

HB2404

## Raising the Age

Currie/Cassidy/Gabel/Ford/W. Davis/Welch

### Juvenile Court

**Raise the Age** of Juvenile Court to eighteen for all offenses. Currently, youth age seventeen are tried in juvenile court for misdemeanor offenses but tried in adult court for felony offenses. With this change, youth age seventeen would be tried in juvenile court for both misdemeanor and felony offenses – except those youth who are transferred to adult court. The Illinois Juvenile Justice Commission has studied the impact of Illinois' earlier misdemeanor change (trying youth age seventeen charged with misdemeanor offenses in juvenile court). The Commission has recommended raising the age of jurisdiction for juvenile court – [www.ijjc.illinois.gov/rta](http://www.ijjc.illinois.gov/rta).

### **This is a good public policy decision because Raising the Age is...**

- ✓ consistent with legal trends ✓ consistent with adolescent development and behavior ✓ beneficial for public safety
- ✓ an efficient use of juvenile court resources ✓ helpful to long-term costs

### **Fiscal Impact:**

1. **IS NEGLIGIBLE.** The Juvenile Justice Commission studied the impact of the 2010 jurisdictional misdemeanor change and found that the impact was minimal. The Commission has recommended raising the age to include felony charges:
  - this change is anticipated to be manageable
  - this change promotes uniformity and clarity
2. This bill only impacts a small group of offenders - those seventeen, charged with a non-serious felony (serious, violent felonies are left in the adult court through automatic transfer provisions).
3. Connecticut recently changed the age of upper majority and was still able to continue to reduce residential commitments and even close one juvenile detention center.

### **Why is it Needed:**

- The age of majority for most legal matters is reached on the 18th birthday. The federal government and 38 other states use the 18th birthday as the age of adult criminal jurisdiction; this would make Illinois law consistent with the overwhelming majority of other jurisdictions.
- Benefits of juvenile court jurisdiction, including mental health services, drug treatment, and community-based services under the Balanced and Restorative Justice approach to juvenile justice would be available to all 17 year olds.
- From a developmental and social perspective, it also makes sense to raise the age. The large majority of youth under 18 are still in high school. By adopting 18 as the accountability age, we would be using high school graduation as the milestone that separates minority from adulthood.
- Sentencing 17 year old youth as adults disproportionately impacts African American and Latino youth. Of those 17 year olds held in the Cook County jail, over 95% are youth of color (7/3/06 – 83% Black & 14% Latino).

### **What This Bill Does Not Do:**

- The bill does not change any transfer statutes so youth would still be subject to all adult court transfer provisions. It should be noted that certain felony crimes can be transferred to the adult criminal court at the age of 13 in Illinois.
- The bill does not apply retroactively.

### **Bill Supporters:**

Juvenile Justice Initiative  
ACLU of Illinois  
Illinois PTA  
Catholic Conference  
Sargent Shriver National Center on Poverty Law  
Metropolis Strategies  
DLA Piper, Global Law Firm  
John Howard Association  
Illinois African American Commission  
Illinois Collaboration on Youth  
Enlace Chicago  
Lutheran Social Services of Illinois  
Lutheran Advocacy-Illinois  
ACLU of Illinois  
Cook County Public Defender's Office  
Child Care Association of Illinois  
Youth Outreach Services  
Cook County Justice for Children  
Project Nia  
Precious Blood Ministries  
Sankofa Safe Child Initiative  
ChildServ  
Kolbe House  
Youth Advocate Programs, Inc  
ChildServ  
Tamms Year Ten

## **U.S. Attorney General's Task Force Recommends Against Trying Youth As Adults**

Cites recent Supreme Court Decision on Miller, Research on Recidivism

(Washington, D.C.) -- Today, after a year-long exhaustive study, the Attorney General's Task Force on Children Exposed to Violence issued comprehensive recommendations to the Attorney General on reducing childrens' exposure to violence, including a recommendation to abandon policies that prosecute, incarcerate or sentence youth under 18 in adult criminal court. According to the report, "We should stop treating juvenile offenders as if they were adults, prosecuting them in adult courts, incarcerating them as adults, and sentencing them to harsh punishments that ignore their capacity to grow."

"The Task Force's recommendation to remove youth from adult criminal court is grounded in the latest research on effective approaches to reducing juvenile crime," says Liz Ryan, CFYJ's President and CEO. "We look forward to working with Attorney General Holder and members of the Task Force to ensure that federal and state policies and budgets align with this recommendation."

An estimated 250,000 youth under the age of 18 are being handled by the adult criminal justice system each year and nearly 100,000 youth are cycled through adult jailed and prisons on an annual basis in the United States. According to research by the Bureau of Justice Statistics, 21% and 13% of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005 and 2006 respectively were youth under the age of 18. Research also shows that youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

Studies across the nation have consistently concluded that juvenile transfer laws are ineffective at deterring crime and reducing recidivism. U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the federal Centers for Disease Control and Prevention have sponsored research highlighting the ineffectiveness of juvenile transfer laws at providing a deterrent for juvenile delinquency and decreasing recidivism.

