



**THE
SENTENCING
PROJECT**

RESEARCH AND ADVOCACY FOR REFORM

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The Sentencing Project

In support of SB 793

**Before the Senate Committee on
the Judiciary and Civil and Criminal
Jurisprudence**

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Established in 1986, The Sentencing Project works for a fair and effective U.S. criminal justice system by promoting reforms in sentencing policy and addressing unjust racial disparities and practices. We are grateful for this opportunity to submit testimony endorsing Senate Bill 793.

SB 793 provides necessary reform to align Missouri with the vast majority of states, including all of its neighbors, in addressing 17-year old offending in the juvenile justice system. Ten years ago, Missouri was one of 13 states to charge 17-year olds as adults. In the intervening years, Connecticut, Illinois, Massachusetts, and Vermont moved 17-year olds into their juvenile systems. Last year alone, Louisiana, South Carolina, New York and North Carolina each passed legislation to do the same, though each state has different timelines for implementation.

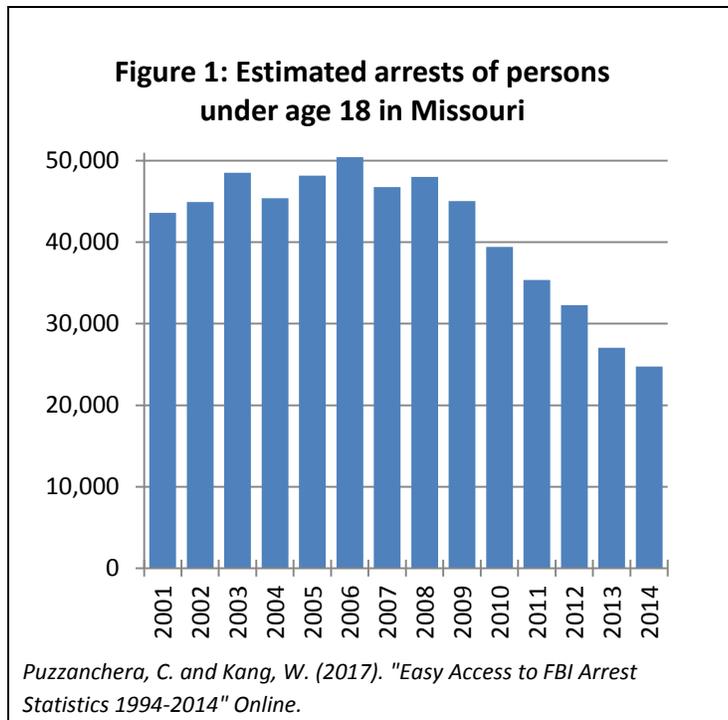
Missouri, on the other hand, is now one of just five states that will routinely charge 17-year olds as if they were adults. SB 793 provides the remedy.

Common sense and one's own life experiences demonstrate that adolescents are different from adults and, thus, ought to be treated differently under the law. **Seventeen-year olds are not adults in any sense of the word.**

Adolescence is marked by immature decision-making, poor judgment, and impulsive behavior. In *Roper v. Simmons*, Justice Anthony Kennedy emphasized that, "as any parent knows," the differences between adolescents and adults limit adolescents' culpability. The extent to which adolescents are responsible for their behavior undergirds the U.S. Supreme Court's rulings on juvenile justice. Due to these characteristics, this state's laws – like all states' laws – treat adolescents differently than adults. After all, 17-year olds cannot vote or even buy cigarettes. They cannot serve on juries or in the military. The law asserts these limitations to protect youth from their own immaturity and society as a whole for the consequences of that immaturity.

Most juvenile offending is, not surprisingly, what is often termed low-level. For a decade, teenage arrest rates have declined in Missouri (as they have in most of the country). As shown in Figure 1, juvenile arrests fell by more than half between 2008 and 2014, the most recent years for which data are available.¹

A small proportion of these arrests are for offenses considered to be violent offenses, but most teenaged arrests are for theft, simple assault, drug possession and vandalism. Status offenses – curfew and loitering violations, alcohol possession, running away from home – are among the most common charges.² Such offenses are hardly threats to public safety that demand harsh punishments or the legacy of an adult record.

