

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 73

BY REPRESENTATIVE LEGER

A CONCURRENT RESOLUTION

To urge and request the Institute of Public Health and Justice to study the current state of the juvenile justice and criminal justice systems to understand the potential impact of raising the age of juvenile jurisdiction to include seventeen-year olds.

WHEREAS, in recent decades, our understanding of adolescent brain development has greatly increased and behavioral studies have shown that youth are simply and significantly different from adults; and

WHEREAS, behavioral science has shown that because of the biological properties of adolescent brains, when compared to adults, seventeen-year olds are more prone to risky and impulsive behavior, less able to engage in moral reasoning or regulate their emotions, less able to consider long term consequences of their actions, and more prone to the effects and stress of peer pressure; and

WHEREAS, with recent decisions issued in *Roper v. Simmons*, 543 U.S. 551 (2005), *Graham v. Florida*, 130 S.Ct. 2011 (2010), and *Miller v. Alabama*, 132 S.Ct. 2455 (2012), the United States Supreme Court has recognized and relied upon this emerging adolescent brain development research and has ruled that youth are fundamentally different from adults and, therefore, warrant developmentally responsive treatment; and

WHEREAS, Louisiana has recognized that an effective criminal justice system should be based on public safety, accountability, and rehabilitation; and

WHEREAS, with the highest incarceration rate and the rising costs of incarceration, Louisiana, which has always emphasized the importance of public safety and accountability, has only just begun to focus on rehabilitation; and

WHEREAS, it is important to allow these youth a true opportunity to mature, learn, and rehabilitate themselves and transition into productive adults; and

WHEREAS, results from studies conducted by a Centers for Disease Control Task Force in 2007 and the United States Department of Justice in 2010 suggest youth who have been sent through the adult criminal justice system are more likely to recidivate than similar youth who remain in the juvenile justice system; and

WHEREAS, in another study conducted by the United States Department of Justice in 2011, results demonstrated that youth achieve major benefits from being sent through the juvenile court and juvenile facilities instead of being housed in adult facilities, which are often not equipped to deal with youth and place the youth in situations that are dangerous to them, or in isolation which can exacerbate or cause mental health problems; and

WHEREAS, the number of states that treat a seventeen-year old as an adult for purposes of determining criminal culpability is dwindling and there is a trend toward making eighteen years the default age of adult criminal responsibility; and

WHEREAS, Louisiana is only one of nine states left in the United States that automatically transfers a seventeen-year old in the criminal justice system to be tried as an adult.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Institute of Public Health and Justice to study the current state of the juvenile justice and criminal justice systems to understand the potential impact of raising the age of juvenile jurisdiction to include seventeen-year olds.

BE IT FURTHER RESOLVED that in conducting this study, the Institute of Public Health and Justice may work with and receive information from the key stakeholders in both the juvenile justice and criminal justice systems including but not limited to representatives from the following entities:

- (1) Department of Public Safety and Corrections, office of juvenile justice.
- (2) Department of Public Safety and Corrections.
- (3) The Department of Health and Hospitals, office of behavioral health.
- (4) Department of Children and Family Services.
- (5) Louisiana District Attorneys Association.
- (6) Louisiana State Public Defender Board.
- (7) Louisiana Sheriff's Association.
- (8) Louisiana District Judges Association.

(9) Louisiana Center for Children's Rights.

(10) The Southern Poverty Law Center.

BE IT FURTHER RESOLVED that in conducting this study, the Institute of Public Health and Justice should also evaluate the current criminal justice and juvenile justice systems to better understand seventeen-year olds currently within the criminal justice system, to examine the capacity of law enforcement, the courts, and the office of juvenile justice to manage these youth; and the needs these youth may bring to the juvenile justice system with regard to rehabilitation.

BE IT FURTHER RESOLVED that this report shall be provided to the House Committee on the Administration of Criminal Justice, the Senate Committees on Judiciary A, Judiciary B, and Judiciary C, the speaker of the House of Representatives, and the president of the Senate by February 1, 2016.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the Institute of Public Health and Justice.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE