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*Presented in Support of Amendment to S.B. 197 re  
removal of Sec. 53*

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**Sent:** Monday, March 03, 2003 11:46 AM  
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**Subject:** STUDY QUESTIONS TRYING TEENS AS ADULTS

STUDY QUESTIONS TRYING TEENS AS ADULTS

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Washington, DC - Every state allows children under 16 to be tried as adults, but new research indicates many cannot understand their situations well enough to aid their defense.

The private MacArthur Foundation study released Monday said many children under 16 had as much difficulty grasping the complex legal proceedings as adults who had been ruled incompetent to go to court.

"In all likelihood, a large number of juveniles who are being tried as adults are not competent to stand trial," said Laurence Steinberg, director of the MacArthur division that conducted the study and a psychology professor at Temple University.

Kent Scheidegger, legal director of the conservative Criminal Justice Legal Foundation, said the vast majority of teenagers, even young ones, know enough to be tried in adult court. "The notion that teenagers are not capable of understanding what is going on I find not credible in the case of mentally normal teenagers," he said.

The new study, by the John D. and Catherine T. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, looked at more than 1,400 people between the ages of 11 and 24 in Philadelphia, Los Angeles, northern and eastern Virginia and northern Florida.

Subjects were given intelligence tests and asked to respond to several hypothetical legal situations, such as whether to confess to a police officer. The results found that one-third of those 11 to 13 and one-fifth of those 14 or 15 could not understand the proceedings or help lawyers defend them.

The study recommends that states reconsider the minimum age for juveniles to be tried as adults or to develop a system for evaluating young defendants' competence.

The report follows a decade of state efforts to make it easier to try children as adults. Between 1992 and 1999, every state except Nebraska passed laws making it easier to for juveniles to be tried as adults, according to the National Center for Juvenile Justice, a private, nonprofit research group. Even though Nebraska passed no new laws on the subject during that seven-year period, it is among the 14 states, and the District of Columbia, that allow prosecutors to file charges against juveniles in criminal court.

Twenty-three states have no minimum age. Two, Kansas and Vermont, can try 10-year-old children as adults.

"Juvenile crime, juvenile violence was a hot story for many years," said Melissa Sickmund, a senior research associate with the juvenile justice group. "Politicians responded by trying them as adults."

EXHIBIT H Senate Committee on Judiciary

Around 25,000 children a year have their cases sent to adult courts instead of being tried in juvenile courts, whose convicted defendants normally are set free by the time they turn 21.

Some judges have rebelled against prosecuting youngsters as adults. The case of Nathaniel Abraham gained national attention when, at age 11, he became the first youth charged with first-degree murder to be prosecuted under a 1997 Michigan law that allows adult prosecutions of children of any age in serious felony cases. After the boy was convicted of second-degree murder, a county judge called the law "fundamentally flawed" and sentenced the boy to youth detention rather than life imprisonment.

In Texas, Lachesha Murray was twice convicted in the death of a 2-year-old who spent the day in her home. Murray was 11 years old when she admitted to police, after lengthy questioning without guardians or lawyers, that she might have dropped and kicked the toddler. A state judge dismissed all criminal charges against her.

California voters passed a measure in March 2000 to allow prosecutors to charge juveniles as adults without a judge's approval, which cheered Maggie Elvey, who heads the Sacramento office of Crime Victims United of California, an advocacy group.

"When it's a vicious, brutal crime, I don't want those guys living next to anybody's family again," said Elvey, whose husband was beaten to death almost 10 years ago by two boys, 15 and 16, using a metal pipe. "You get them in a juvenile system, and they get out on the street again."

The Chicago-based MacArthur Foundation is a private, nonpartisan organization best known for its "genius grants," the no-strings-attached awards that allows scholars, scientists, artists and others to pursue their work.

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