

Senator Anne Beebe-Center
Representative Tavis Hasenfus
Joint Standing Committee on Criminal Justice and Public Safety
100 State House Station, Room 436
Augusta, ME 04333

RE: LD 1849, An Act to Establish a Minimum Age at Which a Juvenile May Be Adjudicated

Dear Senator Beebe-Center, Representative Hasenfus, and members of the Joint Standing Committee on Criminal Justice and Public Safety,

My name is Jazzmynn Kiefer, and I am a resident of Lisbon Falls, Maine. I am a second-year law student at the University of Maine School of Law who is currently enrolled in the Youth Justice Clinic as a Policy Fellow with the Center for Youth Policy and Law. I am submitting testimony in support of setting a minimum age with LD 1849, but request that the Committee amend the bill to set the minimum at age 14. My testimony represents my personal views only and not the position of the University of Maine School of Law or the University of Maine System.

Setting an age with LD 1849 will protect youths under the age of 11 but it is not going to prevent youths 11 and up from the harms of the justice system. The younger the child is, the less likely they are to recognize the cause and effect of their actions, resist giving in to peer pressure, and they're less likely to bounce back from the trauma of being exposed to the justice system.

While children are resilient, once they are exposed to something so harmful, like the justice system it changes and continues to shape the trajectory of their life, such as increasing the likelihood of recidivism. Once a child is introduced to the justice system it is hard for them to truly ever get out of the eyes of the law. Recently two states raised the minimum age in which a juvenile can be adjudicated in their state. The first was Minnesota, changing their age from 10 years old to 13 years old without carve outs with an effective date of Aug. 1, 2026.¹ The second was Vermont, raising their age from 10 years old to 12 years old without carve outs.² With the change to Vermont, half of the New England states now have an age of 12 or higher for juvenile adjudication.³ Both states cite the reason for this change is because of the research that adolescent brains are still developing well into their 20s.

It seems as though everyday more youth are making headlines, being arrested for things that are or can be considered a mistake or a lapse in judgement, like stealing a candy bar, talking back to teachers,

¹ Jonathan Mohr, PROPOSAL WOULD RAISE "AGE OF DELINQUENCY" BY THREE YEARS - SESSION DAILY - MINNESOTA HOUSE OF REPRESENTATIVES, (Mar. 07, 2024), <https://www.house.mn.gov/sessiondaily/Story/18145>

² Rep. Martin LaLonde, H.2 RAISE THE AGE BILL REPORT, (Mar. 12, 2025), <https://martinlalondevt.com/2025/03/12/h-2-raise-the-age-bill-report/#:~:text=Based%20on%20research%20that%20shows,court%2C%20where%20cases%20remain%20confidential.>

³ NAT'L JUV. JUST. NETWORK, BRIEF: CHARTING U.S. MINIMUM AGES OF JURISDICTION, DETENTION, AND COMMITMENT 1 (2023), https://nyjn.org/wp-content/uploads/UPDATED-February-2024_Minimum-Age-Laws-for-Juvenile-Court-Jurisdiction-and-Confinement.pdf.

getting in a fight, or even skipping school. Being a youth in your pre-teen years is hard enough dealing with middle school bullies, schoolyard crushes and puberty. There is no reason to make it harder with the added possibility of adjudication for making a mistake. Of the states that track recidivism, it was found that after release 76% youths were likely to reoffend within three years and 85% within five years.⁴ Along with the increased possibility of recidivism, youth emerge from the justice system with lasting effects. These include such as mental and physical health issues linked with post-traumatic stress disorder, depression, and suicidal thoughts.⁵ This in turn leads to decreased performance in schoolwork and future jobs.

The age of 11 being set for the adjudication of juveniles is young. Many children are just starting to go through puberty. Things are changing and they do not necessarily understand what is happening. This can cause them to act out or make mistakes, and further not understand the reason for doing so. Additionally, children are likely to grow out of their rebellious stage as they get older with little to no intervention, this likely due to their hormones settling and their brains having developed more.⁶ The more contact they have with law enforcement and the justice system the likelihood of this decreases and the likelihood of recidivism increases.⁷ The age I suggest is age 14 for the reasons laid out about. However, an age of 11 is better than no age being set for juvenile adjudication.

Children are meant to be able to make mistakes, without the fear of law enforcement, and only the fear of what their parents' punishment will be. There is an expectation that children are supposed to be perfect because they have been given the "tools" from their elders to navigate life. But there is more than one way to do something, the world and technology is changing, and there is a possibility that as a child attempts to navigate this on their own even using the tools given to them they will make mistakes. And that mistake should not cost them the rest of their lives as they know it.

Respectfully submitted,



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⁴ MST Services, Do We Know the Full Extent of Juvenile Recidivism? Juvenile Justice Reform Blog (Nov. 1, 2018), <https://info.mstservices.com/blog/juvenile-recidivism-rates#:~:text=The%20study%20found%20that%20juveniles,the%20numbers%20are%20equally%20high>.

⁵ Richard Mendel, Why Youth Incarceration Fails The Sentencing Project, (Mar. 1, 2023), <https://www.sentencingproject.org/app/uploads/2023/03/Why-Youth-Incarceration-Fails.pdf>

⁶ Emily Haney-Caron, JD, PhD, Erika Fountain, PhD, *Young, Black, and Wrongfully Charged: A Cumulative Disadvantage Framework*, 125 Dick. L. Rev. 653, 657 (2021)

⁷ Marcy Mistrett & Mariana Espinoza, Youth in adult courts, jails, and Prisons, The Sentencing Project, (Dec. 16, 2021), <https://www.sentencingproject.org/app/uploads/2022/09/Youth-in-Adult-Courts-Jails-and-Prisons.pdf>