



# YOUTH LEADERSHIP INSTITUTE

## Use Your Voice

April 15th, 2025

Honorable Nick Schultz  
California Assembly Member  
Chair, Assembly Public Safety Committee  
1020 N Street, Room 111  
Sacramento, CA 95814

**Re: Assembly Bill 22 (DeMaio) – OPPOSE  
Assembly Public Safety Committee hearing April 22, 2025**

Dear Chairperson Schultz,

**Youth Leadership Institute** strongly opposes AB 22, a bill that seeks to reverse over a decade of science-based and carefully implemented youth justice reforms. This legislation would reinstate practices from a deeply troubling period in California history during which thousands of young people, primarily youth of color, were prosecuted as adults, faced adult prison terms, and were denied the rehabilitative services of the youth justice system. AB 22 would also eliminate a minimum age of juvenile court jurisdiction, meaning children as young as five years old could once again face formal court processing, detention, and even incarceration. Additionally, AB 22 would force youth to register as sex offenders and would prevent the release of individuals under the Sexually Violent Predator Act (SVPA) who are no longer dangerous into the community.

California has come a long way in youth justice reforms and today embraces evidence-based understandings of adolescent development, recognizing young people's significant capacity for growth and change. California has enacted policies that prioritize rehabilitation and community reintegration, rather than allowing early mistakes to define a person's future. We urge the Public Safety Committee to vote no on AB 22.

yli partners with thousands of youth across the state, the majority of whom are low-income youth of color. We witness first hand the brutal impacts of our state's harmful "justice" system on their lives, and are staunch advocates of

measures that will reduce the criminalization and incarceration of our communities.

If enacted, AB 22 would significantly expand the number of youth prosecuted in the adult criminal system and open the door for children under age 12 to enter the juvenile justice system. Assembly Bill 22 proposes policies that conflict with well-established developmental research and would harm public safety.

### **Prosecuting Youth as Adults**

The question of whether to prosecute a young person as an adult is among the most consequential decisions the state can make about a youth's life, determining not only how they are prosecuted but also where they are incarcerated, and what opportunities they will have for treatment, education, and rehabilitative programs. A decision to prosecute a child as an adult removes them from the protections and developmentally-appropriate rehabilitative focus of the juvenile system and subjects them to the punitive measures, harsher sentencing, and the lifelong consequences of adult criminal convictions.

The ramifications are far-reaching not only for individual youth, but for the welfare of communities. Removing youth from the juvenile justice system—which is specifically tailored to their needs at crucial developmental stages in their lives—and instead opting for the adult system—which is primarily designed for punishment—is poor policy that according to many studies is associated with increased recidivism.<sup>1</sup>

Current California law places this critical decision in the hands of judges, following a transparent, evidence-based process that includes input from prosecutors, defense counsel, victims and other stakeholders in an open court setting. AB 22 would dismantle this process. It would allow prosecutors to directly file into adult court for youth as young as 14, eliminating judicial review in some cases and severely restricting judicial discretion in others.

For most of California's juvenile court history, the decision to transfer a minor to adult court has rested rightly with judges. As the California Supreme Court noted in its unanimous 2021 decision upholding protections for youth under 16, "a child could be tried in criminal court only after a judicial determination...that he or she was unfit to be dealt with under juvenile court law."<sup>2</sup> However, in 1995, California began to erode these protections in reaction to exaggerated fears of rising youth crime and panic fueled largely by the widely spread "super-predator" myth, a racially-charged narrative which falsely suggested that a new generation of remorseless, violent youth posed an

unprecedented threat to public safety.<sup>3</sup> The now decisively-discredited theory was amplified by elected officials from both parties and the media,<sup>4</sup> and led to draconian policy changes, including Proposition 21 in 2000. Proposition 21 enacted laws bypassing judicial review and led to direct filing in adult court the cases of youth as young as 14. This launched a period of indiscriminate prosecution of children as adults.

Adult court prosecution disproportionately impacts children of color and results in disproportionate rates of adult incarceration.<sup>5</sup> In California, prior to Proposition 57 (2016), which eliminated many of the laws AB 22 now seeks to reinstate, youth of color were significantly more likely to be prosecuted in adult court. In 2016, Black youth were 8.5 times more likely than White youth to be tried as adults, and Latino youth were almost 3 times more likely.<sup>6</sup>

Advances in adolescent brain science began to transform understanding of youth behavior, decision-making, and development, showing that the adolescent brain is fundamentally different from that of an adult.<sup>7</sup> Brain science confirms that adolescents differ significantly from adults in their capacity for impulse control, risk assessment, and long-term planning. These developmental characteristics not only explain why young people may make impulsive decisions,<sup>8</sup> but also affirm their extraordinary capacity for growth, change, and rehabilitation.<sup>9</sup> In response to this research, California has enacted reforms that prioritize judicial oversight in transfer decisions and require the court to evaluate a number of factors including a youth's background, the circumstances of the offense, and the potential for rehabilitation. These reforms align our state's policies with science and constitutional principles, while strengthening public safety by reducing recidivism.

