

# Crime bill would redefine juveniles as up to age 21

By **Aidan Ryan** Globe Correspondent, July 9, 2019, [an hour ago](#)

In Massachusetts, suspected criminal offenders are typically prosecuted as adults if they are 18 or older. Last year, state lawmakers tried without success to raise the age to 19. And now there's an attempt to go even further and raise the age to 21.

It's part of a small but growing effort, rooted mostly in the Northeast, with lawmakers in Connecticut, New York, and Illinois filing similar bills that they say would keep young offenders out of the adult criminal justice system, helping with their rehabilitation.

In 2016, Vermont became the first state to pass such a law, allowing those under 21 to be treated as juveniles.

Advocates say that teenagers and young adults do not yet have the brain development to allow them to fully gauge their actions, so they should not be held to the same level of responsibility as adults.

In Massachusetts, supporters argue that teen and young-adult convicts are better served in juvenile-oriented rehabilitation programs, because that can lower recidivism rates and keep them out of prison as they get older.



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Representative Kay Khan, a sponsor of a Massachusetts House bill to raise the age to 21, said efforts are ongoing to move the bill through the Legislature.

Khan, a Newton Democrat, said extensive research has shown that the frontal lobe of the brain doesn't close until age 25. "That frontal lobe of the brain, as I understand it, is where there is a significant amount of reasoning that occurs," Khan said. "And so we know that young people, often young people, don't always make a good decision, and if they're under the age of 25, it's often likely that that can happen."

But opponents of an age increase — particularly law enforcement officials — argue that 18- and 19-year-olds understand right and wrong. And they say they are concerned that the proposed change would require a costly restructuring of the justice system.

In Massachusetts, 7- to 17-year-olds can be sentenced by juvenile court judges for a variety of offenses to the custody of the Department of Youth Services, where they

participate in vocational and other training to prepare them for reentry.

For more serious crimes, such as those that inflict harm, the DYS can hold a young person until age 21. Those 14 and older charged with murder are automatically prosecuted as adults.

In 2013, the Legislature raised the maximum age for juvenile jurisdiction from 17 to 18, which kept 17-year-olds in the juvenile system. Last year, as lawmakers debated sweeping changes in the state's criminal laws, the Senate attempted to raise the age of adult criminal responsibility to 19, though the House did not adopt that provision.

But the criminal justice overhaul, signed into law in April 2018, created a task force to examine the "advisability, feasibility and impact" of raising the age of adult criminal responsibility to 21. Its findings were due July 1, though the task force is seeking an extension until Dec. 31, according to Senator Cynthia Stone Creem's office.

Amy Nechtem, chief justice of the juvenile court, recently told the task force that she does not support increasing the age of juvenile jurisdiction, saying that older offenders' "needs are different" and, in her opinion, they are "not a match for juvenile court," the State House News Service reported.

Middlesex County District Attorney Marian Ryan, who serves on the task force, said in a statement that whatever age limit Massachusetts decides on, efforts to prevent the creation of a criminal record in the first place "are of paramount importance."

In 2017, when the Senate considered raising the age to 19, nine of Massachusetts' 11 district attorneys opposed the measure in a six-page letter to lawmakers. Daniel F.

Conley, the Suffolk County district attorney at the time, who signed the letter, called raising the age to 21 “too far.”

“I think a better idea would be to maintain the age of adult criminal responsibility at 18 but try to figure out a way to have specialized courts or sessions that deal with young adults between 18 and 21,” he added.

Suffolk County’s current district attorney, Rachael Rollins, has signaled her support for an age increase, arguing that Massachusetts “must adopt smarter strategies that will benefit our entire community” [in a recent Globe op-ed](#).

Suffolk County Sheriff Steven W. Tompkins has also expressed support for raising the age to 21. In 2017, he and retired Essex County sheriff Frank G. Cousins Jr. wrote that the “system’s failures fall most heavily on young men of color” and there is “a better way to protect public safety and help young people be productive.”

In 2018, the DYS reported that 26 percent of its committed offenders were black, and nearly 46 percent were Hispanic.

Last month, a group of European judges, a prosecutor, and a prison director who work with juveniles visited Illinois, Massachusetts, and New York to highlight efforts in those states to raise the criminal responsibility age to 21.

“Locking people up in the adult system means a waste of talent, a vast waste of talent,” Andrea Ritter, a juvenile court judge in Germany, said upon visiting the Middleton detention center to advocate for raising the age.

In 45 US states, the maximum age for trying someone as a juvenile is 17.

But in Germany and Croatia, for example, the age of adult criminal responsibility is set at 21, and the Netherlands puts it at 23.

In 2016, Vermont became the first state to raise the age above 18, increasing it from 17 to 21. Beginning in 2022, 18- and 19 year-olds will be handled in the juvenile court system rather than in the adult system.

Also starting that year, the state's family courts will have jurisdiction over 18- and 19-year olds.

The Vermont law also allows state attorneys to refer youthful offenders to programs that emphasize rehabilitation and restoring them to their communities, instead of filing charges.

Vermont state Senator Richard Sears, one of the sponsors of the measure to raise the age, said the Legislature's reasons for doing so were two-fold.

"It's both research and understanding that the current system doesn't address the needs of teenagers," Sears said.

In 2007, Connecticut raised its age of adult criminal responsibility to 18. Efforts to further raise the age — including those pushed by the former governor, Dannel P. Malloy — failed.

During the Middleton visit, DYS Commissioner Peter J. Forbes said the Massachusetts department would not weigh in on whether the age should increase, but would be ready if a bill is signed into law.

“We’re working with 18-, 19-, and 20-year-olds now,” Forbes said. “So our position has been, we’re going to be prepared if the Legislature does add legislation, not that we’re going to weigh in on it, but we’re going to be prepared.”

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