



North Carolina Criminal Law

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The Evolving Law of Juvenile Jurisdiction

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The law that governs which cases begin under juvenile jurisdiction changed three times between 2019 and 2025. Each change applies to offenses beginning on and after the effective date of the legislation and is impacted by subsequent changes. This blog pulls the different changes together in one place, providing the quick reference chart below to explain which cases begin under juvenile jurisdiction and which cases begin under criminal jurisdiction.

Reading the Chart

Whether original jurisdiction lies with juvenile or criminal court depends on the date of the offense, the age of the juvenile at the time of the offense, and the classification of the charge(s). The chart below uses this information to show which court has original jurisdiction. For example, reading the first row of the chart, juvenile court has original jurisdiction for any offense committed before December 1, 2019, by a juvenile who was at least age 6 and not yet age 16. Criminal court has original jurisdiction for any offense committed before December 1, 2019, by a juvenile who was aged 16 or older at the time of the offense.

The second row of the chart shows how original juvenile jurisdiction was expanded when the original raise the age law was implemented, beginning with offenses committed on December 1, 2019. As shown in that row, this law governs original jurisdiction for all offenses committed from December 1, 2019, through November 30, 2021.

The third row of the chart reflects changes made to the lower age of juvenile jurisdiction. These changes took effect on December 1, 2021, and the revised legal structure governs original jurisdiction for offenses committed from December 1, 2021, through November 30, 2024. The original raise the age law remains in effect

for offenses committed during this time as changes regarding original jurisdiction for offenses committed at ages 16 and 17 were not made.

The fourth row of the chart shows the current law regarding original jurisdiction. This new structure took effect beginning with offenses committed on December 1, 2024, and applies to all offenses committed thereafter. The changes shift original jurisdiction for Class A – E felonies committed at ages 16 and 17 (and their transactionally related offenses) back to criminal court, returning the law of original jurisdiction for these offenses back to the status they had before the original raise the age law was enacted.

Note that original jurisdiction refers only to where the case starts. Other law sometimes requires and sometimes allows certain cases to move from juvenile court to criminal court or from criminal court to juvenile court. See G.S. 7B-2200 (Transfer of jurisdiction of a juvenile under the age of 16 to superior court), G.S. 7B-2200.5 (Transfer of jurisdiction of a juvenile at least 16 years of age to superior court), G.S. 7B-2203 (Transfer hearing), and G.S. 15A-960 (Removal of juveniles charged with committing Class A, B1, B2, C, D, or E felony offenses at age 16 and 17).

Court with Original Jurisdiction by Offense Date, Age at Offense, and Offense Charge

	Original Juvenile Jurisdiction	Original Criminal Jurisdiction
Offense date	(by age at offense)	(by age at offense)
Before 12/1/2019	Age 6 – 16 th birthday: All crimes, infractions, and indirect contempt	Age 16 and over: All offenses
12/1/2019 – 11/30/2021	Age 6 – 16 th birthday: All crimes, infractions, and indirect contempt	Age 16 – 18 th birthday: All Chapter 20 motor vehicle offenses
<u>S.L. 2017-57, §16D.4.(a)</u>	Age 16 – 18 th birthday: All crimes, infractions, and indirect contempt, except for Chapter 20 motor vehicle offenses	Age 18 and over: All offenses
12/1/2021 – 11/30/2024	Age 8 – 10 th birthday: Class A – G felonies; any offense committed following a previous delinquency adjudication	Age 16 – 18 th birthday: All Chapter 20 motor vehicle offenses
<u>S.L. 2021-123 § 5.(b)</u>	Age 10 – 16 th birthday: All crimes, infractions, and indirect contempt	Age 18 and over: All offenses
12/1/24 – present	Age 16 – 18 th birthday: All crimes, infractions, and indirect contempt, except for Chapter 20 motor vehicle offenses	Age 16 – 18 th birthday: Chapter 20 motor vehicle offenses and Class 1 felonies (and their transactionally related offenses)
<u>S.L. 2024-17 § 1</u>	Age 8 – 10 th birthday: Class A – G felonies; any offense committed following a previous delinquency adjudication	Age 18 and over: All offenses
	Age 10 – 16 th birthday: All crimes, infractions, and indirect contempt	
	Age 16 – 18 th birthday: All crimes, infractions, and indirect contempt, except for Chapter 20 motor vehicle offenses	

offenses and Class A – E felonies (and their transactionally related offenses)

Jurisdictional Limits Based on Prior Convictions

It is common to hear juvenile justice practitioners refer to a bar on juvenile jurisdiction based on “once an adult always an adult.” This bar references a concept that has been in the Juvenile Code since the enactment of its modern form in 1979. **S.L. 1979-815, § 1**. In this original form the bar on juvenile jurisdiction applied to “[a]ny juvenile who is transferred to and sentenced by the superior court for a felony offense.” Any juvenile who fell into this category was prosecuted as an adult for “all other crimes alleged to have been committed by him while he is under the active supervision of the superior court.” This statute also evolved over time and was amended again as part of legislation enacted to facilitate implementation of the raise the age law. **S.L. 2019-186, § 2**.

In its current form, juvenile jurisdiction is prohibited for any offense committed after a criminal conviction in district or superior court, 1) after transfer to superior court for trial as an adult, or 2) for a felony or misdemeanor other than a motor vehicle law violation that is a misdemeanor or infraction and does not involve an impaired driving offense. **G.S. 7B-1604(b)**. This covers the two ways that someone who is under the age of 18 can be convicted of an offense in criminal court—through transfer of a matter from juvenile court to criminal court or through prosecution of an offense that begins under criminal jurisdiction. It is important to note that the bar on future juvenile jurisdiction applies only to offenses that are committed after conviction in criminal court. Offenses committed while criminal charges are pending are not covered by this bar to juvenile jurisdiction.

Questions to Ask

When analyzing where original jurisdiction lies for an offense committed by someone when they were under the age of 18, it is important to know the following.

- What was the date of the alleged offense(s)?
- How old was the person at the time of the alleged offense(s)?

- What is the classification of the offense(s) charged?
- Was the juvenile convicted of a different offense in criminal court before they allegedly committed this offense? If so, what offense was the basis of the conviction?

With this information in hand, you can identify the law that governs original jurisdiction at the time of the offense and know whether the case is under the original jurisdiction of juvenile or criminal court.