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RAISING THE AGE OF CRIMINAL RESPONSIBILITY IN GEORGIA

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BACKGROUND

Under current Georgia law, minors cannot vote, buy a lottery ticket or even open a checking account. Indeed, 17-year-olds are treated as children in almost every way—except in the Georgia justice system, which is one of only three states, including Texas and Wisconsin, that automatically prosecutes all 17-year-olds as adults. The results of this policy have been devastating, as they undermine public safety and increase taxpayer burden. However, lawmakers have an opportunity to raise the adult age of criminal responsibility to 18, and research suggests there are many good reasons for doing so.

COGNITIVE DEVELOPMENT

While the Georgia justice system considers all 17-year-olds adults, science tells another story. The brain's frontal cortex, which is responsible for reasoning and decision-making, is not yet fully matured at that age, and this is why minors are prone to impulsive behavior. What's more, as teens grow older, the drive to act irrationally, aggressively and impetuously tends to disappear. This demonstrates that, from a scientific perspective, teenagers are more like children than adults and thus lack a degree of culpability. It also means that given the right rehabilitative environment, most children will naturally grow out of delinquent behavior and given this, it makes little sense to sentence them to the overly punitive environment of an adult prison.

CRIMINAL RECORDS

In many places, juvenile records are sealed upon reaching the age of majority, but Georgia youths who are tried in the adult system do not enjoy this same benefit. Rather, they can ultimately be saddled with permanent adult criminal records, which will adversely affect them for the rest of their lives. For example, some criminal records can preclude individuals from acquiring an occupational license or from obtaining federal student loans and Pell grants. The latter can put already costly higher education out of reach for many and limit their lifetime employment options. To make matters worse, employers are less likely to hire an individual with a criminal record. And, given that as many as [96 percent](#) of employers conduct some form of background checks and those without a criminal record are [60 percent](#) more likely to receive a call back for an interview, this is a common and widespread problem. The culmination of these factors means that many face lifelong struggles for mistakes they committed as minors, which may even encourage some to turn to crime simply to make ends meet as adults.

PHYSICAL AND PSYCHOLOGICAL TRAUMA

The overwhelming majority of crimes committed by those under the age of 18 are [nonviolent offenses](#). However, when some minors are convicted as adults, they can find themselves in adult correctional facilities. Indeed, as of an October 2019 Georgia Dept. of Corrections [audit](#), 810 minors were housed in Georgia's adult facilities. Research demonstrates that this is a poor method of supervising youth because they are the recipients of an inordinate amount of physical and sexual abuse. In fact, minors account for only around one percent of the country's adult prison population, but they incur approximately [21 percent](#) of sexual abuse in prison. Further, too often, youth in adult facilities land in solitary confinement, which can cause undue [psychological stress](#). This takes its toll. Youth in adult detention facilities commit suicide at [nine times](#) the rate of those who are placed in juvenile facilities. This is because minors in adult prisons are easy targets for predators, there are fewer protections to guard against such abuse and there are not as many counselors in adult facilities who can provide the support that minors need.

INCREASED CRIME

One of the unintended side effects of treating all 17-year-olds as adults in the justice system is more crime. Those who wind up in adult prison are [34 percent](#) more likely to be rearrested than those who were housed in juvenile facilities. In large part, this is because adult facilities simply are not equipped to rehabilitate or safeguard minors. Without access to youth programs and sufficient protections, 17-year-olds may never receive the aid they need to become productive adults and they are subject to physical and psychological trauma, which causes lasting harm. What's more, while in adult prisons, they are more likely to learn criminal behavior from their fellow residents, and for this reason, once released, they may be even more inclined toward crime than away from it.

COSTS

While every state budgets differently, raising the age of adult criminal responsibility promises to [produce cost savings](#). Some states have found that raising the age may require a reallocation of funds or an upfront investment, but this is not always the case. Connecticut, for instance, was able to save [\\$2 million dollars](#). However, the savings may be much more over time. A Wisconsin [study](#), for example, concluded that \$5.8 million will be saved for every 1,000 minors who are directed to the juvenile justice system because of “reduced law enforcement costs, court costs, and losses to victims.”¹

CONCLUSION

While the overwhelming majority of crimes that minors commit are nonviolent, an adult conviction of any sort can have lasting and devastating effects on young people that lead to more crime, physical and psychological trauma and an increased taxpayer burden. In certain exceptional cases, prosecutors will still have discretion to try minors as adults and raising the age of criminal majority will not change this. For all these reasons, they should exercise restraint. Nevertheless, lawmakers should strive to keep 17-year-olds, as a general matter, in the juvenile system where they belong, by raising the age of criminal majority this legislative session.

CONTACT US

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1. An online version of the Wisconsin study is unavailable at this time and thus we have included a reference to the *Politifact* report in which it is mentioned.