



NYSBA News Release

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Contact: Lise Bang-Jensen
Director, Media Services & Public Affairs
Lbang-jensen@nysba.org
518-487-5530

NEW YORK STATE BAR ASSOCIATION ENCOURAGED BY CHIEF JUDGE'S PROPOSAL TO RAISE THE AGE AT WHICH A CHILD CAN BE CHARGED WITH NONVIOLENT CRIME

The New York State Bar Association commends Chief Judge Jonathan Lippman for calling on the state Legislature and Governor to raise the age of criminal responsibility from 16 to 18 years old.

"We are encouraged by the Chief Judge's leadership on this issue," said Seymour W. James, Jr., President-elect of the State Bar Association. "New York is one of only two states that prosecute 16-year-old children accused of nonviolent crimes in adult courts. The State Bar Association has advocated for reform and will continue its efforts to change the law."

"Research demonstrates that 16- and 17-year-old kids lack the maturity and judgment to understand the legal consequences of their actions," said James (attorney-in-charge of criminal practice for the Legal Aid Society in New York City). "Additionally, children who are incarcerated in adult jails are more likely to commit crimes again."

"The consequences of being convicted of a nonviolent crime can last a lifetime, affecting an individual's future education and employment," James noted.

In New York, with the exception of the most violent felony cases, children under 16 are referred to family court, where judges, working with social service agencies, emphasize treatment and rehabilitation and their records are sealed.

Nationally, 37 states set the age of criminal responsibility at 18. Eleven set it at age 17. Only New York and North Carolina prosecute 16-year-olds accused of nonviolent crimes as adults.

"Every year, about 45,000 to 50,000 youths aged 16 and 17 are arrested in New York and prosecuted as adults in our criminal courts—overwhelmingly for minor crimes," Lippman said today in a speech before the Citizens Crime Commission in New York City. "Put simply, the adult criminal justice system is not designed to address the special problems and needs of 16 and 17-year-olds. Prosecuting these adolescents as adults in the criminal courts does not improve public safety or quality of life in our communities."

Lippman proposes transferring the cases of nonviolent defendants under 18 to Family Court, a process that would require a change in state law. In the meantime, he plans to implement a pilot program involving the transfer of cases of nonviolent defendants under 18 to criminal courts with new adolescent intervention programs.

Lippman emphasized the changes he proposes would not affect adolescents accused of violent crimes. Under the law, a 13-year-old accused of murder can be charged as an adult. For other major violent felonies, the age of criminal responsibility begins at 14.

The 77,000-member New York State Bar Association is the largest voluntary state bar association in the nation. It was founded in 1876.