Do States Set a Minimum Age, Below Which a Juvenile Cannot be Tried in Criminal Court?

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Currently, the following 19 states have statutes setting a minimum age of criminal responsibility, below which juveniles cannot be tried in criminal court: Alabama, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Louisiana, Maine, Minnesota, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Texas, Utah, and Washington.

In Oklahoma, children under the age of 7 years are classified as being incapable of committing crimes. In Nevada, juveniles between the ages of 8 and 14 years cannot be tried in criminal court unless the state can prove that, at the time of committing the act charged, the juvenile knew it was wrong.

In Georgia, Illinois, New Hampshire and New York, children under the age of 13 years are statutorily classified as being incapable of committing crimes, and can only be tried as juveniles. However, both the New Hampshire statute and the New York statute make certain exceptions for specified serious crimes.

Six states – Alabama, California, Idaho, Minnesota, New Jersey, and Utah – cannot try juveniles under the age of 14 years in criminal court. However, in California, those younger than 14 years can be found criminally responsible if there is proof that at the time of the act, they knew it was wrong.

Children under the age of 15 years generally cannot commit crimes in Texas. However, Texas law creates many exceptions to this general rule of criminal responsibility.

Both Hawaii and Maine have criminal immaturity statutes, but do not define a specific age.

Effective July 22, 2011, Washington amended its statute to make all the language gender-neutral.

In the 2011 legislative session, Minnesota proposed, but did not yet enact, a Bill that would lower the age of criminal responsibility from 14 down to 10 years. The new statute would read: “Children under the age of 10 years are incapable of committing crime.” (Proposed 2011 Minnesota House File 306.)

Likewise, New York proposed, but did not yet enact, a Bill that would increase the age to 18 years for the defense of infancy. The new statute would read: “A person less than 18 years old is not criminally responsible for conduct.” (Proposed 2011 New York Assembly Bill 6355.)

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