

Youth Justice and Opportunities Act

BREAKING DOWN BARRIERS FOR A STRONGER AND HEALTHIER NEW YORK
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In 2017, New York State “raised the age” of criminal responsibility, sending most 16- and 17-year-olds who are arrested to Family Court rather than treating them as adults. Yet, far too many young people who are 18 years and older still face harsh prison sentences and the devastating consequences of a criminal conviction.

This a community health and racial justice issue. The barriers created by a criminal conviction undermine young people’s futures and destabilize our communities. They limit educational and employment opportunities, substantially reduce lifetime earnings, and create housing instability and a higher likelihood of rearrest. Given the enormous racial disparity in arrests, prosecution, and incarceration, these consequences are particularly devastating for Black, Latinx, and other communities of color.

WHY NEW YORK NEEDS THE YOUTH JUSTICE AND OPPORTUNITIES ACT:

The current law allows judges to grant Youthful Offender (“YO”) status, which seals cases so they will not appear on a background check. YO status allows judges to sentence young people to age appropriate, non-jail sentences including treatment. However, the current law is limited in three critical ways:

- Protections end on a young person’s 19th birthday.
- The current law does not reflect the scientific consensus that young people’s decision making abilities continue to develop into their mid-20s.
- Judges lack discretion to grant YO status in some cases, even when it would benefit the young person and the community.

HOW DOES THE YOUTH JUSTICE AND OPPORTUNITIES ACT MAKE NY STRONGER?

With the enactment of this legislation, New York has the chance to lead the nation by expanding its laws to protect the futures of young people under the age of 26, enhance community well-being, and provide emerging adults the opportunity to move forward in their lives without the barrier of a criminal conviction. The Act would also reduce State and local spending on youth incarceration—money that should be invested in communities to alleviate poverty and homelessness, ensure quality education, and fund other needed resources. In turn, this bill would help stabilize communities, promote community health, and increase public safety for all.

The Youth Justice and Opportunities Act would:

- Create a new “Young Adult” (YA) status to protect young people ages 19-25.
- Expand the categories of cases where YO treatment is mandatory rather than discretionary.
- Expand judicial discretion to grant YO, including the option to grant YO more than once.
- Create opportunities for judges to sentence young people to treatment as an alternative to incarceration.
- Allow judges to waive fees and surcharges for all young people through age 25.
- Allow young people with a criminal record to petition the court to be “re-sentenced” and granted YO or YA status retroactively.

Strengthening our youth justice laws and expanding their scope to include emerging adults is an essential component of New York’s commitment to racial equity and community health.