In some cases, AB 22 would eliminate the role of the judge entirely and require cases to be filed automatically in adult court. In other cases, the bill seeks to dramatically reduce the decision-making authority of judges, limiting their ability to weigh whether a young person is amenable to rehabilitation in the juvenile system.

### **Minimum Age of Court Jurisdiction**

AB 22 would also lower the age at which children can be adjudicated in juvenile court, opening the door for cases of any child under age 12 to be handled in the juvenile justice system rather than the child welfare system. This not only runs counter to brain science, it also runs afoul the Legislature's reasoning to establish age 12 as the minimum age of juvenile court jurisdiction.<sup>10</sup>

Prosecuting young children in juvenile court runs contrary to scientific research and court decisions that recognize that children are inherently less culpable than adults and that the very young are the least able to engage meaningfully with the justice system, including with their own attorneys.<sup>11</sup> The United States Supreme Court and scientists alike have observed that the hallmark characteristics of children – including immaturity, impulsivity, and a lesser ability to foresee the consequences of their decisions – render them more vulnerable in criminal justice processes and necessitate different treatment.

Compared to older adolescents and young adults, young children are more vulnerable to influence and have a diminished ability to understand court proceedings. A 2003 study found that almost 60 percent of 11- to 13-year-olds demonstrated insufficient understanding of court proceedings.<sup>12</sup> Even when they may comprehend, younger adolescents and children are more likely to defer to the influence of their attorney or another adult when making consequential decisions.

The decision to involve young children in the justice system falls most heavily on youth of color. Data indicate that prior to legislating a minimum age of jurisdiction, young children of color were referred to probation at higher rates than white youth. For example, Black youth under 12 were five times more likely than White youth to be referred to probation, 6.8 times more likely to be petitioned in juvenile court, and 9.2 times more likely to be declared a ward of the court. Close to 80 percent of children under 12 who were referred for prosecution are Latino or Black.

In 2018, the California legislature embraced research and joined the growing international and national trend of establishing a minimum age of juvenile court jurisdiction. The legislation required counties to develop an alternative protocol to respond to young children with age-appropriate responses that allow for learning and growth. The legislation exempted from the minimum age the prosecution of young children for certain violent and sex offenses.

Prior to setting the minimum age of juvenile court jurisdiction, hundreds of children were needlessly subjected to the adverse consequences of formal juvenile justice processing. These harms disparately impact children of color and children in certain California counties. Research shows that early exposure to the justice system can exacerbate underlying vulnerabilities and hinder the delivery of needed services.

AB 22 would reinstate the harmful, wasteful practice, and once again put young children in California at risk.

## **Contradiction to Success in Youth Justice**

California's juvenile justice reforms are working, a fact that makes the introduction of AB 22 especially troubling. First, felony arrest rates of youth continue to be very low. Between 1980 and 2023, the felony arrest rate among California juveniles ages 10-17 fell by more than 88%, from 31.9 arrests per 1,000 youth to 3.8 per 1,000. Over the same period, a drop of more than two-thirds was recorded in every county with data.<sup>13</sup>

Second, under current law, the rare 16- or 17-year-old who demonstrates a lack of amenability to rehabilitation may be transferred to the adult criminal system. Existing law has a carefully designed, evidence-based procedure to ensure that all youth receive due process and a thorough judicial assessment of their amenability before such a life-altering step is taken.

Third, in 2020, California began the process of reshaping how youth are treated in the juvenile system, relying on research-proven resources and tools for generating positive change in youth. As a result, while the shift to this new path is still happening, the majority of youth accused of crimes in California are being provided with rehabilitative interventions that hold them appropriately accountable, enable them to grow and learn, equip them to make genuine amends for harms caused by their conduct, and ultimately help them transform into adults who will positively contribute to society.


AB 22 would also repeal a provision of the sex offender registration act that was designed to prevent youth who were convicted of certain misdemeanor sex offenses from having to register as sex offenders. Furthermore, AB 22 would prohibit individuals under the Sexually Violent Predator Act (SVPA) who have been found by a court not to be dangerous under supervision in the community from being released in any area zoned residential or within three miles of tribal lands. Given how broadly these restrictions on placement would sweep, they would effectively prohibit individuals from even being released in some California counties leading to either the SVPA being found unconstitutional or individuals being released as transients in the community where they are more difficult to monitor. (AB 2035 (Joe Patterson) Assembly Committee on Public Safety Analysis, March 12, 2024); also see SB 832 (Jones) Senate Committee on Public Safety Analysis, April 11, 2023.)

There will always be pressure to legislate from a place of fear rather than fact. California has proven that smart, developmentally informed policy leads to better outcomes for youth, families and communities. Assembly Bill 22 seeks to return California to practices that harm young people, increase recidivism, and scapegoat communities of color. We respectfully urge you to affirm the

direction California is headed, promote the potential of young people, and protect public safety. A no vote on AB 22 rejects a return to old policies we know do not work.

Please vote “no” on AB 22.

