



## Legislation Text

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### Res. No. 1864

Resolution calling on the New York State Legislature to pass and the Governor to sign A.3668/S.1409, which would raise the age of adult criminal responsibility from sixteen to eighteen years of age.

By Council Members Dromm, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, James, Koo, Lander, Palma, Rose, Wills and Rodriguez

Whereas, In 1962, the New York State Family Court Act was enacted by the New York State Legislature, which chose 16 to be the age of criminal responsibility as a temporary gauge until public hearings and research could be conducted; and

Whereas, New York State's "temporary" age of criminal responsibility has now been in effect for over 50 years; and

Whereas, According to *The New York Times*, New York is one of only two states in the country, along with North Carolina, in which youth arrested at age 16 or older are tried in adult court and confined in adult jails and prisons regardless of the crime for which they are charged; and

Whereas, According to the Schuyler Center for Analysis and Advocacy, 74.4% of crimes committed by 16- and 17-year-olds are classified as misdemeanors, yet all of these youth are tried in the adult court system; and

Whereas, In the 2005 U.S. Supreme Court ruling *Roper v. Simmons*, the Court drew on new research on adolescent brain development to prohibit the imposition of the death penalty for youth under the age of 18; and

Whereas, In the 2010 U.S. Supreme Court ruling *Graham v. Florida*, the Court further held that juvenile offenders may not be sentenced to life imprisonment without parole for non-homicide offenses; and

Whereas, The Center for Disease Control and Prevention found that youth who are transferred from the

juvenile court system to the adult criminal system are approximately 34% more likely to be re-arrested for crimes than youth retained in the juvenile court system; and

Whereas, A.3668, currently pending in the New York State Assembly, and companion bill S.1409, currently pending in the New York State Senate, seek to amend the Criminal Procedure Law, the Executive Law, the Family Court Act, and the Penal Law, by raising the age of criminal responsibility from 16 to 18 years of age; and

Whereas, A.3668/S.1409 would amend New York State's laws regarding the age of criminal responsibility, bringing it in line with 48 other U.S. states; and

Whereas, The New York City Council previously passed Resolution 1067 on November 29, 2011, which supported New York State Chief Judge Jonathan Lippman's call for the New York State Legislature to pass and the Governor to sign legislation raising the age of criminal responsibility for nonviolent offenses to 18 and permit the cases of 16- and 17- year-olds charged with such offenses to be adjudicated in the Family Court rather than the adult criminal justice system; and

Whereas, The New York State Legislature should pass A.3668/S.1409 in order to improve the lives and future of New York's court involved youth; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.3668/S.1409, which would raise the age of adult criminal responsibility from sixteen to eighteen years of age.

WJH  
LS 4650  
6/19/13