



Children's Action Alliance

A Voice for Arizona's Children since 1988

FACT SHEET

January 22, 2010

SB 1009 – Juvenile Prosecutions; Adult Court; Age

SB 1009 is designed to bring our justice policies for youth more in line with the current research, to recognize that youth are different from adults, and to minimize the unintended consequences of our laws that allow youth to be prosecuted in the adult system.

This legislation clarifies the age of a youth who could be prosecuted as an adult. The prosecution of certain youth cases in adult court is allowed or required based on the child's age. There are differences at age 14 and again at age 15. The law needs to be clarified to designate that filing in adult court be based on the child's age at the time of the alleged offense -- not on the age at the time the charges are filed. Without this clarification, prosecutors can delay filing charges solely for the purpose of moving the case to adult criminal court.

Background: In one high profile case example, the St. John's case of the 8 year old boy accused of murdering his father and another adult, prosecutors threatened to delay the charges for more than 6 years and to charge the child for murder in adult court when he reached the age of 15.

This legislation would **not** prohibit younger children from being tried as an adult. The county attorney can always request a transfer hearing to consider moving the case from juvenile to adult criminal court as outlined in ARS §8-327.

The interpretation and practice of county attorneys is not consistent state-wide. Some prosecutors indicate that they base their actions on the age of the child at the time of the offense; others sometimes delay filing charges.

Why is this legislation needed? A decade of research shows that youth who are prosecuted in the adult system have higher rates of recidivism and worse outcomes than youth treated in the juvenile justice system. Medical and academic research shows that because the youth brain isn't yet fully developed, teenagers literally think differently than adults about actions and consequences. To be effective, our policies to punish youth and to deter youth crime should be different than our policies for adults.

The ages placed in law were meant to recognize a difference between teenagers and children younger than 14. It makes no sense to allow prosecutors to delay action to override those differences in the law.

PLEASE SUPPORT SB 1009