

# Illinois Juvenile Justice Commission

## Recommendation to extend Juvenile Court jurisdiction to include 17-year-olds charged with felony offenses

**Background:** Effective Jan. 1, 2010, Public Act 095-1031 provided that 17-year-olds charged with misdemeanors be tried in juvenile court, instead of adult court. By raising the age of juvenile court jurisdiction for misdemeanors from age 16 to age 17, these misdemeanants had access to more rehabilitative services and the age range for juvenile court in Illinois came into conformity with most other states. However, Illinois became the only state to place misdemeanor 17-year-olds in the juvenile system while trying all 17-year-olds charged with felonies as adults. The legislation also mandated the state study the impact of the new law and make recommendations for raising the juvenile court age to 17 for felony charges. Public Act 096-1199 directed the Illinois Juvenile Justice Commission to conduct the study. The Commission will describe the state's first two years' experience under the law and make recommendations to the Governor and the General Assembly in February 2013.

**Overview of Findings:** To fulfill this legislative mandate, the Commission conducted legal and social science research, analyzed state and local justice system data, and interviewed practitioners in selected counties. Initial projections that moving 17-year-olds to the juvenile justice system would crowd court dockets, probation caseloads, and detention centers did not come to pass. Although about 18,000 misdemeanor arrests were moved from adult to juvenile court in 2010, the total number of youth in the juvenile system actually dropped due to decreases in overall crime and juvenile arrests, as well as increased use of diversion options. The Commission's research also revealed that, while the juvenile justice system absorbed the 17-year-olds, the current jurisdictional split between misdemeanors and felonies is unwieldy, especially for law enforcement and court personnel. Most police and prosecutors interviewed by the Commission favor a uniform age of majority.

**Recommendation of the Commission:** To promote a juvenile justice system focused on public safety, youth rehabilitation, fairness, and fiscal responsibility, Illinois should immediately adopt legislation raising the age of juvenile court jurisdiction to include 17-year-olds charged with felonies.

- **Raising the age would bring Illinois into alignment with current legal standards:** Most other Illinois laws use 18 as the default age of majority. Today, 38 states set the age of adulthood for criminal matters at 18 and more are considering it. Since 2005, the U.S. Supreme Court has issued a series of rulings which consistently cite neurological and social research demonstrating why 17-year-olds are better-suited to juvenile court than adult court: they are still developing and capable of positive change. In Illinois, this change would mean that about 4,000 17-year-olds annually will be treated just as 16-year-olds are. Raising the age will not change any "transfer" laws, which will allow or require 17-year-olds to be tried as adults for serious offenses.
- **Raising the age is the right approach for youth and for public safety:** Adult convictions inhibit education and employability, reducing options for success, while youth in juvenile court are at a lower risk to commit future offenses and more likely to become productive members of communities. Studies show that youth who go through the juvenile system are on average 34% less likely to recidivate than if they had gone through the adult system and that 17-year-olds convicted of felony-level offenses are no more likely to reoffend than are 14-year-olds or 16-year-olds. Juvenile court jurisdiction can improve public safety and benefit felony-charged 17-year-olds and local economies.
- **The Illinois juvenile justice system can manage the final phase of raising the age:** The state's juvenile justice system is smaller now than it was before it included 17-year-olds. Because of this, many practitioners who were initially concerned about raising the age are now prepared to end the confusing jurisdictional split by accepting felonies. Raising the age will not require new detention or youth incarceration facilities. Moreover, in other states that have raised the age, declining juvenile caseloads and reassignment of personnel from adult to juvenile duties have offset much of the additional expense initially projected.

**View the report and recommendations:** [ijc.illinois.gov/rta](http://ijc.illinois.gov/rta)