



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Juvenile Life Without Parole (JLWOP)

February 2010

STATE	LWOP Law	JLWOP ¹	# of Juveniles Sentenced to LWOP ²	# of Juveniles Sentenced to LWOP for Non-Homicide Offense ³	Age for Juvenile Delinquency Adjudication ⁴	Min. Age for Juvenile Prosecution as an Adult ⁵	Juvenile Prosecution as an Adult ⁶	Felony Murder ⁷
ALABAMA	Mandatory LWOP for at least one type of offense	YES	62	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Once an adult – always an adult	Ala. Stat. § 13A-6-2 Murder
ALASKA	No LWOP – parole always possible	No	--	--	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 18 yrs. old	Not specified	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Statutory exclusion of	Alaska Stat. § 11.41.100 Murder in the first degree

¹ Human Rights Watch (Updated October 2, 2009): http://www.hrw.org/sites/default/files/related_material/Updated%20JLWOP%20Table.pdf; The Campaign for the Fair Sentencing of Youth (2007): <http://www.endjlwop.org/stats-by-state/california>.

² Human Rights Watch (Updated October 2, 2009): http://www.hrw.org/sites/default/files/related_material/Updated%20JLWOP%20Table.pdf.

³ Florida State University. “Juvenile Life without Parole for Non-Homicide Offenses: Florida Compared to Nation” (2009) (includes data from 47 states only); Parentheses indicate the non-homicide offense(s) for which LWOP possible in the referenced state.

⁴ Office of Juvenile Justice and Delinquency Prevention (2003): <http://www.ncjrs.gov/pdffiles1/ojjdp/195420.pdf>.

⁵ Office of Juvenile Justice and Delinquency Prevention (1998): <http://ojjdp.ncjrs.gov/pubs/tryingjuvasadult/table9.html>.

⁶ National Center for Juvenile Justice, “Different from Adults: An Updated Analysis of Juvenile Transfer and Blended Sentencing Laws, with Recommendations for Reform” (2008).

⁷ Westlaw 50 State Statutory Survey: Felony Murder (0030 SURVEYS 9) (WEST)

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					for juvenile court jurisdiction for disposition purposes		certain classes of cases from juvenile court jurisdiction; - Blended juvenile sentencing	Alaska Stat. § 11.41.110 Murder in the second degree
ARIZONA	Discretionary	YES	32	0	- Min. age of 8 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes (but 1979 state Sup. Ct. held that juvenile jurisdiction terminates at age 18)	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult	Ariz. Stat. § 13-1105 First degree murder; classification
ARKANSAS	Mandatory LWOP for at least one type of offense	YES	73	0	- Min. age of 10 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Reverse waiver; - Blended juvenile & criminal sentencing	
CALIFORNIA	Discretionary	Presumption of JLWOP	250	4 (Kidnapping, Robbery)	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 24 yrs. old for juvenile court jurisdiction for disposition purposes	14 yrs. old	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver;	Cal. Penal Code § 189 Murder; degrees

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							- Once an adult – always an adult; - Blended criminal sentencing	
COLORADO	Mandatory LWOP for at least one type of offense	No ⁸	48	0	- Min. age of 10 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - No max. age for juvenile court jurisdiction for disposition purposes (until the full term of the disposition order)	10 yrs. old	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Reverse waiver; Blended juvenile & criminal sentencing	Colo. Stat. § 18-3-102 Murder in the first degree
CONNECTICUT	Mandatory LWOP for at least one type of offense	YES (Mandatory prosecution as adult coupled with mandatory LWOP imposed on those as young as 14 yr. olds)	9	0	- Min. age not specified; - Max. age of 15 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Mandatory judicial waiver of juvenile court jurisdiction; - Reverse waiver; - Blended juvenile sentencing	Conn. Stat. § 53a-54c Felony murder Conn. Stat. § 53a-54d Arson murder
DELAWARE	Mandatory LWOP for at least one type of offense	YES	7	1 (Rape)	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & mandatory judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult –	Del. Stat. Ti. 11 § 635 Murder in the second degree; class A felony Del. Stat. Ti. 11 § 636 Murder in the first degree; class A

⁸ JLWOP prohibited beginning in 2006 – not retroactive.

