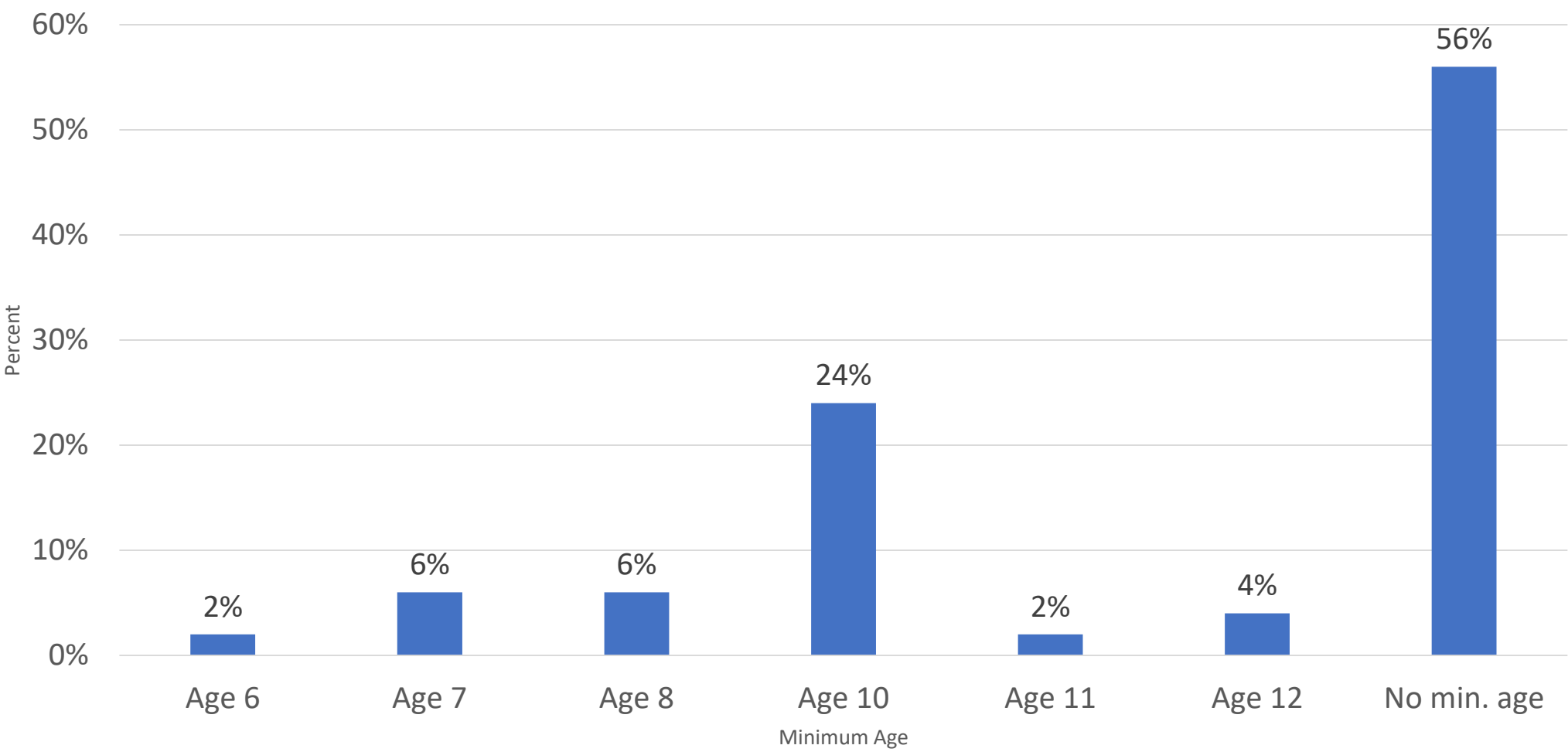


Raising the Lower Age

November 12, 2019
Subgroup Meeting

