

Juvenile Justice GPS (Geography, Policy, Practice & Statistics) is an online repository providing state policy makers and system stakeholders with a clear understanding of the juvenile justice landscape in the states. The site layers the most relevant national and state-level statistics with information on state laws and practice and charts juvenile justice system change. In a landscape that is highly decentralized and ever-shifting, JJGPS provides an invaluable resource for those wanting to improve the juvenile justice system.

U.S. Age Boundaries of Delinquency 2015

States address where childhood ends and adult criminal responsibility begins by specifying age boundaries in law. Age criteria can be found in various areas of law, which are organized by subject into statutes, also known as codes. Statutes specify which court has original jurisdiction, or initial authority, to rule on a particular matter within certain areas of law. Youth in conflict with the law may be subject to municipal court, criminal court, or juvenile court jurisdiction, depending on the systems of statutes and court organization of the particular state.

Juvenile statutes designate when juvenile courts have original jurisdiction over delinquent acts committed by juveniles. Delinquent acts are defined in juvenile statutes as offenses that, if committed by an adult, could be prosecuted in a criminal court.

When not considered delinquent, youth-only law violations such as running away, truancy, and under-age drinking are often referred to as status offenses. Juvenile codes and other statutes define status offense behaviors and assign original jurisdiction to either a municipal court or juvenile court. Status offense conduct designated for juvenile court may have different jurisdictional age boundaries than described in this StateScan.

Fine-only violations, such as those defined in motor vehicle or fish and

wildlife codes, are usually under the original jurisdiction of a municipal court regardless of the alleged violator's age. Youth found responsible for violating these statutes are usually not considered delinquent.

States sometimes identify infancy exceptions or a minimum age of criminal responsibility in penal, or criminal, statutes. Although these serve to guide juvenile court practice in some states, when compared across the states and against juvenile codes within the state, it is clear that these age limits are not interchangeable with age boundaries of delinquency.

For felonies and other serious crimes, both juvenile and penal codes direct when allegations are subject to criminal rather than juvenile court jurisdiction. Provisions can be found in both juvenile and penal statutes that identify when allegations may (permissive) or must (mandatory) be transferred to and from juvenile court jurisdiction. These are known generally as transfer laws, and are at times confused with age boundaries of delinquency. Transfer laws may have offense-specific age thresholds, but the age boundary for delinquency refers more broadly to original or exclusive juvenile court jurisdiction for youth.

The differences for youth involved with juvenile court instead of criminal or municipal court reflect the principle

that a child in conflict with the law may be in need of a wide range of services and should be supervised under the civil guidance of a juvenile court judge. By ordering sanctions and services, judicial decisions attempt to harmonize the need for public safety and holding juveniles accountable for their behavior and the need to reduce barriers to their rehabilitation. Since juvenile statutes specify age boundaries for youth conduct that is considered delinquent, age boundaries for delinquency frame the parameters for juvenile justice in each state.

This StateScan compares upper, lower, and extended age boundaries found in juvenile statutes to give a deeper understanding of how states define delinquency. State comparisons may assist jurisdictions, legislators, and advocates considering statutory and practice changes for juvenile justice.

State analyses include the District of Columbia and U.S. territories. For ease of discussion in this publication, all of these jurisdictions are referred to as states (56 total).

Upper Age Boundaries

The upper age boundary refers to the oldest age at which an individual's alleged conduct can be considered delinquent and under original juvenile court jurisdiction. For federal violations, the Federal Juvenile Delinquency Act (18 USC § 5031-5042) defines

