

STATES CONSIDERING RAISING THE AGE (RtA)  
&  
Extending Juvenile Court Jurisdiction Over the 18<sup>th</sup> Birthday

May 2022

When the U.S. Justice Department’s Administrator for the Office of Juvenile Justice and Delinquency Prevention and Acting Director of the National Institute of Justice suggested in 2014 that state policymakers should consider raising the upper age of their juvenile court jurisdiction to 21 or 24,<sup>i</sup> there was no state in the country that extended the age beyond a youth’s 18<sup>th</sup> birthday. But in 2018, this changed: **Vermont** became the first state to break this traditional barrier by enacting Act 201, which gradually raises the upper age of juvenile (or family) court jurisdiction to the 20<sup>th</sup> birthday.

But Vermont may not be alone for long, as a growing number of other states appear to be moving in this direction. Here is a table summary of states that have considered similar legislation (followed by a more in-depth narrative description for each state):

	STATE	Year RtA Legislation Was Filed/Pending	Proposal to RtA to	Proposal to create a Task Force
1	CALIFORNIA	2020	20	No
2	COLORADO	2019	21	Yes
3	CONNECTICUT	2016 & 2018	21	Yes
4	ILLINOIS	2016 - 2021	21 (misdemeanor only)	No
5	MASSACHUSETTS	2018 - 2021	21	Yes
6	NEBRASKA	2021	21	No
7	VIRGINIA	2022	21	No
8	WASHINGTON	2021	20	Yes

1. **California:** In November, 2019, the Chief Probation Officers of California announced their [support](#) for the Elevate Justice Act to raise the upper age of juvenile court jurisdiction to the 20<sup>th</sup> birthday and, in January 2020, State Senator Nancy Skinner filed a Bill to do that ([S.B. 889](#)). The Bill was referred to the Rules Committee but no action was taken, largely because of the timing. This same year, California undertook a major juvenile justice reform by deciding to close all state youth prisons (in essence, dismantling the Division of Juvenile Justice) and realigning youth corrections to California counties.
2. **Colorado:** In 2019, State Representative Serena Gonzales-Gutierrez introduced a bill entitled "*Concerning Directing the Age of Delinquency Task Force of the Colorado Commission on Criminal and Juvenile Justice to Study Serving Emerging Adults in the Juvenile Justice System*" ([H.B.1149](#)). The bill passed and the Task Force was charged with, among other things, making "recommendations regarding appropriate uses of the juvenile justice system or youthful offender system for young adults." The Task Force submitted its report to the Judiciary Committees of the Colorado House of Representatives and the Senate on August 17, 2020 (about 6 weeks after the legislative deadline of June 30, due to COVID). The Task Force did not include any findings regarding the merit or feasibility of raising the age but made two recommendations focused on serving emerging adults within the Probation Department and the Youthful Offender System.
3. **Connecticut:** Governor Dannel Malloy [introduced legislation](#) in 2016 and 2018 to raise the upper age of juvenile jurisdiction to the 21<sup>st</sup> birthday over a three-year period but the bills did not pass. The Juvenile Justice Policy and Oversight Committee (JJPOC), an entity created by the Legislature, drafted and adopted a [strategic plan in 2018](#) that included the goal to "right size" the State's juvenile justice system by raising both the lower age (from age 7 to 12) and upper age (from 18 to 21) of juvenile jurisdiction. JJPOC advocates for legislation to achieve all the goals within its strategic plan and raise the age is on the Committee's work plan.

**Illinois:** State Senator Laura Fine has introduced bills to gradually raise the age for misdemeanor cases involving youth up to age 21 multiple times (including when she was previously a State Representative). Note that when Illinois raised the age of juvenile jurisdiction previously, from the 17<sup>th</sup> to the 18<sup>th</sup> birthday, this same approach was used, first raising the age for misdemeanor cases ([PA95-1031](#) in 2010) and then later for felony cases too ([PA98-0061](#) in 2014). In 2021, [House Bill 111](#) was voted favorably by the House but was not considered by the Senate before the session ended.

**Massachusetts:** Multiple bills have been filed in Massachusetts to gradually raise the upper age of juvenile jurisdiction to the 21<sup>st</sup> birthday, from the 2017-8 session to the current session (2021-2). At one point (in the spring of 2018), a bill was voted out favorably by the Senate but the final version of the bill, voted on by both chambers, was amended to create a special task force to examine the issue instead. The Task Force issued [a final report](#) in February 2020 that did not include a formal recommendation for raising the age of juvenile jurisdiction to 21. Instead, the report listed RtA as the first item of options “for legislative consideration.” As of May 2022, two bills are being considered by the Joint Judiciary Committee ([H. 1826](#) and [S. 920](#)).

**Nebraska:** Legislation ([LB 330](#)) was introduced in the 2021 legislative session to raise the upper age of juvenile court jurisdiction to the 21<sup>st</sup> birthday but did not proceed beyond the Judiciary Committee. According to the [Statement of Intent](#), the Bill was filed in an “effort to provide more extensive rehabilitative services to Nebraska’s youth.”

**Virginia:** Becoming the most recent state to consider raising the upper age of juvenile jurisdiction, [SB 134](#) was introduced in January 2022 and was passed by the Senate but not the House. The [Joint Legislative Audit and Review Commission](#) conducted [a Racial and Ethnic Impact Study](#) on the proposal and reported that Black emerging adults (18 – 21) are over-represented in the adult criminal system and that the proposed Bill would allow more youth to be eligible for diversion and “provide greater access to rehabilitative services.”

**Washington:** A bill ([S.B. 5122](#)) was filed in the 2021 legislative session to raise both the lower age (from age 7 to 12) and upper age (from age 18 to 20) of juvenile court jurisdiction. The Senate Committee on Human Services, Reentry & Rehabilitation held a hearing on January 19, 2021, and shortly thereafter, voted the bill out favorably. The bill was subsequently amended: Noting that the Legislature “intends” to raise the age, the bill created a “raise the age juvenile justice task force to examine and plan for implementation of expanded juvenile court jurisdiction.” The amended bill was voted favorably by the House but did not proceed in the Senate.

## CONCLUSION:

Prior to 2016, when then Governor of Connecticut Dannel Malloy proposed legislation to raise the upper age of juvenile jurisdiction over the 18<sup>th</sup> birthday (to the 21<sup>st</sup> birthday), no state in the country was seriously considering such a reform initiative. But

since then, one state (Vermont) has passed a Raise the Age law and, as of May 2022, a total of eight states have considered similar legislation.

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<sup>i</sup> Ridgeway, G. and Listenbee, R. (2014, Feb.) Young Offenders: What Happens and What Should Happen. Washington DC: National Institute of Justice. Available at <https://www.ncjrs.gov/pdffiles1/nij/242653.pdf>. Other reports funded by the Department of Justice that recommended raising the upper age of juvenile jurisdiction to 21 or 24 include: Schiraldi V., Western B., and Bradner K. (2015). "Community-Based Responses to Justice-Involved Young Adults." *New Thinking in Community Corrections Bulletin*, Washington DC: U.S. Department of Justice, National Institute of Justice, NCJ 248900. Available at <https://www.ojp.gov/pdffiles1/nij/248900.pdf> and Howell, J., Feld, B., Mears, D., Farrington, D., Loeber, R., and Petechuk, D. (2013). "Bulletin 5: Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know." Study Group on the Transitions between Juvenile Delinquency and Adult Crime, National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Available at <https://www.ojp.gov/pdffiles1/nij/grants/242935.pdf>