



# Budget Priority

## RAISING THE AGE OF CRIMINAL RESPONSIBILITY

### PROBLEM

The Governor is prioritizing fundamental reform of the juvenile justice system in New York State, including a statutory change to the age of criminal responsibility. Structural changes to raise the age of criminal responsibility will require a significant investment in services based on a children and families social services model. These services will produce a need for job-training, high school equivalency education, transportation, drug and alcohol treatment, family and individual counseling, coordinated mental health services, case management, and other interventions resulting in significantly higher expenses. Many regions of the state currently do not have capacity to provide such services in their communities. In addition, the state currently caps funding for foster care and youth detention, and limits reimbursement for other child welfare and probation costs, resulting in a significant unfunded mandate on counties which will grow if the state changes the age of criminal responsibility **without providing full funding to alleviate these costs.**

### 2017 EXECUTIVE BUDGET PROPOSAL

The 2017-18 Executive Budget proposal seeks again to raise the age of criminal responsibility, but it does not provide state funding for the new costs that will be incurred by counties and New York City. The Governor's budget estimates that more than \$100 million in new costs would be created under this initiative. Without state reimbursement for NYC, and only partial reimbursement for county costs, this proposal creates a new unfunded mandate on counties and NYC.

### 2017 LEGISLATIVE BUDGET PROPOSALS

*The Assembly's Budget* has accepted the Governor's proposal with modifications. The Assembly provides \$5 million for capital improvements to local detention facilities associated with the proposal. It also provides an additional \$10 million in aid to local probation departments to support adjustment and diversion services for juveniles in preparation for raising the age of juvenile jurisdiction.

Other modifications include:

- restoring provisions for placing PINS in foster care and enhancing services for delinquents;
- narrowing the list of juvenile offenses for 16 and 17 year olds to the existing list of felonies;
- including youth charged with misdemeanor and felony vehicle and traffic offenses with the non-juvenile offenses processed in family court;
- expanding youthful offender eligibility to anyone under the age of 21;
- providing for 100 percent local cost reimbursement from the state; and
- creating opportunities for the sealing of certain convictions.

*The Senate's Budget* resolution notes that the Senate will modify the Executive proposal that raises the age of criminal responsibility, while ensuring public safety and the proper balance of the role and responsibilities of established court systems. The Senate says they will ensure that any changes necessary to achieve these desired reforms will have no added financial burden to the counties or other local governments/entities.

### COUNTY SOLUTION

NYSAC strongly endorses and has long advocated that the governmental entity that makes legislative and public policy decisions should also be responsible for paying for them. Raising the age of criminal responsibility is clearly a matter of state policy. However, the budget language needs to ensure that all incremental costs related to this public policy change be paid in full by the State. Current language is not clear, especially regarding the near certainty that many counties will need to expand their existing staff permanently to handle the influx of individuals and families that will require a new set of services. Adding staff will provide reimbursement challenges in that current, seasoned staff in some county departments will need to be diverted to address the unique needs of this population, and new staff will need to be hired to backfill other positions. A clear process is needed to ensure new costs are not placed on local taxpayers to support a state initiative, including providing grants to counties in advance of service delivery expansions to reduce property tax cap implications. In addition, the use of a diversion program may be in the best interests of the parties involved.