



WISCONSIN COUNCIL ON

**children  
& families**

Raising Voices to Make Every Kid Count

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## Returning 17-Year-Olds to Juvenile Court

Under current Wisconsin law, 17-year-olds are considered adults for the prosecution of crimes. A seventeen-year-old, who gets arrested, no matter what crime, *cannot* be processed through the juvenile court. Adolescents under 17 can be tried as adults for certain crimes.

<b>Mandatory Original Adult Court Jurisdiction</b>		
<b>Current Law</b>	<b>Proposed Law</b>	<b>Crimes</b>
10 to 16	<b>10 to 17</b>	First Degree Intentional Homicide; First Degree Reckless Homicide; Second Degree Intentional Homicide
10 to 16	<b>10 to 17</b>	Juvenile who commits assault or battery while in a while in a secure correctional facility on a corrections officer or another inmate
<b>17 years old</b>	<b>18 years old</b>	<b>Always Original Adult Court Jurisdiction</b>
<b>Waiver to Adult Court</b>		
<b>Current Law</b>	<b>New Law</b>	<b>Crimes</b>
14 to 16	<b>14 to 17</b>	Felony Murder, Kidnapping, Second Degree Reckless Homicide First or Second Degree Sexual Assault Taking Hostages, Burglary, Robbery with a dangerous weapon, Manufacturing or Distributing Controlled Substances, Commission of a Felony at the Request of a Gang
15 to 16	<b>15 to 17</b>	Violation of any State Criminal law

Under our proposal, 17-year-olds would be returned to the original jurisdiction of the juvenile court. As shown in the chart, **there would be no change in how violent offenders were treated under the law.** There would still be the ability to try kids who commit more serious crimes as adults. The real difference would be for those 17-year-olds who have not had a lot of contact with the court system and who have committed relatively minor crimes.

In 2005, many 17-year-olds spent time in jail for crimes they could not be placed in juvenile detention for. For example, 292 kids were sentenced to jail for disorderly conduct in 2005 – not to mention the numbers of 17-year-olds held in jail prior to the resolution of their cases. It is for these kids that we must change the laws.

**Kids should not spend time in jail for crimes that would not qualify for juvenile detention.**

### The Legislation:

Change the age of juvenile court jurisdiction to include 17-year-olds. This would not effect the waiver provisions for violent crimes. The legislation would also include a funding component.

### What's wrong with the current law?

Many 17-year-olds have no prior experience with the justice system, and the vast majority of them who are arrested are arrested for non-violent offenses. **Only one percent of 17-year-olds are arrested for the most serious violent offenses; liquor laws and disorderly conduct are the most frequent arrests for that age group.** Ideally these first time and non-violent offenders would be sent a message that law-breaking behavior is not tolerated, held accountable to the community for their actions, but not foreclosed from the wealth of opportunities of adulthood simply because of an initial, small contact with the law. However, because 17-year-olds are currently treated as adults, they can be denied opportunities – for college, for jobs, to be successful adults – because of adolescent mistakes.

### What about the 17-year-olds who are a serious threat to community safety?

There is a great deal of discretion currently in the juvenile code to try juveniles as adolescents based on the crime they commit. In addition to all the penalties available to the juvenile court, including locking up serious offenders until the age of 25, serious violent offenders could still be tried in adult court if a prosecutor believes, and a judge agrees they need to be (through waiver).

### What about the cost?

Like investing in early education, long-term cost-savings can be realized through smart investments in the juvenile system. A decade of research has proven that kids treated in the juvenile system are less likely to commit future crimes than kids in the adult system. Conversely, kids in the adult system not only commit more future crimes, but more serious future crimes. Putting kids in the adult system is bad public policy because it jeopardizes the safety of our communities.

### 17-year-olds are simply not adults.

In the past decade, research has confirmed that adolescents think differently than adults. Importantly, their decision-making abilities are not fully developed. Additionally, 17-year-olds are not treated as adults in any other realm. Beyond not being able to enlist for the military or vote, they also cannot consent to their own medical treatment or rent an apartment. 17-year-olds who are homeless cannot go to a homeless shelter because they are not old enough.

### Supportive Organizations:

Wisconsin Counties Association  
AFSCME

WI County Human Services  
Association

State Bar: Children & the Law  
Section

State Bar: Criminal Law Section  
State Bar: Public Interest Law  
Section

WI Juvenile Court Intake Workers  
Association  
Social Workers

WI Association of Family and  
Children's Agencies

AFT

Council # 1 – WEAC/NEA