



POLICY MATTERS

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New Hampshire Ripe for Raising the Age

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Most of us would not want to be judged for the rest of our lives based on what we did when we were 17 years-old. Unfortunately, this is the reality for too many youngsters in New Hampshire since the state lowered the maximum age of juvenile court jurisdiction from 18 to 17 in 1996. Now, With House Bill 1624 that overwhelmingly passed the House and will be heard on April 10 in the Senate, New Hampshire has an opportunity to join 40 other states in ensuring that most 17 year-olds are held accountable and rehabilitated in the juvenile justice system.

Fortunately, New Hampshire citizens can be assured that this proposal won't let lawbreakers off the hook. The juvenile system maintains confinement options and, with smaller probation caseloads, actually provides closer supervision on probation than the adult system.

Perhaps most importantly, the juvenile system is oriented towards working with the most important institution in society- the family. New Hampshire 17 year-olds are covered by the state's compulsory education law and in most cases are attending high school while living with their parents. Yet, because they are considered adults in the justice system, if they are arrested, a parent has no right to be informed and would not have a right to participate in any court proceedings or probation meetings. However, research has shown the most effective probation programs for this age group are those that work to strengthen the family's capacity to provide discipline and structure.

This is one reason why studies have demonstrated that youths sent to adult court have a 33.7 percent higher recidivism rate than similar youths processed through the juvenile system. Not only does the juvenile system focus on the family, it offers age-appropriate programming and partners with the education system. For example, a juvenile probation officer typically maintains contacts with the local schools so they can respond quickly if a teen on their caseload is truant.

While most offenses committed by 17 year-olds are low-level, nonviolent crimes that do not result in incarceration, those youngsters that are placed in adult lockups with hardened criminals have a much higher rate of being physically and sexually abused. For this reason, the federal government recently strengthened the standards under the Prison Rape Elimination Act (PREA). This means that state and local lockups must not only separate 17 year-olds, because they are juveniles under federal law, but also provide them with programming. The official legislative analysis for HB 1624 estimates that this legislation will avoid up to \$10 million in statewide capital expenses for retrofitting county jails and \$250,000 in jail operations costs per county.

Furthermore, while an adult conviction can be a lifetime scarlet letter, those with a juvenile adjudication can often have their record sealed once they become an adult if they

refrain from further offending and comply with all their obligations. This makes it far easier for those who have made a youthful mistake to years later obtain employment, student loans, and housing, all of which contribute to being a law-abiding, productive citizen.

Finally, it is important to note that youths charged with a felony in New Hampshire can be transferred to adult court following a certification hearing. At this hearing, the judge considers factors such as the maturity of the offender, whether the offense involved violence, and the likelihood of rehabilitation. There is a presumption in favor of transfer for youths charged with the most serious offenses such as first or second degree murder, attempted murder, manslaughter, first degree assault, aggravated felonious sexual assault, and kidnapping. Any juvenile who has been tried and convicted as an adult will thereafter be tried as an adult for any subsequent criminal offense.

HB1624 not only raises the age, but also makes other improvements in New Hampshire's justice system. It clarifies the laws surrounding competency to stand trial and the right to counsel, promotes the adoption of evidence-based practices (those proven to reduce recidivism), requires the Department of Corrections to adopt plans to stop prison rape, and enhances data collection on key performance measures.

New Hampshire policymakers have a great opportunity to put more troubled teens on the right track by raising the age. This will result in 17 year-olds being held accountable and treated in the way most New Hampshire parents would want if it was their son or daughter.

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