The Task Force's recommendation reflects the policies of all the major professional associations representing juvenile and adult criminal justice system stakeholders such as the American Correctional Association, the American Jail Association, the Council of Juvenile Correctional Administrators, the National Partnership for Juvenile Services, and the National Association of Counties that highlight the harm youth are subjected to in the adult criminal justice system.

Additionally, the Task Force's recommendation is consistent with the latest state law reforms according to an August, 2012 report, "Trends in Juvenile Justice State Legislation 2001 - 2011" released by the National Conference of State Legislatures (NCSL), showing that numerous states have undertaken policy reforms in the last decade to remove youth from the adult criminal justice system and from adult jails and prisons.

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The Campaign for Youth Justice (CFYJ) is a national organization dedicated to ending the practice of trying, sentencing and incarcerating youth under the age of 18 in the adult criminal justice system.

## Upper age of juvenile court jurisdiction by state-

<u>Age</u>	<u>Number of States</u>
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15	2 states: North Carolina and New York
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(16- and 17- year-olds automatically are tried in the adult system.)

16	10 states: Georgia, Illinois**, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas and Wisconsin
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(17- year-olds automatically are tried in the adult system. \*\* Upper age rose from 16 to 17 for those accused of misdemeanors only, effective 2010. Therefore, 17 year-olds in Illinois are automatically tried in adult court if accused of a felony offense)

17	38 states
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**NOTE:** 2 of these states have made provisions for youth **past the age of 17**. In 2009, **Colorado** expanded eligibility for sentencing for select **youth ages 18 to 21** to the youthful offender system instead of to the adult offender population. In 2010, **Oklahoma** measure provided that those up to **six months into age 18** can be adjudicated in the juvenile system for misdemeanors.

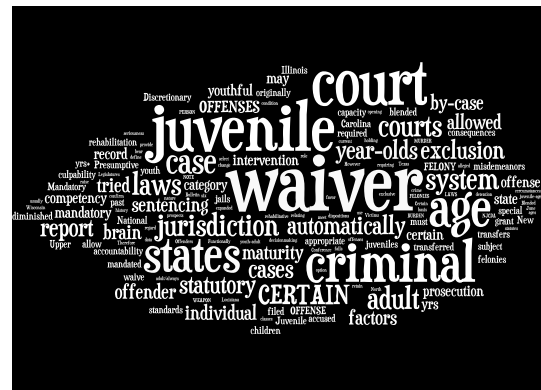
**Eighteen (18) is the age of majority in most laws in Illinois.** Currently in Illinois, a young person under 18 years of age does not have the right to vote; cannot obtain a full driver's license; cannot serve in the military; must abide by statewide curfew; cannot legally purchase tobacco, lottery tickets, or pornography; are identified as child victims in child abuse cases and cannot apply for entitlements or benefits. As of January 1, 2010, 17-year-olds charged with misdemeanors in Illinois are tried in juvenile court rather than adult court. Advocates including JJI are currently working to "Raise The Age," or to allow 17-year-olds charged with felonies to be tried in juvenile court rather than adult court.

**Q: How many states try seventeen year olds in the juvenile court?**

**A:** The overwhelming majority, thirty-eight (38) states, allow youth to be tried in the juvenile justice system until they turn the age of 18. It should be noted that Colorado, Oklahoma, and Missouri have made provisions to expand eligibility for youth over the age of 18 in specific circumstances.

**Q: What about other countries?**

**A:** The US stands alone in trying youth under the age of 18 as adults. International law (U.N. Convention on the Rights of the Child) establishes the age of adulthood and criminal responsibility at the age of 18. Every nation has ratified the Convention, except the United States, Somalia, and South Sudan.



## **Rietz not opposed to new recommendation on juvenile court**

Wed, 02/27/2013 - 2:52pm | [Carol Vorel](#)

The Champaign County state's attorney said she does not disagree with a state recommendation to try all 17-year olds as juveniles.

For many years, teenagers in Illinois were charged in adult criminal court once they turned 17. But in 2010, the Legislature changed the law and placed 17-year olds facing misdemeanor charges in juvenile court.

Now, the Illinois Juvenile Justice Commission is making the case for a change. Under the proposal, 17-year olds would be eligible for transfer to adult court for serious crimes, such as murder, sexual assault and gun crimes.

State's Attorney Julia Rietz says the split system has caused great confusion.

Rietz also said she supports making either 17 or 18 the age when a young person becomes an adult in the eyes of the law, as long it applies to both felonies and misdemeanors for that age group.

The change in law is in the hands of the General Assembly. There's no indication on when lawmakers would consider the change.

Seems fair to make it 18, since that's also the age people are allowed to vote and are generally considered adults. I've wondered if there could be a special category for young offenders who commit serious crimes where they became eligible for release at a certain age, but could continue to be held if they seemed to be dangerous.

**Source URL:** <http://www.news-gazette.com/news/courts-police-and-fire/2013-02-27/rietz-not-opposed-new-recommendation-juvenile-court.html>