

# Senator Velmanette Montgomery Introduces “Raise The Age” Legislation (S4157)



(Albany, NY) Senator Montgomery joined her colleagues in the Senate Democratic Conference to call on the Senate Majority Coalition to take real action to **Raise the Age** of criminal responsibility for non-violent, youthful offenders.



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New York Senate



## Senator Velmanette Montgomery Introduces “Raise The Age” Legislation

Senator Montgomery’s bill is the most comprehensive legislation available to help reform the criminal justice system and start protecting 16 and 17-year old nonviolent offenders immediately. New York State is one of only two states that still prosecutes children who are 16 and 17-years olds as adults.

- Thanks to Leader Stewart-Cousins and to all of my colleagues as well as the many advocates, judges, defense attorneys, youth and parents who have worked for many years to get us to this point.
- I have been proud to sponsor **Raise the Age** legislation since 2012 and I am glad this issue is finally getting the attention it deserves.
- **This year I am once again sponsoring S.4157 which is the same version as Assembly bill A.4876 sponsored by Assembly member Joe Lentol, which passed the Assembly. This Raise the Age legislation is the third major initiative which is part of an ongoing movement by the legislature to reform the juvenile justice system.**

- First, **The Close to Home Program** which brought younger people closer to their communities from upstate facilities at a cost of over \$150,000 per child per year. This legislation was passed when Senate Democrats were in the majority.
- Last year, the state budget included funding to move juveniles from DOCCS facilities across the state into a special facility which was renovated to more appropriately house youth.
- In addition, the Senate Democratic Conference has continued to support funding for **various youth diversion and alternative to incarceration programs** in our budget process over the years.
- The fact that we are one of only two states-together with North Carolina-which still automatically charges 16 and 17-year-olds as adults is despicable.
- We must do better, and we must **Raise the Age** now!
- **My legislation would move adolescent cases out of Criminal Court into the Family Court.** The reality is that Family Courts have more resources to better help adolescents and give the family more support.
- Youth that go through the adult criminal justice system are **34% more likely to be re-arrested** than youth that go through the juvenile justice system. The move to Family Court would reduce recidivism and lower the cost to the state.
- **When we Raise the Age children will no longer be forced to sit in a local jail (Rikers Island) or locked away in a state prison with adults.**
- The legislation I have introduced (**S.4157**) includes the best principles of reform for our youth. **In addition to the Senate Democratic Conference, it has the support of the Speaker, his Assembly Majority as well as the Black, Puerto Rican, Hispanic & Asian Legislative Caucus.** I would say we have a 2 and half way agreement.
  - I am confident that once passed by the Assembly and the Senate, the Governor would sign my bill as it is the most comprehensive option on **Raise The Age.**
- Advocates have laid out seven policy principles on why **Raise the Age** is so important and how to best implement a fairer juvenile justice system. **My legislation is the best option to achieve all seven of those priorities.**
- While the **Governor has offered an alternative version, there are some significant differences between the two bills:**
  - My legislation (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**).
  - **My legislation 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.**
  - **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, while my bill has a 1-year wait for misdemeanors and a 3-year wait for felonies.**
  - **The governor's bill also has a higher number of offenses that youth can still be charged with as an adult.**
  - **My legislation 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 I urge the Senate Majority Coalition to follow the Assembly's lead and bring my legislation to the floor for a vote.**
- I know the Governor supports Raising The Age, and I believe that he will sign my bill into law after it is passed in both Houses of the Legislature.
- Delaying a vote and trying to water down this widely-supported legislation will simply harm our kids, and that is cruel and unacceptable!
- This is not a time to half step.

**We must Raise the Age now and do it the right way.**



## Senator Velmanette Montgomery

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