

ACTION ALERT
RAISE THE AGE THRESHOLD FOR JUVENILE JUSTICE SYSTEM
(HB 261)
May 4, 2021

To All Participants in the Friends Committee on North Carolina Legislation:

ACTION: Email (Tim.Moore@ncleg.gov) or call (919-733-3451) **Speaker Tim Moore (Repub, House Speaker)**, and Sarah Stevens (Sarah.Stevens@ncleg.gov) or call (919-715-1883), **co-chair of the House Judiciary Committee 2**. Ask that House Bill 261 be heard and voted on by committee. Also ask that the Bill simply raise the currently unacceptable threshold age of children for entry into the juvenile criminal justice system and ask for guidance to be included in the bill for evaluating the capacity for criminal action among 10-11 year olds.

Please email your representatives and ask that they urge their colleagues on the Judiciary Committee to move [HB261](#) out of committee for consideration by the full House.

Members should contact the legislators prior to May 14, to ask them to hear this bill and vote to move it out of committee.

WHY: Currently under North Carolina law, children as young as 6 years old may be tried for criminal offenses regardless of their ability to even understand or intend the consequences of their actions. North Carolina HB261 would propose 10 years of age as the new threshold for children to be tried for criminal offences. While ideally no children under the age of 14, the international standard, should be in the criminal justice system, this bill would move North Carolina closer to that goal and place us more in line with most other states in the U.S.

WHAT ELSE SHOULD I KNOW:

- North Carolina has the lowest threshold age *in the world* - 6 years of age - for entry into juvenile delinquency court; internationally, the typical threshold age is 14
([https://www.njjn.org/our-work/raising-the-minimum-age-for-prosecuting-children](https://www.njjn.org/our-work/raising-the-minimum-age-for-prosecuting-children;);
- During 2016-2018, 1100 children under the age of 10 appeared in NC courts
<https://www.blackenterprise.com/6-year-old-north-carolina-boy-arrested-and-sent-to-court-for-picking-a-tulip/>
- The Governor's Task Force on Racial Equity in the Criminal Justice System recommends that the threshold age be raised to 12 years of age
(<https://ncdoj.gov/north-carolina-task-force-for-racial-equity-in-criminal-justice-rel-eases-final-report/>).
- In most countries, children under the age of 10 are considered too young to have criminal intent. ("Minimum Age for Delinquency Adjudication—Multi-Jurisdiction Survey – NJDC". njdc.info).
- Even in the United States, under civil law,

- Under age 7: A child generally cannot not be considered negligent.
- Between age 7 and 14: There is a rebuttable presumption that the child cannot be negligent.
- Between age 14 and 21: There is a rebuttable presumption that the child is capable of negligence.
- Sending children into the criminal justice system rather than providing services for them creates a criminal record, introducing them very early into the “school-to-prison pipeline.” This disproportionately affects children of color. (<https://www.njjn.org/our-work/raising-the-minimum-age-for-prosecuting-children>)
- Most of these children are reported by School Resource Officers (SROs). Please see the FCNCL Fact Sheet on School Resource Officers

→ **Letters to the editor:** If you live in any of the areas represented by Judiciary 2 Committee members, consider penning a letter to the editor in papers in the greater Surry County, Wilmington area, Asheboro area, Banner Elk, or Greensboro or the Raleigh News and Observer

(<https://www.newsobserver.com/opinion/letters-to-the-editor/submit-letter/>)

Our Quaker testimonies of Equality and Community lead us to advocate for antiracist policies and an equitable criminal justice system.