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January 8, 2018

Representative Claire D. Cronin  
Chairman, Joint Committee on the Judiciary  
State House, Room 136  
Boston, MA 02133

Senator William N. Brownsberger  
Chairman, Joint Committee on the Judiciary  
State House, Room 504  
Boston, MA 02133

Dear Chairpersons Cronin and Brownsberger,

I write today concerning the conference committee's efforts to reconcile H.4043 and S.2200. My name is Jesse Kelley, and I am the State Affairs Manager for Criminal Justice for the R Street Institute. The R Street Institute is a nonprofit, nonpartisan, public policy research organization focused on evaluating policies related to criminal justice, the juvenile justice system, and ways of effectively reintegrating ex-offenders into society.

Provisions in both the Senate bill and the House bill would precipitate meaningful, and laudable, policy shifts. Still, we believe there is room for improvement. Specifically, the R Street Institute encourages including provisions to raise the age of criminal majority to 19 (as written in S.2200) and maintaining provisions that provide reasonable expungement opportunities to youthful offenders (as outlined in each chambers' bill).

Raising the age:

First, I would like to call your attention to the need to raise the age of criminal majority not to 18, but to 19 years old (as currently reflected in S. 2200). Though perhaps counterintuitive, the higher age threshold makes sense. There is a national trend underway to reevaluate crimes committed by young people and youth incarceration generally. That reflection is a result of novel findings in the field of cognitive science and an associated recognition of the need for a more rehabilitative system that treats children—who are developmentally distinct from adults—substantially different from adults.

What's more, perception of social norms regarding age-appropriate behavior has significantly shifted in the past 50 years as more young people attend college, postpone buying homes, and even delay getting married. As a general rule, in the age in which we live, everything is happening later. However, in most jurisdictions, laws have neglected to recalibrate definitions of true adulthood to reflect these changes in society.

If Massachusetts raises the age of criminal majority to 19, as opposed to 18, it would immediately become the state with the highest age of juvenile inclusion in the country and a national leader on this issue. And it would not be the first time the Commonwealth took the lead on juvenile majority age reforms. A decade ago the Bay State, along with 13 other states, decided to raise the age of majority to 18 and deem 17-year-olds juveniles upon arrest. The move to 19 is a natural next step.

#### Expungement:

Second, increasing opportunities for the expungement of criminal records is a critical component to ensuring viable economic opportunities for those individuals reentering society. As written, both the House and the Senate bills would allow juvenile records—and some records relating to crimes committed by individuals up to age 21—to be expunged after three to seven years. We at R Street strongly support this approach.

With an expunged record, a previously convicted individual will have a more equitable, and often more successful, experience when seeking employment. The ability to report to a prospective employer that no criminal conviction appears on a record increases the likelihood of securing a job. In fact, the University of Michigan School of Law conducted a study that analyzed applicants' histories on job applications and found that applicants *without* criminal convictions were 63 percent more likely to receive an interview than were those with criminal histories.

Clearly, a criminal record can be a lifelong barrier to economic security. What is often overlooked is that with economic insecurity comes higher chances that a formerly incarcerated individual will be forced to seek public assistance. In an era of tight budgets, modest reforms like expungement can decrease stress on the public purse by making it easier for individuals who have been incarcerated in the past to gain full-time employment. Increasing the working population while decreasing the number of those relying on government assistance is a win-win for the state.

I thank you for affording me the opportunity to express our opinions on the matter. If I can provide any further information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Jesse Kelley, Esq.  
State Affairs Manager, Criminal Justice  
R Street Institute