

Should Juvenile Offenders Be Entitled to a Trial by Jury?

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The theoretical purposes of New Jersey's juvenile justice system have evolved over the years. While at one time our juvenile courts were based on a largely rehabilitative model, one designed principally to attempt to provide assistance to wayward youth, that mission has changed dramatically over the years. Presently, juvenile offenders face significant penalties in our juvenile courts, and the focus (unfortunately) seems to have shifted away from rehabilitation toward a more traditional form of penal consequence, such as incarceration.

For those juvenile offenders whose cases remain in the juvenile courts, certain offenders face the prospect of multiyear sentences in a juvenile correctional facility, and for sexual offenses, the prospect of having to register as a sex offender under Megan's Law. Many people may be surprised to learn that a 15-year-old juvenile offender who makes unwelcome sexual advances toward another 15-year-old juvenile might face the prospect of having to register as a sex offender, but cases like this happen every day in the juvenile courts across the state.

Juveniles have no right to a trial by jury in juvenile court. There is a right to a trial, but only before the judge. One attorney, [Michael Chazen](#), recently attempted to persuade the court that times have changed, and juveniles should be afforded the right to a jury trial. According to the court's opinion in that case, there are some jurisdictions across the country that do afford juvenile offenders the right to a jury trial, but they are in the minority.

Perhaps the time has come to rethink the issue in New Jersey. Although permitting jury trials in every juvenile case would surely cripple the system because of the numbers involved, permitting the right to a jury trial in the following circumstances might make sense, given the magnitude of the consequences involved:

- Juvenile offenders facing what would be first or second degree charges if committed by an adult;
- Juveniles facing the prospect of having to register as a sex offender if convicted.

Limiting jury trials to these circumstances would allow juveniles facing the most serious consequences the right to have their fate decided by a jury. While adult criminal trials are decided by a jury of 12, it is conceivable that a lesser number of jurors might be appropriate in juvenile matters.

There is certainly room for honest debate about the wisdom of injecting elements of jury trials into our juvenile justice system. However, given the increasing seriousness of consequences to juveniles that have evolved in recent years, the time for a serious debate on this issue has arrived.

Attorney

- Darren M. Gelber

Practice

- Criminal Defense