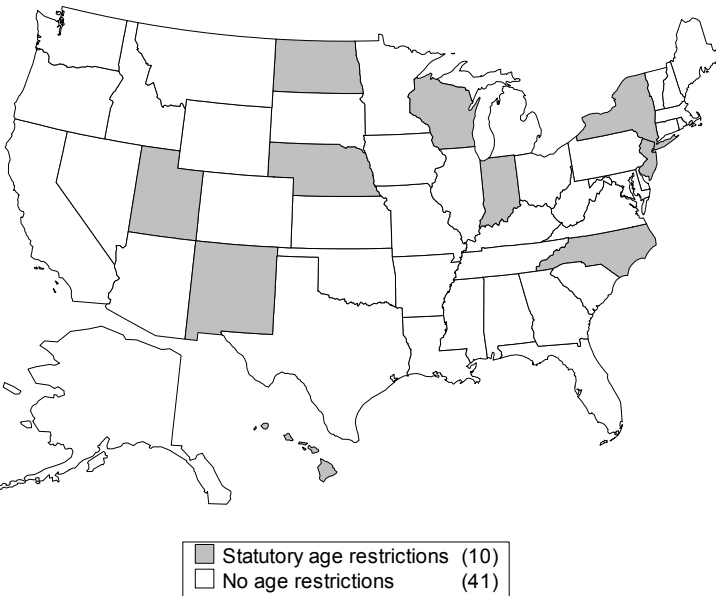


Fingerprinting of Alleged and Adjudicated Juvenile Delinquents (2008 Update)

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Age Restrictions on Fingerprinting Juveniles



Currently all jurisdictions have a statute or court rule that governs the fingerprinting of alleged or adjudicated juveniles, under specified circumstances.

As of the end of the 2008 legislative session, 10 states had specific statutory age restrictions concerning the fingerprinting of juveniles.

In both North Carolina and Wisconsin, a juvenile must be 10 or older at the time the offense was allegedly committed, in order

to be fingerprinted by law enforcement officials.

New York sets the age at 11 or older for more serious felonies.

In Hawaii, the judges of the Family Courts have the statutory authority to set up standards concerning restrictions on fingerprinting of juveniles in police custody. However, these restrictions do not apply to the fingerprinting of any juvenile 12 or older who is taken into police custody for any offense.

A juvenile under 13, in New Mexico, alleged or adjudicated delinquent cannot be fingerprinted without a court order.

New York sets the age at 13 or older for less serious felonies.

Indiana, Nebraska, New Jersey, North Dakota, and Utah set the age at 14 or older, with specified restrictions.

In Nebraska, a juvenile under 14, who has been taken into custody in the investigation of a suspected unlawful act, cannot be fingerprinted without the consent of a judge.

A law enforcement agency can take and file fingerprints of a juvenile in Indiana if the juvenile is taken into custody for an act that would be a felony if committed by an adult and the juvenile was at least 14 when the act was allegedly committed.

In New Jersey, a juvenile 14 or older can be fingerprinted if he or she is charged with delinquency on the basis of an act which, if committed by an adult, would be a crime.

North Dakota statute requires that no juvenile under 14 can be fingerprinted in the investigation of a crime unless specified statutory procedures are followed.

Utah requires a juvenile to be 14 or older before he or she can be fingerprinted. In addition, the act for which they have been taken into custody must be a felony if committed by an adult, or the juvenile must be a serious habitual offender.

In 2007, New York proposed, but did not enact, legislation that would have eliminated age restrictions on fingerprinting juveniles and permitted the fingerprinting of any juvenile of any age alleged to have committed an act that would have been a felony, if committed by an adult.

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