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March 15, 2023

To: Chairperson Wayne and Members of the Judiciary Committee
From: Juliet Summers, Executive Director for Voices for Children in Nebraska
RE: Opposition for LB 620, to change provisions relating to arraignment and hearings for certain juveniles

All youth, even when they have committed a serious crime, deserve the opportunity to grow and change. As a society, we all benefit when youth are able to turn their actions around into healthy adulthood, and our communities suffer when we give up on young people still in the process of development. The criminal justice system is no place for kids, and even those who have committed grave offenses deserve the chance to access rehabilitative services and supervisions that will allow them to grow into contributing members of society. For these reasons, Voices for Children opposes LB 620, which would walk back years of evidence-based policies reflecting the truth that children are different.

Children are not little adults. Decades of research confirms that during adolescent development, the brain, in particular the prefrontal cortex, undergoes massive change that leads youth to have poorer impulse control, be more susceptible to peer pressure, and, ultimately, be less capable of weighing long-term consequences. For these reasons, the Supreme Court has consistently ruled that youth are less culpable for their actions and more amenable to rehabilitation, and as a result, must be treated differently.¹

Because of these differences, the juvenile court is the appropriate point of origin for all cases when the individual charged is under 18 – and particularly for younger children. 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. **Since its passage, our youth crime rate has continued to fall.**² LB 620 would undo years of progress, bringing very young children back into criminal court where they do not and have not ever belonged.

¹See *Roper v. Simmons*, 543 U.S. 551; *Graham v. Florida*, 560 U.S. 48; *J.D.B. v. North Carolina*, 564 U.S. 261; *Miller v. Alabama*, 567 U.S. 460

² According to data provided by the Nebraska Commission on Crime and Law Enforcement, in 2010 there were over 14,000 Nebraska youth under age 18 arrested for a variety of offenses. That number had dropped to just 4,932 in 2021.

Scholastic Books recommends Percy Jackson or the Babysitters Club for a twelve-year-old reader. In seventh grade, twelve year olds are only starting to learn algebra. A twelve year old who has committed one of the acts described by LB 620 is still a child: all possibility. Facing the aftermath of an offense is never easy, especially when the severity of it stands in such stark contrast to the social definition and expectations we have for children. We are not here to minimize the impact on communities of such offenses. As the adults, however, we bear the duty to see through those actions to the child underneath. For all these reasons, I would urge you not to advance LB 620. Thank you for your commitment to Nebraska youth and communities, and I'd be happy to answer any questions.