



Raising the age of juvenile jurisdiction from 17 to 18

(H. 450; S. 64)

Sponsors: Sen. Karen Spilka & Rep. Kay Khan

What the bill does:

Amends G.L.c. 119, § 52 and other related statutes. The bill raises the upper limit of juvenile court jurisdiction in Massachusetts by one year from 17 to 18 and makes corresponding changes to other sections of the General Laws to make them consistent with this change.

What the bill does *not* do: The bill does not change the law mandating that a 17-year-old accused of murder be tried and sentenced in adult court or prevent a 17-year-old accused of other serious crimes from being indicted as a youthful offender and given an adult sentence.

Why it's needed:

Currently in Massachusetts, *all* 17-year-olds accused of a crime are automatically treated as adults, *regardless of the circumstances or severity of the offense.*

1. **This policy is out-of-step with national and international standards.** 38 other states and the federal government use 18 as the age of adult criminal jurisdiction and other states are moving in that direction. Massachusetts' policy also contravenes international treaties and norms.
2. It is inconsistent with **Massachusetts law in almost all other legal matters, which does not treat 17-year-olds as adults.** The age of adulthood (majority or legal capacity) is set at 18, and that is the minimum age specifically required for many other matters including voting, entering into a contract, and serving on a jury.
3. The **current system undermines public safety** and reduces the likelihood of positive outcomes for the 17-year-olds involved. Research shows that, compared with their counterparts in the juvenile system, young people relegated to the adult criminal system are:
 - more likely to reoffend, to reoffend more quickly and to reoffend by committing more serious crimes;
 - mixed with older and more serious offenders who have a negative influence;
 - at greater risk for suicide and physical and sexual abuse when in confinement;
 - faced with serious barriers to future employment, education, and housing as a result of their adult criminal records.

4. **Thousands of 17-year-olds in Massachusetts are affected** by this policy. More than 5,000 17-year-olds are arrested each year, yet over 90% of these arrests are for non-violent crimes.

5. **Raising the age of juvenile jurisdiction makes developmental sense.** Recent research on adolescent brain development confirms what many adults (especially parents) already know: most 17-year-olds lack adult maturity, particularly with respect to their judgment and impulse control – but, fortunately, most develop better judgment and control as they get older and grow up to be responsible adults. Handling 17-year-olds in the adult criminal system ignores this developmental reality – and makes their task of growing up much more difficult.

6. **Raising the age of juvenile jurisdiction makes practical sense.** 17-year-olds should be handled by the juvenile justice system, which is specifically designed to deal with adolescents.

- With a special cadre of judges, juvenile probation officers, an experienced youth corrections agency, and procedures that protect the privacy of children, the juvenile system has a much greater chance of ensuring successful outcomes than the adult system.
- In addition to being held accountable, and confined when necessary, kids in the juvenile system must also attend school and participate in other rehabilitative programs (e.g., substance abuse, anger management.)
- Parental notification and involvement is mandatory.

Moreover, with juvenile crime rates at historic lows, the juvenile justice system now has the capacity to absorb 17-year-olds.

7. **Raising the age of juvenile jurisdiction makes economic sense.** By including most 17-year-olds in a more effective rehabilitative system and utilizing the less costly community-based services already available for juveniles, the Commonwealth can save money.

Examples of national professional organizations that support reform or abolition of the practice of trying youth as adults:

Centers for Disease Control
American Bar Association
American Probation and Parole Association
American Academy of Child and Adolescent Psychiatry
National Alliance on Mental illness
American Jail Association
Council of Juvenile Correctional Administrators
National Council of Juvenile and Family Court Judges
National Council on Crime and Delinquency
American Psychiatric Association



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