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17-Year-Olds Should Be Tried in Juvenile Courts

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Seventeen is a confounding age--for juveniles, parents and the legal system. For example, in every state, a 17-year-old is legally barred from purchasing liquor, can obtain a learner's permit to drive, and is able to join the military with parental permission.

But when a 17-year-old commits a crime, is he or she considered a juvenile or an adult? The answer to that depends on the state in which the crime was committed. Increasingly, individual states are enacting laws that recognize 17-year-olds as juveniles,

reversing laws that suggested they are adults.

Today, in 41 states plus the District of Columbia, a 17-year-old who commits a crime moves through the juvenile justice system. In the remaining nine states, the criminal justice system treats 17-year-olds as adults. This matters because only when a person is tried as an adult can he or she be sentenced to adult jail or prison.

For the last few years, lawmakers in Wisconsin--one of those nine states-- have been trying to pass the [Second Chance Bill](#) which would allow certain 17-year-old offenders to be processed in juvenile court. The idea of such legislation brings up the old notion of "superpredators," the new concern about recidivism, and more.

Why does it matter where a case is heard?

Juvenile court focuses on the needs of the juvenile, not the crime; the court's goal is rehabilitation. The adult system focuses on the offense, with a greater emphasis on punishment. This distinction has been at the root of the debate regarding which court will try the two juveniles in Wisconsin's [Slender Man case](#).

Also, records in the juvenile system are sealed while adult records are open to the public. Having records open to the public can affect juveniles' access to jobs, housing and education. We're giving up on kids when we say that punishment is the only option and there is no hope for rehabilitation.

Has Wisconsin always treated 17-year-olds as adults?

No. Prior to a 1996 law, 17-year-olds remained in Wisconsin's juvenile system. An individual was not considered an adult until age 18. During the '90s, Wisconsin was one of many states that changed their juvenile laws to be more punishment focused. This movement was largely due to widespread belief that juveniles were becoming more dangerous and in an anticipation of a wave of "[superpredators](#)." Superpredators were conceived of as young violent offenders without consciences who would not respond to treatment. This wave never came to fruition; in fact, juvenile violent crime actually decreased after peaking in the mid-'90s.

Should we expect an increase in recidivism if 17-year-olds are brought back into the juvenile system?

Research shows the opposite is true; juveniles who have gone through the adult system are more likely to reactivate than those who have gone through the juvenile system. This relationship remains after important factors, such as prior record and severity of the offense committed, are controlled for in statistical analyses.

Are there problems that arise from treating 17-year-olds as adults?

Juveniles who are placed in the adult system are more likely to be sexually and physically victimized by older convicts and more likely to commit [suicide while incarcerated](#), according to the research. Juveniles incarcerated with adults also can learn criminal behaviors and pro-criminal attitudes from adult offenders.

Who will be affected if this law passes?

Only 17-year-old juveniles who are first-time and non-violent offenders will be returned to the juvenile court. Unfortunately, data is not available to determine the number and the demographic characteristics of those who will qualify.

The law, if passed, will not eliminate these juveniles' chances of ending up in the adult court, as they will remain eligible for judicial waiver into the adult system. Therefore, it is likely that some of the juveniles who qualify would still end up in the adult system. In the law passes, policy makers should work with researchers to collect data that will give us a full understanding of the impact of the new law and of who is affected.