



Legislation Text

File #: Res 1830-2009, **Version:** *

Preconsidered Res. No. 1830

Resolution calling upon the New York State Legislature to enact and pass and the Governor to sign legislation amending the Family Court Act by changing the juvenile status age to include sixteen, seventeen and eighteen year olds.

By Council Members James, Comrie, Dickens, Foster and Mark-Viverito

Whereas, Most U.S. states follow the Federal Juvenile Justice Delinquency Prevention Act, which establishes juvenile court jurisdiction for minors any time before their 18th birthday; and

Whereas, Each state has the authority and discretion to set the maximum age at which a youth may be tried in juvenile courts; and

Whereas, In 1980, a New York State law reduced the age of criminal responsibility from 18 to 16; and

Whereas, Anyone in New York State currently charged with a crime who has reached his or her 16th birthday is processed through the criminal court system; and

Whereas, Youth processed through the criminal courts end up in adult correctional facilities; and

Whereas, Youth in adult correctional facilities do not have access to the array of community-based treatment alternatives to incarceration, reentry based programs, and support services found in juvenile facilities; and

Whereas, In 2007, the Connecticut State Legislature passed a landmark law to raise the age of juvenile court jurisdiction from 16 to 18 years of age; and

Whereas, New York and North Carolina are the only two states that currently end the age of juvenile court jurisdiction at age sixteen; and

Whereas, In the 2005 U.S. Supreme Court ruling *Roper v. Simmons*, the Court drew on new research on

adolescent brain development to conclude that youth younger than 18 should not be subject to the death penalty; and

Whereas, It is time for our City and State to recognize that youth less than the age of 18 should not be treated as adults and subject to the same conditions of confinement as adult prisoners; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact and pass and the Governor to sign legislation amending the Family Court Act by changing the juvenile status age to include sixteen, seventeen and eighteen year olds.

WJH
LS # 6858
2/20/09