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To: Chairperson Lathrop and Members of the Judiciary Committee

From: Julie Erickson, Lobbyist, Voices for Children in Nebraska

Re: LB 201 – Change provisions relating to jurisdiction over juveniles

All children deserve society’s protection to grow into healthy, productive adults. Even children who commit serious offenses are still children, and we should respond to youth behvior in a thoughtful and effective way that preserves community safety, contributes to Nebraska’s future prosperity, and gives both children and communities the protection they need. We support LB 201 because providing for original juvenile court jurisdiction for all juvenile cases, will ensure that youth will receive access to age-appropriate, evidence-based juvenile justice measures.

Voices for Children supports the juvenile court as the appropriate point of origin for all cases when the individual charged is under 18. In 2014, the Legislature passed LB 464 into law, requiring that nearly all cases in which minors age 17 and younger are charged begin in juvenile, rather than adult criminal court. This bill was based on years of research showing that charging minors as adults does not reduce violence or other antisocial behavior but is more likely to encourage it. Exposing minors to criminal charges and incarceration leads to increased recidivism, increased risk of prison rape, suicide, and other dangers, and infringes on parental rights and responsibilities to hold youth accountable and support their development into law-abiding citizens. Starting January 1, 2015, all misdemeanor cases against 16-year-olds, felony cases against those under 14, and Class IV & IIIA felonies were required to be filed in juvenile court first (“exclusive original jurisdiction in juvenile court”). In January 2017, all misdemeanors against 17-year-olds also must be filed in juvenile court.

The data show that LB 464 has been hugely successful: the number of minors charged in criminal court has dropped from nearly 2,000 in 2013 to just 204 in 2019[[1]](#footnote-12484). Over the same period, the number of juvenile arrests in our state has continued to fall, from 10,534 in arrests in 2013 to 8,931 in 2019[[2]](#footnote-18325).

LB 201 is an appropriate next step, extending juvenile court jurisdiction to all, as opposed to nearly all, cases. This change would ensure that all youth, no matter the charge, have a fair chance to receive access to age-appropriate justice procedures and rehabilitative services while protecting them from the dangers of adult prison. Moreover, the bill provides for a fair balance, by retaining transfer authority in the cases which currently have concurrent original jurisdiction between juvenile and county or district court. County attorneys can still file a motion requesting a judge to transfer a case out of the juvenile court and into the criminal court if they feel the circumstances are severe enough to necessitate a criminal court transfer.

Facing the aftermath of an offense is never easy, especially when the severity of such offense stands in such stark contrast to the social definition and expectations we have for children. Still, we have a duty to remember that children are children and teens are teens, even those who commit the gravest acts, and they are entitled to age-appropriate treatment under the law. For these reasons, Voices for Children in Nebraska supports LB 201.

I’d like to thank Senator Pansing Brooks for bringing this bill, and the members of the committee for your time and consideration. I would respectfully urge you to advance it.

1. Voices for Children, *Kids Count in Nebraska 2020 Report*. p 88 [↑](#footnote-ref-12484)
2. *Id*. at 79 [↑](#footnote-ref-18325)