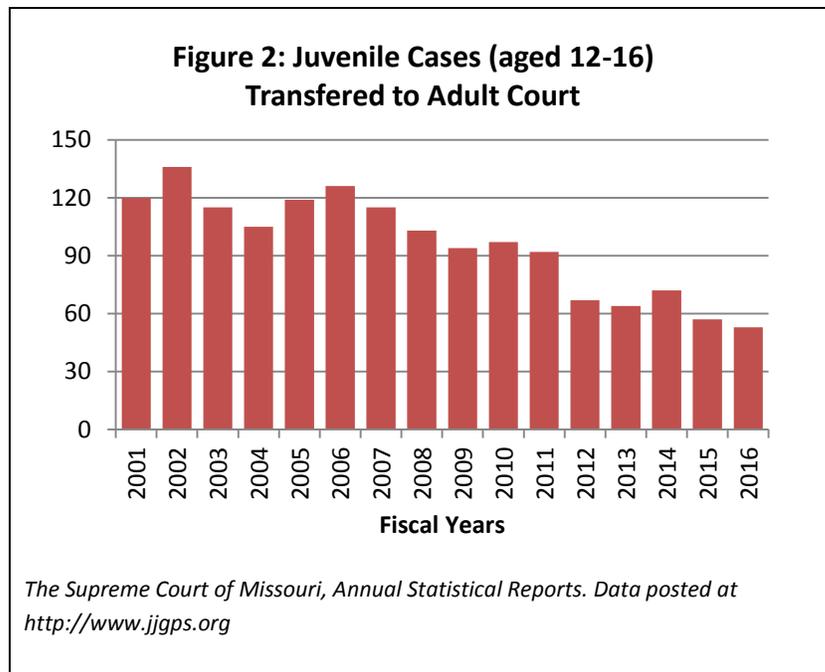


¹ Puzzanchera, C. and Kang, W. (2017). "Easy Access to FBI Arrest Statistics 1994-2014" Online. Available: <http://www.ojjdp.gov/ojstatbb/ezaucr/>

² Puzzanchera, C. and Kang, W. (2017).

Under SB 793, Missouri retains the ability to charge juveniles as if they were adults if they are accused of first or second degree murder, first degree assault, forcible rape, forcible sodomy, first degree robbery, distribution of drugs, or have at least two previous felony adjudications. Instead of automatically sending all 17 year olds to the adult courts (regardless of the alleged offense), such transfers require a hearing in the juvenile courts.

Along with the common teenaged offending, serious offending has fallen as well. As shown in Figure 2, such transfers have declined in parallel with overall offending.



Adultification of juvenile offenders does not contribute to public safety. Youth in the adult system are *more* likely to commit future offenses, and much more likely to commit the most violent offenses when compared with peers in the juvenile system for equivalent offenses. Howell, et al., note that “research consistently shows lower recidivism rates in the juvenile justice system than in the criminal justice system.”³

The Center for Disease Control and Prevention’s Task Force on Community Preventive Services has reviewed decades’ worth of literature, concluding that sending a youth to the adult system generally increases, not decreases, rates of violence among youth.⁴

In short, the addition of 17-year olds to the juvenile system – currently the law in all of Missouri’s neighbors – can be expected to reduce reoffending and improve public safety.

Adult records lead to an array of collateral consequences. In Missouri alone, an adult record brings fully 906 collateral consequences. For example, under 17 CSR 20-3.125, a Missouri resident convicted of *any* offense cannot even work as a private security courier (“A person employed to carry out the assignment of protecting and transporting property from one (1) designated area to another”).⁵ This harsh, long-term punishment puts Missouri teenagers at a disadvantage to their neighbors in other states and harms lifetime earnings – for offenses as modest as drug possession or vandalism at age 17. Dr. Mitchell’s study on the economic impacts of raising the age highlights the importance of adult system involvement on lifetime earnings, and thus the state’s revenues

