



Legislation Summary:

An Act to promote public safety and better outcomes for young adults

Initial bill number(s): H.1710 and S.942

Sponsors: Representatives James D. O'Day and Manny Cruz and Senator Brendon Crighton

What this bill does and why It is important

This bill raises the age of juvenile jurisdiction gradually over five years to include young people from 18 through 20 years of age. If enacted, this bill would include the 18 through 20 year age group in the juvenile justice system, or alternatively divert them to community-based diversion programs. The bill would protect them from being sent to adult correctional facilities and ensure that they receive the age-appropriate rehabilitative programming necessary to help them mature into healthy, well-adjusted adults. The bill aims to prevent long-term criminal justice system involvement by ensuring that these young people are held accountable while at the same time engaged in treatment, education, and vocational training that are effective for this age group.

In 2013, Massachusetts raised the age of juvenile jurisdiction to include young people 17 years of age. This reform was adopted in response to studies demonstrating that brain changes continue through adolescence, a period during which impulse control and judgment are not fully developed. The juvenile courts and the Department of Youth Services in Massachusetts have worked to develop age-appropriate evidence-based models of programming that hold teens accountable for their actions while at the same time preparing them to lead healthy and productive lives.

To date, however, Massachusetts has failed to adopt age-appropriate policies and practices for older youth involved in the criminal justice system. Research has shown that many people remain in a transitional stage of psychosocial development from 18 years of age through their mid-twenties, an age group some researchers have referred to as "emerging adults." Compared to adults, it is not unusual for individuals in this transitional stage to be more inclined toward reward seeking behavior, susceptible to peer pressure, and prone to risk-taking and impulsive behavior, all factors that can contribute to criminal activity. Adding to these challenges, many young adults involved in the justice system have been exposed to environments or suffer from substance abuse disorder, either of which can disrupt development and may make them even more impulsive than is typical for their age group. Despite all of the evidence, our justice system has not adopted age appropriate practices for responding to antisocial behavior among young people over the age of 18. Typically, youth in this age group are tried in adult court and sent to adult correctional facilities, where few receive developmentally appropriate counseling and education.

Massachusetts has passed several laws based on recognizing that that youth in this age group are not fully adults. For example, the minimum drinking age is 21, those transitioning out of foster care receive support until age 22, and children can remain on a parent's health plan until age 26. This bill would align our justice system with the other state laws that have been promulgated to moderate risk taking behavior of young adults.

Beyond the lack of appropriate and effective rehabilitative programming, the involvement of young people in the adult criminal justice system has lasting consequences. An adult sentence establishes a permanent criminal record that creates overwhelming barriers to building a normal successful life after the sentence has been served. A

criminal record stands in the way of obtaining housing, finding employment, obtaining public assistance, and accessing a college education.

Black and Hispanic emerging adults are disproportionately incarcerated in Massachusetts adult correctional facilities. It has been reported that in Massachusetts in 2013, Black and Hispanic young people were incarcerated at rates 1.7 and 3.2 times that of white people in the same age group. As a result, the challenges and disadvantages experienced by emerging adults involved in the justice system are having a disproportionate impact on families and communities of color.

In the past, a major reason for resistance to expanding the age group covered by the juvenile justice system has been concerns about whether the juvenile system had the capacity to absorb additional age groups. However, the DYS caseload of committed youth has been dropping steadily over the last decade. According to the 2021 CJJ fact sheet on this bill, the population of committed youth has fallen from just over 1600 in 2009 to just over 400 in 2019. These data show that the DYS caseload is close to a historic low, and that concerns about capacity are not well- founded.

League Positions

As detailed in [Impact on Issues](#), the League of Women Voters of the United States supports:

- The promotion of social and economic justice and the health and safety of all Americans.
- The exploration and utilization of alternatives to imprisonment, taking into consideration the circumstances and nature of the crime.
- Actions to eradicate systemic racism and the harm that it causes.

As detailed in [Where We Stand](#), the League of Women voters of Massachusetts supports:

- A sound corrections system which provides opportunities for the rehabilitation of the adults and juveniles.
- The use of adequately funded and supervised alternative punishments for: people who commit nonviolent crimes, first offenses, non habitual offenders, people who commit minor crimes, and offenses where mitigating circumstances exist.
- Measures to protect each person's civil and individual rights and to promote their rehabilitation through individualized treatment.

Key References:

Forman, B and S Yee. 2015. Viewing Justice Reinvestment Through a Developmental Lens: New approaches to reducing young adult recidivism in Massachusetts. Mass INC Policy Brief. December 2015.

<https://massinc.org/research/viewing-justice-reinvestment-through-a-developmental-lens/>

Perker, SS and L Chester. 2017. Emerging Adult Justice in Massachusetts. Harvard Kennedy School, Malcolm Wiener Center for Social Policy, Program in Criminal Justice Policy and Management. June 2017.

https://scholar.harvard.edu/files/selenperker/files/emerging_adult_justice_issue_brief_final.pdf

McDonald, S. 2018. The Influence of Brain Development Research on the Response to Young Adult Males 18 – 24 Years of Age in the Criminal Justice System. Massachusetts Department of Corrections, Office of Strategic Planning and Research.

<https://www.mass.gov/doc/the-influence-of-brain-development-research-on-the-response-to-young-adult-males/download>

U.S.D.O.J. 2014. Young Offenders: What Happens and What Should Happen. United States Department of Justice. National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention. February 2014.

<https://www.ojp.gov/pdffiles1/nij/242653.pdf>

