



April 26, 2011

State Representative Steve Smith
Chairman, Judiciary Policy and Finance
543 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155

RE: The Sentencing Project Endorses House File 876

Dear Chairman Smith:

The Sentencing Project, a national criminal justice research and advocacy organization, applauds the bipartisan measure House File 876 which would protect the privacy of 16- and 17- year-old youth charged with felony offenses. The measure would keep certain hearings and relevant records private unless the court determines the offense is serious enough to justify a public hearing. I urge you to prioritize immediate passage of this important legislation.

Over 11,000 children, between the ages of 10 and 17, were arrested in 2009 for serious crimes in Minnesota.¹ However, only a small proportion of these cases resulted in detention. The number of juveniles in custody totaled about 1,600 in 2006, the last year such figures were available.

In Minnesota, juvenile records are open to the public if any felony level offense is charged or alleged. This policy stigmatizes a large number of children charged with offenses, regardless of guilt or innocence, and compromises their prospects for a successful life, including the ability to attend college, find employment, and fully participate in their community.

Only a handful of states make records public when a juvenile is alleged to have committed any felony offense. Some states open juvenile records in violent felony cases only, or allow judges to decide when hearings and records are public. And, in many states only when a juvenile is tried, or transferred to adult court, will records be open to the public.

House File 876 recognizes that the privacy of juvenile records should be protected because children are different than adults. Medical research finds that youth do not have the same brain capacity as adults to make sound judgments in complex situations, or to

¹ Arzamendia, Kara Minnesota Kids Count 2011: Economic Security and Child Well-Being Children's Defense Fund 2011.

control behavioral impulses.² Moreover, as youth mature their receptivity to change intensifies. The practice of sealing court records for youthful offenses recognizes these differences and protects the prospects of children who become entangled in the juvenile justice system but are capable of growth and change.

Minnesota children who come into contact with the juvenile justice system should not be forever doomed by their history. Juvenile records can haunt a boy or girl far into their future and stunt their potential. By strengthening privacy protections, House File 876 would provide a second chance for youth who seek to avoid crime and begin a successful adulthood. I urge you to support passage of this legislation.

Sincerely,

A handwritten signature in black ink that reads "Marc Mauer". The signature is written in a cursive, flowing style.

Marc Mauer
Executive Director

cc: Judiciary Policy and Finance Committee

² Brief of American Medical Association et al. as Amici Curiae Supporting Respondent, Roper, 543 U.S. 551 (No. 03-633)