



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' -- for the week of August 25, 2025 -- 'Another pro-criminal law that needs to be fixed'

THOMAS F. O'MARA August 26, 2025

| ISSUE: **RAISE THE AGE REFORM**



Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature.

What's happened since Raise the Age has been in play is a dangerous state of unintended consequences.

Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and

policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, "Another pro-criminal law that needs to be fixed"

Weekly Column from

NYS SENATOR TOM O'MARA

for the week of August 25, 2025

“Another pro-criminal law that needs to be fixed”

Sometimes in public policymaking the most important responsibility of all is to recognize a bad law and make it better, to admit that you got it wrong the first time and fix it. When it becomes clear and undeniable that a law or a regulation or a mandate isn't achieving its intended goal – or, even worse, is working against that goal – the answer is to change it.

In an ongoing effort to restore some common sense and sanity to New York's criminal justice policies, the state's district attorneys are looking to lead the way in doing just that by targeting what's known as the "Raise the Age" law for reform. In fact, the DAs are making it known that changing Raise the Age will be their No. 1 priority during next year's legislative session.

District Attorneys Association of the State of New York President Mary Pat Donnelly, who also serves as the Rensselaer County DA, recently said, "The governor's budget is an effective way to get this done, so certainly, we would love to see that happen. There needs to be a revisit, and we need to evaluate what's happened since it's been in play."

What's happened since Raise the Age has been in play is a dangerous state of unintended consequences.

Many of us fully agree that Raise the Age needs to be fixed. When the law was enacted under then-Governor Andrew Cuomo, New York was one of only two states still automatically prosecuting 16- and 17-year olds as adults. The well-intended goal was to move these younger criminals out of the adult criminal justice system with the hope of deterring recidivism and steering them away from a lifetime of crime towards better, more positive futures. It didn't take long after the law became fully effective in late 2019, however, to recognize its shortcomings and unintended consequences, and that the original law needed to be revisited. Many of us have been saying so and working with district attorneys and others in the law enforcement community ever since trying to get the law changed and back in line with its original intent. The current Raise the Age statute, which some have now dubbed the "Gang Recruitment Act," has unintentionally established a culture of older criminals recruiting younger criminals to do their dirty work, so to speak, knowing that they won't face the same consequences. In effect, the originally approved law removed criminal responsibility for violent 16- and 17-year-olds to be prosecuted as adults and has evolved as an incentive for gangs to recruit and utilize younger members.

Unfortunately, the ongoing calls to fix the original law and execute it more effectively have been largely ignored by New York's one-party, all-Democrat majority leadership over the past several

The failures of Raise the Age and many other actions – no bail, discovery reform, parole reform, the so-called “Clean Slate Act” that will keep millions of criminal records from public view, the HALT Act that has heightened violence within our state correctional facilities, to name just a few - have become more than clear to many of us in the Legislature, throughout the law enforcement community, amongst advocates for crime victims and their families, and elsewhere. Beginning under former Governor Andrew Cuomo and continuing under current Governor Hochul, working in tandem with the Legislature's majorities, New York State's criminal justice system has been turned upside down -- and, in the view of many, for the worse. That includes their failure to fix Raise the Age.

Testifying in Albany earlier this year at a hearing conducted by the Senate and Assembly minority conferences, Nassau County DA Anne Donnelly stated, “As a prosecutor with over 32 years of experience, and as the District Attorney of one of the largest counties in the state, I’ve witnessed firsthand how 'Cashless Bail' and 'Discovery Reform' laws, have compromised public safety. Since the implementation of these laws, we’ve seen a revolving door of justice, where criminals walk free on technicalities while victims continue to suffer. These laws have made it harder for law enforcement and prosecutors to do their jobs, jeopardizing public safety and leaving our communities vulnerable. This is not a justice system that protects the people of New York.”

No, it’s not a system that is focused on public safety and security, or concern for the victims of crime. Far from it. It has been a decidedly pro-criminal approach. The ability of law enforcement to ensure public security has been severely weakened and the criminal element knows it.

###