



## **Raise the Age of Youthful Offender Status**

**A.4743B – O’Donnell**

### *Questions?*

Contact Andrea Nieves,  
Senior Policy Attorney at  
Brooklyn Defender Services,  
718-254-0700 ext. 387  
or at [anieves@bds.org](mailto:anieves@bds.org).

### ***What is Youthful Offender Status?***

*New York’s Youthful Offender (“YO”) law (Criminal Procedure Law § 720):*

- Available to young people under the age of 19 in certain criminal cases
- Substitutes criminal convictions with a non-criminal adjudication at sentencing
- Allows for reduced prison or alternative-to-incarceration sentences, including mental health and drug treatment
- Provides for automatic sealing
- Mandatory for first-time, low-level offenses
- Judge has the discretion to grant YO in more serious cases
- 75% of 16- and 17-year-olds have their convictions converted to YO

## **It’s Time to Raise the Age of YO!**

### ***Why Raise the Age of YO?***

- Modern neuroscience research proves that a young person’s brain does not fully develop until their mid-twenties
- Current law does not allow judges to grant YO to older adolescents ages 19-21 years old
- YO allows judges to prevent mandatory upstate prison time based on the individual circumstances of the youth
- Immediate sealing improves a young person’s opportunities for employment, education, and housing and provides critical protection from deportation

### ***What does A.4743B do?***

- Authorizes judges to grant YO to youth younger than 22 years old
- Allows judges to consider granting YO to young people who have previously received YO for a felony charge
- Shields the name and charges of a young person accused of a YO-eligible crime from the public unless and until the time of conviction, except in felony sex offenses. Currently this protection is limited only to misdemeanor charges.
- Creates a statutory presumption that judges grant YO in eligible cases unless the District Attorney can show that the interests of justice require otherwise