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							always an adult	felony
DISTRICT OF COLUMBIA	Discretionary	No	--	--	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Once an adult – always an adult	D.C. Code § 22-2101 Murder in the first degree—Purposeful killing; killing while perpetrating certain crimes
FLORIDA	Mandatory LWOP for at least one type of offense	YES (Youth as young as 13 yr. olds were sentenced to LWOP)	266	77 (Kidnapping, Sexual Battery, Armed Robbery, Burglary, Battery, Carjacking)	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Once an adult – always an adult; - Blended criminal sentencing	Fla. Stat. § 782.04 Murder Fla. Stat. § 782.051 Attempted felony murder
GEORGIA	Discretionary	YES	8	0	- Min. age not specified; - Max. age of 16 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	13 yrs. old	- Discretionary & mandatory judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver	Ga. Stat. § 16-5-1 Murder
HAWAII	Mandatory LWOP for at least one	YES	4	0	- Min. age not specified; - Max. age of 17 yrs. old	Not specified	- Discretionary judicial waiver of juvenile court	

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	type of offense				for juvenile court original jurisdiction; - No max. age for juvenile court jurisdiction for disposition purposes (until the full term of the disposition order)		jurisdiction; - Once an adult – always an adult	
IDAHO	Discretionary	YES	4	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	14 yrs. old	- Discretionary judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Once an adult – always an adult; - Blended criminal sentencing	Idaho Stat. § 18-4003 Degrees of murder
ILLINOIS	Mandatory LWOP for at least one type of offense; All life sentences imposed without the possibility of parole	YES (Min. age of 13 yrs. old for LWOP)	103	0	- Min. age not specified; - Max. age of 16 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	13 yrs. old	- Discretionary, presumptive, & mandatory judicial waiver for juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult; - Blended juvenile & criminal sentencing	Ill. Stat. Ch. 720 § 5/9-1 First degree Murder- Death penalties- Exceptions-Separate Hearings-Proof-Findings-Appellate procedures- Reversals
INDIANA	Discretionary	YES	2	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court	Not specified	- Discretionary & mandatory judicial waiver for juvenile	Ind. Stat. §35-42-1-1 Murder

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					original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes		court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Once an adult – always an adult	
IOWA	Mandatory LWOP for at least one type of offense; All life sentences imposed without the possibility of parole	YES	44	6 (Kidnapping)	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 18 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult; - Blended criminal sentencing	Iowa Stat. § 707.2 Murder in the first degree (Amended by 2009 Ia. Legis. Serv. Ch. 119)
KANSAS	Mandatory LWOP for at least one type of offense	No	--	--	- Min. age of 10 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 22 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Once an adult – always an adult; - Blended juvenile sentencing	Kan. Stat. § 21-3401 Murder in the first degree Kan Stat. § 21-3439 Capital murder
KENTUCKY	Discretionary	No ⁹	5	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 18 yrs. old for juvenile court jurisdiction for	Not specified	- Discretionary & mandatory judicial waiver of juvenile court jurisdiction; - Reverse waiver; - Blended criminal sentencing	

⁹ Florida State University. “Juvenile Life without Parole for Non-Homicide Offenses: Florida Compared to Nation” (2009).

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					disposition purposes			
LOUISIANA	Mandatory LWOP for at least one type of offense; All life sentences imposed without the possibility of parole	YES (Mandatory prosecution as adult coupled with mandatory LWOP imposed on those as young as 15 yr. olds)	335	17 (Kidnapping, Aggravated Rape)	- Min. age of 10 yrs. old; - Max. age 16 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & mandatory judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction	La. Rev. Stat. § 14:30 First degree murder (Amended by 2009 La. Sess. Law Serv. Act 79 – SB 132) La. Rev. Stat. § 14:30.1 Second degree murder (Amended by 2009 La. Sess. Law Serv. Act 155 – HB 132)
MAINE	Discretionary; All life sentences imposed without the possibility of parole	No	--	--	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Once an adult – always an adult	Me. Stat. T. 17-A § 202 Felony murder
MARYLAND	Discretionary	YES	13	0	- Min. age of 7 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult	Md. Crim. Law § 2-201 Murder in the first degree

