

Judiciary 3/7/19



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

Testimony of Marc Levin, Vice President of Criminal Justice

We, at Right on Crime, urge Michigan to raise the age of juvenile court jurisdiction to 18. The Right on Crime initiative (www.RightOnCrime.com) provides principled and proven conservative solutions that reduce crime, lower costs and restore victims. This national initiative is led by the Texas Public Policy Foundation, one of the nation's leading state-based conservative think tanks. More than 50 conservative leaders have endorsed Right on Crime's Statement of Principles, including Newt Gingrich, Ken Cuccinelli, Grover Norquist, and Ed Meese. Our partners in Right on Crime are Prison Fellowship and the American Conservative Union.

Michigan is one of 4 remaining states that automatically prosecute 17-year-olds as adults for any offense. 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, convicted, and sentenced 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 much more 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.

Research has found that 17 year-olds processed through the juvenile system, which offers more rehabilitative programming, are 34% less likely to recidivate than similar individuals placed in the

adult system. The research has also shown that 17 year-olds in adult lockups are exponentially more likely to be physically and sexually abused. Moreover, county jails will save considerable compliance costs that are associated with the federal Prison Rape Elimination Act (PREA) requirement of keeping 17 year-olds separated.

Furthermore, the juvenile system ensures that a parent or guardian is notified when their son or daughter is arrested and includes programs designed to strengthen the family. This is crucially important given that most 17 year-olds are juniors or seniors in high school who live at home with their family. In contrast, maintaining employment is often a condition of adult probation, which is not appropriate for most high school students.

Several states have recently increased their age of juvenile jurisdiction, citing 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.

If you have any questions or if I can be of assistance in any way, please don't hesitate to contact me at (512) 472-2700 or mlevin@texaspolicy.com. Thanks for your public service and consideration of this important issue.