

1 **2024 NYSAC Fall Seminar**  
2 **Standing Committee on Public Safety**  
3 **Resolution #4**

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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 these individuals 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 – including all  
18 incremental capital, personnel, and non-personnel costs counties/municipalities incur  
19 because 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 to build upon the success  
29 of RTA, counties have identified areas of opportunity to improve the statute.

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

- 34  
35 • **Criminal Procedural Law Section 722.23 should be amended to include**  
36 **all felony violations of Penal Law Article 265 (gun cases).**  
37 ○ District attorneys should be able to automatically prosecute all gun cases in  
38 the Youth Part and should not have to rely on the courts' unpredictable,  
39 undefined, and inconsistent findings of "extraordinary circumstances." We  
40 see far too many cases removed to family court and no real accountability for  
41 adolescent offenders for serious crimes involving firearms. Often, these  
42 offenders graduate to more serious crimes, including murder.  
43 • **Close the Robbery Loophole by expanding Section 722.23(2).**

- 1           ○ Article 722.23 currently only allows district attorneys to continue to prosecute  
2 a case when we can prove that the defendant displayed an actual, operable  
3 firearm. This means that cases where a defendant displayed something that  
4 appears to be a firearm or possessed a weapon without displaying it cannot be  
5 prosecuted by the district attorney. So, when a defendant robs a victim using a  
6 non-working or unloaded gun, or the gun is not recovered, district attorneys  
7 are not allowed to prosecute, and the case is removed to family court.
- 8 • Section 722.23 should be further amended to allow for the court's discretion in  
9 allowing the district attorney to maintain prosecution in certain additional  
10 circumstances.
  - 11 • Allow youth part judges, prosecutors, and defense counsel to see family court  
12 records.
  - 13 • Reimbursements to counties for operating and capital expenses shall be provided in  
14 the year in which funds are appropriated and expended.

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

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