

Office of the Defender General H.95 juvenile jurisdiction summary table – As passed by the Senate

	<b>Current Law</b>	<b>7/1/16</b>	<b>1/1/17</b>	<b>1/1/18</b>	<b>7/1/18</b>
Age of supervision	<ul style="list-style-type: none"> <li>• 18 for most cases</li> <li>• 18.5 for nonviolent misdemeanors committed when the juvenile was 17</li> </ul>			<ul style="list-style-type: none"> <li>• 18 for any offense committed by a juvenile under age 16</li> <li>• 19.5 for any offense committed by a 16 or 17 year old</li> </ul>	
10-11 year olds, “big 12” offenses	<ul style="list-style-type: none"> <li>• Can be transferred to criminal court for offenses listed in § 5204(a) (the “Big 12”).</li> </ul>	<ul style="list-style-type: none"> <li>• Cannot be transferred to criminal court for any offense</li> </ul>			
14-18 year olds, “big 12” offenses	<ul style="list-style-type: none"> <li>• Cases must originate in criminal court, may be transferred to juvenile court</li> </ul>				
16 year olds, misdemeanors	<ul style="list-style-type: none"> <li>• Cases may be brought in criminal or juvenile court at the discretion of the prosecutor</li> </ul>		<ul style="list-style-type: none"> <li>• Cases must originate in juvenile court and cannot be transferred to criminal court</li> </ul>		
16 year olds, felonies	<ul style="list-style-type: none"> <li>• Cases may be brought in criminal or juvenile court at the discretion of the prosecutor</li> </ul>		<ul style="list-style-type: none"> <li>• Cases must originate in juvenile court and may be transferred to criminal after a <i>Kent</i> hearing</li> </ul>		
17 year olds, misdemeanors	<ul style="list-style-type: none"> <li>• Cases may be brought in criminal or juvenile court at the discretion of the prosecutor</li> </ul>			<ul style="list-style-type: none"> <li>• Cases must originate in juvenile court and cannot be transferred</li> </ul>	

17 year olds, felonies	<ul style="list-style-type: none"> <li>• Cases may be brought in criminal or juvenile court at the discretion of the prosecutor</li> </ul>			<ul style="list-style-type: none"> <li>• Cases must originate in juvenile court and may be transferred to criminal after a <i>Kent</i> hearing</li> </ul>	
Youthful Offender	<ul style="list-style-type: none"> <li>• Juvenile must be under 18 to get YO status</li> <li>• Case must originate in criminal court</li> <li>• YO status requires a guilty plea in criminal court</li> <li>• Limited options for intermediate sanctions rather than revocation when there is a violation</li> </ul>				<ul style="list-style-type: none"> <li>• Any offender under age 22 may get YO status</li> <li>• Prosecutors may file a YO petition directly to the juvenile court. Offenders under age 22 in criminal court can petition for YO status.</li> <li>• If the court finds the juvenile is appropriate for YO status, <i>then</i> there is the opportunity for a plea or a bench trial</li> <li>• Expanded use of graduated sanctions for minor violations</li> </ul>
Citation of 16-17 year olds	<ul style="list-style-type: none"> <li>• Officers may cite into juvenile or criminal court at the discretion of the officer</li> </ul>	<ul style="list-style-type: none"> <li>• For listed offenses, “big 12” offenses, major fish and wildlife offenses, and certain motor vehicle offenses, officers may cite in either court at the discretion of the officer</li> <li>• For all other offenses, officers must cite into juvenile court</li> <li>• If the SA filea charges in the criminal court, shall state on the information why charging in the criminal court is in the interest of justice</li> </ul>			

<p>14 to 16 year olds, listed crimes</p>	<ul style="list-style-type: none"> <li>• May be cited to court (criminal or juvenile) and appear at any arraignment date</li> </ul>	<ul style="list-style-type: none"> <li>• “Shall appear before a judicial officer and be ordered released pending trial in accordance with this section [13 VSA § 7554] within 24 hours of the juvenile’s arrest.”</li> </ul>			
<p>Study Committees</p>		<ul style="list-style-type: none"> <li>• DOC and DCF shall consider the implications of adjudicating <i>all</i> 18-21 year olds convicted of a non-big-12 offense as YO. Report to Joint Justice Oversight by 11/1/16</li> <li>• JJO will study expanding YO status to 25 years old</li> <li>• JJO will consider moving 14-15 year olds charged with big-12 offenses to juvenile court</li> <li>• JJO will evaluate the resources necessary for expanding the jurisdiction of the juvenile court to 21 as contemplated by other state legislatures</li> </ul> <p>**All JJO reports to be completed prior to 1/1/17</p>			