U.S. Age Boundaries of Delinquency in State Juvenile Statutes, 2015

State	Upper Age	Lower Age	Extended Age*
Alabama	17	NS	20
Alaska	17	NS	19
Arizona	17	8	20
Arkansas	17	10	20
California	17	NS	24
Colorado	17	10	FT
Connecticut	17	7	19
Delaware	17	NS	20
District of Columbia	17	NS	20
Florida	17	NS	20
Georgia	16	NS	20
Hawaii	17	NS	FT
Idaho	17	NS	20
Illinois	17	NS	20
Indiana	17	NS	20
Iowa	17	NS	20
Kansas	17	10	22
Kentucky	17	NS	20
Louisiana	16	10	20
Maine	17	NS	20
Maryland	17	7	20
Massachusetts	17	7	20
Michigan	16	NS	20
Minnesota	17	10	20
Mississippi	17	10	19
Missouri	16	NS	20
Montana	17	NS	24
Nebraska	17	NS	20
Nevada	17	NS	20
New Hampshire	17	NS	20
New Jersey	17	NS	FT
New Mexico	17	NS	20
New York	15	7	20
North Carolina	15	6	20
North Dakota	17	7	19
Ohio	17	NS	20
Oklahoma	17	NS	18
Oregon	17	NS	24
Pennsylvania	17	10	20
Rhode Island	17	NS	20
South Carolina	16	NS	20
South Dakota	17	10	20
Tennessee	17	NS	20
Texas	16	10	18
Utah	17	NS	20
Vermont	17	10	21
Virginia	17	NS	20
Washington	17	NS	20
West Virginia	17	NS	20
Wisconsin	16	10	24
Wyoming	17	NS	20

Territory

American Samoa	17	10	20
Guam	17	NS	20
Puerto Rico	17	NS	20
Northern Mariana Islands	17	NS	20
The Virgin Islands	17	NS	18

*Note: Extensions requiring consent are included. Extensions for incapacity, restitution, and narrow specialty court dispositions that otherwise raise the extended age to full term (like drug court) were excluded.

"NS" means no age specified.

"FT" refers to the full term of the disposition.

juvenile delinquency as “the violation of a law of the United States committed by a person prior to his 18th birthday which would have been a crime if committed by an adult...” In a great majority of states, the upper age boundary has traditionally been age 17.

After decades of little movement, several states with an upper age boundary below age 17 have recently raised the age to conform to the national majority, and others have ongoing taskforces to explore options for raising the age. In 2015, age 17 was the upper age boundary of original juvenile court jurisdiction for delinquency in 47 out of 56 states (see table on left). Only nine states are left to consider whether to raise their upper age.

New York and North Carolina are the only two states where no offense committed by 16- or 17-year-olds can be considered delinquent, thus excluding them from original juvenile court jurisdiction. Violations of 17-year-olds in an additional seven states (Georgia, Louisiana, Michigan, Missouri, South Carolina, Texas, and Wisconsin) cannot be considered delinquent, essentially defining 17-year-olds as adults for the purpose of criminal prosecution.

These age groups are relatively “high offending” ages. For states that did not exclude 16- and 17-year-olds from juvenile court in 2013, 16- and 17-year-olds accounted for 47% of all petitioned delinquency cases. In 2010, an estimated 137,000 youth age 16 or 17 faced criminal prosecution. (Sickmund and Puzanhera 2014).

Juvenile courts were created to manage the unique needs of juveniles who were considered easier to rehabilitate than adults. Protecting juveniles from the consequences of an adult criminal record and separating incarcerated juveniles from the influence of adult criminals were main reasons for the establishment of juvenile courts. When statutes exclude youth from juvenile court, criminal courts must manage the needs of those youth with dispositions and sanctions that are not necessarily able to take adverse family experiences,

emotional, behavioral, or cognitive functioning into consideration outside of sentencing guidelines.

Youth who enter a guilty or nolo contendere (no contest) plea, or are found guilty in criminal court, not only lose access to rehabilitation services tailored for juveniles, but also face collateral consequences outside of criminal court that can last much longer than the sentence itself. Beyond educational and employment repercussions, such as no access to student loans or having to explain a “yes” answer to a criminal conviction question on job applications for life, a youth may not realize that taking a plea leads to more than the gambit of a few visits with an adult probation officer. Depending on the state, a conviction could mean the entire family gets evicted permanently from public housing.

The U.S. Department of Justice initially funded the American Bar Association’s development of a [National Inventory of Collateral Consequences of Conviction](#), which compiles lists of hundreds of

potential consequences for adult convictions in each state. Judges and public defenders could not possibly counsel a youth about all of them when negotiating or accepting a guilty plea, and neurologists would argue that youth could not fully comprehend the potential effects anyway.

Today’s research shows more tangible evidence that a different approach for juveniles has biological components. Neurologists assert that adolescents have immature brain structures and do not have as much control over impulses or decision-making as adults in their mid-twenties. The plasticity of a younger brain affords a greater opportunity for change when tailored interventions are received (Perry 2013).

