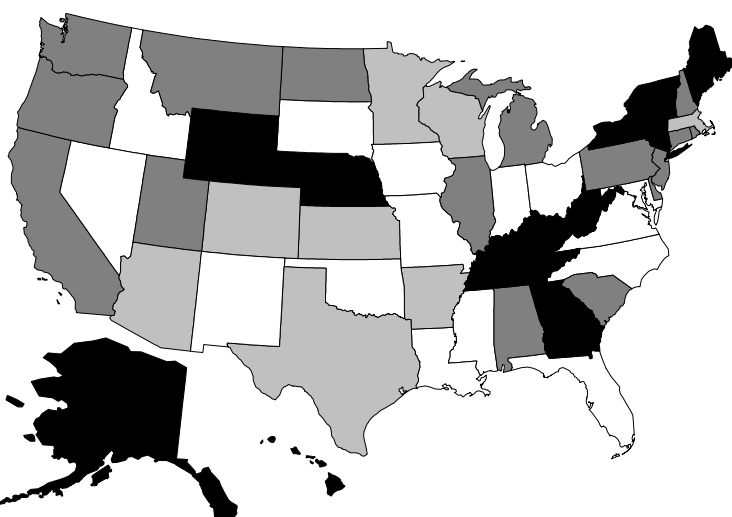


Megan's Law: Juvenile Sex Offender Lower Age Limits (2009 Update)

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Lower Age Limits of Juvenile Sex Offender Registration



□	Statutory lower age limit	(15)
■	Lower age of delinquency jurisdiction	(8)
■	No lower age	(16)
■	No registration for adjudicated juveniles	(12)

Thus far in the 2009 legislative session, the following 39 states permit or require adjudicated juveniles to register as sex offenders: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wisconsin.

Of the 39 states that permit or require juveniles to register as sex offenders, 15 set a statutory lower age limit for such registration. North Carolina sets the lower age at 11 at time of offense. Both Maryland and Virginia set the lower age at 13. Florida, Idaho, Indiana, Iowa, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Ohio, and Oklahoma set the lower age at 14 at time of offense. South Dakota sets the lower age at 15.

An additional 8 states of the 39 that register adjudicated juveniles, have a statutory lower age of delinquency jurisdiction. In

Massachusetts, this age is 7. The age is 8 in Arizona, Arkansas, Colorado, Kansas, Minnesota, Texas, and Wisconsin set the lower age at 10.

In most states that set a lower age limit, the age limit is attached to specified offenses. However, states like Indiana, for example, also attach additional conditions. In Indiana, a sex offender is defined as a juvenile who is at least 14 and who has committed a delinquent act that would meet the definition of specified sex offenses if committed by an adult. In addition, the court must find such a juvenile likely to be a repeat offender of such an offense by clear and convincing evidence. In making this determination, the court is required to consider expert testimony on the issue.

Another example is Iowa, where, generally speaking, the judge has discretion over whether a juvenile must register or not. However, by statute, in Iowa, a juvenile 14 or older at the time the offense was committed is required to register if the adjudication was for a sex offense committed by force or the threat of serious violence, by rendering the victim unconscious, or by the involuntary drugging of the victim. In these types of situations, there is no judicial discretion.

The remaining 16 states that register adjudicated juveniles set no lower age limit.

In 2006, the federal Adam Walsh Child Protection and Safety Act of 2006 was signed into law. The Adam Walsh Act sets 14 as the lower age limit. As of February 1, 2009, no state has been certified to be in substantial compliance with the federal Act. States were required to comply with the Act by July 2009 or lose 10 percent of the state's federal funds. Recently the deadline for compliance was extended to July 2010.

Thus far, states would prefer to maintain individual control over the registration of juvenile sex offenders.

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