



New York State YMCA
Youth And Government

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FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Liberty 4

Bill #: AL-30

1 **Sponsors:** Madison Brown, Leah Alaimo, Ashtyn Bishop, Meghan Gleason

2
3 **An Act To** Amend Juvenile Law 508 section 2 c&d

4
5 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

6
7 **Purpose** To provide behavioral counseling and community service obligations to
8 minors committing misdemeanors for the first time rather than serving jail time.

9
10 **Summary of Provisions**

11 Section 1: Definitions

12 Behavioral counseling: A type of therapy focusing on improving the behavioral
13 habits of patients.

14 Misdemeanor: A crime less serious than a felony; usually in a minor's wrongdoing
15 resulting in incarceration.

- 16 • Class A: One step down from a felony; can spend up to 12 months in jail
17 (assault, theft, drug position, etc.)
- 18 • Class B: Crimes involving behind the wheel intoxication or impairment
19 (vandalism, shoplifting); less offensive than Class A.

20 Minor: A person who is under the age of 18.

21 Larceny: The theft of personal property.

22 Incarcerated: The imprisonment or confinement of a person.

23 Section 2: Provisions

24 ~~* § 510.15 Commitment of principal under seventeen or eighteen.~~

25 ~~— 1. When a principal who is under the age of sixteen is committed to the~~
26 ~~custody of the sheriff the court must direct that the principal be taken to and~~
27 ~~lodged in a place certified by the office of children and family services as a juvenile~~
28 ~~detention facility for the reception of children. When a principal who (a)~~
29 ~~commencing October first, two thousand eighteen, is sixteen years of age; or~~
30 ~~(b) commencing October first, two thousand nineteen, is sixteen or seventeen~~
31 ~~years of age, is committed to the custody of the sheriff, the court must direct~~
32 ~~that the principal be taken to and lodged in a place certified by the office of~~
33 ~~children and family services in conjunction with the state commission of correction~~
34 ~~as a specialized secure juvenile detention facility for older youth. Where such a~~
35 ~~direction is made the sheriff shall deliver the principal in accordance therewith~~
36 ~~and such person shall although lodged and cared for in a juvenile detention facility~~
37 ~~continue to be deemed to be in the custody of the sheriff. No principal under the~~
38 ~~age specified to whom the provisions of this section may apply shall be detained in~~
39 ~~any prison, jail, lockup, or other place used for adults convicted of a crime or under~~
40 ~~arrest and charged with the commission of a crime without the approval of the~~
41 ~~office of children and family services which shall consult with the commission of~~
42 ~~correction if the principal is sixteen years of age or older in the case of each~~
43 ~~principal and the statement of its reasons therefor. The sheriff shall not be liable for~~
44 ~~any acts done to or by such principal resulting from negligence in the detention~~



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45 of and care for such principal, when the principal is not in the actual custody of
46 the sheriff.

47 ~~—2. Except upon consent of the defendant or for good cause shown, in any case~~
48 ~~in which a new securing order is issued for a principal previously committed~~
49 ~~to the custody of the sheriff pursuant to this section, such order shall further~~
50 ~~direct the sheriff to deliver the principal from a juvenile detention facility to~~
51 ~~the person or place specified in the order.~~

52 Minors that commit misdemeanors for the first time will receive behavioral
53 counseling and be required to do community service. The duration of counseling will
54 be determined by the director.

55

56 **Justification**

57 Misdemeanors include vandalism, petty theft, simple assault, drunkenness in public
58 and other minor crimes. Misdemeanors are still public offenses and will be applied
59 to a minor's criminal record even though time in juvie is not being served, unless
60 the court petitions otherwise. The most common crimes committed by minors are
61 theft and larceny. These crimes are not dangerous to the wellbeing of others,
62 especially when they are first time offenses. Minors are often impulsive in
63 performing actions that seem to be unjust. Most of the time those individuals who
64 have never before committed a petit or misdemeanor crime are doing so without
65 complete knowledge or recognition of their actions and the consequences of that
66 action. Some may even be in the wrong place at the wrong time. Instead of
67 spending time in juvie for first time misdemeanors, minors will perform community
68 service and receive counseling. Considering the amount of time these minors would
69 be serving in juvie, it most likely wouldn't be as beneficial as spending up to a year
70 or more in counseling facilities or performing community service. Nor would time in
71 juvie teach them the severity of the specific crime they've committed or help them
72 refrain from committing another misdemeanor or even a greater crime in the
73 future. By participating in community service, youth will have the opportunity to
74 give back to their community and reflect on their wrongdoings.

75

76 **Fiscal Implications**

77 The average cost to incarcerate juvenile delinquents is \$407 per person per day.
78 This bill allows New York State to save money by having less individuals in prison
79 who are not considered a danger to the public. The only fiscal implication would be
80 payment towards behavioral counseling for the offender. The cost of therapy in NYS
81 varies greatly depending on location, duration and the therapist. Most behavioral
82 therapists charge \$75-\$200.

83

84 **Effective Date**

85 This bill will go into effect 1 year after its passage.