



## HB 492 Raise Juvenile Jurisdiction from 16 to 18 Years Old

May 2007

### Summary

North Carolina is one of only three states where children as young as 16 are automatically tried as adults for *any* crime. Nearly 80% of these youths are charged with misdemeanors. House Bill 492 would give the juvenile courts jurisdiction over these children initially and allow the judge discretion to send felony cases to the adult system. Research repeatedly demonstrates that sending juveniles through the juvenile justice system improves public safety while increasing the likelihood that youth go on to lead productive, crime-free adulthoods.

### What HB 492 Does

- **Raises the Age of Juvenile Court's Jurisdiction:** Starting December 1, 2009, youth up to age 18 and their families would be under the jurisdiction of the juvenile justice system (except for traffic offenses).
- **Allows Judge to Transfer Cases to Adult Court:** HB 492 maintains current transfer policy whereby youth as young as 13 shall be transferred to adult court for first degree murder charges and a district attorney may petition a judge to transfer a youth to adult court for other felonies. (Only 4% of 16 and 17 year olds are convicted of felonies against people.)
- **Creates Task Force for Smooth Implementation and Transition:** HB 492 would establish a Task Force to determine the necessary statutory and system changes required, and the funding needed to raise the age of juvenile jurisdiction. The Task Force can recommend phasing in the age increase and making other modifications based on the capacity of the juvenile justice system.

### HB 492 Improves Public Safety, Involves Families and Increases the Demands on Youth

#### Raising the Age of Juvenile Jurisdiction Improves Public Safety

- **NC Youth who go through the adult system are more likely to commit additional crimes.** Data from the North Carolina Sentencing Commission shows that juveniles serving time in adult prison had the highest rate of re-arrest and re-conviction of all youthful offenders.
- **Research from other states shows youth in adult systems commit more and worse crimes.** Youth who go through the adult system are more likely to be re-arrested and are re-arrested for more serious crimes than youth who go through the juvenile justice system. An April 2007 analysis from a Centers for Disease Control and Prevention Task Force found that youth in the adult system were 34% more likely to be re-arrested for a violent or other crime than youth retained in the juvenile justice system.

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## **Juvenile Justice System Demands More of Youth**

### ▪ **Adult System has Fewer Requirements of the Youth**

Youth involved in the adult system generally receive probation, which includes very little supervision. If youth go to prison, they are frequently not required to participate in counseling, substance abuse treatment or education activities that would help them lead productive lives once they have completed their sentence. Of youth in the adult system, 61% are not convicted; of those convicted, only 25% receive an active sentence.

### ▪ **Juvenile System Places More Requirements on the Youth**

Youth in the juvenile justice system:

- Must complete high school or get a GED;
- Must report more frequently for rehabilitation and other services;
- Are more likely to be required to participate in mental health and substance abuse counseling and services.

## **Juvenile Justice System Informs and Involves Families**

### **Families Must Be Informed and Participate in the Juvenile System**

NC General Statutes Chapter 7B, Sections 2001 and 2007 require that the parents, guardian or custodian of youth in the juvenile system must:

- Be informed of the child's arrest;
- Be informed of legal actions regarding their child;
- Be present for the child's legal proceedings unless excused by the judge; and
- Help their child meet the requirements of his or her sentence.

Following the arrest and initial proceedings, the juvenile system will only release the child to a parent, guardian or other responsible adult.

### **Adult System not Required to Notify or Involve Parents or Guardians**

In the adult system, the youth is treated as an adult and therefore, the adult criminal system is:

- Not required to notify the parent, guardian or custodian of the child's arrest;
- Not required to have parent, guardian or custodian present for or informed of their child's legal proceedings; and
- Can release the child without informing the parents, guardian or custodian.

## **Raising the Age Improves Impact on Black Youth**

- African-American children are 26% of the child population but nearly 70% of the youth in the custody of the Department of Corrections.
- A study from the Center on Law and Social Policy found that having a criminal record led to a 50% reduction in employment opportunities for white applicants and 64% reduction in opportunities for black applicants.
- Juvenile justice system has ongoing federal and state efforts to address disproportionality, while adult system does not.
- Moving 16- and 17-year-olds into the juvenile justice system increases the likelihood that they will complete their high school education, be eligible for scholarships and other higher education programs, get the services they need to turn their lives around, and ultimately qualify for a variety of jobs.

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