

Text N°7: 17-Year-Olds Should Be Tried in Juvenile Courts

Seventeen is a confounding age for juveniles, parents and the legal system. For example, in every state, a 17-year-old is legally barred from purchasing liquor, can obtain a learner's permit to drive, and is able to join the military with parental permission. But when a 17-year-old commits a crime, is he or she considered a juvenile or an adult? The answer to that depends on  
5 the state in which the crime was committed. Increasingly, individual states are enacting laws that recognize 17-year-olds as juveniles, reversing laws that suggested they are adults.

Today, in 41 states plus the District of Columbia, a 17-year-old who commits a crime moves through the juvenile justice system. In the remaining nine states, the criminal justice system treats 17-year-olds as adults. This matters because only when a person is tried as an adult can  
10 be sentenced to adult jail or prison. For the last few years, lawmakers in Wisconsin, one of those nine states, have been trying to pass the 'Second Chance Bill' which would allow certain 17-year-old offenders to be processed in juvenile court. The idea of such legislation brings up the old notion of "super predators," young violent and recidivist offenders without consciences who would not respond to treatment.

Juvenile court focuses on the needs of the juvenile, not the crime; the court's goal is rehabilitation. The adult system focuses on the offense, with a greater emphasis on punishment. Also, records in the juvenile system are sealed while adult records are open to the public. Having records open to the public can affect juveniles' access to jobs, housing and education. We're giving up on kids when we say that punishment is the only option and there is no hope  
20 for rehabilitation.

Tina Freiburger, <https://www.huffingtonpost.com>, Sep 24, 2016.