate Democratic Conference option achieves all of these goals. The principles that determine if legislation would really ‘raise the age’ or not include:

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- Raise the age for nonviolent youth offenders to 18 years old on January 1, 2018;
- Require the State to reimburse 100% of expenses incurred by localities in implementing Raise the Age legislation;
- Ensure that all youth charged as juvenile delinquents are placed in non-institutionalized settings as close to their homes as possible;
- Raise the lowest age of juvenile delinquency from 7 to 12, or 10 in the case of the most serious crimes;
- Codify the prohibition on youth placement in adult correctional facilities;
- Ensure that parents are notified of their 16- and 17-year-old’s arrest, and protect youth’s Constitutional rights by requiring parental involvement when waiving *Miranda* rights;
- Maximize the number of cases that originate in Family Court, and ensure that cases heard in a Youth Part of an adult court are handled by judges trained to handle the intricacies of juvenile offender cases;
- Ensure enhanced investments to diversion services and alternatives to lower incarceration rates; and
- Provide a one-year wait for youth offenders with misdemeanors to have their records sealed and 3 years for felonies.

For more information about public protection and the 2017-2018 State Budget, visit my website at montgomery.nysenate.gov