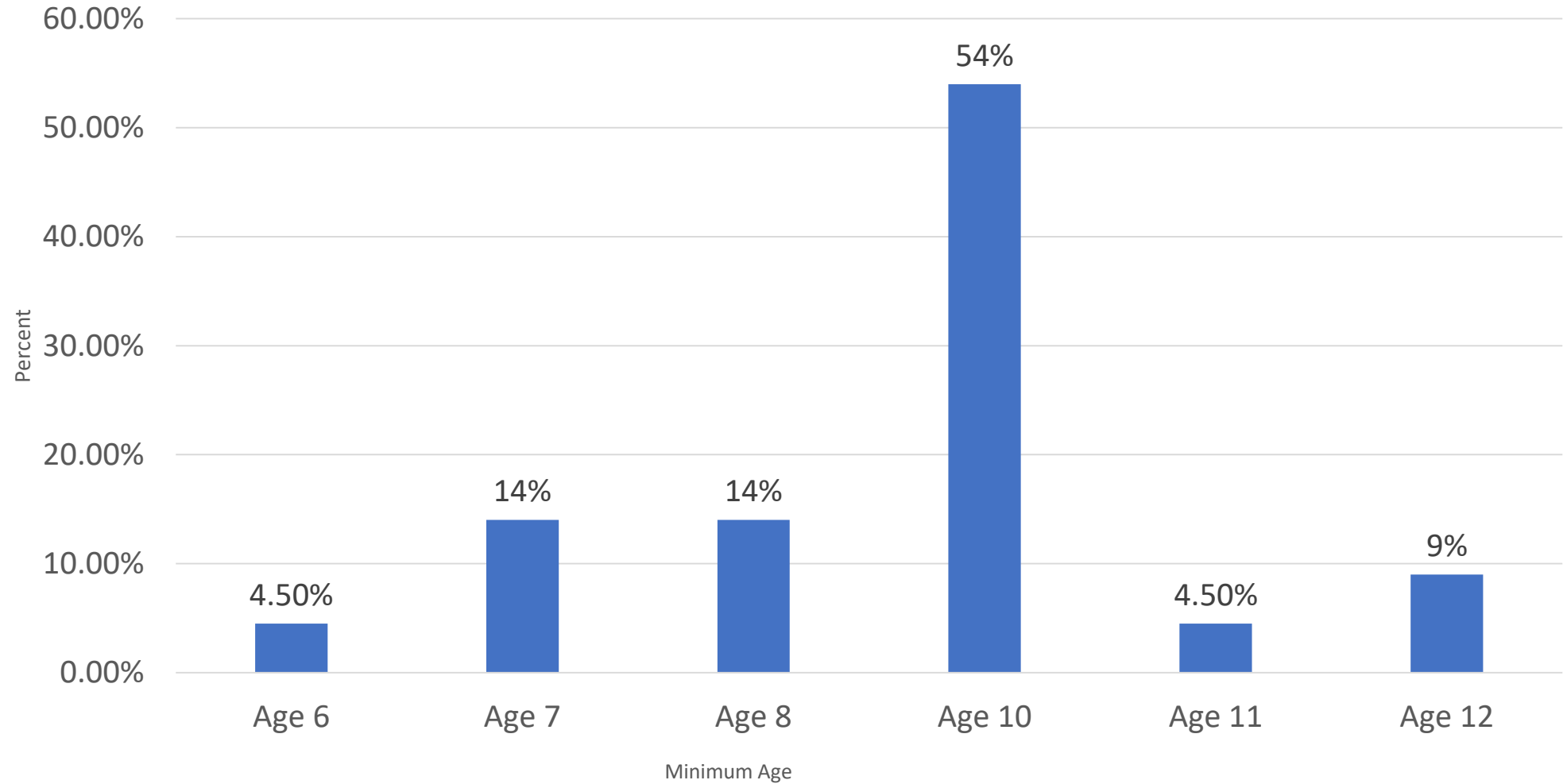
United States

Minimum Age of Criminal Responsibility in the U.S.



