

1 **2025 NYSAC Legislative Conference**  
2 **Standing Committee on Public Safety**  
3 **Resolution #4**

4  
5 **Resolution Encouraging the State Legislature and Governor to Enact**  
6 **Technical Edits to Components of the Raise the Age Law**

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8 **WHEREAS**, the Raise the Age (RTA) law was enacted on April 17, 2017; and

9  
10 **WHEREAS**, RTA prohibits 16 and 17-year-olds from being held in adult jails and  
11 prisons, makes substantive changes to the procedures and mechanisms used to  
12 process 16 and 17-year-olds in the criminal justice and youth justice systems, and allows  
13 for additional services for youth and alters the types of detention and/or placement they  
14 may receive; and

15  
16 **WHEREAS**, State statute authorizes, and the State Financial Plan assumes 100 percent  
17 State reimbursement to eligible localities for RTA-related expenditures –this includes  
18 all incremental capital, personnel, and non-personnel costs counties/municipalities  
19 incur as a result of RTA; and

20  
21 **WHEREAS**, the State will cover incremental costs, such as: law enforcement; local  
22 detention; court services; Sheriffs’ transportation; probation services; youth placement;  
23 and aftercare services; and

24  
25 **WHEREAS**, the RTA law went into effect for 16-year-olds on October 1, 2018 and for  
26 17 year olds on October 1, 2019; and

27  
28 **WHEREAS**, the law has now been in effect for five years and in order to build upon the  
29 success of RTA, counties have identified areas of opportunity to improve the statute;  
30 and

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32 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State Association of  
33 Counties (NYSAC) supports the following proposals to immediately enact statutory and  
34 regulatory changes that improve the RTA statute in the following ways:

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- 36 • Criminal Procedural Law Section 722.23 should be amended to include all felony  
37 violations of Penal Law Article 265 (gun cases).
    - 38 ○ District Attorneys should be able to automatically prosecute all gun cases  
39 in the Youth Part and should not have to rely on the courts' unpredictable,  
40 undefined, and inconsistent findings of "extraordinary circumstances". We  
41 see far too many cases removed to Family Court and no real accountability  
42 for adolescent offenders for serious crimes involving firearms. Often, these  
43 offenders graduate to more serious crimes, including murder.
  - 44 • Close the Robbery Loophole by expanding Section 722.23(2).
    - 45 ○ Article 722.23 currently only allows District Attorneys to continue to  
46 prosecute a case when we can prove that the defendant displayed an  
47 actual, operable firearm. This means that cases where a defendant  
displayed something that appears to be a firearm or possessed a weapon

1 without displaying it cannot be prosecuted by the District Attorney. So,  
2 when a defendant robs a victim using a non-working or unloaded gun, or  
3 the gun is not recovered, District Attorneys are not allowed to prosecute,  
4 and the case is removed to Family Court.

- 5 • Section 722.23 should be further amended to allow for the court's discretion in  
6 allowing the District Attorney to maintain prosecution in certain additional  
7 circumstances.
- 8 • Allow youth part judges, prosecutors, and defense counsel to see family court  
9 records.
- 10 • Reimbursements to counties for operating and capital expenses shall be provided  
11 in the year in which funds are appropriated and expended.

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13 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties of  
14 New York State encouraging member counties to enact similar resolutions; and

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16 **BE IT FURTHER RESOLVED** that NYSAC shall forward copies of this resolution to  
17 Governor Kathy Hochul, Deputy Secretary for Public Safety Marcos Gonzalez Soler, the  
18 New York State Legislature and all others deemed necessary and proper.