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## Michigan Senate passes 'raise the age' criminal justice reform plan

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Sens. Pete Lucido and Sylvia Santana discuss "raise the age" criminal justice reform legislation. (Photo: Jonathan Oosting)

*Lansing* — The Michigan Senate on Wednesday approved a long-debated criminal justice reform plan that would "raise the age" threshold for automatic prosecution as an adult from 17 to 18 years old.

Supporters hailed passage of the bipartisan package as a major milestone for Michigan, which is among a small handful of states that still has an automatic age trigger to treat 17-year-olds as adults in the judicial system. Adult treatment can stigmatize minors, limit their ability to find future jobs and put them in dangerous situations behind bars, lawmakers said Wednesday in approving the bills.

"We now know what past legislators did not know: That getting 'tough on crime' only resulted in more crime, having juveniles sexually assaulted in prison and treated as prey by adults with no opportunity for real reforms," said Sen. Sylvia Santana, D-Detroit. "We are turning the tide today."

The proposal, similar to a package awaiting action on the House floor, would generally prohibit minors from being detained, jailed or imprisoned with adults. Prosecutors could still seek waivers to charge minors as adults in certain cases, but the legislation would end the automatic treatment for 17-year-olds. Sponsoring Sen. Pete Lucido, R-Shelby Township, said the change would discourage recidivism among youth offenders who cannot vote in elections, cannot serve on a jury and cannot get married without parental consent until they are 18 years old.

"Today, I'm proud to present to you a package that will give our children a chance," Lucido said before the vote.

A broad coalition of advocacy organizations are supporting the legislation, including the Michigan Catholic Conference, the American Civil Liberties Union, Right on Crime, Citizens for Prison Reform and the Michigan League for Public Policy.



But it has stalled in past sessions amid debate over potential costs for both state and local governments, including expenses associated with separate pre-trial detainment and transportation for defendants under the age of 18.

The plan would establish a new "Raise the Age Fund" to reimburse local governments for costs associated with housing 17-year-olds in juvenile facilities. Housing additional inmates under the age of 17 in juvenile facilities could cost a total of \$2.8 million a year, with \$1.4 million in new costs for local governments, according to estimates from the non-partisan Senate Fiscal Agency. The state could save a net \$600,000 if it's able to close an adult housing unit.

"Compromise is inevitable, especially when there's a monetary cost that must be considered," Santana said. "But let us not let the perfect be the enemy of the good."

The multi-bill plan was approved in a series of 36-2 and 37-1 votes. Sen. Jim Runestad, R-White Lake, was the only lawmaker to vote against the entire package.

While minors could still be "waived up" to adult court for violent crimes, Runestad wanted an amendment to limit the number of times repeat offenders could stay in the juvenile system.

"How many victims must we have before a prosecutor is going to waive them up?" Runestad said. "I wanted more restrictions with these 17-year-olds before we're just going to willy-nilly trust that these prosecutors" will seek adult waivers.

Senate Minority Leader Jim Ananich, D-Flint, praised Lucido and Santana for their bipartisan work on the legislation, suggesting it should serve as a standard for future collaboration in the upper chamber.

"If we're really going to get meaningful change on issues like criminal justice reform, we're going to do it together," Ananich said.

The proposal now heads to the state House, where lawmakers have advanced similar legislation out of committee.

Alicia Guevara Warren, Kids Count Project Director for the Michigan League For Public Policy, said Senate approval moves the state one step closer to "offering young offenders a chance at rehabilitation and a better life."

With potential action in the House, "this could be headed to the governor's desk soon, and our communities, our courts and our counties can begin preparing for this much-needed transition," she said in a statement.

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