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MASSACHUSETTS ¹⁰	Mandatory LWOP for at least one type of offense	YES (Mandatory prosecution as adult coupled with mandatory LWOP imposed on those as young as 14 yr. olds)	57	0	- Min. age of 7 yrs. old; - Max. age of 16 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Blended juvenile & criminal sentencing	Mass. Stat. 265 § 1 Murder defined
MICHIGAN	Mandatory LWOP for at least one type of offense	YES	346	0	- Min. age not specified; - Max. age of 16 yrs old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Once an adult – always an adult; - Blended juvenile & criminal sentencing	
MINNESOTA	Mandatory LWOP for at least one type of offense	YES	2	0	- Min. age of 10 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Once an adult – always an adult; - Blended juvenile sentencing	Minn. Stat. §609.185 Murder in the first degree Minn. Stat. § 609.19 Murder in the second degree
MISSISSIPPI	Discretionary	YES	24	2 (Kidnapping, Armed)	- Min. age of 10 yrs. old; - Max. age of 17 yrs. old for juvenile court	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction;	Miss. Stat. § 97-3-19 “Murder” and “capital

¹⁰ Children’s Law Center of Massachusetts (2009): http://www.clcm.org/UntilTheyDieaNaturalDeath9_09.pdf.

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				Robbery)	original jurisdiction; - Max. age of 19 yrs. old for juvenile court jurisdiction for disposition purposes		- Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult	murder” defined
MISSOURI	Mandatory LWOP for at least one type of offense	YES	116	0	- Min. age not specified; - Max. age of 16 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Once an adult – always an adult; - Blended criminal sentencing	Mo. Stat. § 565.021 Second degree murder, penalty
MONTANA	Discretionary	No ¹¹	1	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 24 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Prosecutorial discretion/ direct file; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Blended juvenile sentencing	Mont. Stat. § 45-5-102 Deliberate homicide
NEBRASKA	Mandatory LWOP for at least one type of offense	YES	24	1 (Kidnapping)	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 18 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Prosecutorial discretion/ direct file; - Reverse waiver; - Blended criminal sentencing	Neb. Stat. § 28-303 Murder in the first degree; penalty
NEVADA	Discretionary	YES	16	No reliable	- Min. age not specified;	8 yrs. old	- Discretionary &	Nev. Stat.

¹¹ MONT. CODE ANN. § 46-18-222(1) (2007).

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				data	- Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes		presumptive judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult	§ 200.030 Degrees of murder; penalties Nev. Stat. § 200.033 Circumstances aggravating first degree murder (Recognized as unconstitutional by <u>Robins v. State</u> for non-felony murder section)
NEW HAMPSHIRE	Mandatory LWOP for at least one type of offense	YES	3	0	- Min. age not specified; - Max. age of 16 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	13 yrs. old	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Once an adult – always an adult	N.H. Stat. § 630:1 Capital Murder N.H. Stat. § 630:1-a First Degree Murder N.H. Stat. § 630:1-b Second Degree Murder
NEW JERSEY	Mandatory LWOP for at least one type of offense	YES	0	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - No max. age for juvenile court jurisdiction for disposition purposes (until the full term of the disposition order)	14 yrs. old	- Discretionary, presumptive, & mandatory judicial waiver of juvenile court jurisdiction	N.J. Stat. § 2C:11-3 Murder

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NEW MEXICO	Discretionary (But no one currently sentenced to LWOP)	No	--	--	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Blended juvenile & criminal sentencing	N.M. Stat. § 30-2-1 Murder
NEW YORK	Mandatory LWOP for at least one type of offense	No	--	--	- Min. age of 7 yrs. old; - Max. age of 15 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	13 yrs. old	- Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver	N.Y. Penal Code § 125.25 Murder in the second degree N.Y. Penal Code § 125.27 Murder in the first degree
NORTH CAROLINA	Mandatory LWOP for at least one type of offense	YES	44	0	- Min. age of 6 yrs. old; - Max. age of 15 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & mandatory judicial waiver of juvenile court jurisdiction; - Once an adult – always an adult	N.C. Stat. § 14-17 Murder in the first and second degree defined; punishment
NORTH DAKOTA	Discretionary	YES	1	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 19 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary, presumptive, & mandatory judicial waiver of juvenile court jurisdiction; - Once an adult – always an adult	N.D. Stat. § 12.1-16-01 Murder
OHIO	Mandatory LWOP for at least one	YES	2	0	- Min. age not specified; - Max. age of 17 yrs. old	Not specified	- Discretionary & mandatory judicial	Ohio Stat. § 2903.02

