



What is “Raise the Age” legislation?

“Raise the age” refers to legislative reform that changes the age that a person can be charged as an adult from 16 or 17 years old to 18 years of age (with some exceptions). In some specific situations, court officials have discretion over when to charge a youth as an adult, depending on the severity of the crime alleged. Some states require any juvenile to be transferred for certain offenses regardless of age. In the past, the age for a youth to be charged as an adult was between 16 and 18. Additionally, “raise the age” legislation often prohibits juveniles from being held in adult correctional facilities.

Research has shown that teenagers who are served by the juvenile justice system - instead of entering the adult corrections system - have better rehabilitative outcomes and less occurrence of recidivism, yielding better public safety outcomes.¹ As more data about youth brain development becomes available and studies

increasingly confirm the cost-effectiveness of serving youth through the juvenile justice system (rather than in adult carceral settings), states across the region have adjusted their laws accordingly.

Due to the bipartisan nature of the issue, many legislators and governors have found common ground and worked together to implement “raise the age” policies. Though some criminal justice stakeholders have had reservations that “raising the age” would overwhelm the juvenile justice system and would impact state budgets, research has shown that using developmentally appropriate juvenile justice approaches is more cost-effective than custodial settings. The cost of implementing these reforms was often less than initially projected. Many states, like North Carolina, were able to reallocate the money saved by taking steps to expand the use of diversion, reducing the number of youths

1. Carmen Daugherty, State Trends: Updates from the 2013-2014 Legislative Session (Washington, D.C.: The Campaign for Youth 2015).

in pretrial detention and post-adjudication facilities, and developing other community-based approaches to serve and assist teens who have had contact with the justice system.²

As of the end of the 2018 legislative session, 28 states statutorily specify the age at which youth may be transferred from an adjudication process in juvenile court to adult court. For states with defined transfer ages, these transfer allowances vary from 10 to 15 years old, with an average transfer age of 13. While a statute may determine the minimum age at which a transfer may be considered, judicial discretion often plays an active role.

In Missouri, juvenile court judges have discretion on transferring youth ages 12 to 18 from juvenile to adult criminal court. If the offense alleged “would be considered a felony if committed by an adult,” a hearing is triggered. The court may grant a motion by the court, the juvenile officer, and the child or the child’s custodian to order a hearing on whether the case should be transferred to an adult criminal court. The hearing is mandatory if the alleged offense is a serious violent crime or certain serious drug offenses.



Not all juveniles charged with acts that would be criminal if committed by an adult are dealt with under juvenile jurisdiction. West Virginia state law has provisions requiring and allowing the transfer of proceedings from juvenile to adult jurisdiction in some circumstances. [West Virginia Code § 49-4-710](#) and [Rule 20 of the Rules of Juvenile](#)

[Procedure](#) dictate the transfer of certain juvenile cases to adult criminal jurisdiction. For the court to impose a discretionary transfer of a youth or the youth be subject to a mandatory transfer to adult criminal jurisdiction, the youth must be at least 14 years old. Following a written motion of the state, a hearing is held, and there must be probable cause to believe the youth has committed one or more of the following offenses:

- Treason, murder, armed robbery, kidnapping, first-degree arson, or sexual assault in the first degree.
- An offense that would be a felony offense of violence against another person if the youth had been an adult (provided that the juvenile has a prior delinquency adjudication of a felony offense of violence against another person) or
- An offense that would be a felony offense if the youth had been an adult and the youth has two prior delinquency adjudications for felony offenses.

Upon the state’s motion, the court has jurisdiction to transfer a juvenile of at least age 14 to adult criminal jurisdiction after consideration of personal factors if there is probable cause to believe the juvenile committed one or more of the following:

- Any felony offense of violence against another person;
- Any felony offense, provided the juvenile has a prior delinquency adjudication for a felony offense;
- The juvenile used or presented a firearm or deadly weapon during the commission of a felony;
- A felony offense involving a narcotic drug; or
- Second-degree arson.³

2. N.A. North Carolina Commission on the Administration of Law and Justice, Committee on Criminal Investigation and Adjudication, “Juvenile Justice.” (Raleigh, NC, 2016).

3. W. Va. Code § 49-4-710(g)

In Mississippi, [Senate Bill 2282 of 2021](#) excluded children under 12 from commitment to the state training school. For a child to be committed to the training school for a felony, a delinquency



adjudication is required. Under this law, even in the cases of commitment to a detention center, the disposition order committing the youth is required to include the following findings: that the disposition is the “least restrictive alternative appropriate to the best interest of the child and the community,” that the individual will remain in reasonable proximity to their family given the alternative dispositions and best interest of the child and the state, and that the court has found that the detention center is equipped to provide the “medical, educational, vocational, social and psychological guidance, training,

social education, counseling, substance abuse treatment, and other rehabilitative services required by the child.”

“Raise the Age” legislation represents a significant shift in the justice system’s approach to juvenile offenders, aiming to provide more rehabilitative pathways for young individuals. States have mitigated potential strain on their justice systems by reallocating resources toward community-based alternatives and diversion programs. However, the specifics of these laws vary from state to state, with factors such as judicial discretion and mandatory transfer criteria shaping how they are implemented. As states continue to refine their approaches, ongoing evaluation, and adaptation will be crucial to ensuring that these policies effectively balance rehabilitation, public safety, and fiscal responsibility.

