

Raise the Age of Juvenile Jurisdiction Brings Hope for Kids

On December 1, 2019, the [Juvenile Justice Reinvestment Act](#), passed as a part of the North Carolina budget in 2017, will go into effect. North Carolina is the last state in the entire country to change historical laws that allowed individuals less than 18 years old to be tried and incarcerated as adults. This Act, commonly referred to as *Raise the Age*, is significant in that it allows 16 and 17 year olds to be treated as youth in the criminal justice system, increasing access to behavioral health services and reducing the impact of permanent records. The option to try a juvenile as an adult in superior court for major offenses such as armed robbery or assault will remain. However, for lesser offenses, such as possession of marijuana, a juvenile will be tried in juvenile court. 97% of juvenile crime cases reviewed as this legislation was processed were non-violent crimes.

Under current North Carolina law, juveniles are considered to be adults at the age of 16, and are, therefore, treated as adults in the criminal justice system and placed in prisons alongside adults. Many advocates have raised concerns that, because criminal records received for youthful offenses become part of permanent records, opportunities later in life (college, military service, jobs, loans) are compromised or denied. The hope for many in the public child mental health system with these changes is that the juvenile population will become a focus and will receive more appropriate and timely services related to their behavioral health needs, positively impacting the child and decreasing the likelihood of further criminal activity.

Impact of the Juvenile Justice Reinvestment Act, State Law 2017-57

1. On December 1, 2019 the upper age limit for a juvenile will increase to 17 years.
2. A person can only be prosecuted as an adult on or after the individual's 18th birthday or after the juvenile has been convicted in superior court for a prior offense. When a person under the age of 18 commits a crime, he/she will be tried and punished under the Juvenile Court. A minor criminal is considered an adult if he/she is married or has been previously convicted in superior court.
3. There are a few exceptions to this act. A juvenile can still be prosecuted as an adult in superior court under certain circumstances. A transfer hearing is

required to transfer jurisdiction to superior court for juveniles aged 13-15 except for Class A felonies such as first-degree murder. Juveniles aged 16 and 17 who commit Class A-G felonies will be transferred to adult court.

4. Juveniles under the age of 16 may be excused from compulsory school attendance in substitution for vocational education, special education, supervision or another situation that the court finds in the best interest of the juvenile.
5. The legislation allows for cases that may not be processed expediently enough before the juvenile turns 18 to continue to be processed as a juvenile crime up to a specified timeframe.
6. Ultimately, the maximum sentence served cannot be more than the maximum adult sentence for the same crime, unless it is to extend treatment or care for the individual. In any extension of care, the juvenile's parents, guardians or custodians may request review by the court.