



# 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
<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 smaller home-like facilities.	Language that supports home like facilities near home and family.
<b>Removal from Adult Court to Family Court</b>	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.
<b>List of Juvenile Offenses</b>	<b>Expanded list of approximately sixty offenses, which allows kids to be prosecuted in Adult Court.</b>	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.
<b>Funding</b>	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.