States moving away from charging youth in adult justice system

By Kathryn Tormey

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A new report highlights state efforts to abandon the practice of charging older youth in the adult justice system.

About 250,000 Americans under 18 years old are prosecuted in the adult criminal justice system every year. In Illinois, Michigan and Wisconsin, for example, some or all 17-year-olds can be placed in the adult system.

But according to a recent report released by the Campaign for Youth Justice, prosecuting youth offenders in adult courts has proven to be ineffective at preventing crime and improving public safety.

“When youth [offenders] leave jail or prison, are on probation, or have completed their adult sentences, they carry the stigma of an adult criminal conviction,” it says. “They may have difficulty finding a job or getting a college degree to help them turn their lives around.”

The campaign’s report hails new state policies being enacted that limit the practice of trying offenders under the age of 18 in adult courts. Over the past five years, 15 states have changed their laws, the report found, and at least nine additional states — including Nebraska and Wisconsin — are pursuing similar policy reforms.

One of the states highlighted in the report is Illinois. Under a law passed in 2009, 17-year-olds charged with misdemeanors are no longer being filtered automatically into the adult justice system. A separate bill, passed last year, directs the Illinois Juvenile Justice Commission to study the possibility of expanding the juvenile court’s jurisdiction to 17-year-olds charged with felonies. SB 3085 requires the commission to report its findings to the legislature this year.

In 2005, Illinois repealed a law that had required youth offenders charged with drug offenses to be automatically transferred to an adult court.

The Campaign for Youth Justice report also highlights reforms enacted in Indiana in 2008. That year, the legislature passed SB 1122, which eliminated some pathways for juveniles charged with misdemeanors to enter into the adult system. Under the law, the juvenile court system can only cede jurisdiction to an adult court in certain felony cases. In addition, the bill limits a “once waived, always
waived” provision to children who were first transferred to an adult court for felony charges and whose next offense is also a felony charge. The bill also reduced the number of offenses for which juveniles may be automatically entered into adult court. Youth traffic violations are now handled by the juvenile court.

“State Trends: Legislative Changes from 2005-2010 Removing Youth from the Adult Criminal Justice System” [5] is available online.

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