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Testimony from:

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HB 272: “Juvenile Code; juvenile court to include children who are under 18 years of age; change jurisdiction.”

The Financial Impact of Raising the Age of Adult Criminal Responsibility

March 22, 2021

Senate Judiciary Committee

Chairman and members of the committee,

My name is Marc Hyden. I am a Georgia resident and the director of state government affairs at the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform. That is why raising the age of adult criminal responsibility is of special interest to us.

Georgia is one of only three states that still automatically prosecutes all 17-year-olds as adults in the criminal justice system. There was a time when numerous states treated 16- and 17-year-olds as adults. However, states have since largely moved away from such a system. In virtually every state that raised the age, legislators carefully weighed many related issues, including the potential economic impact. After doing so, most agreed that the best path forward was to begin placing minors in the juvenile system rather than the adult system. While each state is different, Georgia should be able to draw on findings from these other states to approximate the impact of raising the age in Georgia broadly.

Projected Governmental Costs

Some states that raised the age recently are Connecticut, Massachusetts, Illinois and New Hampshire. Before enacting this legislation, state officials considered the potential financial implications of doing so. These estimations varied wildly and included the need for additional probation officers, judges, corrections officers, juvenile facilities, etc.:

- To raise the age, a fiscal note in Connecticut estimated that the Constitution State would need upwards of an additional \$100 million dollars annualized.¹
- The Massachusetts Juvenile Court Administrative Office claimed it would need an additional \$24.57 million a year to raise the age.²

- An Illinois juvenile justice commission expected the number of youths in the juvenile justice system to surge by 35 percent if they raised the age, requiring subsequent increased funding.³
- New Hampshire officials estimated that raising the age would increase juvenile justice costs by around \$5.3 million a year in the state.⁴

Short-Term Impact

Despite projecting considerable cost increases, which caused trepidation among lawmakers, these concerns were mostly unfounded, and approximations were greatly overblown.

- After raising the age, Connecticut's juvenile justice budget shrunk by \$2 million.⁵
- Massachusetts spent an additional \$15.6 million on the Department of Youth Services, around \$9 million less than projected.⁶
- Illinois' juvenile justice spending has remained essentially stable, increasing only \$3 million dollars (from \$117,664,300 in 2010 to \$120,999,585 in 2016), which is far less than a potential 35 percent surge.⁷
- New Hampshire implemented the change without any increase in juvenile justice spending.⁸

Long-Term Impact

While raising the age has either saved or cost modest sums of money in the short term, in the long term it promises to save large amounts of money. That is because the adult criminal system is not well suited for juveniles. When placed in the juvenile system, youths have access to numerous programs tailor-made for their age group, which reduces recidivism rates—thereby easing the financial burden on the justice system as a whole.⁹

- A Wisconsin study demonstrated that over the long term, “for every 1,000 youth[s] returned to the juvenile system there will be \$5.8 million in direct savings each year through reduced law enforcement costs, court costs, and losses to victims.”¹⁰
- While some projected that raising the age in North Carolina would result in a \$49.2 million net increase to the state's budget (a number that is disputed), in 2011, researchers estimated that it will ultimately save North Carolinians “\$123.1 million in reoccurring benefits to youth, victims, and taxpayers over the long term.”¹¹
- Politifact estimates that for every dollar invested in raising the age, states could expect a return of as much as \$10.¹²

Impact on Justice-Involved Youth

Including 17-year-olds in the juvenile system provides greater access to crucial educational and technical training, leading to increased opportunities upon release and a better chance for justice-involved youths to grow into responsible, productive adults.

Further, research has shown that employment can reduce the likelihood of recidivism for both youths and adults.¹³ However, if a young person has an adult criminal conviction on his or her record, that history can make finding work substantially more difficult. A more inclusive juvenile justice system would ensure more young people are productively employed upon reentry, thereby reducing recidivism rates and the associated costs.

Conclusion

While it is a herculean task to determine the exact costs and/or savings associated with Georgia's Raise the Age proposal, lessons from other states paint an optimistic picture. Though each state is different, many states have similar experiences: Governmental estimates of raising the age were greatly overblown, and upon implementing the measure, states have, in many cases, experienced only negligible spending increases relative to annual budgets or actually saved taxpayer dollars. However, even if there is a minor investment associated with raising the age, studies and documented experiences show that the state will save many millions of dollars in the long run.

Thank you for your time.

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¹ "Fiscal note for public act 07-4," Raise the Age Connecticut, 2007.

<http://www.raisetheagect.org/resources/fiscal-note.pdf>.

² *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*, Justice Policy Institute, last accessed March 17, 2021.

<http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheage.fullreport.pdf>.

³ Ibid.

⁴ H.B. 1624-FN, AN ACT modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights, 2014 Session.

⁵ *Raising the Age*, Justice Policy Institute.

<http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheage.fullreport.pdf>.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Nila Bala, "Left-Behind Kids," *R Street Policy Study* No. 136, March 23, 2018.

<https://www.rstreet.org/2018/03/23/left-behind-kids/>.

¹⁰ Will Doran, "Raise The Age: Could juvenile justice reform save North Carolina millions?," Politifact, Jan. 27, 2017. <https://www.politifact.com/north-carolina/statements/2017/jan/27/duane-hall/raise-age-could-juvenile-justice-reform-save-north/>.

¹¹ Christian Henrichson and Valerie Levshin, "Cost-Benefit Analysis of Raising the Age of Juvenile Jurisdiction in North Carolina," Vera Institute of Justice, Jan. 10, 2011.

https://www.vera.org/downloads/Publications/cost-benefit-analysis-of-raising-the-age-of-juvenile-jurisdiction-in-north-carolina/legacy_downloads/CBA-of-Raising-Age-Juvenile-Jurisdiction-NC-final.pdf.

¹² Will Doran, "Raise The Age: Could juvenile justice reform save North Carolina millions?."

<https://www.politifact.com/north-carolina/statements/2017/jan/27/duane-hall/raise-age-could-juvenile-justice-reform-save-north/>.

¹³ Aaron Yelowitz and Christopher Bollinger, "Prison-To-Work: The Benefits of Intensive Job-Search Assistance for Former Inmates," Manhattan Institute, March 26, 2015. <https://www.manhattan-institute.org/html/prison-work-5876.html>.