

Journal Times editorial: Give nonviolent 17-year-olds a second chance

Journal Times Editorial Board Journal Times 10.25.15
13 hours ago • [Journal Times Editorial Board](#)

Seventeen years old is certainly old enough to get into trouble with the law.

But are all 17-year-olds able to grasp the seriousness of their actions?

We don't think so, and neither does a bipartisan group of state legislators.

State Sen. Jerry Petrowski, R-Marathon, leads a group of legislators who have introduced a bill that would place 17-year-olds accused of nonviolent crimes for the first time in juvenile court. Petrowski said in a news release that young people who have broken the law for the first time shouldn't be saddled with a criminal record that will hang over them for the rest of their lives, preventing them from entering the military and making it harder to land jobs. "The kids we're talking about are nonviolent and are having their first brush with the legal system and they deserve a second chance to become responsible adults," Petrowski said.

Seventeen-year-olds accused of violent crimes, including homicide, battery or sexual assault, would still be considered adults. We agree with this distinction. Violent 17-year-olds should continue to be prosecuted as adults.

Many states toughened their punishments for young offenders in the late 1980s and early 1990s as juvenile crime increased, the Associated Press reported. In recent years, though, many have begun backing off in the face of declining juvenile crime rates, budget crunches and research showing that the brain doesn't fully develop until a person is in his or her mid-20s. Since 2007, at least four states have moved 17-year-olds into juvenile court, according to the National Conference of State Legislatures.

Wisconsin is one of nine states that prosecute 17-year-olds in adult courts, where convictions can mean prison time depending on the crime. Anyone 16 or younger is generally subject to juvenile court, although they're treated as adults if they're charged with certain crimes such as homicide or they're repeat offenders.

There's one group in opposition to the Petrowski bill — the Wisconsin Counties Association — and the argument behind their opposition has merit: In Wisconsin, counties generally foot the bill

for juvenile detention, and housing a juvenile offender costs about \$54,800 annually, compared with \$18,800 per year at an adult jail.

The state Department of Corrections noted in a fiscal estimate attached to the bill that the bill would result in a reduction in jail, prison and adult community supervision populations, which would save money. Yes and no: It would save the state money, but an increase in juvenile detention would cost counties more money, and counties in Wisconsin face the same state-imposed levy limits as municipalities.

In other words, if the Petrowski bill became law without counties receiving an increase in juvenile detention funding from the state, it would be an unfunded mandate.

Kyle Christianson, the WCA's government affairs director, said the organization supports moving 17-year-olds back into juvenile court. Even though arrest rates are declining, 17-year-olds' cases are growing more complex and require more services, he said. That takes money the bill doesn't provide, he said.

"We don't want to be the bad guys here," Christianson said. "But if the goal is to get better outcomes, we need to prioritize the funding for it."

Agreed.

Jim Moeser, deputy director of Wisconsin Children and Families, said it is becoming more difficult to argue that the change would be too expensive. First-time offenders need fewer services than chronic offenders and juvenile arrests have declined in recent years, which means fewer kids in the system and lower costs, Moeser said. Data from the state Department of Justice shows that the juvenile arrest rate dropped 46 percent from 2009 through 2014. He also pointed to studies that show the juvenile system reduces recidivism, saving money down the road.

"To think you're going to take a kid who's 17 and put him in with adult criminals and think he's going to get better, common sense is going to tell you that won't work very well," Moeser said.

Our conditional endorsement of the Petrowski bill is based not upon dollar amounts but its societal objective: To give nonviolent 17-year-olds a chance to get back on the right path and become productive members of society. Those who straighten themselves out would end up costing taxpayers less in the long run.

That being said, achieving the societal objective is not without cost to taxpayers. The Legislature should approve the bill but also provide counties with the money to pay for it.