While states continue to debate the issue, internationally, United Nations committees recommend that the upper age boundary should be no lower than 17, and criminal responsibility for youth younger than 12 years is deemed “not internationally acceptable” (United Nations 2007, 2014).

Advocates and legislators working to raise the upper age appear to be getting closer to their goal. Most state work groups concur that the best chance for rehabilitation occurs at younger ages and the higher per-child cost of juvenile and human service budgets will ultimately offset corrections budgets and benefit communities. Federal funding tied to compliance with the [Prison Rape Elimination Act](#), which joined the [Juvenile Justice and Delinquency Prevention Act’s](#) requirement to separate youth under age 18 by “sight and sound” from older inmates, is encouraging change in remaining states.

Nine states still require 16- and/or 17-year-olds accused of any offense to be criminally prosecuted and sentenced as adults, while Connecticut’s governor is touting an upper age through age 20 as part of their approach. If successful, it would be the first state in the nation with an upper age higher than 17.

Lower Age Boundaries

Some states identify lower age boundaries in juvenile statutes, and/or rely on common law (case law), court rules, and penal codes to assist with age parameters in practice. Only 18 states specified a lower age boundary for delinquency in juvenile statutes in 2015. Of those, North Carolina had the lowest age of six, which is younger than the federal tradition, where an early U.S. Supreme Court case mentioned that youth younger than age seven are presumed incapable of criminal intent at Common Law (see [Allen v. United States, 150 U.S. 551 \[1893\]](#)).

Five states (Connecticut, Maryland, Massachusetts, New York, and North Dakota) identified age seven and one state (Arizona) set the lower age boundary at age eight. Age 10 was the most common lower age boundary, listed in 11 of the 18 states that specified a lower age for delinquency (see table on page 2).

Extended Age Boundaries

Extended age boundaries are statutory provisions that indicate the oldest age a juvenile court can retain or resume jurisdiction over an individual whose delinquent conduct occurred before the end of the upper age boundary. Extensions typically occur so a juvenile court judge can monitor completion of dispositions and services intended to rehabilitate the child. Extended release plans often include voluntarily extended placements or aftercare services.

Age limits for extensions generally vary by type of disposition (e.g., probation and secure facility placement) or offense. Extensions in some states require the consent of the youth or a hearing to extend juvenile court supervision beyond the upper age boundary. By statute, seven states permit delinquency jurisdiction through age 18 or 19, 40 states extend through age 20, six states range from age 21 to 24, and three extend to the full term of the disposition and have no specified age limit (see table on page 2).

History of the U.S. Upper Age Boundary for Delinquency

Since 1975, only eight states have changed their upper age of juvenile court jurisdiction: Alabama raised its upper age from 15 to 16 in 1976 and from 16 to 17 in 1977; Wyoming lowered its upper age from 18 to 17 in 1993; New Hampshire and Wisconsin lowered their upper age from 17 to 16 in 1996; Rhode Island lowered its upper age from 17 to 16 and then raised it back to 17 again four months later in 2007; Connecticut passed a law in 2007 to raise its upper age from 15 to 17 gradually from 2010 to 2012; Illinois raised its upper age for misdemeanors from 16 to 17 in 2010; Massachusetts raised its upper age from 16 to 17 in 2013; Illinois raised its upper age for most felonies from 16 to 17 in 2014; and New Hampshire raised its upper age from 16 back to 17 in 2015.

Most change has come since 2007. Since then, all but one has been to raise the age (Rhode Island’s reversal in 2007 briefly lowered, then raised the age).

Methods

To compare age boundaries of delinquency among the states, juvenile statutes were reviewed in March and April, 2016 using WestlawNext™ online; Legislative Reference Bureau of American Samoa: www.asbar.org/archive/Newcode/asca.htm; and Commonwealth of the Northern Mariana Islands Law Revision Commission: www.cnmilaw.org/frames/Commonwealth%20Code.html. Searches were conducted in juvenile codes for definitions of adult, child, juvenile, delinquent, and delinquent act; as well as original jurisdiction and disposition sections in juvenile codes. Penal codes were searched for infancy exceptions and youngest age of criminal responsibility.

Definitions:

Act: formally refers to a bill as passed by a state's legislature, intended for the governor's signature to become law.