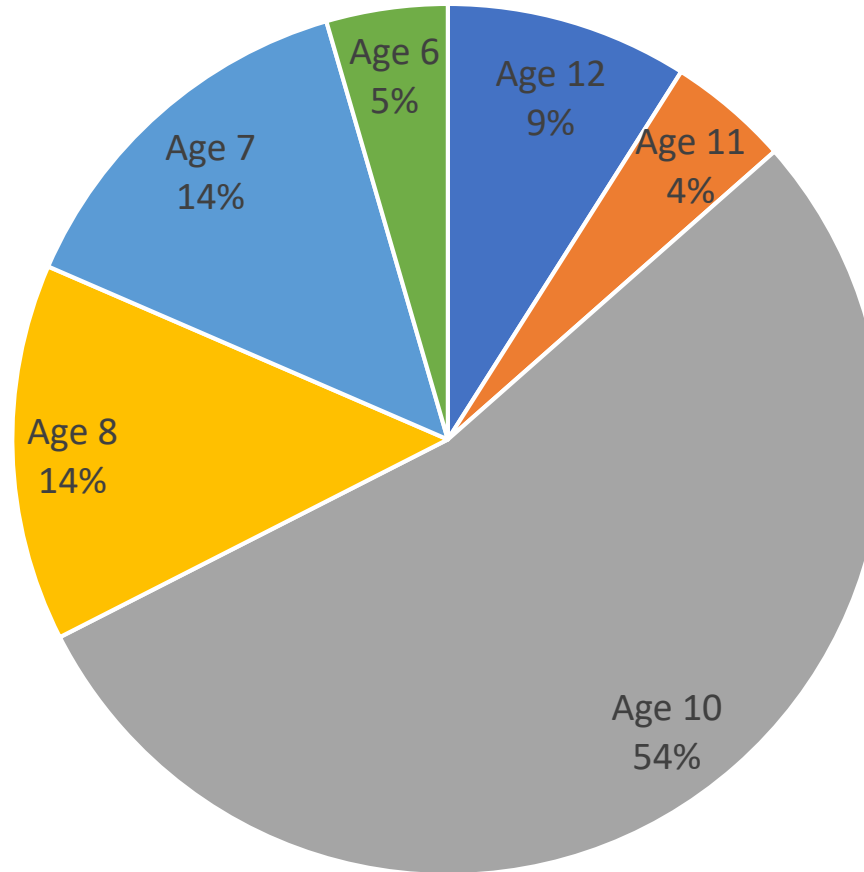
United States

22 States with Established MACR



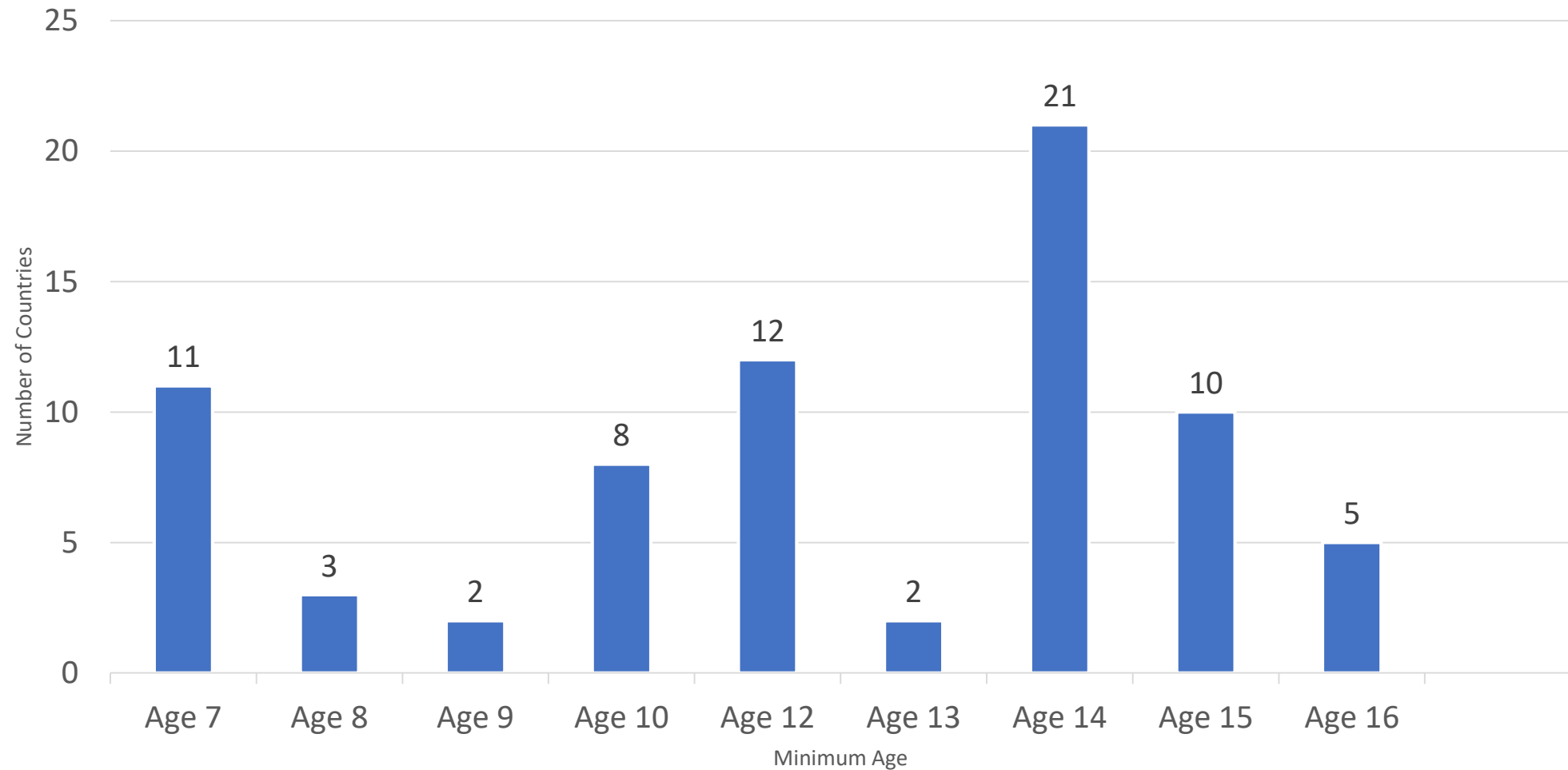
United States

22 States with Established MACR



Internationally

Nations with Established MACR



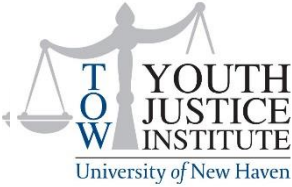
California



- **History**

- previously no minimum age
 - CA juvenile court had jurisdiction over all children under age 18
- Early interactions with the justice system lead to harms in a child's developmental and educational outcomes
- Research shows that the earlier a minor enters the justice system, the more likely he is to become a chronic offender
- New laws are more in line with developmental brain science that shows that teenage brains need a longer time to mature into adulthood

California



- **Legislation SB 439**

- Pushed for by Governor Brown- authored by Senator Holly J. Mitchell
- Supporters of bill included hundreds of supporters including youth who had been personally affected
- Exceptions: does not apply to children that commit: murder, rape, sodomy, oral copulation or sexual penetration
- The Bill states that juvenile court has jurisdiction over a minor when: minor is between 12-17 years old & the minor violates and CA law, US law, or municipal ordinance

- **Current/Transition:**

- MACR: 12 years old
- Senate Bill 439- signed in September 2018, went into effect Jan 1st 2019

Nebraska



- LB 894 in 2016 established a of MACR- 11 years to be implemented in 2017
 - no carve-outs
- A jurisdictional switch-flip from delinquency to dependency for these cases, allowing (but not requiring) court jurisdiction and rehabilitative interventions on the basis of a child-in-need-of-services type of case
 - Secure detention and commitment to our youth prisons are off the table
 - the child doesn't face charges, but other out of home placement etc. is still possible through that type of filing
- The same year the MACR of 11 was established, a "10 year old boy who had been brought along with an older brother and cousin to a drug deal that went wrong, the 30-year old dealer ended up getting shot and all three boys were charged with murder:
 - Young boy- traumatic circumstances beyond his control
 - Dependency-style case- services and supervision wrapped around the entire family, would more appropriate and still allow for rehabilitative interventions to keep him and the community safe

Nebraska



As of July 1, 2017:

