

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2015 Oregon Legislature

From: Lisa Kay, Staff Attorney, Youth, Rights & Justice

Date: March 26, 2015

Re: Support for HB 2367 (-2)

Chair Barker and Members of the Committee:

Youth, Rights & Justice was founded 40 years ago and has been dedicated to providing legal representation and advocacy to over 50,000 children and youth involved in the juvenile court system, including children in foster care and youth in the juvenile justice system. YRJ has also worked extensively with the Legislature, the Oregon Law Commission, various state agencies and other organizations to improve policies and services to the children of Oregon during that time.

As stated in the Oregon Law Commission's Collateral Consequences Work Group Report, collateral consequences are the legal disabilities that attach as an operation of law when an individual is convicted of a crime, but they are not part of the sentence. The State of Oregon frequently considers a juvenile adjudication as if it were a criminal conviction for the purposes of imposing a collateral consequence.

Well established science demonstrates that adolescents' brains are not fully formed until approximately age 25. Until then, an individual's prefrontal cortex is not yet mature. Scientists refer to the prefrontal cortex as the CEO of the brain, "controlling planning, working memory, organization, and modulating mood. As the prefrontal cortex matures, adolescents can reason better, develop more control over impulses and make judgments better."¹

The immature adolescent brain can be a challenge to defense attorneys. Because of their brain immaturity, science shows that youth "fail to consider and appreciate the importance of the future and instead focus on the short-term gains of their decisions."² Collateral consequences go well beyond the courtroom. A collateral consequence may not become apparent for a number years after an adjudication.

¹ Adolescent Brains Are a Work In Progress, Here's Why, Frontline, Sarah Spinks.

<http://www.pbs.org/wgbh/pages/frontline/shows/teenbrain/work/adolescent.html>

² Addressing the Collateral Consequences of Convictions for Young Offenders, The Champion, Ashley Nellis. July/August 2011.

<http://sentencingproject.org/doc/publications/Collateral%20Consequences%20NACDL%202011.pdf>

With the natural process of maturing and appropriate guidance, youth can leave the juvenile justice system as very different individuals than when they entered. As they have worked hard to be accountable for their mistakes through their involvement in the juvenile justice system, they may believe that they are leaving the misdeeds of their youth behind. They need to be fully informed that the adjudications of their youth can have lifelong consequences.

HB 2367 does not relieve youth offenders of existing collateral consequences; rather, this legislation will help to ensure that the court system and attorneys for youth provide more clear and consistent information to youth about the serious consequences that will result when they are making critical decisions about how to proceed in their juvenile delinquency cases. It is important that youth be clearly and consistently informed of both direct and collateral consequences, and we urge your support of HB 2367.