Code: either a compilation of statutes or regulations currently in effect, organized by subject.

Common law: (case law) sets precedent by judicial decision on individual cases when no statute exists or a new legal aspect is raised. The reference includes state systems based on Civil Law (LA, PR) as they also follow procedures of common law for criminal cases.

Law: refers to public law originating from the legislature.

Municipal Court: refers to a lower trial state court of general or limited jurisdiction (or department of a unified court, as in CA). Locally, it may be known as district, city, mayor, or traffic court, etc.

Regulations: refers to detailed procedural requirements written by an executive branch government agency when a statute authorizes or delegates rulemaking to it. Regulations may also be referred to as administrative law. Judges may choose to yield or defer to regulations when making decisions, but do not have to follow them (also see Code).

Statute: compilation of written laws in effect as organized by topic (codified). A statute incorporates (consolidates) new laws that amend it.

For eligible youth in need of longer care or services leading to successful adulthood, states can opt for agreements between child welfare and juvenile justice organizations to receive federal reimbursement for non-secure placement extensions and resumption of juvenile court jurisdiction up to age 21. Many states have statutory language to accommodate this, and more are likely to follow (see the U.S. Department of Human Services Administration for Children and Families, Program Instruction [ACYF-CB-PI-10-11](#) and the Child Welfare Policy Manual [8.3A.1](#), [8.3A.11](#) for guidance).

A measure of the total number of potential years of juvenile court jurisdiction over a youth also reflects different approaches among states. In 2014, the total years of original juvenile court jurisdiction over a youth adjudicated delinquent could span from a strict eight years in Texas to a potentially unlimited amount of time in Hawaii. States that place more limits on delinquency can expect to see higher adult corrections costs.

Jurisdictions will continue to work out the complexities of when a youth is considered an adult for some areas of law, while remaining a legal child for others.

Conclusion

State legislatures construct guideposts with statutory age boundaries to assign childhood, adolescence, and adulthood to law violations that reflect variations of the intention of each state. This StateScan suggests that age boundaries of delinquency in juvenile statutes set the stage but are intertwined with myriad considerations for juvenile justice practice.

Youth and families navigate a confusing web of rules and exceptions while other stakeholders determine whether conduct is considered delinquent or not, which court pathway has initial and ongoing authority, and whether dispositions are sufficient to balance public safety and accountability to victims with the needs of the individual

youth. Statutory evolutions will continue to gain speed because jurisdictions are becoming better able to quantify and translate case-level data to what works best in practice, ultimately influencing what should be formalized in law.

References:

Perry, B. 2013. "Policy: Neurodevelopment, Maltreatment & the Juvenile Justice System," *In Brief Reflections on Childhood, Trauma, and Society*. Houston: The Child Trauma Academy Press. 47-84.

Sickmund, M., and Puzzanchera, C. (eds.). 2014. *Juvenile Offenders and Victims: 2014 National Report*. Pittsburgh, PA: National Center for Juvenile Justice. www.ojjdp.gov/ojstatbb/nr2014/.

Office of the United Nations High Commissioner for Human Rights, Committee on the Rights of the Child. 2007. *Children's Rights in Juvenile Justice, General Comment No. 10*. www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.10.pdf.

Office of the United Nations High Commissioner for Human Rights, Human Rights Committee. 2014. *Concluding observations on the fourth periodic report of the United States of America*. Adopted March 26. tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUSA%2fCO%2f4&Lang=en.

The National Center for Juvenile Justice is a non-profit organization that conducts research on a broad range of juvenile justice topics and provides technical assistance to the field. NCJJ is the research division of the National Council of Juvenile and Family Court Judges.

Angel Zang, MBA, MSW, azang@ncjfcj.org, 412-246-0844, Policy Analyst, with the National Center for Juvenile Justice, prepared this document with support from the John D. and Catherine T. MacArthur Foundation. Points of view or opinions expressed are those of the author and not necessarily those of the Foundation.

© National Center for Juvenile Justice
3700 South Water Street, Suite 200
Pittsburgh, PA 15203-2363

Suggested Citation: Zang, Angel. 2016. U.S. Age Boundaries of Delinquency. JGJS StateScan. Pittsburgh, PA: National Center for Juvenile Justice.