

You Are Here: [JJIE Home](#) » [Ideas and Opinions](#) » [Which State Will Be the Last...](#)

Which State Will Be the Last to ‘Raise the Age?’

By **Melissa Sickmund** | May 29, 2014



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As the National Center for Juvenile Justice launches our latest website – [Juvenile Justice GPS](http://jjgps.org/) (<http://jjgps.org/>) – I want to draw attention to some of the things we see in the data that will be encouraging to anyone interested in juvenile justice reform. One of the first topics highlighted on the site, “Jurisdictional Boundaries,” describes the lines states draw between the juvenile justice and criminal justice systems. This is an area that NCJJ has monitored for decades and in the past few years there have been welcome changes: For those of us seeking a juvenile justice system that is more fair, effective, rational and developmentally-appropriate, advancing the right age of jurisdiction of the system is critical part of the mix.

For as long as I can remember, the upper age of juvenile jurisdiction in most states has been 17; however, in some states, it is as low as 15. Between 1978 and 1995, no state changed their upper age boundaries for delinquency offenses. Then in 1996, New Hampshire and Wisconsin lowered their upper age from 17 to 16 amid fears of juvenile “super predators.” By that time, however, juvenile violent crime arrest rates had already peaked and begun to decline. For the next decade, the boundary between juvenile and adult justice systems was the 16th or 17th birthday in 13 states, rather than the 18th birthday, as it was in 37 states and the District of Columbia. In Georgia,

Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas and Wisconsin, state law defined all 17-year-olds as adults. In Connecticut, New York and North Carolina, state law defined all 16- and 17-year-olds as adults.

In 2007, Rhode Island lowered its upper age of juvenile jurisdiction to 16 as a cost-saving measure, then four months later changed it back to 17 after finding out that criminal justice was not less expensive than juvenile justice. Now, it seems evident that the tide is changing in favor of returning 16- and 17-year-olds to juvenile court jurisdiction:

- Connecticut raised its upper age in 2010 from 15 to 16;
- Illinois raised its upper age in 2010 from 16 to 17 for misdemeanants;
- Connecticut raised its upper age in 2012 from 16 to 17;
- Illinois raised its upper age in 2013 from 16 to 17 for felons;
- Massachusetts raised its upper age in 2013 from 16 to 17;

Momentum has shifted – now the upper age in 40 states is 17, in eight states it is 16 and in just two states it’s 15. In at least five of the remaining 10 states that define youth as younger than 18, as adults there are serious indications that raise-the-age laws are on the near horizon. The primary question now seems to be not “Which states will raise the age?” but “Which state will be the last to raise the age?” And who knows, years from now, states may even be raising the age to 20 or even 25 – based on what we’ve learned from research on adolescent brain development.

“Raising the Age” is part and parcel of the juvenile justice system this country needs and our youth deserve: In Connecticut, Illinois and New York, these reforms are being advanced in the context of a larger set of juvenile justice reforms that seek to meet the mental health needs of youth without unnecessary juvenile justice system involvement, provides the services, supervision and supports that help committed youth transition safely and successfully back into the community, and uses programs and services of demonstrated effectiveness in improving behavior. Changing jurisdictional boundaries are part of this larger juvenile justice reform process.

The Juvenile Justice GPS site ([JJGPS.org \(http://jigps.org/\)](http://jigps.org/)) will be updated to include the latest changes in jurisdictional boundaries later this summer. The site also monitors changes to lower and extended age boundaries, and tracks state transfer laws that allow juveniles to be tried and sanctioned as adults. There has been some reversal of those harsh, get-tough laws as well. Declines in youth crime and violence are reflected in declines in state and national trends in the number of juveniles handled as adults.

All these laws have an impact on the boundaries between juvenile and criminal jurisdiction. Where the boundaries are says a lot about how we feel about youth offenders and youth in general in our communities. It is refreshing to see changes that reflect a more positive attitude toward our youth. They are, after all, our greatest resource.

JJGPS will roll out information on other reform topic areas in the coming months: Juvenile Defense, Systems Integration, Racial and Ethnic Fairness, Juvenile Justice Services and Status Offense Issues. Visit [jigps.org \(http://jigps.org/\)](http://jigps.org/) to get samples of what’s to come in those areas.

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