



# CSPV FACT SHEET

FS-009

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## Judicial Waiver Statistics by State

A total of 46 states<sup>1</sup> give juvenile court judges the power to waive jurisdiction over cases involving juveniles so that they can be transferred to adult criminal court. Waiver provisions differ in the degree of decision-making flexibility they allow to the courts. 45 states<sup>2</sup> have provisions making the waiver decision entirely *discretionary* with the judge. 15 states<sup>3</sup> set up a rebuttable *presumption* in favor of waiver in certain kinds of cases. And 15 states<sup>4</sup> specify circumstances under which waiver is *mandatory*, once a judge determines that statutory conditions mandating waiver have been met.

Minimum Age and Offense for Which a Juvenile Can Be Transferred to Adult Criminal Court, 2004									
States	Minimum Age for Judicial Waiver	Any Criminal Offense	Certain Felonies	Capital Crimes	Certain Offenses				
					Murder	Person Offenses	Property Offenses	Drug Offenses	Weapon Offenses
Alabama	14	14							
Alaska	NS	NS				NS			
Arizona	NS		NS						
Arkansas	14		14	14	14	14			14
California	14	16			14	14	14	14	
Colorado	12		12		12	12			
Connecticut	14		14	14	14				
Delaware	NS	NS	15		NS	NS	16	16	
District of Columbia	NS	16	15		15	15	15		NS
Florida	14	14							
Georgia	13	15		13	14	13	15		
Hawaii	NS		14		NS				
Idaho	NS	14	NS		NS	NS	NS	NS	
Illinois	13	13	15						
Indiana	NS	14	NS		10			16	
Iowa	14	14							
Kansas	10	10	14			14		14	
Kentucky	14		14	14					
Louisiana	14				14	14			
Maine	NS		NS		NS	NS			
Maryland	NS	15		NS					

Massachusetts									
Michigan	14		14						
Minnesota	14		14						
Mississippi	13	13							
Missouri	12		12						
Montana									
Nebraska									
Nevada	14	14	14			14			
New Hampshire	13		15		13	13		15	
New Jersey	14	14	14		14	14	14	14	14
New Mexico									
New York									
North Carolina	13		13	13					
North Dakota	14	16	14		14	14		14	
Ohio	14		14		14	16	16		
Oklahoma	NS		NS		NS				
Oregon	NS		15		NS	NS	15		
Pennsylvania	14		14			14	14		
Rhode Island	NS	NS	16	NS	17	17			
South Carolina	NS	16	14		NS	NS		14	14
South Dakota	NS		NS						
Tennessee	NS	16			NS	NS			
Texas	14		14	14				14	
Utah	14		14		16	16	16		16
Vermont	10				10	10	10		
Virginia	14		14		14	14			
Washington	NS	NS							
West Virginia	NS		NS		NS	NS	NS	NS	
Wisconsin	14	15	14		14	14	14	14	
Wyoming	13	13							

**Notes:**

- Ages in the minimum age column may not apply to all offense restrictions, but represent the youngest possible age at which a juvenile may be judicially waived to criminal court.
  - "NS" indicates that in at least one of the offense restrictions indicated, no minimum age is specified.
1. The District of Columbia and all states except Massachusetts, Montana, Nebraska, New Mexico, and New York
  2. The District of Columbia and all states except Connecticut, Massachusetts, Montana, Nebraska, New Mexico, and New York
  3. Alaska, California, Colorado, District of Columbia, Illinois, Kansas, Maine, Minnesota, Nevada, New Hampshire, New Jersey, North Dakota, Pennsylvania, Rhode Island, Utah
  4. Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, New Jersey, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Virginia, West Virginia

Source: Snyder, Howard and Sickmund, Melissa, *Juvenile Offenders and Victims: 2006 National Report*, National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.