

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

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

17 year olds, felonies	<ul style="list-style-type: none"> Cases may be brought in criminal or juvenile court at the discretion of the prosecutor 			<ul style="list-style-type: none"> Cases must originate in juvenile court and may be transferred to criminal after a <i>Kent</i> hearing 	
Youthful Offender	<ul style="list-style-type: none"> Juvenile must be under 18 to get YO status Case must originate in criminal court YO status requires a guilty plea in criminal court Limited options for intermediate sanctions rather than revocation when there is a violation 				<ul style="list-style-type: none"> Any offender under age 22 may get YO status Prosecutors may file a YO petition directly to the juvenile court. Offenders under age 22 in criminal court can petition for YO status. 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 Expanded use of graduated sanctions for minor violations
Citation of 16-17 year olds	<ul style="list-style-type: none"> Officers may cite into juvenile or criminal court at the discretion of the officer 	<ul style="list-style-type: none"> 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 For all other offenses, officers must cite into juvenile court 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 			

<p>14 to 16 year olds, listed crimes</p>	<ul style="list-style-type: none"> • May be cited to court (criminal or juvenile) and appear at any arraignment date 	<ul style="list-style-type: none"> • “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.” 			
<p>Study Committees</p>		<ul style="list-style-type: none"> • 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 • JJO will study expanding YO status to 25 years old • JJO will consider moving 14-15 year olds charged with big-12 offenses to juvenile court • JJO will evaluate the resources necessary for expanding the jurisdiction of the juvenile court to 21 as contemplated by other state legislatures <p>**All JJO reports to be completed prior to 1/1/17</p>			