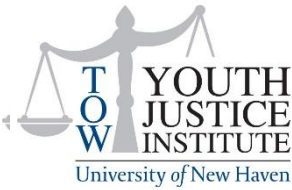
- **Sec. 2:** The juvenile court in each county shall have jurisdiction of any juvenile who has committed a felony, misdemeanor, infraction, or traffic offense, or is uncontrolled by their parent, guardian, or custodian, or deports themselves to endanger the health of themselves or others; or is truant from home or school, and who, was 11 or older at the time the act was committed
- **Sec. 3:** A peace officer may take a juvenile into temporary custody without a warrant or order of the court when a juvenile has violated a state law or municipal ordinance and is 11 or older
- **Sec. 5:** Whenever a juvenile is held in a secure area of any jail or other facility intended for the detention of adults, there shall be no verbal, visual, or physical contact between the juvenile and any incarcerated adult and there shall be adequate staff to supervise and monitor the juvenile's activities at all times. A juvenile under 16 shall not be placed within a secure area of a jail or other facility intended or used for adults
- **Sec. 6:** A juvenile under 14 shall not be placed with or committed to a youth rehabilitation and treatment center
- **Sec. 16:** A juvenile's right to be represented by counsel may not be waived if the juvenile is under 14
- **Age of majority:** 19 years old

Diversionary Alternatives

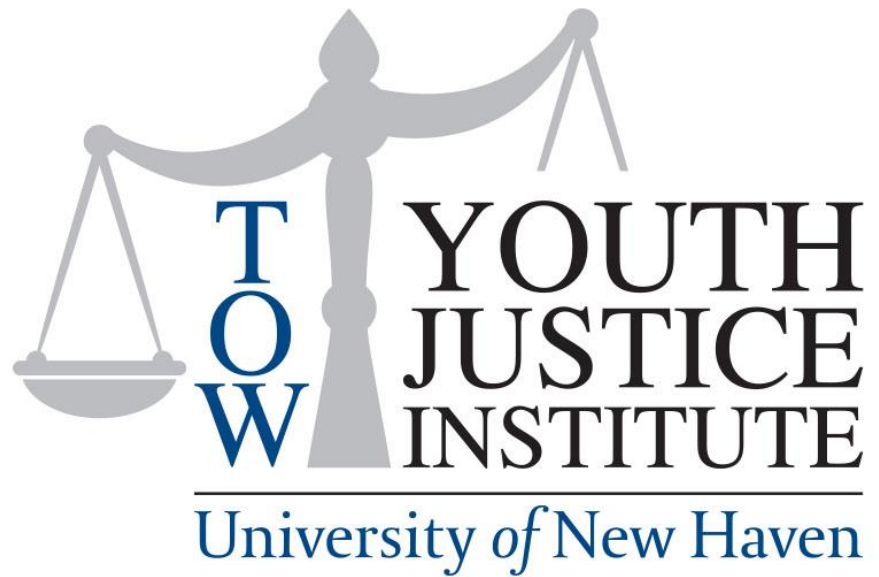


- To provide informal, civil, or community services
- **California**- SB 439 directs that counties develop “least restrictive” alternatives to the JJ system
 - can be provided by school, health, and community-based services
- **Florida**- There is an emphasis placed on referring the family to relevant social services or using the civil court systems in lieu of formal criminal court systems
 - Multidisciplinary teams that work collaboratively to assess each case individually.
- **New York**- a great deal of discretion for legal actors, they work together to generally send referrals under the age of 10 or children with lower level offenses to social services outside of the formal court process (MACR 7)
- **Pennsylvania**- younger children under 12 are usually handled informally despite
 - Public schools have reported the support toward diverting students to community services before choosing to arrest them

Diversionary Alternatives



- **Illinois-** Illinois Juvenile Act specifically encourages the use of diversionary alternatives that will promote productive, responsible, and educational benefits for a child in the community
 - requires children who have experienced abuse or neglect to be processed through the child welfare system instead of the criminal court system
 - 9 opportunities for a child to be diverted prior to entering the juvenile justice system
 - If the judge felt there was a possibility the child could benefit from specific treatment or services, the judge can refer them to a program with a stipulation of the case being re-reviewed in the future
- **International Alternatives:** Family Courts, municipal child welfare courts, child welfare services in their home, a group home, or in a mental health facility



Questions
and
Discussion