Gov. Andrew Cuomo on Thursday traveled to a state prison in Greene County to promote the Raise the Age initiative which would raise the age at which teens can be prosecuted as adults for felonies, with some exceptions.

On Friday, there was some pushback from Republicans, who haven’t gotten on board with the concept, as well as an Albany area prosecutor who has helped put some teens behind bars.

The state Conservative Party sent a memo on the proposal to lawmakers, urging them to vote “no” since they believe it would send the wrong message.

Here is what the Conservative Party says:

Party Position: No one wants to see young teens in jail or prison, but raising the age of adult criminal responsibility from 16 to 18 in New York sends the wrong message and is an unfunded mandate that counties cannot afford.

While it is understandable to want to help youngsters turn away from a life of crime by providing alternative solutions to sending 16 and 17 year olds to prison, the fact remains that unless it is a heinous crime, most young first time criminals are not sent directly to prison.

By raising the age of criminal responsibility to 18, these imprudent children, are provided — by the government — the opportunity to scam the system. Crime “lords” seek to have young people commit crimes because the courts are traditionally lenient with younger defendants. By raising the age, we send the wrong message to the criminal world.

Also joining in was Assembly Republican Minority Leader Brian Kolb.

In a statement, he said the following:

The risks associated with tying the court’s hands are enormous. Trying young adults in Family Court for serious crimes as opposed to Criminal Court will mean those criminal actions will not carry the same consequences for offenders who continue to commit serious crimes. Records that are sealed in Family Court will require judges and prosecutors to treat subsequent crimes as first offenses, even though these offenders may have a history of committing violent crimes.

Young adults should be expected to be accountable for their behavior.

There have been recent efforts in New York City to expand civil service opportunities for those younger than 18 by allowing them to sit on certain community boards that oversee large budgets. How can we expect so much responsibility from young adults in one aspect of society, yet treat them as children when it comes to serious crimes?

Being badly outnumbered by Democrats, the Assembly Republican opposition may not count for much. But with Senate Republicans living with the nagging fear that some of their more moderate members could face primaries by competitors with Conservative backing, the proposal could continue to be held up in the legislature.

Meanwhile, an assistant district attorney from Troy, where one of the teenage inmates in the story, was from, offered his own reservations about raising the age.

“I’m troubled by it,” said ADA Shane Hug, who prosecuted Xavier Pirela, 17. Pirela is in the Greene Correctional center for mugging a man for his cell phone and then robbing an apartment of electronic devices.

Hug noted that Pirela was offered a deal after the mugging conviction: If he stayed out of trouble for a year he would get youthful offender status, meaning the crime would be under seal. But less than a month after that arrangement was reached, Pirela was caught with accomplices in what witnesses said was an armed robbery of a dwelling in which they put scarves over their faces and emptied the home of valuables.

Hug, who said he is a Democrat like the governor, said he disagreed with some of Cuomo’s intimation that the crack cocaine epidemic has passed and given way to synthetic marijuana.

He said he sees a lot of criminal cases in the city of Troy that revolve around crack, while in the outlying areas, heroin continues to be the hard drug of choice.
With violent or potentially violent crime a reality among some youths, Hug said he wouldn’t want prosecutors or judges to lose their discretion in deciding to come down hard on some violators. 

"It’s terrible that they go there," Hug said, alluding to the teens sent to state prisons. "However the ones that go there do terrible things," he added.

Rick Karlin, Capitol bureau

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9 Comments »

1. C.W. Burfle says:
May 29, 2015 at 4:19 pm

Best Dating Sites (2015)
customer-rankings.com/Dating
You Won't Believe Who Ranked #1! Browse Our Best 5 Dating Sites Free

Raise the age? What a terrible idea. If anything, the age should be lowered. Even when tried as an adult, teen offenders should not be in the general prison population with adults.