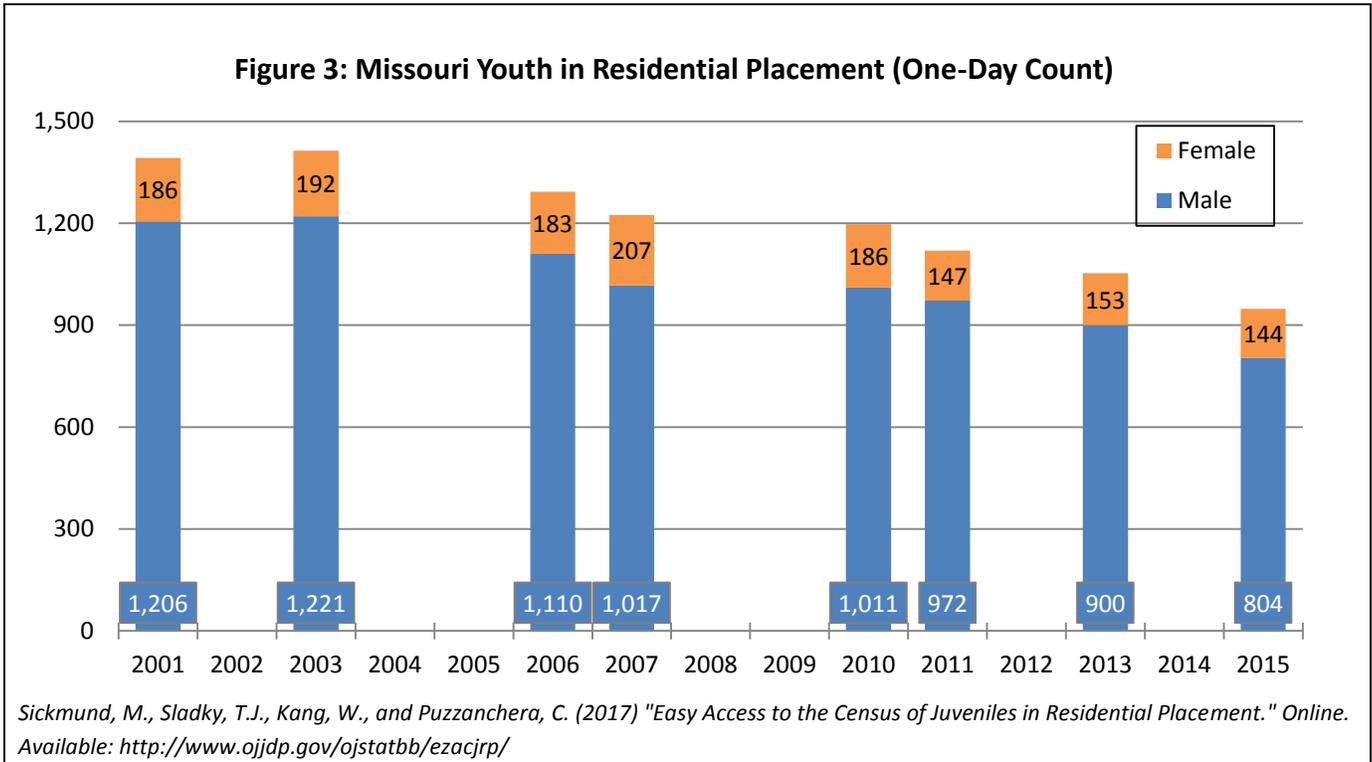
³ Howell, J. C., Feld, B. C., Mears, D. P., Petechuk, D., Farrington, D. P. and Loeber, R. (2013) Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know. Washington, D.C.: U.S. National Institute of Justice (NCJ 242935), p. 4, 10-11.

⁴ Task Force on Community Preventive Services. Recommendation against policies facilitating the transfer of juveniles from juvenile to adult justice systems for the purpose of reducing violence. *Am J Prev Med* 2007;32 (4S):S5-6.

⁵ <https://niccc.csgjusticecenter.org/consequences/147750/> For a full list of Missouri’s 906 collateral consequences, see <https://niccc.csgjusticecenter.org/search/?jurisdiction=28>

(assuming today’s young person in conflict with the law remains in Missouri.⁶

Missouri’s juvenile justice system has capacity to address 17-year old offending. The declines in juvenile offending shown on the prior page have numerous beneficial impacts. Not surprisingly (comparing 2004 to 2014), juvenile courts in Missouri are handling 51 percent fewer delinquency cases than they were a decade ago.^{7, 8} As shown in Figure 3, on a typical day, juvenile facilities house fewer teenagers as well – 34 percent fewer boys and 25 percent fewer girls than in 2003.⁹



Given that the federal Prison Rape Elimination Act requires separating Missouri’s 17-year olds from the rest of the adult population, keeping more teenagers out of Missouri’s adult facilities is not only the correct decision for the well-being of the teenagers in question, it is also likely to be less costly in the short term. As of December 31, 2017, there were just seven juveniles housed in Missouri’s adult prisons.¹⁰

It is time for Missouri to raise the age.

⁶ Mitchell, D. (Nov. 2017). “Economic Costs and Benefits of Raise the Age Legislation in Missouri.” Online.
⁷ Stahl, A., Livsey, S., and Kang, W. (2007). "Easy Access to State and County Juvenile Court Case Counts, 2014". Online. Available: <http://www.ojjdp.gov/ojstatbb/ezaco/>.
⁸ Hockenberry, S., Smith, J., and Kang, W. (2017). "Easy Access to State and County Juvenile Court Case Counts, 2014". Online. Available: <http://www.ojjdp.gov/ojstatbb/ezaco/>.
⁹ Sickmund, M., Sladky, T.J., Kang, W., and Puzanchera, C. (2017) "Easy Access to the Census of Juveniles in Residential Placement." Online. Available: <http://www.ojjdp.gov/ojstatbb/ezacjrp/>
¹⁰ Carson, A. E., Ph.D. (2018, January 9). Prisoners in 2016. Retrieved January 19, 2018, from <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6187>