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	type of offense				for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes		waiver of juvenile court jurisdiction; - Once an adult – always an adult; - Blended juvenile sentencing	Murder
OKLAHOMA	Discretionary	YES	48	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 18 yrs. old for juvenile court jurisdiction for disposition purposes	7 yrs. old (For 7 to 14 yr. olds, State must prove that, at time of act, youth knew it was wrong)	- Discretionary judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult; - Blended criminal sentencing	Okla. Stat. T. 21 § 701.7 Murder in the first degree Okla. Stat. T. 21 § 701.8 Murder in the second degree
OREGON	Discretionary	No	--	--	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 24 yrs. old for juvenile court jurisdiction for disposition purposes	12 yrs. old	- Discretionary judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult	Or. Stat. § 163.095 Aggravated murder Or. Stat. § 163.115 Murder, affirmative defenses; felony murder; sentence
PENNSYLVANIA	Mandatory LWOP for at least one type of offense; All life sentences imposed without the possibility of	YES	444	0	- Min. age of 10 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court	Not specified	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of	18 Pa. C.S.A. § 2502 Murder 18 Pa. C.S.A. § 2604

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	parole				jurisdiction for disposition purposes		cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult	Murder of unborn child
RHODE ISLAND	Discretionary	YES	2	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary, presumptive, & mandatory judicial waiver of juvenile court jurisdiction; - Once an adult – always an adult; - Blended juvenile sentencing	R.I. Stat. § 11-23-1 Murder
SOUTH CAROLINA	Mandatory LWOP for at least one type of offense	YES	26	1 (Kidnapping)	- Min. age not specified; - Max. age of 16 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & mandatory judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction	S.C. Stat. § 16-3-20 Punishment for murder: separate sentencing proceeding to determine whether sentence should be death or life imprisonment
SOUTH DAKOTA	Mandatory LWOP for at least one type of offense; All life sentences imposed without the possibility of parole	YES	9	0	- Min. age of 10 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult	S.D. Stat. § 22-16-4 Homicide as murder in the first degree
TENNESSEE	Discretionary	YES	4	0	- Min. age not specified;	Not specified	- Discretionary judicial	Tenn. Stat.

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					- Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 18 yrs. old for juvenile court jurisdiction for disposition purposes		waiver of juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult	§ 39-13-202 First degree murder Tenn. Stat. § 39-13-210 Second degree murder
TEXAS	Mandatory LWOP for at least one type of offense	No ¹²	5	0	- Min. age of 10 yrs. old; - Max. age of 16 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes		- Discretionary judicial waiver of juvenile court jurisdiction; - Once an adult – always an adult; - Blended juvenile sentencing	Tex. Penal § 19.02 Murder Tex. Penal § 19.03 Capital murder
UTAH	Discretionary	YES	1	No reliable data	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	14 yrs. old	- Discretionary & presumptive judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Once an adult – always an adult	Utah Stat. § 76-5-202 Aggravated murder Utah Stat. § 76-5-203 Murder
VERMONT	Discretionary	YES	0	0	- Min. age of 10 yrs. old; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction;	Vt. Stat. T. 13 § 2301 Murder—Degrees defined Vt. Stat. T. 13 § 2311 Aggravated murder defined

¹² JLWOP prohibited effective September 1, 2009.