Reply

2. Council 82 says:
May 29, 2015 at 4:33 pm
The drinking age is 21. Anyone under this age is not considered by Law to be responsible to make an adult decision involving alcohol. The age to join the military is 18. At this age the Law believes this individual can make an adult decision and to kill if necessary. At the age of 16 the Law says that this person can be tried in the Court of Law as an adult and be held accountable for their actions. It seems like the Law has no clear answer of what an adult looks like until the age of 21. On one hand we want to delay by Law the onset of adulthood and on the other hand hold them legally responsible as an adult as young as the Law will allow. I have no problem raising the age. Not because subjecting young adults to prison is in any way detrimental for their well being because I see a lot of positive outcomes of placing young criminals with older and wiser inmates. I say raise the age and put these young aggressive inmates together and we will see a terrible solution to a problem that didn’t exist in the first place.

3. **Grafmil says:**
   May 29, 2015 at 6:02 pm

Yesterday Cuomo unveiled his brilliant prison reform measure, “hybrid facilities” for those youthful miscreants. Duh! Andrew! Do you remember Tryon and Berkshire Farms, youth facilities that New York closed?? Oh, I get it, you’ll build new ones closer to the Big City. Got a developer in mind?

Reply

4. **Libertarian says:**
   May 29, 2015 at 11:58 pm

A lot of felonies are not “heinous crimes” but small stuff that few normal Americans would think of as heinous warranting felony status—few of us realize how heartless our criminal justice system has become in the past 30 years. I hope the change back to 18 gets pushed through in the end—the governor has shown that if he believes in something, he can twist enough arms to get things done. It does not have to include a 17 year old mass-murderer, but judges should have leeway here.

Reply

5. **jim says:**
   May 30, 2015 at 8:34 am

No surprise that many people oppose the position of this regime.

Reply

6. **common sense says:**
   May 30, 2015 at 8:51 am

The answer is specialized prisons. If you are convicted at 16 or 17, you should go to a prison for folks that age. You will be away from “career” criminals and given a chance to perhaps prove yourself worthy. I am only talking about those non-violent crimes being talked about.

Reply

7. **Grafmil says:**
   May 30, 2015 at 5:34 pm

Felony = a crime that is punishable by imprisonment for a year or more. Hence, that so-called victimless crime of DWI can – repeat can, if the DA so chooses – be a felony. Got a problem with that word? Call your lawyer as ask his/her opinion.

Reply

8. **Edward Branca says:**
   May 30, 2015 at 8:14 pm

Raising the age of responsibility for most criminal offenses is a good idea. However, there is a more serious crime that New York state’s government committed that must be corrected by passage of S5342/A5464 by Senator LaValle and Assemblyman Zebrowski and co-sponsored by Assemblyman Weprin. S5342/A5464 will make it easier for adult adoptees to gain access to identifying information about their natural brothers and sisters. More often than we like to think, brothers and sisters have been split up by separate adoptive placements and not allowed to see each other again. According to this bill’s memo, there is no legal mechanism in New York state to provide for reunification of brothers and sisters. S5342/A5464 attempts to create a system for reunification. Brothers and sisters had no say in the decision to separated themselves from one another. In September, 1980, a set of identical triplets who were split up by New York state law, were reunited by chance. When they met, they said, “We love each other.” If S5342/A5464 is enacted into law, brothers and sisters will be able to love each other, instead of only having to miss each other. S5342/A5464 should become law this session.

Reply

9. **Robert Sharfenberg says:**
   May 31, 2015 at 8:16 am

Another transparent attempt to curry favor with the Black and Hispanic communities…and perhaps only transparent thing that Andy’s done, lately. Andrew Cuomo is a man fighting battles on multiple-fronts: he did poorly with upstate voters in the last election, he can’t get his legislative agenda back on track, he lost the Mooreland Commission closure and email retention policy, and Preet Bharara would like to put him in jail. So, what’s Andy to do? Well, he can travel downstate and tell a million black and Hispanic moms who have sons in prison that their little hoodlums are just victims of the blue meanies, and that they should be in some nice juvenile detention center close to home. It’s the kind of pandering that Andy is best at. What Andrew forgets – or doesn’t care about – are the victims of these adorable little 17 year murderous thugs. Where is their justice, Andrew? Where is the compassion for the beaten, robbed and raped who ask that their attackers be kept away from decent society?

Reply

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