

## **Penalizing Children More Harshly than Adults**

### *An Act relative to civil infractions for juveniles (S.759)*

Lead Sponsor – Senator Joseph Boncore

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While adults may be found to have committed a “civil infraction” – a minor violations for which a punishment is no more than a fine - this category of offense is not an option for young people. Massachusetts currently subjects many children to confinement in DYS facilities for offenses that an adult can’t be charged in court for, let alone incarcerated. As a result, **Massachusetts wastes tax dollars court processing and incarcerating youth who are of no threat to our communities, harming children and making them more likely to commit future offenses.**

This bill would address the unnecessary, costly and harmful court processing and incarceration of children by decriminalizing offenses for young people that adults are subjected to no more than a fine for: violations of city ordinances and town by-laws; and minor traffic violations, as well as minor misdemeanors. Youth could still be subject to civil fines in the same way that adults are.

Once a child is found delinquent, s/he is subjected to a court sentence – usually probation – until age 18 regardless of the offense. Most children found delinquent for these minor offenses who end up detained by DYS are detained for violating a probation condition rather than a new criminal offense.

#### **Examples of “civil offenses” for adults for which children would be subjected to “delinquency” proceedings and potential incarceration:**

- first offense for driving with a suspended or revoked license
- first offense for operating a motor vehicle without a liability policy
- local noise ordinance
- local public urination ordinance
- local curfew, which has been determined to be illegal by the courts, but which remain on the books
- various towns have made it an offense to be in public parks after a specified hour
- misdemeanors for which the punishment is a fine and/or imprisonment for less than six months

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*For more information, please contact Sana Fadel at Citizens for Juvenile Justice  
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