

Raise the Age of Juvenile Court Jurisdiction to 18 (Senate Bills 84, 90-102)

The Campaign for Youth Justice, a national organization that works to end the incarceration and sentencing of children in the adult criminal justice system, strongly supports legislation to raise the age of juvenile court jurisdiction to 18. Michigan is one of four remaining states that automatically prosecute 17-year-olds as adults for any and offenses. Since 2016, five other states¹ have changed their laws and are in the process of ending this practice, and the other three states that, like Michigan, have not yet changed their laws all have legislative proposals to do so this year.² Most 17-year-olds in the adult system are there for non-violent offenses and never had a juvenile record. This antiquated practice is contrary to research, exceptionally harmful to youth and directly threatens public safety. Further, the current law does not align with the standards and policies of the U.S. Supreme Court, the federal government and 46 states which have all set the age of adult criminal responsibility at 18.

In nearly all aspects of law, Michigan recognizes 18 as the age of adulthood. Seventeen-year-olds cannot vote, legally sign a contract, or purchase tobacco, fireworks or lottery tickets, and are still considered children for whom the state's child welfare system must protect from abuse and neglect. In 2014, Michigan passed "Safe Harbor" laws which require a presumption that any young person under age 18 found engaging in prostitution is a victim of human trafficking and mandates law enforcement to refer minor victims for treatment within Michigan's child welfare system. Yet, if caught in the legal system for any reason, 17-year-olds must be prosecuted as adults in Michigan's criminal courts, burdening them with a criminal record that reduces their opportunities for future employment.

Research confirms that 17-year-olds are not adults. As part of normal development, they are more likely to take risks, act impulsively, and are highly susceptible to the negative influences of peers. Though these age-related factors may contribute to youthful mistakes, 17-year-olds are much more amenable to rehabilitative programs and behavior modification than older adult offenders. Nonetheless, Michigan prohibits 17-year-olds from accessing youth-focused treatment found only in the juvenile system. Michigan's juvenile justice system is highly effective at delivering developmentally appropriate services and sanctions that hold youth accountable, engage the whole family in treatment, keep kids in school, and reduce reoffending. With adequate funding and resources, Michigan's juvenile justice system has the ability to absorb and provide far better treatment to 17-year-olds currently prosecuted in the adult justice system.

States that have recently increased their age of juvenile jurisdiction cited research, public safety, and cost-savings as the reason for the change. Those states found that "Raise the Age" has proven to be good fiscal policy. Initial estimates of the cost impact were inaccurate as juvenile crime has continued to decline. In fact, most states expect long-term cost-savings as a result of improving overall outcomes for justice-involved 17-year-olds, such as graduation and employment rates while reducing recidivism and incarceration rates.

Now is the time for Michigan to join the 46 other states already recognizing that 17-year-olds who come in contact with the justice system are still children. For the reasons stated above, we strongly support the proposed legislation to raise the age of juvenile court jurisdiction to 18.

¹ Louisiana, Missouri, New York, North Carolina, and South Carolina.

² Georgia, Texas, and Wisconsin.