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							- Reverse waiver; - Blended juvenile sentencing	
VIRGINIA	Mandatory LWOP for at least one type of offense	YES	48	No reliable data	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & mandatory judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Reverse waiver; - Once an adult – always an adult; - Blended criminal sentencing	Va. Stat. § 18.2-31 Capital murder defined; punishment Va. Stat. § 18.2-32 First and second degree murder defined; punishment
WASHINGTON	Mandatory LWOP for at least one type of offense	YES (Mandatory prosecution as adult coupled with mandatory LWOP imposed on those as young as 16 yr. olds)	28	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	8 yrs. old (State presumes 8 to 12 yr. olds to be incapable of committing a crime)	- Discretionary judicial waiver of juvenile court jurisdiction; - Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Once an adult – always an adult	Wash. Stat. § 9A.32.030 Murder in the first degree Wash. Stat. § 9A.32.050 Murder in the second degree
WEST VIRGINIA	Discretionary	No	--	--	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary & mandatory judicial waiver of juvenile court jurisdiction; - Blended criminal sentencing	W. Va. Stat. § 61-2-1 First and second degree murder defined; allegations in indictment for homicide
WISCONSIN	Discretionary	YES	16	0	- Min. age of 10 yrs. old; - Max. age of 16 yrs. old for juvenile court	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction;	Wis. Stat. § 940.03 Felony murder

STATE	LWOP Law	JLWOP ¹	# of Juveniles Sentenced to LWOP ²	# of Juveniles Sentenced to LWOP for Non-Homicide Offense ³	Age for Juvenile Delinquency Adjudication ⁴	Min. Age for Juvenile Prosecution as an Adult ⁵	Juvenile Prosecution as an Adult ⁶	Felony Murder ⁷
					original jurisdiction; - Max. age of 24 yrs. old for juvenile court jurisdiction for disposition purposes		- Statutory exclusion of certain classes of cases from juvenile court jurisdiction; - Reverse waiver; - Once an adult – always an adult; - Blended criminal sentencing	
WYOMING	Discretionary	YES	6	0	- Min. age not specified; - Max. age of 17 yrs. old for juvenile court original jurisdiction; - Max. age of 20 yrs. old for juvenile court jurisdiction for disposition purposes	Not specified	- Discretionary judicial waiver of juvenile court jurisdiction; - Prosecutorial discretion/ direct file; - Reverse waiver	Wyo. Stat. § 6-2-101 Murder in the first degree; penalty
FEDERAL	Discretionary; All life sentences imposed without the possibility of parole	YES	36					18 U.S.C.A. § 1111 Murder
TOTAL		39 states & the federal government allow JLWOP	2,574 ¹³	109 (8 states)	<u>Min. age:</u> - 6 yrs. old (1 state) - 7 yrs. old (3 states) - 8 yrs. old (1 state) - 10 yrs. old (11 states) <u>Max. age for original jurisdiction:</u> - 15 yrs. old (3 states)	7 yrs. old (one state) 8 yrs. old (two states) 10 yrs. old (one state) 12 yrs. old (one state)	<u>Judicial waiver</u> - Discretionary (44 states & D.C.) - Presumptive (14 states & D.C.) - Mandatory (15 states) <u>Prosecutorial discretion</u> 14 states & D.C.	

¹³ The Sentencing Project reports that 1,755 juveniles are serving life without parole (July 2009).
http://www.sentencingproject.org/doc/publications/publications/inc_noexitseptember2009.pdf.

STATE	LWOP Law	JLWOP ¹	# of Juveniles Sentenced to LWOP ²	# of Juveniles Sentenced to LWOP for Non-Homicide Offense ³	Age for Juvenile Delinquency Adjudication ⁴	Min. Age for Juvenile Prosecution as an Adult ⁵	Juvenile Prosecution as an Adult ⁶	Felony Murder ⁷
					<ul style="list-style-type: none"> - 16 yrs. old (10 states) - 17 yrs. old (37 states & D.C.) <u>Max. age for disposition purposes</u> - 18 yrs. old (6 states) - 19 yrs. old (2 states) - 20 yrs. old (34 states & D.C.) - 22 yrs. old (1 state) - 24 yrs. old (4 states) - Not specified/ until full term of disposition order (3 states) 	<ul style="list-style-type: none"> 13 yrs. old (four states) 14 yrs. old (five states) Not specified (36 states & D.C.) 	<ul style="list-style-type: none"> <u>Statutory exclusion</u> 29 states <u>Reverse waiver</u> 25 states <u>Once adult/ always adult</u> 33 states & D.C. <u>Blended sentencing</u> <ul style="list-style-type: none"> - Juvenile (15 states) - Criminal (17 states) 	