



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 3

TO: MEMBERS OF THE SPECIAL COMMITTEE ON HIGH-RISK JUVENILE OFFENDERS

FROM: Anne Sappenfield, Senior Staff Attorney

RE: Minimum and Maximum Ages for Juvenile Court Delinquency Jurisdiction in Other States

DATE: July 29, 2008

This memorandum discusses the minimum and maximum ages for juvenile court jurisdiction for a delinquent act in other states. In Wisconsin, a delinquent is a juvenile who is 10 years of age or older and has violated any state or federal criminal law. [s. 938.02 (3m), Stats.] Therefore, the *minimum* age of the juvenile court's jurisdiction over a delinquent act is **10 years** in Wisconsin. A juvenile who is 17 years of age or older is an adult for purposes of investigating or prosecuting an alleged violation of any state or federal criminal law or any civil law or municipal ordinance. [s. 938.02 (1) and (10m), Stats.] Therefore, the *maximum* age of juvenile court jurisdiction for a delinquent act is **16 years** in Wisconsin.

Sixteen states have statutes that set the minimum age of juvenile court delinquency jurisdiction. In the other states, the minimum age is not specified in statute, but is governed by case law or common law. One state sets the minimum age at six years; three states set the minimum age at seven years; one state sets the minimum age at eight years; and 11 states, including Wisconsin, set the minimum age at 10 years.

For the maximum age of juvenile court delinquency jurisdiction, two states set the maximum age at 15 years; 10 states, including Wisconsin, set the maximum age at 16 years; and 39 states (including the District of Columbia) set the maximum age at 17 years.

The following tables set forth the minimum and maximum ages of juvenile court delinquency jurisdiction for the states:

***Minimum Age of Juvenile Court Delinquency Jurisdiction***

<b><i>AGE</i></b>	<b><i>STATES</i></b>
6 years	North Carolina
7 years	Maryland, Massachusetts, New York
8 years	Arizona
10 years	Arkansas, Colorado, Kansas, Louisiana, Minnesota, Mississippi, Pennsylvania, South Dakota, Texas, Vermont, Wisconsin

Sources: National Center for Juvenile Justice (NCJJ) [[www.ncjj.org/stateprofiles/overviews/lowrage.asp](http://www.ncjj.org/stateprofiles/overviews/lowrage.asp)] and Sarah Hammond, Program Principle, Criminal Justice, National Conference of State Legislatures.

***Maximum Age of Juvenile Court Delinquency Jurisdiction***

<b><i>AGE</i></b>	<b><i>STATES</i></b>
15 years	New York, North Carolina
16 years	Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas, Wisconsin
17 years	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming

Sources: NCJJ [[www.ncjj.org/stateprofiles/overviews/upperage.asp](http://www.ncjj.org/stateprofiles/overviews/upperage.asp)] and Sarah Hammond.

AS:ksm