Sincerely,



PATRICIA BARAHONA  
CHIEF EXECUTIVE OFFICER  
Youth Leadership Institute

cc: Assembly Member DeMaio

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- 1 Richard Redding, “Juvenile Transfer Laws: An Effective Deterrent to Delinquency?,” Office of Juvenile Justice and Delinquency Prevention, June 2010, <https://ojjdp.ojp.gov/library/publications/juvenile-transfer-laws-effective-deterrent-delinquency>; Megan Bears Augustyn and Jean Marie McGloin, “Revisiting Juvenile Waiver: Integrating the Incapacitation Experience,” *Criminology*, vol. 56, no. 1 (2018): 154–90, <https://doi.org/10.1111/1745-9125.12165>; Patrick Griffin et al., *Trying Juveniles as Adults: An Analysis of State Transfer Laws and Reporting*, Office of Juvenile Justice and Delinquency Prevention, September 2011, <https://www.ojp.gov/library/publications/trying-juveniles-adults-analysis-state-transfer-laws-and-reporting> Jeffrey Fagan, “The Comparative Advantage of Juvenile Versus Criminal Court Sanctions on Recidivism among Adolescent Felony Offenders,” *Law & Policy*, vol. 18, no. 1–2 (1996): 77–114, <https://doi.org/10.1111/j.1467-9930.1996.tb00165>.
  - 2 *O.G. v. Ventura*, Cal Supreme Court, S259011 (2021) *People v. Superior Court (Lara)* (2018) 4 Cal. 5th 299, 309at p. 305. Note also that the minimum age of 16 for adult court also is a long-standing policy in California, going back to 1961. See *Welf. & Inst. Code*, former §§ 510, 603, 707, as amended by Stats. 1961, ch. 1616, pp. 3462, 3472, 3485.
  - 3 The term “superpredator” was coined in the 1990s by Princeton professor John J. Dilulio Jr., who inaccurately predicted a wave of “radically impulsive, brutally remorseless” youth—a description that became a racialized euphemism for Black and Brown children—committing violent crimes. William J. Bennett, John J. DiIulio, and John P. Walters, *Body Count: Moral Poverty...And How to Win America’s War Against Crime and Drugs*, 1st Edition (New York: Simon & Schuster, 1996).
  - 4 Dilulio himself has acknowledged that his dire predictions were wrong and now advocates for programs and prevention over incarceration. Elizabeth Becker, “As Ex-Theorist on Young ‘Superpredators,’ Bush Aide Has Regrets,” *New York Times*, February 9, 2001, sec.

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<https://www.nytimes.com/2001/02/09/us/as-ex-theorist-on-young-superpredators-bush-aid-has-regrets.html>.

- 5 M.A. Bortner, Marjorie Zatz, and Darnell Hawkins, "Race and Transfer: Empirical Research and Social Context," in *The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Criminal Court*, ed. Jeffrey Fagan and Franklin E. Zimring (Chicago: University of Chicago Press, 2000), pp. 277–320.
- 6 Laura Ridolfi, Maureen Washburn, Frances Guzman, "Youth Prosecuted as Adults in California: Addressing Racial, Ethnic, and Geographic Disparities After the Repeal of Direct File" (Nov. 2017)  
[https://www.cjcj.org/media/import/documents/youth\\_prosecuted\\_as\\_adults\\_in\\_california.pdf](https://www.cjcj.org/media/import/documents/youth_prosecuted_as_adults_in_california.pdf)
- 7 Laurence Steinberg and Amanda Sheffield Morris, "Adolescent Development," *Annual Review of Psychology*, vol. 52 (2001): 83–110,  
<https://doi.org/10.1146/annurev.psych.52.1.83>.
- 8 Daniel Romer, "Adolescent Risk Taking, Impulsivity, and Brain Development: Implications for Prevention," *Developmental Psychobiology*, vol. 52, no. 3 (2010): 263–76,  
<https://doi.org/10.1002/dev.20442>.
- 9 Cara H. Drinan, *The War on Kids: How American Juvenile Justice Lost Its Way* (Oxford: Oxford University Press, 2017), p. 132.
- 10 California Assembly Committee on Public Safety, SB 439, (2017)  
[https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201720180SB439#](https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180SB439#)
- 11 Bath, E. & Gerring, J. 2014. National Trends in Juvenile Competency to Stand Trial. *Journal of the American Academy of Child and Adolescent Psychiatry*, 53, 265-268.
- 12 Grisso, T. et al., Juveniles' Competence to Stand Trial: A Comparison of Adolescents' and Adults' Capacities as Trial Defendants, *Law and Human Behavior*, 27, 333–363 (2003)
- 13 <https://www.kidsdata.org/topic/165/arrest-rate/table#fmt=2332&loc=2,127,347,1763,331,348,336,171,321,345,357,332,324,369,358,362,360,337,327,364,356,217,353,328,354,323,352,320,339,334,365,343,330,367,344,355,366,368,265,349,361,4,273,59,370,326,333,322,341,338,350,342,329,325,359,351,363,340,335&tf=164>