

# Raise the Age

## *HB 1440 and SB 5434*

This bill modernizes Washington’s criminal legal system making it consistent with discoveries in developmental brain science by changing the jurisdiction of juvenile court to begin with children over 13 and establishing a task force to study age limit changes for adult court jurisdiction. Research shows that the impulse control and social and emotional maturity of young people are not fully established, and that brain development is not complete until age 25, raising concerns about when court jurisdictions should begin. Changing the starting age of jurisdiction for juvenile court to children over 13 and studying a change for adult court, would modernize our criminal legal system, decrease unnecessary incarceration costs, make meaningful steps toward addressing racial justice, and improving outcomes for young people.

### **Current System Not Aligned with Modern Brain Science**

Current scientific research has demonstrated that children lack the brain development and skills needed to be competent to engage with the criminal legal system.<sup>1</sup> Children are unable to fully understand the long-term consequences of their interaction with the juvenile court system, comprehend responsibility, and assist in their own defense. Raising juvenile jurisdiction age limits would prevent children from entering the criminal legal system prematurely, referring them instead to family, community and school interventions that are more appropriate for their level of maturity and brain development.

Current scientific research has also demonstrated that elements of brain development, including social and emotional maturity, do not happen until middle adolescence and young adulthood.<sup>2</sup> The frontal lobe, where impulse control, resistance to peer pressure, and social and emotional decision making are governed, is one of the last parts of the brain to fully develop. Rather than exposing young people to potential life-long collateral consequences in adult court, Washington should be providing a developmentally appropriate response that centers transformation. The U.S. Supreme Court and Washington Supreme Court have recognized the need for legal systems to account for brain development science. Creating a task force to study raising the age of adult

jurisdiction would move Washington in the right direction.

### **This Bill Advances Racial Justice**

Due to a history of over-policing communities of color and children in schools, youth who are Black, Indigenous, or people of color have a disproportionately greater number of juvenile convictions. Because race influences decisions at various stages in the criminal legal process, independent of the severity of the offense and of an individual’s criminal history, young people of color are disproportionately more likely to be incarcerated.

Modernizing Washington’s juvenile court jurisdiction age range would advance racial equity by providing young people with more developmentally appropriate interventions and generating opportunities for responses that center transformation. This improves outcomes for youth and for public safety more generally. Young people who feel they are being treated fairly by the system are more likely to comply with it, and will receive more effective, efficient, and appropriate interventions that will, in time, reduce crime.

### **Modernization Supports Effective and Efficient Outcomes**

Young people in the juvenile and adult legal systems have experienced adverse childhood experiences at a much higher rate than the general population. They are more likely to have suffered abuse and neglect, mental illness and substance use disorders, and deep poverty – trauma that can further affect brain development. Prosecution and conviction compound these harms and can saddle young people with lifelong social and economic consequences, such as loss of financial aid and decades of difficulty securing housing and employment.

Raising the age of court jurisdiction to provide more developmentally appropriate intervention will not only provide better outcomes for youth in the short and long-term but will reduce incarceration costs and will break cycles of trauma induced by criminal legal involvement,

which improves public safety outcomes for all. HB 1440 and SB 5434 bring Washington more in line with modern brain science, better serving individuals and communities while advancing racial justice and putting our criminal legal resources to their most efficient use.